

Judiciary Civil Legal Services RFP #002

Questions and Answers FINAL

1. The RFP states that the deadline is "Thursday, June 5, 2013," but June 5 falls on Wednesday. Is the deadline Thursday, June 6, or Wednesday, June 5? Please advise

A. Applications are due **Wednesday**, June 5 at 2pm.

2. You ask for the IRS Determination Letter and also the Documentation of TIN. Should I submit the IRS letter which also documents our TIN twice, as Attachment H and Attachment O? The 2012-13 RFP only requested the TIN documentation and not the Determination Letter.

A. Attachment H requires a photocopy of correspondence issued by the Internal Revenue Service that indicates the applicant's status as a tax-exempt organization, while Attachment O requires documentation of Taxpayer Identification Number. If the correspondence establishing the applicant's status as a tax-exempt organization also serves as documentation of Taxpayer Identification Number, it is acceptable to submit this document for both Attachment H and Attachment O. You may either submit two copies, one for each attachment, or cross-reference to Attachment H at Attachment O.

3. We provide legal services to nonprofit organizations providing essential services, but not for the individuals these organizations assist. We also do not undertake litigation. I am assuming from reading the RFP that agencies must be providing direct essential services to individuals and/or representing individuals in court, neither of which we do. Is this correct?

A. Eligible applicants are non-profit entities, tax-exempt under the Internal Revenue Code and eligible to receive funds for the provision of civil legal services without charge to poor persons within a geographical area in New York State.

4. In a footnote on Exhibit 3, it states that in some counties, the full allocation has already been awarded and no additional funding is available at this time. Can we find out if that affects any or all of the 5 counties of New York City – Kings, Queens, New York, Bronx, and Richmond? It would obviously impact whether or not we are eligible to apply at all, or only for certain counties.

A. The available funding for each county is listed in Exhibit 3. The asterisk in Exhibit 3 explains the zero funding amount for those counties with a Maximum Available Funds amount marked with the asterisk.

5. Am I correct in noting that the new April 9 RFP for added funding for civil legal services to the poor is more limited than the prior RFPs in that it does not include legal representation in immigration courts & related forums? I note the chart only lists five categories of legal services.

A. The current RFP solicits proposals for the funding of civil legal services to address the same "essentials of life" matters as the RFP issued in 2012: housing, family matters, access to health care and education, and subsistence income

6. If a CDRC has a staff who holds a Paralegal degree or certificate can they provide that service to clients if that person is not part of a mediation/arbitration, i.e. the mediator or arbitrator? If allowed, can that staff member be paid to provide these services as part of this grant?

A. The applicant may propose provision of civil legal services as it sees fit, including appropriate staffing for the proposed program. Whether or not an award is made to a provider depends upon the

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score the application receives on Exhibit 4 (Evaluation Tool) and the amount of funding awarded depends upon the application of criteria listed on pages 3 and 4 of the RFP.

7. We just received notice about the upcoming RFP from OCA due on June 5th. We currently receive funding from OCA and just submitted our renewal budget / contract for the 2013-14 grant year. Is this a different pool of funds? Are we eligible to apply for this funding?

A. Eligible applicants are non-profit entities, tax-exempt under the Internal Revenue Code and eligible to receive funds for the provision of civil legal services without charge to poor persons within a geographical area in New York State. Current providers of civil legal services are among the eligible applicants. The funding provided in this RFP is in addition to existing funding for civil legal services previously awarded.

8. What does "CDRCP Funding" mean? It appears on the first page of the excel spreadsheets, Budget Appendix C.

A. The budget forms initially uploaded to the website are incorrect and should be immediately disregarded. This has been corrected. Please be sure to use the Appendix C currently on the website.

9. Are there any instructions regarding the completing of the excel spreadsheets, Budget Appendix C?

A. The only written instructions are as follows: (i) the total funding requested in the Application Summary Table must match the Total Funding Requested on Appendix C; (ii) the budget must balance; that is, the total funding requested on Appendix C must equal the total expenses on Appendix C; and (iii) as stated at the top of Appendix C, a brief narrative explaining each non-personnel item must be provided.

