

## Q&A Judiciary Civil Legal Services

### Annual Projections Chart Questions

1. In the Annual Projections Chart, are we to report projections of only one years' worth of data, should we provide 5 charts (one for each year of the contracting period), or should we provide a cumulative total of cases for the entire 5 year period?

This is for a multi-year proposal so it appears that the figures in the spreadsheet and related narrative should reflect multi-year totals. Is that the case?

*A. The data entered in the Annual Projections Chart should be for one year.*

2. On VIII (B) (annual projections chart) are we required to enter the amount of funding that we are requesting by county so that the total amount of JCLS funding that we are requesting in response to the instant RFP will be the sum of the amounts requested for each county where we propose to provide services?

*A. The number(s) entered for Total Funding Requested for each county on the Annual Projections Chart must be for the 12 month period January 1, 2022 – December 31, 2022 and must add up to the number entered in the Total Funding Requested line on the Application Cover Sheet.*

3. Regarding question b1b (Org Capacity, Principal Activities, b): When you say you want the total number of each type of case, do you mean by subject matter, such as housing, family, or benefits, or do you mean by level of service (comprehensive representation; representation in appeals or other complex matters; representation in court and/or administrative proceedings; limited advice and counsel; brief advice or information; diversion of cases from court, legal education)? For access to justice services do you want this level of detail (training or education for pro se representation; legal information; referrals to other civil legal service providers; referrals to other social services and other services) or can we just give you our access to justice totals for each year? Perhaps there is a sample chart?

Regarding: Narrative Proposal section b. Organizational Capacity 1. Principal Activities: b. – “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.” Can you please provide an example of what you want this chart to look like and include? Does this chart count toward the page limit?

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." We are creating a chart with the annual numbers we reported for FY 4/1/2020-3/31/2021 and FY 4/1/2019-3/31/2020. However, for the 3rd year (FY 4/1/2018-3/31/2019), there were 2 reports each covering 6 months. Should we combine the numbers we reported in each of the 2 reports for FY 4/1/2018-3/31/2019?

The instructions for B.1.b state: “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.” For the first part of the question, are you looking for the annual grand total agency cases or each of the last 3 years from Parts 1 & 2 in the SharePoint portal? For the second part of the question, are you looking for a breakout of the Other Legal Services totals reported in the portal over the last 3 years?

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In Section VIII.C.b.1.c (p. 9), the RFP instructs applicants to “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.”

- a. Is there a format or template for the required chart?
- b. Should providers report all cases for the organization, or split them up by Appellate Division Department (consistent with past reporting), county, or something else?

For the following question, we seek clarifications:

“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.”

How should we present the data? One chart with a cumulative breakdown for the past three years? A chart with a breakdown by year (one column for FY19 numbers, one for FY20 numbers, and one for FY21 numbers)? Or are you wishing to see it in an entirely different format?

On page 9 of the RFP in the 1.a. Principal Activities section, it says that we must “describe the organization’s prior experience providing legal services...[AND] Embed a chart that states the total number of each type of cases handled and quantify the types of access to justices services provided over the past three years, if any.”

Our questions about this chart are as follows:

- 1) Is there a specific format for this chart?
  - A. *The format of the chart is not prescribed by the RFP. A brief chart with columns labeled 2020, 2019 and 2018 and rows labeled with case types / access to justice services types would be among the possible formats.*
- 2) Does the size of the chart count towards the 5 pages allowed for the Org Capacity section?
  - A. *No, the chart will not be counted against the 5 page limit for this section. However, the chart should only contain numerical data, and not narrative.*
4. Should the Annual Projections Chart estimate the counties to be served & estimated number of cases to be handled exclusively with the requested Judiciary CLS funds? Or across our entire program regardless of funding source?

Are we supposed to include only projected JCLS-funded cases on the attached chart or agency-wide cases? I understand the narrative will reference both sets of numbers but want to be sure we are referencing the correct numbers in the attached.

In looking at Attachment VIII (B) Annual Projection Chart... do we need to project based on the work of the entire agency OR numbers specific only to this program based on the amount of funding requested? I think we need to provide the projected data for the work of the entire agency but just want to make sure beforehand.

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[Our organization currently] reports two different case numbers in our annual OCA-JCLS report – a) in the narrative we include the number of cases specifically allocated to the OCA-JCLS grant b) in the OCA-JCLS reporting site, we enter a larger number of cases that reflects all open/closed/pending cases for low-income clients in our 4-county target area. In section B1b of the current RFP, you ask for case numbers for the last three years. Do you want numbers from a) or b)? Or would you like an even broader number that includes all open/closed/pending cases for low-income clients in all the counties [we have] served in New York State over the past three years? We could even provide numbers for clients not in the low-income demographic.

In section C4a of the narrative, should these projections be only for the cases specifically allocated to OCA-JCLS (letter a above) or should these numbers reflect all cases in the legal services project for low-income clients, including closed, and pending cases (letter b above)? Should our answer to question C4a reflect only cases in the counties [our organization] intends to serve through this funding or cases [our organization] projects statewide?

*A. Please respond with number of cases to be handled, persons to be benefitted and other legal services - individuals to be served as a result of the funding requested. Do not include data related to counties outside of those in which funding is requested.*

#### Formatting Questions

1. The form on the website is read only. We can copy it and enter data on the copy but wanted to bring this to your attention in case you were not aware that the chart is in read only format. The words Page 1, Page 2, etc superimposed on the chart may make it hard to read the entered data. See attached. Was this intended? If not, please let us know how to get a clean copy of the chart.

