



## **NEW YORK STATE UNIFIED COURT SYSTEM**

Judiciary Civil Legal Services in New York  
Request for Proposals  
Issued May 17, 2021

### **APPLICATION FORMS AND INSTRUCTIONS**

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## **I. BACKGROUND INFORMATION**

For more than a decade, the Judiciary Civil Legal Services (JCLS) program has served to provide a stable funding source for the delivery of civil legal services and access to justice services for low-income New Yorkers to have meaningful access to the courts and the legal assistance they need to secure the essentials of life. Programmatic oversight of the JCLS program is provided by the Office for Justice Initiatives under the leadership of the Hon. Edwina G. Mendelson.

JCLS funding supports the provision of legal assistance to address *Essentials of Life* areas, such as: (i) housing matters (including evictions, foreclosures, and homelessness); (ii) family matters (including domestic violence, children, and family stability); (iii) access to health care and education; and (iv) subsistence income (including wages, disability and other benefits, and consumer debts). JCLS funding also supports the provision of legal assistance in other civil legal need areas which affect the *Essentials of Life* for low-income New Yorkers and targeted sub-populations.

The JCLS program was established by the New York State Unified Court System (UCS) at the recommendation of the Permanent Commission on Access to Justice<sup>1</sup> to address the crisis resulting from unrepresented litigants compelled to navigate the complexities of New York's civil justice system without the benefit of counsel.<sup>2</sup>

Since its establishment, the JCLS program has awarded funding to civil legal services providers throughout the State for this critical initiative that benefits millions of New Yorkers annually by providing access to vital legal services. The fiscal year 2021-2022 budget allocates \$85 million, effective January 1, 2022, to continue this program.

## **II. PROJECT INFORMATION**

It is the intent of this Request for Proposals (RFP) to award contracts for Judiciary Civil Legal Services. Funding is available, as listed in Exhibit 3, in all sixty-two counties in New York State. The New York State Unified Court System (UCS) is soliciting proposals for the purpose of establishing one or more contracts to provide services in all essentials of life areas across New York State.

Available funding for the Judiciary Civil Legal Services program is allocated by county based on the proportion of the population living at or below 200% of the poverty threshold.<sup>3</sup> The \$85,000,000 available will be awarded pursuant to this competitive procurement. The purpose of competitively bidding the funds is to continue to promote a broad array of quality civil legal services and access to justice services that directly address each of the "essentials of life" and improve access to such services in each county.

In the Annual Projections Chart (Section VIII(B)), applicants must specify the counties to be served including estimated number of cases to be handled, individuals to be served and persons to be benefited.

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<sup>1</sup> When originally established, the Permanent Commission was known as the Task Force to Expand Access to Civil Legal Services in New York.

<sup>2</sup> <http://ww2.nycourts.gov/sites/default/files/document/files/2018-04/CLS-TaskForceREPORT.pdf>

<sup>3</sup> American Community Survey: 2019 ACS 5-Year Estimates Subject Tables: Poverty Status in the Past 12 Months:

<https://data.census.gov/cedsci/table?q=United%20States%20Income%20and%20Poverty&t=Poverty&g=0400000US36,36.050000&tid=ACSST5Y2019.S1701&moe=false&tp=true&hidePreview=true>

**Note:** Throughout this RFP, the terms, *proposer*, *vendor* and *applicant* are used interchangeably, as are *RFP*, *bid* and *solicitation*.

### III. AWARD

Available funding for the Judiciary Civil Legal Services program is allocated by county based on the proportion of the population living at or below 200% of the poverty threshold. The amount allocated for each county under this procurement was determined by calculating the proportion of the state's population with an income at or below 200% of the poverty threshold in each county. Then, the available \$85,000,000 in JCLS funding was proportionately divided into county allocations. See Exhibit 3, Maximum Available Funding by County.

Applicants may submit a single proposal to serve a single county or multiple counties. 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 and should refer to Subcontracting requirements articulated in Section XI. The participating organizations should decide which organization will submit the application.

In the Annual Projections Chart (Section VIII(B)), applicants must specify the counties to be served including estimated cases to be handled, individuals to be served and persons to be benefited.

Grant recipients will enter into a contract with UCS. Contracts awarded pursuant to this Request for Proposals will have a five (5) year term of January 1, 2022 - December 31, 2026, which will be subdivided into periods. The initial period of the contract will be for three (3) months, January-March 2022. Funds available during the initial period will be 25% of the amounts articulated in Exhibit 3.

### IV. MINIMUM QUALIFICATIONS

Eligible applicants must:

- be non-profit entities, tax-exempt under the Internal Revenue Code;
- operate within New York State;
- have an audit mechanism that provides accountability for JCLS funds;
- agree to satisfy, on a timely basis, all of JCLS reporting requirements; and
- have the capacity to provide legal services as Civil Legal Services or Access to Justice Services, as these terms are defined below.

Applicant personnel must possess the requisite experience and qualifications to resolve client problems in the most effective, efficient and culturally competent manner.

Grant recipients will be required to report on the use of the awarded funds. The due dates, format and specific information to be contained in the reports will be determined by UCS.

Grant recipients must be able to comply with the terms of the UCS Financial Planning and Control Manual, Part IX, Chapter 2.000: Contracts with Not-For-Profit Providers, found here:  
<http://ww2.nycourts.gov/admin/financialops/FPCM.shtml>.

### V. PROJECT SERVICES

Awarded Judiciary Civil Legal Services applicants shall be required to provide Civil Legal Services and/or Access to Justice Services to New Yorkers living at or below 200% of the poverty threshold. The goal of this solicitation is to continue to promote a broad array of quality legal assistance that addresses the “essentials of life” (See Section I, Background Information) and improves access to such services in each county.

Service delivery method(s) may include the following:

- Civil Legal Services: Direct legal assistance provided by staff attorneys
- Civil Legal Services: Direct legal assistance provided through referral to pro bono attorneys
- Civil Legal Services: Direct legal assistance provided by non-attorney staff (i.e. paralegals), supervised by attorneys
- Civil Legal Services: Direct legal assistance provided by law students or recent law school graduates supervised by attorneys
- Access to Justice Services: Training or education to support pro se representation
- Access to Justice Services: Provision of legal information
- Access to Justice Services: Referral to other civil legal service providers
- Access to Justice Services: Referral to other social services
- Access to Justice Services: Mediation / alternative dispute resolution
- Other services as defined in the application.

Direct legal assistance and/or access to justice service delivery may include:

- Comprehensive representation
- Representation in Appeals or Other Complex Matters
- Representation in Court and/or Administrative Proceedings
- Limited advice and counsel
- Assistance in Completing Forms or Applications
- Brief Advice and/or Information
- Efforts to divert cases from court
- Legal Education
- Other service levels as defined in the application.