10. The contents page of the RFP Application forms and instructions says the Attachments Checklist is section VI. However, in the body of the application forms and instructions, the Attachments Checklist is called section VII. Is a section missing?

A. No, the label on page 14 of the RFP (page 16 of the PDF document) should read VI. This is a typographical error.

11. Just to confirm, if we do not provide services directly to poor people then we are not eligible. Is that correct?

A: Indirect services to poor people (ex. referral to other social services and training or education to support pro se representation) are among the service delivery methods defined in the RFP. Otherwise eligible applicants may apply to provide these services.

12. How is "subsistence living" defined? Does civil legal problems involving "subsistence living" include administrative filings with the Department of Labor to recover unpaid wages?

A. Chief Judge Jonathan Lippman's Task Force to Expand Access to Civil Legal Services, in its 2010 report (found at www.nycourts.gov/ip/access-civil-legal-services/PDF/CLS-TaskForceREPORT.pdf), defined "subsistence income" to include "wages, disability and other benefits, and consumer debts."

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13. If we already submitted all required information, for the mentioned RFP, do we need to submit another budget Appendix C form, using the new revision? Any assistance would be appreciated.

A. If an applicant has already submitted its application including the previously posted, incorrect, Appendix C, the applicant may submit a revised Appendix C as an addendum to the application as long as the addendum is received on or before the due date and time of June 5, 2013 at 2PM. Be sure to mark the envelope containing the revised Appendix C "Application Addendum" (in addition to the other required language). Please note, however, that any submissions in connection with the 2012 RFP or the renewal of contracts funded by the 2012 RFP are not applicable to this RFP. This RFP is for \$15,000,000 in additional funding and requires a new complete application package. The Appendix C as currently posted on the UCS website is the only acceptable budget form for this RFP, Judiciary Civil Legal Services RFP #002. The previously published version of Appendix C (which consisted of 13 pages) should be disregarded.

14. Does civil legal problems involving "subsistence living" include immigration legal work? We believe it may qualify because if an immigrant is able to obtain documented status, particularly LPR or naturalization, he/she becomes eligible for forms of subsistence assistance, and better able to access education.

A. Immigration matters may be counted if the representation is directly related to and limited to accessing an existing essential of life as defined in the RFP.

15. Can you please provide some guidance regarding the audit mechanism that you require for accountability? Will an audited financial report be sufficient?

A. Yes, an audited financial report is sufficient

16. The RFP states that delivery must occur by a certain date or time. Will a proposal that is mailed and received before the due date and time be accepted?

A. Applications received at or prior to the due date and time will be accepted. Applications received after the due date and time will not be accepted.

17. The RFP indicates applicant eligibility includes 1) non-profit status; 2) tax-exempt status; 3) ability to provide civil legal services... What is the definition of "civil legal services". Does this term necessarily mean only the provision of services that lawyers can provide?

Or, is the spirit of the funding about civil legal assistance for income eligible people with basic necessities of life and lessening/minimizing the burden on the court system?

A. In the Program Description section of the application, applicants are asked to define the service delivery method(s) the program will employ. Among those service delivery methods are those not provided by attorneys.

18. On page 10 of the RFP, the PAGE LIMIT instructions state "Ten single-spaced pages for Organizational Capacity and Program Description responses." Does that mean that we are allowed ten pages for Organizational Capacity AND an additional ten pages for the Program Description OR does it mean we are limited to ten pages for the two sections COMBINED? Please advise.

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A. Applicants are limited to ten pages for the two sections (Organizational Capacity and Program Description) combined.

19. Will a Word version of the RFP be released soon? The RFP includes a number of forms which we must fill out and it would be easier for us to do so with a Word document.

A. Yes, a Word version of the RFP has been added to the website.

20. On Page 11 of the RFP, there are two extensive checklists which are part of the Program Description. Together, these checklists take up nearly a full page. Proposals are limited to 10 single-spaced pages. Will the completed checklists on page 11 be counted against the 10-page limit? Doing so would effectively limit us to 9 pages of proposal narrative. Please advise.