*A. The instructions direct applicants to download the form. Once downloaded, the individual user may change the View to fit its preferences and data may be entered into the blue cells.*
2. I noted the 12-pt font, 1-inch margins, and page limits for each section. Is that single-spaced pages?

*A. Yes.*
3. What format should our statement about the EEO-1 form be if we are not required to complete one?

*A. The format of the statement is at the discretion of the applicant.*
4. Some of the questions are quite lengthy, should we include the question in the document or can we summarize the question before giving our response?

In our narrative proposal submission, do we need to repeat the entire questions or only the headings?

*A. The question does not need to be included in the application. If included, it will not count against the page limits articulated in the RFP.*

5. Can a word version of the RFP sections that needs to be completed by the applicants please be provided for formatting purposes (there are many lists and tables in the .pdf of the RFP that are difficult to convert to word and we worried about changing the look)?

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Will a downloadable version of the following forms be made available ? If they are not made available are we free to recreate them from the example provided in the RFP instructions?

- a. Coversheet
- b. Service Delivery checkboxes
- c. Budget Narrative

*A. A Word version of the application only has been added to the Contract Reporter Advertisement and to <http://ww2.nycourts.gov/admin/bids/currentsolicitations.shtml>*

6. In section c. Program description, do the charts in section 2 service delivery count toward the page limits?

On page 11 of the RFP, question 2 (about service delivery methods and level of service) include a series of check boxes that together take up almost an entire page. In our response, do these questions need to be reproduced in the same format to take up one of our 10 available pages for response? If not, what format is acceptable?

*A. No, the charts do not count toward the page limits.*

7. In section c. Program description, do the charts in section 2, can questions 2a through 2d be answered together in one narrative, or does each question need to be answered separately under each heading.

*A. Each question must be answered individually.*

8. Do page limitations include the instructions and the imbedded chart? The chart is under Organizational activities, principal activities. The entire section is five pages and the chart alone will probably be a full page.

*A. No.*

9. This one concerns the County-Specific Questions portion of the narrative response. On page 12 of the RFP it says that the page limit for the County Responses is up to 2 pages. We interpret that to mean that if we are applying to serve more than one county, we have up to 2 pages for EACH county response.

For the County Specific questions in the Narrative Proposal, are we limited to a total of 2 pages, or 2 pages per county in which funding is applied ?

If we are applying for multiple counties, is it correct that each county has a 2 page limit?

Regarding the CLS RFP, we are proposing services in multiple counties. Should our narrative regarding Section d, county-specific questions, be two pages for all counties so that we're responding to each question for Kings County, Queens County, etc. all in the same 2 page document? Or can we use 2 pages to respond for Kings County, another 2 pages for Queens County, etc.?

We had one question about the RFP – for section C.d County-Specific Questions, we wanted to confirm that the limit of 2 pages applies for each county that we answer those questions for?

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*A. The page limit for responses to the County-Specific Questions is two (2) pages per county, not two (2) pages in total.*

10. Would OCA consider adding a page to the County-specific section page limit so that providers can detail accessibility and expertise?

*A. No. The page limits are unchanged.*

11. Does the text in tables inserted in the narrative also have to be in 12 point font?

*A. 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.*

### Attachment and Submission Questions

1. On the Applicant Cover Sheet, what fiscal year should we use for Total Budget of Organization?

*A. The applicant should use its own most recently completed fiscal year.*

2. For the Corporate Acknowledgement in Attachment 1; is a Board resolution authorizing the Executive Director to sign sufficient?

*A. No. The acknowledgment requires a notarized signature. Notarization can be obtained remotely in accordance with the procedures set forth in Executive Order 202.7. More information is available at: <https://dos.ny.gov/notary-public>.*

3. On Attachment III, what should we enter in the "solicitation number or procurement name" field?

On Attachment III (i.e., Vendor Responsibility Questionnaire: Instructions) there is a line that states "Solicitation Number or Procurement Name." How do we obtain our solicitation number; alternatively, where the attachment asks for a Procurement Name can we simply fill out the name of our organization that is applying for JCLS funding?

On Attachment IV, what should we enter in the "procurement number" field?

Quick question - What is the Contract Procurement Number for the JCLS application (due June 22)?

*A. JCLS RFP 2021.*

4. Our organization just received approval of a name change from the New York State Attorney General's Office. We have only just begun to update all other legal documents, including our records with the IRS, DUNS, funders (including JCLS), etc. Will it be a problem that our supporting documents have our old name while our application is made under the new name?

*A. The applicant may provide an explanation for the discrepancy, but should apply under its current legal identity.*

5. Is it at all possible to extend the deadline on the RFP? The responses to key questions will not be posted until shortly before the deadline. Additionally, this complex new annual projections chart can be challenging to complete in a thorough and accurate manner for comprehensive, multi-county programs that are not simply proposing to repeat what they've done in the past.