### ***Definitions***

**Direct Legal Assistance** is defined as full or limited representation of an eligible client within an attorney-client relationship in an actual or potential action or proceeding or the rendering of specific legal advice and counsel in matters affecting the essentials of life (as opposed to providing “Other Legal Assistance”).

**Cases Handled** is defined as the number of cases handled in which Direct Legal Assistance is provided to a client or clients in matters affecting the essentials of life.

**Access to Justice Services or Other Legal Assistance** is defined as legal assistance provided to individuals or groups that does not constitute Direct Legal Assistance or amount to case services, such as:

- a) Educational Programs: including seminars, trainings, workshops, clinics, etc.

- b) Informational Programs: including distribution of materials at help desks, etc.
- c) Online Outreach: including self-help materials accessed from the organization's website or forms completed with web-based tools (exclude website visitors).
- d) Miscellaneous Legal Assistance: including hotlines, helplines and other brief legal advice or referrals to other providers or agencies.

**Other Legal Services – Individuals Served** is defined as the number of instances in which Other Legal Assistance is provided to individuals or groups in matters affecting the essentials of life that does not constitute Direct Legal Assistance.

**Persons Benefited** is defined as the *actual* number of persons Benefited from Direct Legal Assistance (e.g. class action members, household members in a foreclosure/eviction proceeding).

## VI. INSURANCE REQUIREMENTS

Awarded applicant shall be required to maintain during the Contract Term and any renewal or extension term, the insurance specified in Exhibit 2 hereto (Insurance Requirements), at their own cost and expense.

## VII. AWARD SELECTION CRITERIA AND METHOD OF AWARD

Proposals will be evaluated and points awarded in the following categories (See Exhibit 4, Evaluation Tool):

Organizational Capacity:	20 points maximum
Overall Program Plan:	45 points maximum
Reasonableness of Cost (Overall Budget):	20 points maximum
County-Specific Program Plan:	15 points maximum <sup>4</sup>
TOTAL POSSIBLE POINTS	100

A minimum total score of 85 is required for a contract to be awarded. A separate score will be calculated for each county for which services are proposed.

Funding will be awarded to each responsible applicant that proposes to provide services in a given county and that receives a score of 85 or more. Responsibility is determined in accordance with the criteria articulated in Section XI below.

Once applications are received, a list of all applicants will be circulated to the Oversight Board for Judiciary Civil Legal Services in New York<sup>5</sup> which oversees the requests for proposals process and decision-making process for allocation of funding. Oversight Board members complete Conflict of Interest Disclosure Forms, which must be filed prior to Oversight Board review of applications. Oversight Board members are required to disclose affiliations with applicants. Board Members are precluded from reviewing and being involved in

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<sup>4</sup> A separate score will be calculated for each county for which services are proposed.

<sup>5</sup> The members of the Oversight Board are the Chief Administrative Judge of the Courts (or other designee of the Chief Judge), the Chair of the Permanent Commission on Access to Justice, and the Chair of the IOLA Board.

decisions on grants involving any organization with which they have an affiliation that creates a conflict of interest.

The funding amount awarded to each awarded applicant will be based on the following criteria:

- The funds available in each county.
- The funds requested by the applicant.
- The score received for the application.
- The nature and scope of the services to be provided.
- A preference will be given for applications that address essentials of life needs not currently met within the county.
- The estimated number of clients to be served.
- The estimated number of cases to be handled.
- Expertise in providing services to a specific sub-population or sub-populations within the county. (i.e., ability to provide services in languages other than English, or in a culturally appropriate manner to specific sub-groups).
- Accessibility of the proposed services to eligible clients in the county as demonstrated by:
  - Maintenance of physical offices in the county.
  - Capacity to provide accessible services to a specific sub-catchment area (i.e. a particular municipality or neighborhood within a given county). UCS reserves the right to award multiple contracts for the same county. When more than one award is made for the same county, UCS shall award a proportion of the total amount allocated for the particular county to each awarded applicant with the intent of providing a broad array of services to address the legal needs of clients in each of the “essentials of life” areas.

If no awards are made for a particular county or the awards in a given county do not exhaust available funds, UCS reserves the right to reallocate the funds allocated to that county to proportionally increase the amounts available to other awarded contracts providing services within the same Judicial Department.

## VIII. REQUIRED DOCUMENTS

### General Requirements

All documentation must be submitted on prescribed forms, without alteration. Where no form is included or specified, submissions must be single-spaced with one inch page margins (not including attachments or financial forms) using a 12 point font. Do not permanently bind documents.

Applicants must submit every document listed below, as well as the documents listed in the Document Checklist annexed as Exhibit 1 hereto. Failure to provide all documents in the manner required may result in disqualification of an applicant's proposal. A complete set of the documents required below must be submitted.

#### A. Application Cover Sheet

Legal Name of Applicant Organization	
Executive Director/CEO	
Proposal Contact Information (Phone & Email)	
Total Budget of Organization	
Total Funding Requested	
Address	
Phone	
Fax	
Email	
Website Address	
Federal Tax Identification No. (TIN)	
New York State Charities Registration Number (If exempt, please explain.)	
Signature of officer authorized to enter into contracts on the organization's behalf	

#### B. Annual Projections Chart: Cases to be Handled, Other Legal Services – Individuals to be Served, and Persons to be Benefited (Download Form at [nycourts.gov/admin/bids/currentsolicitation.shtml](http://nycourts.gov/admin/bids/currentsolicitation.shtml))

#### C. Narrative Proposal

##### a. Community Need (up to 3 pages)

##### 1. Need

Describe the client legal needs and/or access to justice needs (including gaps in community services). Support the response with community characteristics, demographic and statistical data. Describe how the organization maintains awareness of the evolving legal needs of the target population.

##### 2. Target population

Describe the geographic area and target population. Support the response with community



characteristics, demographic and statistical data. Describe any sub-populations to which the organization proposes providing services.

### **3. Outreach**

How will individuals/groups be made aware of the availability of your proposed services? Describe whether and how technology facilitates outreach. Describe how the proposed outreach methods address any unique challenges of the target population and/or geographic location, for example, language barriers, physical disabilities, rural area, etc.

Describe any measures used to facilitate access to services for individuals with the following needs:

- Primary language other than English
- Physically or mentally disabled
- Lacking transportation
- Institutionalized or incarcerated
- Low-income working clients (extended office hours, etc.)
- Other needs particularly applicable to your community

#### *b. Organizational Capacity (up to 5 pages)*

##### **1. Principal Activities**

Briefly describe all the organization's principal activities, explaining how the provision of civil legal services to low-income persons and/or improving access to justice fits into the organization's mission.