A. No, these required charts will not be counted against the 10 page narrative limit.

21. I'm looking at the budget for the new OCA proposal. At the stage of the proposal do we need to say which individuals (or their positions) will be on the grant, or can we put in categories such as "attorneys, paralegals, etc."?

A. For the application budget, where the individual names and positions are known, please list them specifically. Where they are not known or more than 50 positions are to be listed on the budget, it is acceptable to list proposed project staff by category. Please note that resumes for senior management and known project staff must be included with the application package (see Attachment G).

22. The RFP states in Section C, "Award Selection Criteria and Method of Award", on page 4: "If no awards are made for a particular county, UCS reserves the right to reallocate the funds allocated to that catchment area to proportionally increase the amounts available to other awarded contracts providing services within the same Judicial Department."

In the case of an applicant that serves a multi-county service area, may the applicant apply for less than the total amount allocated in one (or more) county(ies) of their service area and for more than the total amount allocated in other counties of that service area based on the applicant's experience and understanding of the needs in their service area as long as the funds remain within and do not exceed the total amount allocated for the Judicial Department?

A. No, an applicant may not apply for more funding for a county than the total amount allocated to the county as listed in Exhibit 3. The amount of funding available is articulated by county based on the population in the county with incomes at or below 200% of the poverty level. Reallocations of funds within a Judicial Department will occur only if funds are available because no awards are made for a particular county.

23. Will awardees who serve multi-county service areas be bound to spend funds according to the amounts for each county or will such awardees be able to report in the aggregate by Judicial Department as in the past? i.e. Will it be permissible to spend less in one or more of the counties as long as the full amount is spent in the total service area?

A. The funding will be awarded on a county basis. The awarded applicants are expected to provide the services proposed in the counties for which they are proposed and will be required to submit programmatic reports detailing those services to UCS.

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If funding is awarded, fiscal reporting will be required on overall Judiciary Civil Legal Services funding and expenses. These reports will be required quarterly and will act as the basis for reimbursement of expenses incurred by the funded program.

24. Could you please provide a word version of the Judiciary CLS RFP 2013-2014 application?

A. Yes. See #19 above.

25. Should the narrative responses have the questions written full out in them, or is it sufficient to simply write the number and begin the response?

A. The narrative responses should follow the full text of the question posed.

26. Under Program Description, question 8 asks to estimate the total number of cases – as it is in the general program section we assume that means total for the organization and not for each county, is that correct?

A. Yes, this organization-wide question requires the aggregate number of cases across all counties proposed.

27. Same section question 10 asks for letters of support from the partner organizations; is that from all organizations with which the organization will work on this grant?

A. Letters of support should be provided from organizations with which the applicant proposes an ongoing relationship supporting the proposed project. It is at the discretion of the applicant whether to include all or some of organizations with which the applicant will work during the proposed project.

28. I saw no mention of a match requirement, is this a matching grant?

A. No, no matching funds are required for this grant.

29. Question 5 of county specific questions – do you want the total number of cases to be handled with the funds requested or total number of cases to be handled with all funding (should these numbers crosswalk with the answer to Q8 in program narrative?

A. Include those cases to be handled by the organization for the proposed project only.

30. Near the bottom of page 3 of the RFP, the word “citizens” is used. Elsewhere, the terms, “applicants” or “clients”, are used. Is the use of the word, “citizens”, meant to just mean “applicants” or “clients” or does it mean that we can only serve US citizens?

A. This word is unintentionally exclusive and should be read as “clients.”

31. Will awardees who serve multi-county service areas need to track and report on the use of funds on a county by county basis, or will such awardees be able to report in the aggregate by Judicial Department as in the past? Some established legal services programs serve 15 or more counties. Needing to create cost centers to track expenses and time by each county would be a tremendous burden on the advocates and administrative staff at programs, it would create a burden that no other funder has put upon civil legal services programs, and the time and cost of such elaborate tracking would reduce the resources of programs to provide the services needed by clients.

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A. See #23 above.