*A. We are not able to extend the deadline for this RFP.*

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6. Can you please provide an explanation for Attachment IV of the JCLS RFP? Attachment IV - Procurement Lobbying forms

- ☐ Disclosure of Prior Non-Responsibility Determination (UCS 420)
- ☐ Affirmation of Understanding and Agreement (UCS 421)

*A. As stated in Attachment IV, Vendors are required to submit the following with their bids or proposals:*

- *affirmation of understanding and agreement to comply with the Procurement Lobbying Act's contact restrictions (UCS 421); and*
- *disclosure of prior findings of non-responsibility made against the vendor by any government agency during the four-year period preceding the bid or proposal submission date for:*

- 1. violations of the Procurement Lobbying Act's contact restrictions; or*
- 2. any intentional provision of false or incomplete information to a government agency (regardless of whether or not the false or incomplete information was related to the Procurement Lobbying Act -UCS 420).*

*Vendors must also certify that the disclosure provided on UCS 420 is complete, true and accurate. In addition, all UCS contracts are required to contain a clause permitting UCS to terminate the contract if the vendor's certification is found to be intentionally false or intentionally incomplete.*

*UCS is required to make a determination of vendor responsibility with regard to the vendor's compliance with the Procurement Lobbying Act in addition to the vendor responsibility determination that is made based on the Vendor Responsibility Questionnaire in Attachment III.*

7. The instructions state that we need to provide proof of Workers Comp and Disability insurance but I am not clear on what agency and address should be entered as the entity requesting proof of coverage. Can you give me that information?

*A. As stated in Exhibit 2, Insurance Requirements, awarded applicants 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*

8. Regarding Attachment I, found on the website <http://ww2.nycourts.gov/sites/default/files/document/files/2021-02/Attachment-I.pdf> Page 4 requires a corporate seal – will it suffice if affixed and uploaded digitally? Are we only submitting pages 3 & 4? If we are required to submit pages 5 -7, can an explanation be provided?

Our organization is wondering if all organizations are required to complete all sections of "Attachment I", including each of the Bidders certificate of work, certificate of recycled products, and affidavit of recycled products.

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We know that we must submit the Non-Collusive Bidding Certificate and the accompanying Corporate Acknowledgement form BUT we don't know if we are required to submit the other forms that are part of Attachment 1—the Bidders Certificate of Work (Printing), the Bidders Certificate of Recycled Products, and the Manufacturer's Affidavit of Recycled Content. We do not think that we are because they are not included in the list of attachments for the RFP but would be grateful if you could confirm this.

First, for Attachment I, we would like to understand what pages must be completed in support of submitting this attachment.

I hope you are well. I have a question about Attachment I. Since we are not applying for a printed RFP, we only have to fill out pages 1 through 4?

Additionally, within Attachment I, must we complete the notary form on Page 4 while continuing to work in the remote environment?

*A. Pages 3 and 4 are the only required pages of Attachment I. Please note that electronic notarization information is available at <https://dos.ny.gov/notary-public>.*

9. On page 2 of Attachment IV: Procurement Lobbying Act Requirements, who should the UCS-designated person be as indicated on page 2?

*A. The UCS-designated person is:  
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*

10. If we are submitting electronically, do we still need to submit a hard copy?

*A. No. Please submit EITHER electronically OR on paper.*

11. Our question is in regard to the signatures required in many of the attachments; must these be wet signatures, or can we include digital/DocuSign signatures?

Signatures: for electronic submissions, what format of electronic signatures are acceptable (for example, on the Application Cover Sheet)? Is an electronic image sufficient?

*A. No. Signatures must be original ink signatures, however, a scanned copy of an original ink signature on the Attachment is acceptable in an electronically submitted application.*

12. One of the Attachments is required to be notarized; is it still acceptable to be included in the electronic submission?

*A. Yes, a scanned copy of an original ink signature on the Attachment is acceptable in an electronically submitted application. Please note that electronic notarization information is available at <https://dos.ny.gov/notary-public>.*

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13. In connection with the lobbying forms in Attachment IV, we assume that your name and address should go in the box below. Our question concerns whether or not we are supposed to MAIL these forms to you as well as including them in the PDF of the application that we submit through Sharepoint.

*A. All forms may be submitted electronically if an applicant chooses electronic submission, which is encouraged! Applicants MUST choose EITHER electronic or paper submission and MUST NOT submit partial applications in both formats.*

14. How can currently funded Judiciary CLS providers request access to receive the Judiciary CLS application for online submission with their existing SharePoint login credentials?

*A. All potential applicants can request access to submit electronically by sending an email to Amelia Hershberger at [ahershbe@nycourts.gov](mailto:ahershbe@nycourts.gov) with the subject line "Judiciary CLS RFP SharePoint User Name/Password Request" by 1pm on Tuesday, June 15, 2021.*

15. Submission of the Application via Sharepoint: I'd love to see if the narrative, budget and all the attachments are supposed to be PDFed as one document or if there are separate places to upload the different components. Since we are all working mostly remotely, the mechanics of all this are a bit more complicated than usual.

The directions say to upload in pdf format, should we convert our excel files to pdf ?

Once our completed application is in PDF form and uploaded to our library, do we need to set any sharing controls or will it be available for review simply by uploading ?

We have two logins one for finance and one for program should be upload everything under one login?

*A. UCS prefers a single PDF application be uploaded. However, if multiple files are necessary due to space/file size constraints, more than one clearly labeled file is acceptable. All files should be printed to / rendered as PDF. If multiple users have access to the SharePoint location, files may be uploaded by any of them. The application is submitted when it is uploaded and no sharing controls are necessary.*

16. For joint proposals submitted via electronic format, how should an applicant distinguish between a joint proposal and one for the provider alone?