- a. Provide a broad overview of the organization's civil legal services delivery structure and/or access to justice services delivery structure.
- b. Describe the organization's prior experience providing civil legal services and/or access to justice services to low-income persons. Embed a chart that states the total number of each type of cases handled and quantify the types of access to justice services provided over the past three years, if any.
- c. Summarize the organization's most significant achievements in providing civil legal services and/or access to justice services during the period April 1, 2020 – March 31, 2021 including number of persons who benefited, dollar benefits obtained for clients, etc.
- d. Describe how the funding requested in this RFP will enhance the overall mission and services that the organization currently provides.

##### **2. Structure & Planning**

Describe the organizational structure, planning and priority setting processes. Include board composition, relevant experts, and client/community involvement.

##### **3. Diversity, Equity and Inclusion.**

Describe efforts to promote a diverse and inclusive workplace culture. Describe efforts to recruit, retain and promote diverse staff and board members. How does the organization promote and foster equity via hiring and advancement practices? How does the organization measure progress toward these objectives?

##### **4. Training & Professional Development**

Describe whether the organization offers or plans to offer training or professional development to staff, management, volunteers, or board members, including training on diversity and inclusion, anti-oppression, and cultural competency issues. Please provide details about the trainings offered (e.g., subject matter, constituency served, number of attendees, mandatory or voluntary, number of sessions, in person or web-based). How does the organization measure the effectiveness of such training efforts?

### **5. Supervision & Quality Control**

Describe the methods for supervision and ensuring high quality services, discussing each of the areas below:

- Client Intake and Case Management
- Methods for case and/or work assignment
- Procedures for reviewing/supervising work
- Delivering culturally competent services to the target population
- Provisions for backup and technical support for volunteer attorneys, and for paralegals, law students and other non-attorneys involved in legal service delivery
- Provisions for ensuring confidentiality of client information, including electronically stored information
- Provisions for program evaluations

### **6. Emergency Preparedness**

Describe the organization's infrastructure, strategic plan(s) and preparedness to deliver civil legal services and/or access to justice services to low-income clients during public health emergencies, such as the COVID-19 pandemic, and natural disasters, such as Superstorm Sandy and Hurricane Irene.

### **7. Fiscal Responsibility**

a. UCS has historically required that contractors report expenses within 30 days of the end of a quarter within any given budget period. Please describe both:

- your organization's experience adhering to fiscal reporting schedules and meeting fiscal reporting deadlines and capacity to do the same; and
- your organization's capacity to promptly respond to periodic requests to provide documentation to support reported expenses.

b. Charities registered in New York State may be required to file independent Certified Public Accountant Reviews or Audit Reports depending on their level of total revenue and support. Has the report of such an audit or review included the finding of any irregular or improper practice(s)? If so, please describe in detail the circumstances of such findings and their resolution.

c. If awarded funding, what proportion of your total civil legal services program would the requested funding represent? How would the organization ensure that costs were appropriately attributed to the varied funding sources for the civil legal services program?

### *c. Program Description (up to 10 pages)*

#### **1. Narrative Summary of The Program to Be Funded**

Describe the kinds of services to be provided that will address Essentials of Life needs of the target

population. Explain how the organization's strengths and staffing will support this program and address the community legal needs and/or access to justice needs of the target population through innovative and cost-effective means. Applicants should describe all activities of their entire civil legal services program and/or access to justice program, not just the portion to be supported by JCLS funding. *(If services are proposed in the Other category in the Annual Projections Chart, describe those services and how they relate to Essentials of Life needs in detail.)*

## **2. Service Delivery**

Indicate the service delivery method(s) the program will employ by placing a check in the appropriate box(es) below:

- ☐ Direct legal assistance: provided by staff attorneys
- ☐ Direct legal assistance: provided through referral to pro bono attorneys
- ☐ Direct assistance: provided by non-attorney staff (i.e. paralegals), supervised by attorneys
- ☐ Direct legal assistance: provided by law students or recent law school graduates supervised by attorneys
- ☐ Access to justice services: Training or education to support pro se representation
- ☐ Access to justice services: Provision of legal information
- ☐ Access to justice services: Referral to other civil legal service providers
- ☐ Access to justice services: Referral to other social services
- ☐ Access to justice services: Mediation / alternative dispute resolution
- ☐ Other [explain in question 2a below]

Indicate the level of service the program will provide by placing a check in the appropriate box(es) below

- ☐ Comprehensive representation
- ☐ Representation in Appeals or Other Complex Matters
- ☐ Representation in Court and/or Administrative Proceedings
- ☐ Limited advice and counsel
- ☐ Assistance in Completing Forms or Applications
- ☐ Brief Advice and/or Information
- ☐ Efforts to divert cases from court
- ☐ Legal Education
- ☐ Other [explain in question 2a below]

2a. Provide additional information regarding the service delivery method(s) and level of service.

2b. Provide a comprehensive description of the methods (e.g., staff delivery using attorneys and paralegals, pro bono programs, specialized law units, pro se training, mediation/alternative dispute resolution, other) that will be used to deliver the proposed services, including a description of office location(s) and offsite/remote service locations, mechanisms to enhance access (e.g., evening clinics), and whether and how technology will be used to deliver services.

*(If the services to be provided differ by county from the overall programmatic description articulated above, describe the significant differences in County-Specific Question #4).*

2c. Describe how the organization delivers effective legal assistance and/or access to justice services grounded in an awareness of and sensitivity to the diverse cultures in the organization's service area.

2d. Describe (a) the number and composition of paid and volunteer staff who will serve the individuals/groups in the proposed program, (b) their qualifications (e.g., attorneys, law students, any specialized units), and (c) their respective roles in the program.

### **3. Cooperative efforts**

Identify other legal services providers, private bar associations, law schools, social services agencies, medical providers, schools, or other community-based organizations, that will actively participate in this program and provide an overview of their roles. Describe arrangements with other legal service providers in your area to avoid duplication of effort. Attach letters of support from the partner organizations.

### **4. Program Service Projections for the Contract Term**

Based on UCS' definition of Cases Handled, Other Legal Services - Individuals Served, and Persons Benefited in section V, provide:

- a. a basis for the projected totals included in *ANNUAL PROJECTIONS CHART*, for:
  - i. Cases to be Handled;
  - ii. Other Legal Services - Individuals to be Served;
  - iii. Persons to be Benefited;
- b. An explanation of how the projections compare to current and immediate prior years as discussed in Narrative Proposal section B(1)(b); and
- c. If the applicant anticipates any changes to the projections, an explanation of any such projected changes.

Describe how the organization plans on sustaining the projected level of service in the *ANNUAL PROJECTIONS CHART* and discussed above throughout the contract term.

*d. County-Specific Questions (up to 2 pages)*

**The applicant must answer these questions once for each county for which funding is applied.**

1. Describe the target geographic area to be served (i.e. county-wide vs. a particular municipality or neighborhood within a given county). Describe the legal needs of the target population in the target area.
2. Will the organization maintain a physical office in the target geographic area? If no office location is proposed, explain how services will be accessible within the target area.

