

Q.1. Does the “Last Fiscal Year” referred to in Part III Section H p.12 mean 2011-12 or 2010-11?

Answer to Q.1: Information is sought for the court/state fiscal year, April 1, 2011 through March 31, 2012.

Q.2. For the section H. “Legal services achieved in the last fiscal year” Should we use our own fiscal year, which for my program is January 1, through December 31, 2011 or state budget fiscal year April 1, 2011-March 31, 2012?

Answer to Q.2: See response to question #1.

Q.3. p.12 – achievements in last fiscal year – if your fiscal year is not the calendar year do you want 2010-11 or 2011-12 (for which all data may not be entered as of the date of application).

Answer to Q.3: See response to question #1.

Q.4. p. 15 - anticipated impacts – you ask for clients and persons -- do you mean the number of persons who are clients or the number of persons who will benefit from the direct legal services provided to clients?

Answer to Q.4: It means actual clients, not potential beneficiaries.

Q.5. There are two Organizational Data Packets. I assume that the second one is to be used if the organization has more than one project applying for a grant. Is that correct? If not, can you explain how we are to use the two packets?

Answer to Q.5: These are two different packets. The first data packet is the Organizational Data Packet; the second data packet is the Proposal Data Packet. Applicants should supply organization-wide data in the organizational data packet and proposal-specific data in the Proposal Data Packet.

Q.6. In the proposal last year, we were not required to complete the organizational data packet. Do we need to submit it this year even if we have received IOLA and OCA funding?

Answer to Q.6: Yes.

Q.7. My question concerns the Organizational Data Packet under F for Staffing

Under type of work performed the first line says “Community Work”

Do you mean legal collaboration activities with other agencies or bar associations, outreach by the agency's social and education departments, attorney outreach to law schools and other professionals or work with a county family violence task force [coordinated community response]?

Answer to Q.7: This means work that the applicant organization considers to be community work, but should not include work that is covered by, or would overlap with, other items.

Q.8. Our agency is currently a recipient of IOLA funds and we recently submitted our IOLA application for Fiscal Year 2012-2013. Is this RFP different from IOLA's RFP? Can agencies who currently receive IOLA funds for civil legal services apply?

Answer to Q.8: Yes, this RFP is different from IOLA's, and yes, agencies currently receiving IOLA's funds for civil legal services can apply.

Q.9. May we submit Letters of Support?
Should they be sent separately or included with the application packet?
To whom should the letters be addressed?

Answer to Q.9: Letters of support are not to be submitted. They are not required by the RFP and the Oversight Board cannot and will not consider them.

Q.10. May applicants include letters of support from collaborators in our application materials? And, will such letters be reviewed by the Oversight Board (or their designees)?

Answer to Q.10: See response to question #9.

Q.11. The consortium is a joint project of three funding-eligible organizations, which applied for and received separate Oversight Board funding last year. It is our understanding that, this year, we cannot apply for funding as a Consortium but must do so under the name of one of the member organizations. In this case, does it matter which Consortium member applies and, if so, how does this affect that member's own application? For example, would any funding for the joint project be deducted from the individual organizations' potential grants, either from the applying organization, or from all joint project members' grants?

Answer to Q.11: For joint project applications, the participating organizations should decide which organization will submit the application. A joint project application will be considered separately and will have no effect on an application for a different project that is submitted individually by any of the joint project participants.

Q.12. Regarding the “Mergers/Joint Projects” section, what is contemplated by OCA regarding joint projects? How should organizations applying both for funding for their organization and for a joint project proceed? We see that the instructions say that only one application should be submitted for a joint project and that the application should describe the specific role of each organization in the proposed project, but should each of the organizations provide a separate budget?

Answer to Q.12: As stated in section I(D) of the RFP, a joint project is one for which services will be provided by two or more funding-eligible organizations. Organizations applying for funding for their organization and for a joint project should submit one application for their organization’s project and a separate application for the joint project. The joint project application should contain only one budget, which should allocate the expenditures among the participating organizations.

Q.13. The RFP notes that OCA contracts will be for the April 1, 2012-March 31, 2013 period with four optional one-year renewal terms, the exercise of which will depend on grants by the Oversight Board in subsequent years. If OCA funding increases in subsequent years after FY 13, will the grant amounts to existing awardees/contractors be adjusted on a pro rata basis?

Answer to Q. 13: Not necessarily.

Q.14. Will a project that is part of the statewide legal services delivery system that does not provide direct services but provides via the Internet and through community level outreach important Know Your Right information especially designed for unrepresented litigants for legal problems related to the essentials of life, as well as referrals to legal services programs and information about the courts, be eligible for consideration in this grant cycle?