*A. The PDFs uploaded for each application should be clearly named to distinguish between applications (e.g., Organization 1.pdf, Organization 1 with Partner.pdf).*

17. Does the required "Internal Controls Policy" refer to only financial internal controls? Would a Board of Directors-approved Financial Standard Operating Procedures Manual satisfy this requirement?

Internal Controls: Please define "internal controls" as used in Exhibit 1 and the rating sheet for Organizational Capacity.

*A. Internal controls procedures are systematic methods such as reviews, checks and balances instituted by an organization to conduct its business in an orderly and*



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*efficient manner; safeguard its assets and resources; deter and detect errors, fraud and theft; ensure accuracy and completeness of accounting data; produce reliable and timely financial and management information; and ensure adherence to agency policies and plans. Any such policies that meet this definition should be included.*

18. We were wondering if it would be appropriate to get a letter of support from a government entity if they refer clients to the program.
- A. Letters of support are only requested from partner organizations, which are those that will actively participate in this program and do not include those entities that simply refer clients or cases.*

### **Proposal Content Questions**

1. The Document Enclosure Checklist requests "resumes and job descriptions of senior management and project staff." Are these required for all staff on the budget, or just senior management and key staff?

For job descriptions, should we submit unique job descriptions for each position we are including on the budget, or may we submit generic descriptions, such as for "staff attorney", "paralegal", "supervising attorney", etc.?

Are you looking for resumes for all existing staff for whom funding will be requested? What about staff for whom we are currently recruiting to replace a position? For senior management resumes, do you want those only for legal programs or for all those who participate in senior management meetings, including administrative managers?

- A. The requirement to include "Resumes and job descriptions of senior management and project staff" is intended to mean resumes for people currently on staff, and job descriptions for positions still to be hired. For job descriptions in which multiple incumbents will fill the positions, a single description per title is sufficient. These are NOT required for all project staff, but only for those positions that the applicant defines as senior management and project staff, such as supervisory or management legal professionals.*
2. If the program applying is a consortium, which of the attachments should come from the lead agency only, which should come from all the partners, and which should be unique to the consortium?
- A. The application must be filed by a single legal entity. Partner organizations that will be sub-recipients of awarded funding are not applicants. It is appropriate to discuss and include commitments from such organizations in the application.*
3. If we work with another legal services provider to avoid duplication of effort and maximize available resources, do you consider them a partner and require a formal letter of support?

Please outline the suggested approach for letters of support for joint proposals. Should each organization submit a collection of letters? Or do you suggest we identify unique partners for the joint work?

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- A. Article VIII(C) question c3 asks that letters of support be submitted from partner organizations, which are described as those that “will actively participate in this program.” Arrangements wherein legal services providers cooperate not to duplicate each other’s services, however, would not be partnerships in which a letter of support would be necessary or appropriate. The RFP does not further define partnership.*

*Applicants seeking funding for joint projects between two or more funding-eligible organizations should have only one of the organizations submit an application, though Letters of Support may include letters that speak to the collaborative nature of the proposed program.*

4. Regarding Community Need, is the section in the main narrative meant to focus on the agency as a whole while each county narrative focuses on the need to be addressed with JCLS funding (and corresponding to the JCLS-funded Annual Projections Chart)? If not, what is OCA looking for?
- A. Article VIII(C) sections a-c are not specific to an individual county but include questions regarding both the applicant organization as a whole and the proposed program services. Some questions refer to “the organization” while others refer to “the program,” for example.*
5. [Our organization] currently has a shared grant with [another organization] and we are considered a subcontractor. [The other organization] submits a reconciliation report for each quarter for this shared grant which includes our fiscal numbers but our programmatic work for the shared grant is reported under the separate main contracts that each of us has. In an email dated June 3, 2021, [UCS] informed us that reporting requirements for shared grants will change with the new contracts. Can you provide some guidelines regarding these proposed changes? We may want to take these guidelines into account when writing our proposals.
- A. Reporting requirements for contracts resulting from this procurement will be provided once awards are made and prior to the beginning of the contract term.*
6. Does the RFP contemplate providing funding for immigration legal service providers who serve vulnerable, low-income immigrants?

At one point there were restrictions preventing the use of JCLS funds for immigration law legal services. Can these JCLS funds be used to fund, at least in part, immigration law legal services, so long as the application explains how these services are related to the “essentials of life”?

Does “essentials to life” include immigration services?

May an applicant apply for a grant to help cover the cost of providing targeted legal and social work assistance to non-citizen clients in deportation proceedings in addition to assistance for non-citizen clients in “Essential of Life” areas?

- A. Legal assistance in other civil legal need areas which affect the Essentials of Life for low-income New Yorkers and targeted sub-populations are eligible for funding. If requesting funding in the reporting in the “legal assistance in other civil legal need areas” category, clearly define the services to be funded.*

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7. How can applicants establish avoidance of redundant services?
  - A. *Article VIII(C) question c3 reads, in part, "Describe arrangements with other legal service providers in your area to avoid duplication of effort."*
8. With respect to the definitions on p. 5 of the RFP, do applicants have to apply for an award under either Access to Justice OR Civil Legal Services? Of can an applicant apply and propose a grant that covers activities under both categories?
  - A. *An applicant may propose services under either or both categories.*
9. If an applicant can apply for both, then with respect to the instructions on p. 11 of the RFP that pertain to the "Service Delivery" portion of the program narrative, should we check all boxes that apply?
  - A. *Yes.*
10. Would legal representation of non-profit groups that serve low-income communities on the essentials of life be eligible services under this RFP? (For example, pro bono transactional representation on governance, real estate, compliance, or employment that builds the capacity of these organizations and improves their operations in service of low-income communities, or group representation of a community or tenant group to promote accessible and safe housing.)