3. Discuss the organization's capacity to provide accessible services to the target population in the target geographic area.
4. If the services to be provided in this county differ from the overall programmatic description articulated in the Program Description section above, describe the significant differences.
5. Based on UCS' definition of Cases Handled, Other Legal Services - Individuals Served, and Persons Benefited in Section V, provide:
  - i. a basis for the projected totals for the county in the *ANNUAL PROJECTIONS CHART*, for:
    1. Cases to be Handled;
    2. Other Legal Services - Individuals to be Served;
    3. Persons to be Benefited;
  - ii. An explanation of how the projections compare to current and immediate prior years as discussed in Narrative Proposal section B(1)(b); and
  - iii. If the applicant anticipates any changes to the projections, an explanation of any such projected changes.
6. Describe any particular expertise the organization has or policies the organization has in place that relate to providing services to a specific sub-population or sub-populations within the target geographic area (i.e. ability to provide services in languages other than English, or in a culturally appropriate manner to specific sub-groups).
7. Describe any arrangements with other legal service providers in the target geographic area designed to avoid duplication of efforts.

#### D. Budget Submissions

- a. Budget. Complete the budget using the required file available for download at [www.nycourts.gov/admin/bids/currentsolicitations.shtml](http://www.nycourts.gov/admin/bids/currentsolicitations.shtml).
- b. Budget Narrative

Budget Category	Narrative summary of expenses budgeted
Salaries Detail rationale for salary costs budgeted by position category. Include salary schedules, cost of living adjustment policies and bonus policies.	
Fringe Benefits Detail fringe benefits available to staff, including the justification of any rate charged. Explain any items budgeted in Other Employee Benefits.	
Equipment Detail equipment purchases planned,	

including any replacement schedules for equipment included in the budget.	
Other Non-Personal Services Include brief explanations for all sub-categories in which expenses are budgeted.	
Indirect Costs Attach or explain the indirect cost allocation methodology used to calculate indirect costs.	

## IX. APPLICATION SUBMISSION PROCEDURES/DEADLINE

### *Step One: Complete the Application*

An Application includes all items defined **Exhibit 1, Document Enclosure Checklist**.

*Step Two: Deliver the Application with all Required Attachments via either electronic format or paper format as instructed below:*

### **Submission via electronic format (preferred method)**

Prior to submitting electronically, applicants must request and receive a User Name and Password for the UCS SharePoint Web Service. Currently funded Judiciary Civil Legal Services providers will be able to use their existing login credentials (user ID and password) to log into SharePoint but **still must request access to the site set up to receive Judiciary Civil Legal Services applications**.

Applicants may submit requests for a User Name and Password by email only to:

Amelia Hershberger: [ahershbe@nycourts.gov](mailto:ahershbe@nycourts.gov)

Please indicate in “Subject” field: Judiciary CLS RFP SharePoint User Name/Password Request

The deadline to requests a User Name and Password is Tuesday, June 15, 2021, before 1:00 pm.

User Names, Passwords, the SharePoint URL and instructions for uploading files will be provided via an e-mail reply.

Application documents must be uploaded no later than Tuesday, June 22, 2021, before 2:00 pm.

Applications must be submitted in portable document format (PDF).

### **Submission via paper**

Applications must arrive at the address below no later than Tuesday, June 22, 2021, before 2:00 pm.

Deliver ONE signed, hard copy original and ONE additional copy (two complete sets) of the Application to:

Amelia Hershberger  
New York State Office of Court Administration  
Division of Professional and Court Services  
2500 Pond View, Suite 104  
Castleton-on-Hudson, New York 12033

All envelopes/cartons must also be labeled with the following information on two sides:

**“Deliver immediately to Amelia Hershberger”**  
**“Sealed Application - Do not open”**  
**“JUDICIARY CIVIL LEGAL SERVICES – Due June 22, 2021 before 2pm”**

### **X. QUESTIONS**

Applicants may submit questions concerning this RFP by email only to:

Amelia Hershberger: [ahershbe@nycourts.gov](mailto:ahershbe@nycourts.gov)

Please indicate in “Subject” field: Judiciary CLS RFP Question(s)

The deadline to submit questions is Thursday, June 10, 2021, before 1:00 pm. A Questions & Answers (Q&A) sheet will be posted on the UCS website a few days after the deadline for submission of questions.

**IMPORTANT:** All questions regarding this RFP must be in writing and directed solely to the attention of the above-designated person.

### **XI. GENERAL SPECIFICATIONS**

#### **Charities Registration (not-for-profit corporations only)**

Not-for-profit vendors must be registered with the New York State Office of the Attorney General as a charitable organization, and the registration must be up to date at the time of contracting. Vendors must be sure all their documents are up-to-date and comply with the vendor responsibility requirements as outlined below.

To determine the status of your charities registration information, contact:

[https://www.charitiesnys.com/RegistrySearch/search\\_charities.jsp](https://www.charitiesnys.com/RegistrySearch/search_charities.jsp)

#### **Federal Requirements**

If an award made under this bid is funded in whole or in part with federal funds the bid/award recipient shall, at its cost and expense, promptly and fully comply with, and assist UCS as may be necessary in complying with, any federal requirements applicable to such federal award and funding.

### **Subcontracting**

Subcontracting and any other transfer of any duties or obligation to be performed hereunder will be permitted only with the prior written consent of UCS to the proposed subcontractors. In the event a vendor proposes to use one or more subcontractors, the specific subcontractors and the services proposed to be performed by such subcontractors, must be listed in applicant's proposal. If a vendor that proposes to use one or more subcontractors is awarded the contract, the award will constitute the prior written approval of UCS to the subcontractors named in the applicant's proposal and the agreement shall be subject to UCS review and approval.

Vendor will be the prime contractor and will be responsible for all services required by this RFB/RFP. The UCS will communicate only with Vendor and Vendor shall remain wholly liable for the performance by and payment to any such subcontractors, their employees, agents, consultants or representatives.

### **Online RFB/RFP Package: Disclaimer**

Applicants accessing any UCS solicitations and related documents from the New York State UCS website [www.nycourts.gov/admin/bids](http://www.nycourts.gov/admin/bids) under "Current Solicitations" shall remain solely and wholly responsible for reviewing the respective solicitation & bid documents on the internet regularly, up to the scheduled date and time of the bid/proposal due date, to ensure their knowledge of any amendments, addenda, modifications or other information affecting the solicitation or bid documents in question.

### **Binding Nature of Bid/Proposal on Applicants**

All bids/proposals shall remain binding on applicants until such time as UCS provides written notification of its intent to award the contract to a specific applicant or until the applicant withdraws its bid/proposal in writing, whichever occurs first.