32. If we identify a proposed cooperative agreement with a paid subcontractor in our narrative and budget, and upon award we do not receive the full amount of requested funding, how will we know if the subcontractor portion of our proposal is approved or not approved?

A. If funding is awarded and the award is less than the amount requested in the application, the applicant will be asked to revise its budget and provide a narrative description of any changes in the proposed project to account for the difference between request and award. Since a funded application is approval of a proposed project, it will be the applicant's responsibility to determine if a subcontract is fiscally allowable within a reduced budget.

33. Can a provider submit multiple applications, with individual applications for particular collaborations and/or to serve specified counties?

A. Please see section A of the RFP (Applicant Eligibility) for application requirements for collaborative projects. An applicant proposing a non-collaborative project to serve more than one county should submit only one application.

34. In describing services to be provided, if we are already receiving funds from you for same period, should we describe ONLY the additional people, services to be provided or a TOTAL amount for the period cumulating current and new funds?

A. This application should be specific to new funding requested.

35. In regards to the RFP budget, if applicants are requesting funding for more than one county, do they need to submit a separate budget for each one?

A. No. The application requires one aggregate budget.

36. The RFP encourages collaboration and yet lays out a county specific competition for resources. In a collaborative project, where the collaboration is city wide (crossing county lines), how will the proposal be evaluated?

A. All applications will be evaluated using the tool included in the RFP as Exhibit 4, which includes a scoring component by county. Collaborative applications, like all applications, may cross counties.

37. Would you consider extending the due date? Given the quick turnaround and the fact that most of us are finishing our IOLA reports at this time, the timeframe makes pulling together a collaborative project very difficult.

A. No.

38. In the program description, page 12, #2. service delivery methods and #3 level of service have an option for other and [explain in question 4 below]. Does question 4 only need to be completed if there is an "other" in one or both of these categories?

A. No, but an applicant checking other on either question #2 or question #3 should thoroughly explain the methods and levels of service delivery indicated by Other.

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39. I am writing on behalf of [redacted]. We provide direct legal representation and services to nonprofit tax-exempt organizations that provide, and are eligible to receive funds for the provision of, direct legal services without charge to poor persons within New York State. This includes business law, transactional, and other non-litigation legal services to the organizations. Are we eligible to apply under the RFP for funding for these services?

A. See #3 and #11 above. The services being procured in this RFP are legal services to address the “essentials of life” matters defined in the RFP: housing, family matters, access to health care and education, and subsistence income.

40. I have another question regarding the Judiciary CLS RFP 2013-2014 application, which is in reference to Part G of the attachments needed, which says “resumes and job descriptions of senior management and project staff.” Where positions are currently filled, do you need both the resume and job description, or will the resume suffice?

A. Both should be included.

41. On p. 12, paragraph 8 you ask about the estimated number of cases to be handled during the 2013 – 13 fiscal year – is that the total number of cases to be handled with all funding?

A. Provide the number of cases to be handled by the proposed program in Program Description question #8.

42. p. 10 – To confirm, we have two single spaced pages for each County we are applying for (in addition to the Ten single spaced pages for the program narrative)? Do headings and questions count in the page limits?

A. Yes, the headings and text of the question are included in the limits, with the exception of the checklists discussed in #20 above.

43. If the organization applying for the grant already has a contract with the UCS, does that organization need to resubmit another Vendor Responsibility Questionnaire with this grant application? UCS currently uses [our] contracted interpreters. We believe that a Vendor Responsibility Questionnaire for our organization is already on file with the court for this service. Since this grant is for more than \$100,000, do we need to submit another one anyway?

A. Either a paper Vendor Responsibility Questionnaire Form or a certification that a Vendor Responsibility Questionnaire has been filed online via the VendRep System is a requirement of the application and must be submitted as Attachment P to the application.

44. The proposal asks for the number of cases to be handled in a given county during fiscal year 2013-14. Do you want the total number of cases we expect to handle in a given county, or the number that would be handled for the amount of funding we are requesting?