In question 2 of the "Program Description" section of the narrative proposal, would legal services provided to nonprofit organizations enhancing access to the "essentials of life" by staff attorneys and by pro bono attorneys fall within the scope of the categories "Direct legal services: provided by staff attorneys" and "Direct legal services: provided through referral to pro bono attorneys", Access to Justice Services, or something else?

- A. *No. 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. Organizations are not people living at or below 200% of the poverty threshold.*
11. Would training programs directed at other civil legal services and/or social services providers that serve low-income people in the essentials of life be eligible?
  - A. *While training programming may be an element of an Access to Justice Services application, such training programs must be clearly articulated to promote service provision to New Yorkers living at or below 200% of the poverty threshold.*
12. Will services similar to those provided by others be considered redundant if it is clear that the community continues to have a high rate of unmet need?
  - A. *No.*
13. In a joint application, should responses to questions in the Organizational Capacity section include all members of the joint project?

For joint projects, should the attachments listed in Exhibit 1 all reflect the lead agency's portion of the project, or should resumes/job descriptions or potentially other items (e.g. case acceptance procedures) also come from project partners?

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*A. Article III, Award reads in part, “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 addition, the components of the proposed program that rely on collaboration with partners should be clearly explained in the Article VIII(C).*

14. Can you please define or provide examples of what an “access to justice service” is?

*A. The definition of Access to Justice services is included in Article V. Project Services.*

15. Can you please define "Comprehensive representation" as used in Section V. PROJECT SERVICES of the RFP?

*A. Comprehensive representation refers to traditional full-scope representation of a client.*

16. We provide civil legal services for our clients for no charge, including orders of protection and divorce. How do we estimate the dollar value obtained for our clients of these services?

*A. The RFP asks, in Article VIII(C)b1d, to include in its summary of significant achievements, the “dollar benefits obtained for clients” via judgments, settlements, etc. This would not include non-monetary benefits, which could be among other significant achievements in the same question.*

17. When we are describing our collaborative work with partners and/or our outreach to the community, should we describe this work based upon how we operated before the pandemic or how we are operating right now? If you’d like us to describe our Covid-era work, should we then add that the office or this program is operating remotely now and so these have been adapted during COVID? Or, would such a note be unnecessary since OCA contracts will begin in January 2022 when (we hope) Covid will be largely resolved? Since the page limits are strict we’d like to make sure that we use the precious space as effectively as possible.

*A. Article VIII(C) questions a3 and c3 are future focused (“How will individuals/groups be made aware of the availability of your proposed services?” and “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 role.”).*

*The application is for the prospective period January 1, 2022 – December 31, 2026. Also, Article VIII(C) question b6 addresses emergency preparedness.*

18. Can you clarify what OCA is looking for in question C4 in the narrative? I.e. when asking about the basis for the projected totals, do you want the quantitative methodology used to arrive at the numbers (e.g. “3 FTE attorneys can handle X cases”), or the qualitative rationale behind an estimate (e.g. “based on our experience with this area we believe cases will increase to X”)?

For Narrative section D(5)(ii), we’re asked to compare our projections to the current and immediate prior years, as discussed in Narrative B(1)(b).

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In Narrative B(1)(b), we are asked to embed a chart with the number of cases handled over the past 3 years. (Example: 3,000 cases handled).

The projections we need to provide in Section D, are annual projections, ie for one year (Example: 1,500 cases handled) We have to compare projections for 1 year with actual numbers over 3 years: do we simply divide our 3-year actual number by 3, to come up with an average annual number of cases handled, and then compare that number to our annual number of projected cases handled? Using my example numbers above, should we comparing our average number of cases handled of 1,000 to our projected number of cases handled of 1,500?

*A. The RFP does not prescribe a particular mechanism that the applicant must use to state a basis for its projections in either Article VIII(C) question c4 or question d5. Such justifications are at the discretion of the applicant. Both qualitative and quantitative justifications may be appropriate, but should be fully explained.*

19. If the Annual Projections Chart refers to the JCLS grant only, will we be reporting on both these numbers and the total agency numbers going forward?

*A. Reporting for future periods is outside the scope of this RFP.*

20. For B.1.b in the narrative, assuming that you are looking for annual totals over the last three years of our CLS services and a break out of the components of our Other Legal Services each year over the last three years, can this differ from what was in the portal? For example, in FY19 we reported semi-annually on active cases. Because of carryover, annual numbers will differ.

*A. This opportunity is open to both existing and new providers of Civil Legal Services and Access to Justice Services. The information presented in the application need not match exactly data reported by existing providers to UCS during the current or prior contract periods, but discrepancies should be easily understood.*

21. At the bottom of page 12, it states that "the applicant must answer these questions once for each county for which funding is applied." Seven questions follow. Are we required to answer the seven questions for every county that we will propose to provide services. Thus, for example, if we propose to provide services in five counties, are we required to provide answers to the seven questions for each county (i.e., would we be required to provided thirty five answers in total)?

*A. Yes. The seven (7) county-specific questions must be answered once for each county in which an application is made.*

22. Regarding the request for a breakdown by case type [in the embedded chart]: is this referencing the JCLS essentials of life categories?