### **Estimated Quantities**

Any quantities specified in this solicitation constitute estimates only, and accordingly no commitment or guarantee to reach any specified volume of business is made or implied.

### **Compliance with Laws**

Awarded contractor(s) must comply with all applicable federal, state and local laws, rules and regulations, including but not limited to, fire, health and safety codes, prior to and during the provision of all services under the contract resulting from this RFB/RFP.

### **Independent Contractor Status**

It is expressly understood and agreed that the awarded contractor's status shall be that of an independent provider of services and that no officer, employee, servant or subcontractor of the contractor is an employee of the UCS, OCA or State of New York. The awarded contractor shall be solely responsible for the work, assignment, compensation, benefits and personal conduct and standards of all such persons assigned to the provision of services. Nothing herein shall be construed to impose any liability or duty on the UCS, OCA or



State of New York to persons, firms, consultants or corporations employed or engaged by the awarded contractor either directly or indirectly in any capacity whatsoever, nor shall the UCS, OCA or State of New York be liable for any acts, omissions, liabilities, obligations or taxes of any nature including, but not limited to, unemployment and Workers' Compensation insurance of the awarded contractor or any of its employees or subcontractors.

### **Rejected and Unacceptable Bids/Proposals**

UCS reserves the right to reject any and all proposals or bids submitted in response to this solicitation. In addition, UCS may reject any bids/proposals from any applicants who are in arrears to the State of New York upon any debt or performance of any contract; or who have previously defaulted on any contractual obligations, (as contracting party, surety or otherwise), or on any obligation to the State of New York; or who have been declared not responsible or disqualified by any agency of the State of New York, who have any proceeding pending against them relating to the responsibility or qualification of the applicants to receive public contracts, whose proposal is incomplete or otherwise non-responsive in any material respect, or who are found to be non-responsible based on any of the criteria specified in the section headed 'Responsible Applicant'.

UCS also reserves the right to reject any applicant: (i) whose facilities and/or resources are, in the opinion of UCS, inadequate, too remote from the UCS locations to render services in a timely manner in accordance with all requirements of this solicitation; (ii) who does not provide references in accordance with the bid specifications, or whose references report significant failure to comply with specifications; or (iii) who are otherwise, in the opinion of UCS, unable to meet specifications.

### **Responsible Applicant**

An applicant shall be defined as "responsible" in accordance with, but not limited to, references, past performance history, financial stability, the criteria set forth in paragraph 2 of the General Specifications (Attachment III-Vendor Responsibility Questionnaire: Instructions), and the criteria set forth in the paragraph headed "Rejected and Unacceptable Bids/Proposals" as well as any other criteria necessary and reasonable to establish the applicant's responsibility.

### **Clarification/Correction of Bids/Proposals**

In addition to any rights articulated elsewhere in this solicitation, UCS reserves the right to require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of an applicant's proposal and/or to determine an applicant's compliance with the requirements of this solicitation. This clarifying information, if required in writing by UCS, must be submitted by the applicant, in accordance with formats as prescribed by UCS at the time said information is requested and, if received by the due date set forth in UCS's request for clarification, shall be included as a formal part of the applicant's proposal. Clarifying information, if any, whether provided orally, visually or in writing will be considered in the evaluation process. Failure to provide required information by its associated due date may result in rejection of the applicant's proposal. Nothing in the foregoing shall mean or imply that it is obligatory upon UCS to seek or allow clarifications or corrections as provided for herein.

## **Indemnity**

Awarded contractor shall indemnify, defend and hold harmless UCS, its officers and employees from and against any and all claims, causes of action, damages, costs, liabilities and expenses of any kind (including reasonable attorney's fees and the cost of legal defense) which UCS may incur by reason of: (i) awarded contractor's breach of any term, provision, covenant, representation or warranty contained in the contract awarded as a result of this bid; (ii) any act, omission, negligence or intentional misconduct of awarded contractor or its employees, subcontractors, agents, volunteers or of other persons under its direction and control; (iii) awarded contractor's performance or failure to perform under the contract; and (iv) enforcement by UCS of the awarded contract or any provisions thereof.

## **Unified Court System Self-Insurance**

UCS, a New York State governmental entity, is self-retained for risk of loss and liability.

## **Confidentiality**

Applicant acknowledges that any and all information, records, files, documents or reports contained in any media format provided to the applicant by the court, or which may be otherwise encountered by applicant shall be considered extremely confidential and shall be handled accordingly at all times. Neither the applicant nor any of its employees, servants, Contractors, agents or volunteers shall at any time be permitted to utilize such confidential information for any purpose outside the scope of any resulting agreement without the express prior written authorization of UCS. Any breach of this confidentiality by the applicant or by any of its employees, servants, subcontractors, agents, or volunteers may result in the immediate termination of any resulting agreement by UCS and may subject the applicant to further penalties.

Awarded Contractor shall use, and require its employees and authorized agents to use, at least the degree of care a reasonably prudent person would use to protect and prevent improper access to the records.

## **Confidential/Proprietary Information**

If applicable, applicants should specifically identify those portions of the proposal deemed to contain confidential or proprietary information or trade secrets, and must provide justification why such material, upon request, should not be disclosed to parties other than UCS and the Offices of the New York State Attorney General and Comptroller. Applicants are advised that any material deemed confidential by applicant may still be subject to disclosure in connection with any governmental or judicial proceeding or inquiry or as may be required by applicable law, including but not limited to Article 6 of the New York Public Officers Law (Freedom of Information Law). Such confidential/proprietary information must be easily separable from the non-confidential sections of the proposal.

## **Financial Stability**

Upon request by UCS, applicant shall provide its audited financial statements prepared in accordance with GAAP-Generally Accepted Accounting Principles for the past three (3) consecutive years and a copy of its last three (3) annual reports.

### **Termination**

Early termination of the contract for cause may result in, among other consequences, all remedies available to UCS and New York State, the awarded contractor both being declared non- responsible by the UCS/OCA, pursuant to the UCS and Office of the State Comptroller's guidelines on vendor responsibility and in the contractor's removal from the UCS/OCA's applicants list for future solicitations.

### **Implied Requirements**

Products and services that are not specifically requested in this solicitation, but which are necessary to provide the functional capabilities proposed by the applicant, shall be included in the offer except as specified herein.

### **Silence of the Specifications**

The apparent silence of the specifications contained as part of this package as to any detail or to the apparent omission of a detailed description concerning any point, shall be regarded as meaning that only the best commercial practices are to prevail. All interpretations of these specifications shall be made on the basis of this statement.

### **Work for Hire**

If awarded applicant produces any materials for UCS pursuant to this RFB/RFP, such work shall be deemed "work for hire" and shall be governed by the terms of Exhibit 4/Appendix B attached.