A. In County-Specific question #5, provide the number of cases to be handled by the proposed program in the county.

45. The RFP encourages an expansion of legal services, and we would hope to be able to expand our services with the addition of new staff to be hired with this funding. However, the RFP asks us to budget

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retroactively from April 1, 2013. Assuming notices of award are made in late August, it would take us another couple of months to bring on new staff. We would therefore be eight or nine months into the grant period before we would be in a position to bring on new staff to handle an increased caseload. Please clarify the RFP's goal of increased services with the requirement of budgeting from April 1, 2013.

A. The application budget should accurately depict annual anticipated costs for the operation of the proposed program. While it is reasonable to anticipate appropriate start up and hiring costs, the application budget should depict a typical program year rather than an anomalous one.

After awards have been made, UCS reserves the right to negotiate budgets with awarded providers to account for expenditure constraints due to award timing.

46. To be clear, there should be a thorough explanation of all the items checked in each section, correct?

A. How detailed an explanation of non-other items checked on Program Description questions #2 and #3 is provided is at the discretion of the applicant in context of the overall page limit.

47. Is the limit 10 single space pages apiece--10 for Organizational Capacity and 10 Program Description-- or 10 pages combined?

A. See #18.

48. Some existing awardees are applying for the current RFP #002. If awarded this second round, will existing awardees be required to submit two separate reports—one for existing and one for RFP#002 award--or do the reports get consolidated into one report for semiannual and annual reports?

A. Section 1. D. of the RFP states: "Grant recipients will enter into a contract with UCS or, in the case of qualified applicants already under contract with UCS to provide Civil Legal Services, be subject to amendment of their current contract." Since any additional funding and services will be added to the original contract, reporting will be on all services covered by the contract and on the total amount funded by the contract.

49. We plan to submit our response to the OCA JCLS RFP via Federal Express Business Overnight service. (This is the service that promises to make deliveries by 10:30 am.) So, we will drop the package off to Federal Express on June 4th for delivery by 10:30 am on June 5th. Do you think that this is a fail-safe method?

A. We cannot comment on whether or not your intended method of delivery will be fail safe. Any applications received on or before the due date will be accepted.

50. Would removal of barriers to employment for ex-offenders re-entering our local communities and thereby allowing them to become employed and earn a subsistence income be permissible with Judiciary CLS funds

A. These matters may be counted if the representation is directly related to and limited to accessing an existing essential of life as defined in the RFP.

51. My question is whether there is a maximum amount we can apply for. I did not find this information in the RFP or 5/14/13 Q&A.

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A. The maximum amount of funding an applicant can apply for is the total amount available for each county that the applicant proposes to serve as defined in Exhibit 3. Please note that the organization's capacity to provide quality services with the amount of money requested will be part of the evaluation of the proposed program as provided in Exhibit 4.

52. With regards to the Vendor Rep Questionnaire – we have a certified questionnaire from 2009. Would that be the one I would print out? If so, the last I saw there are more than 4,000 pages and counting. (I'm thinking there is a bug – I don't see how that is possible.) Or do I do a whole new questionnaire?

A. A questionnaire from four years ago is not acceptable. A questionnaire certified either on paper or online via the VendRep system within six months of application submission is acceptable. The Vendor Responsibility Questionnaire (<http://www.osc.state.ny.us/vendrep/documents/questionnaire/ac3291s.pdf>) on the Office of the State Comptroller's website is 7 pages long.

53. Since we are already well into the contract year, can you give us any guidance on when funding decisions are likely to be announced? This is important as we budget for any new positions and we need to figure a potential start date so that we can figure the cost of the staff person for the balance of the contract year.

A. Although we cannot provide a firm date by which award decisions will be announced, we estimate that the decisions will be announced by mid-July 2013.

54. Could you possibly provide information for the following questions, please? *Most Recent Annual Report – to confirm; would that be Form CHAR500 (Annual Filing for Charitable Organizations)?

A. The applicant's most recent annual report can be satisfied by inclusion of the CHAR500 or the organization's audited financial report

55. *Documentation of Current NY Charities Registration – would Form CHAR500 suffice or are they expecting something else? If something else, please advise what is required.