*A. Yes. As defined in the Background Information section of the RFP, the essentials of life areas are:*

- a. housing matters (including evictions, foreclosures, and homelessness);*
- b. family matters (including domestic violence, children, and family stability);*
- c. access to health care and education;*
- d. subsistence income (including wages, disability and other benefits, and consumer debts); and*
- e. legal assistance in other civil legal need areas which affect the Essentials of Life for low-income New Yorkers and targeted sub-population.*

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*If reporting in the “legal assistance in other civil legal need areas” category, please define those services.*

23. Is C4b on p.12 asking us to embed a chart that mirrors that in B1b but is limited to JCLS funding?
- A. No. Article VIII(C) question c4b asks for an “explanation of how the projections compare to current and immediate prior years as discussed in” Article VIII (C) question b1b. The question requires a narrative answer comparing current projections in the Annual Projections Chart to past performance presented in Article VIII (C) question b1b.*
24. Can you clarify whether any sections of the narrative other than C4 and County-specific Q.5 (i.e. those related to the Annual Projections chart) are meant to focus on JCLS-funded programming (or highlight JCLS funding in some way)? Such as C2d?
- A. As referred to throughout the RFP, “the proposed program” is the Civil Legal Services and Access to Justice Services (Judiciary Civil Legal Services programming) for which an application for funding is made.*

### **Application Rating and Funding Questions**

1. How are letters of support/ linkage letters evaluated? What is the ideal number (especially given that we may have numerous partnerships to avoid duplication)?

*A. Exhibit 4, Evaluation Tool, defines the value of each application component.*
2. Please describe the process for prior applicants to obtain the Evaluation Tool Summary Rating Sheet (or other scoring sheets) for their prior applications.

*A. Information about making such requests is available here:  
<http://ww2.nycourts.gov/foil/AdministrativeRecords.shtml>*
3. How does JCLS decide to allocate funds in a particular county? For example, in the Bx, \$10 million is allocated. How is this money allocated amongst grantees in the Bx/ what are the factors in determining how much each applicant org receives?

When multiple proposals are scored above 85 points for a county, how will the total funding be distributed to the various proposals? What factors will be used?

- A. Article VII. Award Selection Criteria and Method of Award explains the method by which the funding amount awarded to each awarded applicant will be determined.*
4. If we have been supported by JCLS in the past and are requesting a renewal grant, can we expect to be renewed at a similar amount (assuming a quality application/the requisite experience and qualifications)? Is there ever an instance where a grantee isn't renewed? Is there an opportunity to increase the grant amount? by how much?

*A. This is an entirely new procurement. Existing contracts with JCLS providers expire on December 31, 2021 and this process is being conducted to procure these services for a new 5 year period. Applicants are not guaranteed any award, regardless of prior grants.*
  5. When will decisions be made and shared regarding grantees?

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*A. UCS intends to issue award decisions in the late summer.*

6. What makes a strong renewal application? How are the different components evaluated relative to each other? Are certain components more important than others?

*A. The applications will be evaluated according to the criteria articulated in Article VII. Award Selection Criteria and Method of Award. The points allotted to each item is articulated in Exhibit 4: Evaluation Tool.*

7. The RFP states that the funding amount awarded will be based on a variety of listed criteria, including "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..." [p.7]. Does this mean that funding can only be awarded if the organization maintains a physical office in all counties in which services are proposed, or if the organization can ensure access to services in an alternate way within the county is this sufficient? If applicants do not have a physical office in the county but have effective ways of ensuring access, will they be scored lower because of the lack of a physical office?

On page 7 one of the criteria listed is "Accessibility of the proposed services to eligible clients in the county as demonstrated by: o Maintenance of physical offices in the county...." In a post-COVID world where we have adapted services to be able to provide comprehensive services remotely, will capacity to provide comprehensive legal services remotely to counties where one does not have a physical office space be taken into consideration as a criteria?"

*A. As stated in the RFP, the funding amount will be determined by a number of factors as defined in Article VII. Award Selection Criteria and Method of Award, of which accessibility of the proposed services to eligible clients is one.*

*Whether or not an applicant receives an award at all will be determined by the score the application receives, by county, pursuant to the rating as provided in Exhibit 4, Evaluation Tool.*

*Question D1 of the Evaluation Tool assesses "the extent to which the proposed program provides accessible, quality, culturally competent services within the county served."*

8. B.9 and D.4 in the scoring sheet seem to be the same. Are we being scored twice on the support letters?

*A. D4 is specifically evaluating "collaborations, arrangements and relationships with other legal service and community service providers" in the county while B9 is program-wide. In both questions, what is being evaluated are the collaborations, arrangements and relationships, demonstrated both by letters of support and the applicant's response to question Article VIII(C) c3, Cooperative Efforts.*

9. On page 7 of the RFP it states that "A preference will be given for applications that address essentials of life needs not currently met within the county." For all currently funded programs, the JCLS funding is currently being used to meet needs that, without JCLS funding, could not be

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met. Will consideration be given to the potential cuts to services or new gaps and needs that would result should funding to be provided going forward?