## **EXHIBIT 1: DOCUMENT ENCLOSURE CHECKLIST**

*The documents listed below must be submitted together with applicant's proposal. Failure to do so as required may disqualify applicant's response.*

*Documents requiring signature must be duly signed where indicated. The listed documents may not be modified, retyped or amended in any manner.*

***A complete set of RFP documents must be submitted.***

- \_\_\_\_\_ Application Cover Sheet (Article VIII(a))
- \_\_\_\_\_ Annual Projections Chart (Article VIII(b))
- \_\_\_\_\_ Narrative Proposal – Community Need, Organizational Capacity, Program Description (Article VIII (c))
- \_\_\_\_\_ Budget and Budget Narrative (Article VIII (d))
- \_\_\_\_\_ Mission Statement
- \_\_\_\_\_ Board of Directors Roster and Conflict of Interest policy. Include Board Member names, length of current term, term expiration date and total years of service.
- \_\_\_\_\_ Organizational Chart
- \_\_\_\_\_ Resumes and job descriptions of senior management and project staff
- \_\_\_\_\_ Client Financial Eligibility Guidelines
- \_\_\_\_\_ Client Grievance Procedures
- \_\_\_\_\_ Cultural Diversity/Inclusion policies. If none, explain (a) how these issues are currently addressed and (b) what plans are in place to develop such policies
- \_\_\_\_\_ Organization's most recently filed Form EEO-1. If applicant is not required to file an EEO-1, provide a statement to that effect.
- \_\_\_\_\_ Language Access policies. If none, (a) explain how these issues are currently addressed and (b) what plans are in place to develop such policies
- \_\_\_\_\_ Case Acceptance Policy and Procedures
- \_\_\_\_\_ Affirmative Action/EEO Policy
- \_\_\_\_\_ Internal Controls Policy
- \_\_\_\_\_ Certificates of NYS Worker's Compensation and NYS Disability Benefits Insurance, or Certificate of Attestation of Exemption. (See Exhibit 2 "Insurance Requirements" for a list of accepted forms.)
- \_\_\_\_\_ Copies of applicant's certificate(s) of insurance or other adequate proof evidencing the insurance coverages required by the bid specifications (See Exhibit 2 "Insurance Requirements" for a list of accepted forms.)

\_\_\_\_\_ Attachment I - Standard Request for Bid Clauses & Forms

☐p.3 - Non-Collusive Bidding Certificate

☐p.4 - Corporate Acknowledgment

  x   Attachment II - Not Applicable

\_\_\_\_\_ Attachment III - Vendor Responsibility Questionnaire

☐ questionnaire filed online via OSC VendRep System and certified within 6 months of the bid opening date, or

☐ paper questionnaire

\_\_\_\_\_ Attachment IV - Procurement Lobbying forms

☐ Disclosure of Prior Non-Responsibility Determination (UCS 420)

☐ Affirmation of Understanding and Agreement (UCS 421)

## **Exhibit 2**

### **INSURANCE REQUIREMENTS**

Grant recipients will be required to maintain, during the term of the contract, the following insurance coverage:

1. Workers' compensation and disability benefits insurance coverage as required under NYS law. Proof of workers' compensation insurance and disability benefits insurance must be provided with the grant application. If applicant is legally exempt from such coverage, proof of exemption must be provided. The only forms acceptable as evidence of these insurance requirements are:

#### Proof of Workers' Compensation Coverage

- Form C-105.2 - Certificate of Workers' Compensation Insurance issued by private insurance carriers; or
- Form U-26.3 issued by the State Insurance Fund; or
- Form SI-12 - Certificate of Workers' Compensation Self-Insurance; or
- Form GSI-105.2 - Certificate of Participation in Workers' Compensation Group Self-Insurance; or
- Form CE-200 - Certificate of Attestation of Exemption from NYS Workers' Compensation and/or Disability Benefits Coverage.

#### Proof of Disability Benefits Coverage

- Form DB-120.1 - Certificate of Disability Benefits Insurance, or
- Form DB-120.2 - Certificate of Participation in Disability Benefits Group Self-Insurance; or
- Form DB-155 - Certificate of Disability Benefits Self-Insurance; or
- Form CE-200 - Certificate of Attestation of Exemption from NYS Workers' Compensation and/or Disability Benefits Coverage.

Please note that an ACORD Certificate of Insurance is NOT acceptable proof of New York State workers' compensation or disability benefits insurance coverage. Applicants should obtain the appropriate Workers' Compensation Board forms from their insurance carrier or licensed agent, or follow the procedures set forth by the Workers' Compensation Board for obtaining an exemption from coverage. Required forms and procedures may be obtained on the Workers' Compensation Board website at [www.wcb.ny.gov/](http://www.wcb.ny.gov/) and click on 'Employers/Businesses' and/or 'Forms'. Any questions regarding workers' compensation coverage requirements should be directed to:

Workers' Compensation Board  
Bureau of Compliance  
(518) 462-8882  
(866) 298-7830

Applicants awarded funding (whether through a new or amended contract) will be required to provide updated certificates of workers' compensation and disability benefits coverage that name the Unified Court System as the certificate holder if the applicable form has a space for a certificate holder to be listed. The carrier must enter:

NYS Unified Court System  
Office of Court Administration  
2500 Pond View, Suite 104  
Castleton-on-Hudson, New York 12033

The insurance carrier will notify the certificate holder if a policy is canceled.

2. Commercial General Liability Insurance (bodily injury and property damage on an occurrence basis), contractual and products/completed operations liability coverage, and auto liability with minimum limits as follows:

Bodily Injury and Property Damage	\$1 million, per occurrence, \$2 million, aggregate
Personal Injury and Advertising	\$1 million aggregate
Contractual and Products/ Completed Operations Liability	\$2 million aggregate
Auto Liability, Combined single limits	\$1 million

Commercial general liability insurance coverage must be obtained from commercial insurance carriers licensed to do business in the State of New York. Proof of applicant's commercial general liability insurance coverage must be submitted with the grant application. Applicants awarded funding will be required to submit an updated certificate naming UCS as an additional insured or loss payee as appropriate and providing for at least thirty (30) days advance written notice to UCS of cancellation or non-renewal. The updated certificate must be submitted prior to finalization of the contract.

Products completed operations insurance coverage is not required if applicant provides written documentation prior to finalization of an awarded contract that the organization's commercial general insurance policy does not include coverage for products-completed operations. Automobile liability insurance is not required if applicant does not use vehicles in its operations.

3. Professional liability insurance in the amount of \$1,000,000 for all of applicant's professional employees that will perform with grant funding. Proof of applicant's professional liability insurance coverage must be submitted with the grant application. Organizations awarded funding will be required to contractually agree to obtain tail coverage for a minimum of two years in the event that the organization's professional liability coverage policy is terminated and either: (i) there is no replacement policy; or (ii) the replacement policy does not cover claims made against the organization based on events that occurred prior to the effective date of the new policy.