A. Documentation of the Charities Registration may be satisfied by including the CHAR500 or by printing the record available at www.charitiesnys.com that shows the organization's name and registration number.

56. *Photocopy of correspondence issued by the Internal Revenue Service that indicates the applicant's status as a tax exempt organization – can this be used for the Documentation of Taxpayer Identification Number as well? If not, please advise what is required.

A. See #2 above.

57. *Vendor Rep Questionnaire – we have a certified questionnaire from 2009. Would that be the one I would print out? If so, the last I saw there are more than 4,000 pages and counting. (I'm thinking there is a bug – I don't see how that is possible.) Or do I do a whole new questionnaire?

A. See #52 above.

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58. If we are applying for JCLS funding as part of a consortium, are all members of the consortium required to submit attachments A-P or just the lead agency?

A. Only the applicant is required to submit the required attachments. As stated in Section I(A) of the RFP (Applicant Eligibility): "Applicants seeking funding for joint projects between two or more funding-eligible organizations should have only one of the organizations submit an application for the project. The participating organizations should decide which organization will submit the application. The application should be submitted in the name of the organization, not in the name of the proposed project, unless the project is a separate legal entity. The application should contain one budget which allocates the expenditures among the participating organizations."

59. Will this grant fund law school run legal services projects?

A. As stated in Section I(A) of the RFP (Applicant Eligibility): "Eligible applicants are non-profit entities, tax-exempt under the Internal Revenue Code and eligible to receive funds for the provision of civil legal services without charge to poor persons within a geographical area in New York State."

60. Can you provide definitions of some of the terms used to describe legal services provided? Definition of "Partner" – is a partner only one who is also funded under the grant? Or can it be a community collaborator that is not funded but who will collaborate with the project?

A. As indicated in Program Description question #10, partner organizations are not limited to those co-funded in the application.

61. We have a question in reference to Part G of the attachments needed, which says "resumes and job descriptions of senior management and project staff." For larger organizations, where 100+ staff are on the grant, would job descriptions suffice? We are prepared to provide resumes and jobs descriptions for key staff members (Attorney-in-Charge, Office Attorneys-in-Charge (Project Directors), and Special Project Directors (Unit Directors), and job descriptions for supervising attorneys, casehandlers, advocates, and support staff.

A. See #40.

62. For the resumes and job descriptions attachment, do I need to provide job descriptions for individuals already on staff (CEO, Chief Program Officer, etc.) or only their resumes/bios since those detail their duties? We are requesting finding to hire a Staff Attorney, and I plan to attach a job description for that position. Please advise regarding whether or not I need to submit job descriptions for the individuals whose resumes I'm including.

A. See #40.

63. I'm just reviewing our budget files and I only see the one worksheet on the Appendix C Budget Form in Excel, asking for expenses. Is a revenue budget not required? I just want to make sure I'm not missing anything.

A. The revenue budget is the Total Funding Requested for the application as required on Appendix C.

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64. One more question: There appears to only be an appendix "C" this year. I am just double checking that there is no "A" or "B" that I am missing. Last year there were more spreadsheets to fill out.

A. Correct, there is not an Appendix A or Appendix B to complete for this application.

65. Can you provide definition of some of the terms used to describe legal services provided. Specifically: Definition of 'direct legal services' - does this mean representation as counsel? Does it include pro se assistance that is provided directly?

A. Direct legal services can include legal advice, counsel or representation provided directly to a client, including advice to a pro se client. However, training and education programs in support of pro se representation are a separate service delivery method.

66. Can you provide definition of some of the terms used to describe legal services provided. Specifically: Definition of 'comprehensive representation' how is this distinguished from direct representation? What does 'comprehensive' mean? Does it mean representation in more than one proceeding? Or complete representation throughout one proceeding?

A. Comprehensive representation is listed as a level of service in Program Description question #3 and is not mutually exclusive with the method of service delivery direct representation as discussed in Program Description question #2. Comprehensive is used here to distinguish from brief or limited representation, advice, counsel or information.