*A. This is an entirely new procurement. Existing contracts with JCLS providers expire on December 31, 2021 and this process is being conducted to procure these services for a new 5 year period. Applications made pursuant to this RFP are prospective, for the period beginning January 1, 2022. Awards will be made in the interest of providing services in all essentials of life areas, which will not necessarily continue all services currently funded.*

10. Describe how the funding requested in this RFP will enhance the overall mission and services that the organization currently provides. Enhance meaning “intensify, increase, or further improve the quality, value, or extent of.” As a currently funded agency, if we were to receive the same level of funding we would not be able to “enhance” our overall mission and services, instead we would be able to maintain the current services. If we were to lose funding, we would have to diminish, reduce or decrease our services. Given this is the case, should we instead focus on how services would change based upon funding (or lack of funding)? Or should we write this application imagining what our services would be without JCLS funding and instead talk about how JCLS funding would enhance our services?

*A. This is an entirely new procurement. Existing contracts with JCLS providers expire on December 31, 2021 and this process is being conducted to procure these services for a new 5 year period. Applications made pursuant to this RFP are prospective, for the period beginning January 1, 2022. However, for those applicants who are applying for continuations of funding, it is appropriate to discuss how the funding has enhanced the organization’s mission and service provision.*

11. The RFP makes clear that applicants can apply to provide services in multiple counties. Would it be a possible outcome that an applicant could be awarded funding or approved to provide services within one (or more) counties that they requested but not in other counties that were requested? Or would the approval/funding award be "all or nothing" in terms of the counties in which an applicant has applied?

*A. Yes, it is possible that an applicant be awarded funding in none, some or all of the counties for which an application is made. Awards will be made on a county basis.*

12. How will maintaining awareness of the evolving legal needs of the target population be evaluated?

*A. Question B3 of Exhibit 4, Evaluation Tool reads, “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?”*

13. Scoring.

- a. Will prior experience in providing JCLS funded legal services receive any weight or points in assessing organizational capacity, program plan, overall accessibility, and/or county-specific accessibility?



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- b. Please describe the measures for culturally-competent legal services, including how they are evaluated and scored.
- c. What weight will be given to letters of support to demonstrate partnership, collaboration, and accessibility of services?
- d. Please describe how an applicant's plan to promote a diverse and inclusive workplace culture, success in meeting its objectives regarding equity and inclusion, and whether its stated efforts are appropriate to achieve a culturally competent, diverse and inclusive workplace are evaluated and scored.
- e. Please describe how the "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" will be evaluated and scored, including whether there is a measure for cost per case or cost per service.
- f. Please describe how the quality of the applicant's stated civil legal services delivery structure and/or access to justice services delivery structure are evaluated and scored.
- g. Please describe how "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" is evaluated and scored.
- h. What will be the basis used to evaluate the effectiveness of the use of state dollars for the delivery of quality services? Please describe the measures of cost-effectiveness in the RFP scoring, including how cost-per-case, fringe rate, indirect cost rate, etc., are evaluated and scored.
- i. Please describe how the appropriateness of salary and fringe for positions in each proposal will be evaluated and scored.
- j. Please describe how the reasonableness of non-personnel service costs will be evaluated and scored.
- k. Please describe how "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" and the adequacy of "the stated mechanisms to attribute funding to the specific funded program" will be evaluated and scored.

*A. The applications will be evaluated according to the criteria articulated in Article VII. Award Selection Criteria and Method of Award. The points allotted to each item is articulated in Exhibit 4: Evaluation Tool.*

#### 14. Could you please define "accessible services" in question d.2 and 3 (county specific questions) ?

How can providers prove "accessible" services within the county other than by a physical office location in a county? Many providers serve clients outside of their counties on a regular basis through established intake streams and outreach in the counties. How are points granted to providers with established client intakes from counties where they don't have physical offices? How can providers establish points for accessibility? What factors establish points in this situation?

For linkage letters, what specific content will help establish accessibility, and how are linkage letters weighed for points?

*A. Accessible services are those that can be easily accessed by the target client population. The questions ask applicants to define how barriers to access will be mitigated and addressed. Question D1 of the Evaluation Tool assesses "the extent to*

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*which the proposed program provides accessible, quality, culturally competent services within the county served.”*

*Questions D4 and B9 of the Evaluation Tool assess “collaborations, arrangements and relationships with other legal service and community service providers.” In both questions, what is being evaluated are the collaborations, arrangements and relationships, demonstrated both by letters of support and the applicant’s response to question Article VIII(C) c3, Cooperative Efforts.*

#### **Budget Questions**

1. Does the Budget Narrative need to be completed in the chart provided, or can be completed in a format similar to the other narrative, with the question first and then the response?

*A. The chart is not required, but is provided as template for the narrative.*

2. Are there page limits on the Budget Narrative?

Is there a page limit for the Budget Narrative?

*A. There is no articulated page limit for the budget narrative, but the chart as included in the RFP is approximately one page and it is implied that the narrative could reasonably be submitted at that length.*

3. Is there a maximum amount an applicant org can be issued? Is there any restriction on the grant amount based on the size of the applying organization or other factors?

Is there a limit to how much we can ask for? (I didn’t see a limit)

*A. The limit on the amount of funding an applicant can request is the maximum amount available in the county as articulated in Exhibit 3: Maximum Available Funds by County.*

4. It appears that indirect cost methodology narrative and figures are only required if the organization is indeed allocating indirect costs as opposed to allocating shared direct costs. Please clarify.

*A. Yes, indirect cost allocation methodologies are only required if indirect costs are budgeted.*

5. The budget that should be prepared with the application is for the first twelve month period (January 1, 2021 through December 31, 2022) of the grant. How are the allocations determined for the subsequent periods (years 2 through 5) within the grant (i.e. is it expected to be level funding or are the allocations expected to change to allow for cost of living increases)?