### Exhibit 3: Maximum Available Funds by County

County	Estimated Available Funds, 12 month period
Bronx	\$10,715,339
New York	\$6,870,364
<b>1st Department Total</b>	<b><u>\$17,585,703</u></b>
Dutchess	\$891,927
Kings	\$15,039,042
Nassau	\$2,903,257
Orange	\$1,431,023
Putnam	\$184,824
Queens	\$10,510,051
Richmond	\$1,616,657
Rockland	\$1,357,288
Suffolk	\$3,639,403
Westchester	\$2,870,807
<b>2nd Department Total</b>	<b><u>\$40,444,279</u></b>
Albany	\$1,106,170
Broome	\$962,466
Chemung	\$408,894
Chenango	\$252,078
Clinton	\$347,446
Columbia	\$238,126
Cortland	\$224,880
Delaware	\$222,404
Essex	\$153,170
Franklin	\$255,259



<b>County</b>	<b>Estimated Available Funds, 12 month period</b>
Fulton	\$290,363
Greene	\$215,968
Hamilton	\$20,253
Madison	\$265,010
Montgomery	\$298,149
Otsego	\$272,451
Rensselaer	\$571,995
Saratoga	\$571,110
Schenectady	\$581,851
Schoharie	\$127,112
Schuyler	\$93,777
St. Lawrence	\$533,590
Sullivan	\$356,582
Tioga	\$199,286
Tompkins	\$435,732
Ulster	\$717,244
Warren	\$236,701
Washington	\$264,185
<b>3rd Department Total</b>	<b><u>\$10,222,252</u></b>
Allegany	\$243,947
Cattaraugus	\$432,747
Cayuga	\$339,765
Chautauqua	\$717,109
Erie	\$3,946,614
Genesee	\$227,835
Herkimer	\$294,519
Jefferson	\$572,640

<b>County</b>	<b>Estimated Available Funds, 12 month period</b>
Lewis	\$137,268
Livingston	\$245,417
Monroe	\$3,187,679
Niagara	\$929,222
Oneida	\$1,070,601
Onondaga	\$1,927,918
Ontario	\$389,766
Orleans	\$203,442
Oswego	\$587,207
Seneca	\$145,609
Steuben	\$496,790
Wayne	\$379,715
Wyoming	\$157,086
Yates	\$114,870
<b>4th Department Total</b>	<b><u>\$16,747,766</u></b>
<b>Grand Total</b>	<b>\$ 85,000,000.00</b>

\*The amount allocated by county under this procurement was determined by allocating the total appropriation of \$85,000,000 by the proportion of the population living at or below 200% of the poverty threshold.

**EXHIBIT 4**

**EVALUATION TOOL  
SUMMARY RATING SHEET**

**APPLICANT:** \_\_\_\_\_

**Organizational Capacity (20 points possible)** A. \_\_\_\_\_

**Overall Program Plan (45 points possible)** B. \_\_\_\_\_

**Reasonableness of Cost (20 points possible)** C. \_\_\_\_\_

**County Specific Program Plan (15 points possible)** D. \_\_\_\_\_

**Total Points: 100 points** **TOTAL** \_\_\_\_\_

**A minimum average score of 85 is required for a contract to be awarded.**

**EVALUATOR** (Print) \_\_\_\_\_

(Signature) \_\_\_\_\_

**DATE** \_\_\_\_/\_\_\_\_/\_\_\_\_

## DETAIL RATING SHEETS

PROPOSAL: \_\_\_\_\_

REVIEWER: \_\_\_\_\_

### Organizational Capacity (20 points possible)

Instructions to reviewers: For each sub-question, award a value of 0 up to the maximum points allowed for the question based on your assessment of the proposal.

- \_\_\_\_\_ A1. Evaluate the extent to which the applicant demonstrates that the organization:
- Is organized with a mission that aligns with the provision of civil legal services and/or access to justice services to low income clients
  - Has experience providing civil legal services and/or access to justice services to low income clients

*(up to 4 points)*

Basis for rating:

- \_\_\_\_\_ A2. Assess the quality of the applicant's stated organizational structure, including the role of the board and the community in ongoing planning and priority setting, and organizational management, including stated ability to meet reporting deadlines and respond to deficiencies in internal controls. *(up to 4 points)*

Basis for rating:

- \_\_\_\_\_ A3. Assess the quality of the applicant's stated infrastructure, strategic plan(s) and overall preparedness to deliver services in emergency circumstances such as public health emergencies and natural disasters. *(up to 4 points)*

Basis for rating:

- \_\_\_\_\_ A4. Assess the quality of the applicant's plan to use technology to enhance access to and deliver quality civil legal services, including an assessment of any stated infrastructure necessary to that service delivery. *(up to 4 points)*

Basis for rating:

- \_\_\_\_\_ A5. Assess the quality of the applicant's plan to promote a diverse and inclusive workplace culture. Evaluate the applicant's success in meeting its objectives regarding equity and inclusion. Are the stated efforts appropriate to achieve a culturally competent, diverse and inclusive workplace? *(up to 4 points)*

Basis for rating:

SUBTOTAL FOR PART "A" (A1 + A2 + A3 + A4 + A5) \_\_\_\_\_

## DETAIL RATING SHEETS

PROPOSAL: \_\_\_\_\_

REVIEWER: \_\_\_\_\_

### Overall Program Plan (45 points possible)

Instructions to reviewers: For each sub-question, award a value of 0 up to the maximum points allowed for the question based on your assessment of the proposal.

\_\_\_\_\_ B1. Evaluate the extent to which the applicant proposes provision of civil legal services (direct legal assistance). *(up to 6 points)*

*Basis for rating:*

\_\_\_\_\_ B2. Evaluate the extent to which the applicant proposes provision of access to justice services. *(up to 4 points)*

*Basis for rating:*

\_\_\_\_\_ B3. Evaluate the extent to which the applicant has defined a need for legal services within the community, including the target population and geographic location(s) to be served, and how that need corresponds to the essentials of life areas. Do the provided descriptions of community characteristics and submitted demographic and statistical data support the need for civil legal services and/or access to justice services? *(up to 7 points)*

*Basis for rating:*

\_\_\_\_\_ B5. Assess the applicant's outreach plan. Are the proposed outreach methods likely to result in awareness of and access to services among members of the target population, including among people with additional access needs to due to disability, language, employment, transportation, institutionalization or incarceration? *(up to 6 points)*

*Basis for rating:*

\_\_\_\_\_ B6. Assess the applicant's proposed caseload and services in context of the community to be served and the identified needs for the target population, as well as the funding requested. Is the applicant's plan to provide a consistent level of service throughout the proposed contract term adequate? *(up to 7 points)*