Answer to Q.14: In order to be eligible for funding, the applicant must meet the criteria specified in section I(D) of the RFP which include being “eligible to receive funds for the provision of civil legal services without charge to poor persons within a geographical area in New York State.”

Q.15. I am writing on behalf of [organization], a 2011-2012 recipient of Judiciary Civil Legal Services Funds. As you may know, [organization] does not provide legal representation or advice. [Organization] provides information and support in order to empower unrepresented Family Court litigants to self-advocate effectively.

For this year’s application, we would like to ask for clarification regarding Questions H1-4 (Legal Services Achievements in Last Fiscal Year) in Section III (Description of Applicant Organization):

- How does the Oversight Board define legal services? It appears that “legal services” is defined as “the provision of legal representation.”
- If that is the definition, are we required to answer these questions, given that [organization] does not provide legal representation?
- Is “Not Applicable” an option, as it was last year?
- If we must answer these questions, may we provide responses which clarify the fact that [organization’s] services do not include legal representation?

Answer to Q.15: If an applicant believes that a question is not applicable to the organization, the applicant should indicate as much and explain why.

Q.16. On page 19, the Attachments Checklist indicates that “insurance certificates” are to be submitted with the application. Four types of certificates are listed as required: 1) worker’s compensation; 2) disability benefits; 3) commercial general liability; 4) professional liability. On Exhibit 1, page I, in paragraph 1, it is stated that proof of worker’s compensation and disability benefits insurance “must be provided with the grant application.” On the same page, describing the other types of insurance coverage, it is not explicit that proof of such coverage must be submitted with the application. Please advise whether it is necessary to submit with the application proof of both commercial general liability insurance and professional liability insurance. Second, if proof of commercial general liability insurance coverage must be submitted with the application, must it name UCS as an additional insured and provide for cancellation notice to UCS at this time, or may UCS be added to the policy once an award is made?

Answer to Q.16: Proof of both commercial general liability insurance and professional liability insurance must be submitted with the application. The certificate for general liability insurance that is submitted with the application does not have to name UCS as an additional insured or provide for cancellation notice to UCS. Those requirements will be contractual obligations of organizations that are awarded funding.

Q.17. I have a question about Exhibit 1 Insurance Requirements.

3. requires that we have, “Professional liability insurance in the amount of \$1,000,000, with tail coverage for two (2) years”

I assume that this requirement really means “with the ability and commitment to obtain tail coverage for two (2) years, if necessary.” Tail insurance would only be necessary after current insurance is no longer purchased. Our policy is for “claims made” and each year’s premium covers us for any claims made during that year even if it arises out of action or inaction from a prior year.

Our insurance is through Complete Equity Markets, which many other programs in NY use. We have spoken to our Complete Equity Markets representative who told us there is no need to purchase tail coverage while we have existing coverage. To do so, we would pay twice the premium for exactly the same coverage.

Answer to Q.17: Applicant organizations must have professional liability insurance coverage and must be able to document their ability to obtain tail coverage for at least two years. Organizations that are awarded funding will be required to contractually agree to obtain tail coverage in the event that the organization's professional liability coverage policy is terminated for any reason, including but not limited to merger or cessation of operations, and either (i) there is no replacement policy; or (ii) any replacement policy does not cover claims made against the organization based on events that occurred prior to the effective date of the new policy.

Q.18. The narrative of the RFP requests the usual insurance (genl. liability & malpractice) but the Exh.1 (which is referred to in the RFP) requires automobile insurance (??) and product liability insurance. I assume those last 2 are not required? Also there are 2 versions of the RFP; is there any reason/preference as to which we should use? They seem identical.

Answer to Q.18: Most commercial general liability insurance policies include coverage for products completed operations liability. If an applicant organization's policy does not include this coverage, the requirement for this coverage will be waived. Contractual liability coverage is included in commercial general liability insurance policies and will not be waived. Automobile insurance is required if the applicant organization uses automobiles.

The RFP bid specifications are available both in pdf format and in Word format, should applicants wish to work directly in Word. The specifications are identical in both formats. Packets V and VI are available in Excel format.

Q.19. A colleague points out that the insurance requirements include \$1,000,000 professional liability with 2 years tail coverage. My colleague checked and it would double their cost for one year of tail. An providers get their insurance from the NLADA Service Corporation which does not offer a two year policy. Also as I understand it tail coverage is usually purchased in anticipation of terminating a practice. Is this requirement set in stone?

Answer to Q.19: See response to question # 17.