Does OCA anticipate being able to fund COLA increases, staff bonuses and salary adjustments based on salary schedules? Are there any parameters?

*A. Funding for periods beyond March 31, 2022 is subject to the appropriation of funds for those periods.*

6. Can we include technology expenses (monitors, tablets, laptops)?

*A. Equipment is not excluded from allowable costs.*

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7. I cannot determine if the budget we must submit on the Excel document is to be for ONE year or for FIVE years. Apologies again if I've missed something. In the label for the Budget Period it says "start date\_end date" but that doesn't really speak to whether or not we're supposed to submit a one year budget for Calendar Year 2022 or a five year budget from 1/1/2022-12/31/2026

Should the budget submission cover the first three month period of 1/1/22-3/31/22 or a full year?

What should the budget period be on the budget document? Is this document for one year or all five years of the contract?

We are working on JCLS RFP 2022-2027, When we submit the budget is it a total of all the years or do I need to complete a separate budget for each year?

Are we submitting a one-year budget or a 5-year projected budget?

I was hoping to clarify the period for the Required Budget Form/Expense Budget Summary. Is it for the five (5) year term of January 1, 2022-December 31, 2026 or just for one (1) year term of January 1, 2022-December 31, 2022?

Is the budget for one or 5 years.

Should the submitted budget be for one year or for five years?

For the budget document, what is the period we should enter, given that this is five year RFP but initial period is just 3 months. My guess is Jan 1 2022-Dec.31, 2022 but am not sure.

*A. The required budget is for a 12 month period, beginning January 1, 2022.*

8. On page 13, it states "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)" When I open the download, there appears to be a two page document that states at the top "Expense Budget." Is this the budget form that we are asked to complete (i.e., the two page Expense Budget)?

*A. Yes.*

9. For joint proposals, how do we list salaries, fringe, and non-personnel costs to distinguish between project partners?

*A. On the Required Budget Form, applicants can enter their own descriptions for each budgeted salary to distinguish between project partners. The Budget Narrative can also be used to explain how costs are allocated amongst project partners.*

10. Do I request the amount of a one year budget or a five year budget?

Can you please clarify for "Application Cover Sheet-Total Funding Requested" what time period should be listed? Is it the total for 5 years or 1 year (or just the initial January-March 2022 time period)?

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When we list the “Total Funding Requested” on the Applicant Cover Sheet and for the budget, should it be for one calendar year, Jan 1, 2021 through Dec 31, 2021?

*A. The funding requested should be for a 12 month period, beginning January 1, 2022 and ending December 31, 2022.*

11. If an organization is applying for funds in more than one county, should we submit a budget for each county or one budget that covers all counties in the application?

If an applicant submits one proposal to cover multiple counties, should a budget for each county be submitted?

*A. The budget required is a single, 12-month budget for the entire application (all counties applied for). Individual county budgets should not be submitted.*

12. It would be difficult for us to project the number of people who might benefit from class action litigation for the Annual Projections chart as this is highly case dependent and varies so much from year to year. Do you have any suggestions for handling this on the People Benefited column?

Is OCA intending for class action beneficiaries to be represented solely in the Persons Benefited column rather than distributed across the Essentials of Life categories in the Annual Projections chart?

*A. UCS is aware that these numbers are variable and therefore class action and other large group / impact cases should not be included in the numbers provided on the Annual Projections Chart. Estimates for those cases and the persons benefitted should be explained in a footnote to that chart, and can be discussed in response to question Article VIII (C) question c4a.*

13. In the budget narrative, what level of detail are you looking for in the staffing breakdown? FTE by county? Title/position by county? Staffing by Essentials of Life category per county?

*A. The FTEs and titles for each position are appropriately included in the Budget itself and need not be duplicated in the Budget Narrative. The Narrative requests rationale for salary costs budgeted by position category, including any salary schedules, cost of living adjustment policies and bonus policies.*

14. Under Budget Submissions, (Part D, subpart b on page 13) it states under Budget Category to “detail rationale for salary costs budgeted by position category”. Does this question ask us to provide a rationale or basis as to why a salary has been established at a certain income level? Under the same category, there are questions about fringe benefits, equipment, other Non-Personal Services and Indirect Costs. Are we required to provide information about these last four categories if we are not asking for JCLS support for those categories of expenses? Or are we required to answer these questions, whether or not we are requesting JCLS support for these categories of expenses?

*A. The budget narrative should be completed for any categories in which the applicant has requested funding (i.e., those included in the budget for the requested funding).*

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15. The RFP seems to suggest 5 years of funding. Do we apply one year at a time or every five years? That was not clear to me.

*A. As stated in Article III, Award, 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.*

*The number entered in the Total Funding Requested line on the Application Cover Sheet and the number(s) entered on the Total Funding Requested for each county on the Annual Projections Chart must be for the 12 month period January 1, 2022 – December 31, 2022.*

*The budget required in this RFP is for the same 12 month period.*

16. Is there a cap on direct costs?

*A. No. The budget required with this application does not limit the proportion of direct or indirect costs. However, Exhibit 4, Evaluation Tool includes criteria on the reasonableness of costs proposed.*

17. Will a federally-approved indirect cost rate be accepted as the “allocation methodology used to calculate indirect costs.”

*A. Yes.*