*Basis for rating:*

\_\_\_\_\_ B7. Assess the quality of the applicant's stated civil legal services delivery structure and/or

access to justice services delivery structure, including its mechanisms for training, staff supervision and quality control. Has the applicant instituted mechanisms likely to result in high quality provision of civil legal services and/or access to justice services? *(up to 6 points)*

*Basis for rating:*

\_\_\_\_\_ B8. Assess the extent to which the applicant has demonstrated the capacity to deliver culturally competent, effective legal services and/or access to justice services to low income communities. *(up to 6 points)*

*Basis for rating:*

\_\_\_\_\_ B9. Evaluate the extent to which the applicant's stated collaborations, arrangements and relationships with other legal service and community service providers maximize service provision and reduce the likelihood of redundant services. *(up to 3 points)*

*Basis for rating:*

**SUBTOTAL FOR PART "B" (B1 + B2 + B3 + B4 + B5 + B6 + B7 +B8 + B9) \_\_\_\_\_**

## DETAIL RATING SHEETS

PROPOSAL: \_\_\_\_\_

REVIEWER: \_\_\_\_\_

### Reasonableness of Cost (20 points possible)

\_\_\_\_\_ C1. Evaluate the extent to which the proposed program will effectively utilize state dollars for the delivery of quality services. *(up to 5 points)*

*Basis for rating:*

\_\_\_\_\_ C2. Evaluate the extent to which the salaries and fringe benefits for the proposed program are appropriate for the positions listed in the proposal. *(up to 5 points)*

*Basis for rating:*

\_\_\_\_\_ C3. Evaluate the extent to which the non-personnel service costs, including administrative or indirect costs, if any, included in the budget are reasonable for the operation of the proposed program. *(up to 5 points)*

*Basis for rating:*

\_\_\_\_\_ C4. Evaluate the extent to which the applicant has clearly defined the role of UCS civil legal services funding within its civil legal services program and, if applicable, organization as a whole. Are the stated mechanisms to attribute funding to the specific funded program adequate? *(up to 5 points)*

*Basis for rating:*

## DETAIL RATING SHEETS

PROPOSAL: \_\_\_\_\_

REVIEWER: \_\_\_\_\_

### County-Specific Program Plan (15 points possible)

\_\_\_\_\_ D1. Evaluate the extent to which the proposed program provides accessible, quality, culturally competent services within the county served. *(up to 4 points)*

*Basis for rating:*

\_\_\_\_\_ D2. Evaluate the proposed caseload and services in context of the target geographic area and population. *(up to 4 points)*

*Basis for rating:*

\_\_\_\_\_ D3. Evaluate the extent to which the proposed program will effectively utilize state dollars for the delivery of quality services in the county. *(up to 4 points)*

*Basis for rating:*

\_\_\_\_\_ D4. Evaluate the extent to which the applicant's stated collaborations, arrangements and relationships with other legal service and community service providers in the county maximize service provision and reduce the likelihood of redundant services. *(up to 3 points)*

*Basis for rating:*



**EXHIBIT 5**  
**APPENDIX B**

**Terms and Conditions Applicable to Materials Produced Under the Agreement**

1. Contractor acknowledges and agrees that UCS has ordered and/or specially commissioned the services, deliverables and materials that Contractor is required to produce pursuant to this Agreement (the "Work"), whether in written form, on tape, computer-readable media or other tangible form. Except as otherwise specified in this Appendix B, Contractor agrees that (i) UCS shall be the sole owner of the Work and (ii) the Work shall be considered a "work made for hire" as that term is used under federal and state law. UCS or its authorized designee shall have all right, title and interest of every kind and nature, whether now known or hereafter devised and including, without limitation, all copyrights and renewals and extensions thereof, in and to the Work, including without limitation any editions and versions thereof, without payment of any royalty or other compensation. Without limiting the foregoing, and except as otherwise specified in this Appendix B, if all or any part of the Work is not so deemed a "work made for hire," Contractor hereby irrevocably grants, assigns, transfers and sets over to UCS or its authorized designee all rights of any kind and nature in and to the Work that he/she/it may possess or come to possess, including without limitation all copyrights and renewals and extensions thereof, without payment of any royalty or other compensation. Contractor agrees to execute and deliver to UCS any assignments and other documents requested by UCS confirming the assignment to UCS or its authorized designee of all rights in the Work and to fully cooperate with UCS in registering and protecting UCS's rights to and interests in the Work. Upon request of UCS during any stage of thereof, Contractor shall deliver all such Work to UCS.
2. Contractor represents and warrants that the Work shall be created solely by Contractor, be original, and does not infringe upon any the copyright, trademark, patent or other proprietary rights of any third party, including without limitation the right to use or display the name, face or likeness of any person. Furthermore, Contractor represents and warrants that the Work and any other materials used in connection with this Agreement shall not include or incorporate in any way the work or materials of any third party with rights to such work or materials, or the name, face or likeness of any person, unless Contractor has (i) advised UCS of this and (ii) the appropriate written authorizations, releases, licenses or other permits to allow UCS and Contractor to use the Work and any other materials used in connection with this Agreement without violating such rights have been obtained and delivered to UCS. The form of such authorizations and other documents is subject to UCS's approval.
3. All rights granted to UCS hereunder are irrevocable and shall vest and remain perpetually vested in UCS and UCS's successors and assigns without payment of any royalty or other compensation, whether this Agreement expires or is terminated, and shall not be subject to rescission, cancellation or termination by Contractor for any cause whatsoever.
4. If applicable, Contractor shall own and retain all proprietary rights to any materials produced by Contractor prior to the Effective Date, or not as a result of this Agreement ("Contractor's Property"), even if such materials are incorporated into the Work. If any such materials are incorporated into the Work, Contractor hereby licenses to UCS or its authorized designee, in perpetuity, at no additional cost or expense, the non-exclusive, irrevocable worldwide rights to reproduce, display and otherwise use Contractor's Property as part of the Work.
5. If master tapes are created in the production of the Work, upon receipt of final payment for the Work, Contractor will provide these to UCS, except for the master tapes to Contractor's Property (if applicable).
6. If requested by UCS, Contractor shall include in the Work a copyright notice in the following form: "Copyright (or ©) [year] New York State Unified Court System". All rights reserved." If applicable, the notice shall be computer-readable and clearly visible to viewers for at least three seconds.

7. Contractor shall indemnify, defend and hold UCS, its administrative officers, directors, employees and authorized agents harmless from and against all claims, costs, liability and damages, including reasonable attorneys' fees and disbursements (i) resulting from the Contractor's breach of representation or warranty made herein or (ii) arising in connection with an allegation that UCS's use of the Work (if any) or any other deliverable, if any, infringes any patent, trade secret, copyright or any other proprietary right, including without limitation the rights to use or display a person's name, face or likeness.

8. This Appendix B shall survive expiration or termination of this Agreement.