



## NEW YORK STATE UNIFIED COURT SYSTEM

### Request for Proposals #111 OCA / Professional and Court Services

### Guardianships for Indigent Incapacitated Persons Direct Services (NYC Only) and Capacity Building Services (Statewide)

**Proposal Cover Sheet: Guardianships for Indigent Incapacitated Persons**

Legal Name of Applicant	
Executive Director/CEO	
Proposal Contact Person, Title, Phone Number and Email Address	
Address	
Phone	
Fax	
Email	
Website Address (if applicable)	
Federal Tax Identification No. (TIN)	
New York State Charities Registration Number (If exempt, please explain)	
Years in Operation	
Signature of officer authorized to enter into contracts on the organization's behalf	

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**Note: Applicants must submit this Proposal Cover sheet together with all documents listed  
in the Document Enclosure Checklist attached as Exhibit 1 to this Request for Proposal**

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## **I. BACKGROUND INFORMATION**

The New York State Unified Court System (UCS) is soliciting proposals via this Request for Proposals (RFP) for the purpose of establishing a contract to provide guardianship services to indigent individuals deemed “incapacitated persons” pursuant to Article 81 of the Mental Hygiene Law when no other suitable guardian is available to serve. These incapacitated persons who lack needed financial resources and family supports include both indigent elders and indigent individuals with disabilities.

UCS requests proposals from nonprofit agencies capable of deploying teams of lawyers, case managers, financial professionals, and others to ensure that the needs of indigent incapacitated persons are met. Such needs include ensuring that incapacitated persons are safe and have adequate food, clothing, shelter, and health care, as well as managing those persons’ property and financial affairs. The selected entity must provide these “direct services” in the five counties that compose New York City (Bronx, Kings, New York, Queens, and Richmond Counties) consistent with the requirements of Article 81 of the Mental Hygiene Law as well as other applicable statutes, court rules, and administrative orders.

In addition, the selected applicant shall provide “capacity building services” and work directly with the Office of Court Administration to conduct a statewide needs assessment and *potentially* support the development and implementation of local high-quality, diverse direct service programs. The scope of such potential services and the payment therefore will be negotiated with the selected vendor as an amendment to the contract for guardianship services resulting from this Request for Proposals.

## **II. PROJECT INFORMATION**

UCS anticipates awarding one contract to the applicant deemed best qualified to: (1) deliver high-quality guardianship services throughout New York City to indigent incapacitated persons upon appointment by a court pursuant to Article 81 of the Mental Hygiene Law; and (2) inform the Office of Court Administration about the need for—and support the establishment of—similar local programs in areas of the state outside of New York City. Available funding for this program on an annual basis is expected not to exceed \$2,025,000, of which not more than \$150,000 will be targeted to support the capacity building services described in Article V (Project Services), below.

UCS is particularly interested in applications that not only use creative methods to leverage community resources to the maximum extent feasible to enhance services provided to indigent incapacitated persons, but also demonstrate how the applicant will promote deployment of teams that reflect the diversity of the clients to be served. Applicants must submit a program narrative and budget in accordance with the requirements set forth in this RFP.

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

### III. AWARD

A single contract will be awarded for a term effective on or about July 1, 2022 and terminating on June 30, 2027 (“Contract Term”).

### IV. MINIMUM QUALIFICATIONS

The UCS will only consider applications submitted by nonprofit corporations that are organized for the express purpose of assisting incapacitated persons with their personal needs *or* for religious, charitable or educational purposes. Applicants must also operate within New York State.

The awarded applicant 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, available at:

<http://ww2.nycourts.gov/admin/financialops/FPCM.shtml>.

### V. PROJECT SERVICES

UCS seeks proposals for the performance of the services listed below (collectively, the “Project Services”).

#### 1) Direct Services

- a) Be available for appointment by courts of competent jurisdiction in Bronx, Kings, New York, Queens, and Richmond Counties, New York, to provide community guardian services to approximately 175 adults annually who pursuant to Article 81 of the Mental Hygiene Law are deemed by the referring court to be incapacitated or otherwise in need of a guardian, where such incapacitated person (client) lacks a family member or friend who is available to serve as that person’s appointed guardian. The selected provider will be expected to:
  - i) Use a multi-disciplinary approach to ensure that the client’s legal, financial, mental and physical health, and housing needs are appropriately met;
  - ii) Provide services via dynamic teams of providers, including but not limited to attorneys, case and benefits managers, and housing and financial assistants;

- iii) Provide services to a client population of incapacitated persons, most of whom have a mental health or cognitive condition and almost all of whom are Medicaid-eligible people of limited means; and
- iv) Comply with other requirements as set forth in applicable statutes, regulations, and court orders, including filing initial, annual, and final reports as required by the court.

2) Capacity Building Services

- a) Report on the assessed need for guardianship services statewide for indigent incapacitated individuals who otherwise lack access to a suitable guardian;
- b) Provide technical assistance to the Office of Court Administration and nascent local guardianship programs to foster stakeholder development and other activities required for the establishment and implementation of a successful local guardianship program; and
- c) Develop and deliver curricula for trainings to nonprofit entities and other stakeholders interested in serving indigent incapacitated persons outside the geographic service area of this solicitation.

## **VI. INSURANCE REQUIREMENTS**

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

## **VII. AWARD SELECTION CRITERIA AND METHOD OF AWARD**

A single award will be made pursuant to this RFP. The selected awardee must (1) meet the minimum qualifications outlined in Article IV above; (2) be a responsible applicant as determined in accordance with the criteria in Article XI of this RFP; and (3) receive a score in excess of the minimum score, as determined by the selection criteria set forth herein.

Responsibility is determined in accordance with the criteria articulated in the paragraph contained in the Article XI, General Specifications headed, "Responsible Applicant."

Proposals will be reviewed and rated by a team composed of qualified UCS staff.

In the event of a tie score, the applicant with the higher cost score will prevail.

Proposals will be scored as follows:

Category	Maximum Points
Organizational Capacity	24
Appropriateness and Quality of the Proposed Plan for Delivery of Direct Services	35
Appropriateness and Quality of the Proposed Plan for Delivery of Capacity Building Services	5
Appropriateness of the Proposed Staffing Plan	12
Reasonableness of Cost	24
<b>MAXIMUM TOTAL POINTS</b>	<b>100</b>

Detailed criteria are contained in the Rating Tool attached as Exhibit 3 hereto.

*Note: A minimum technical score of 70 (average of all evaluators) is required for an award to be made.*

## 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. Please include page numbers. To facilitate photocopying, 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. Organizational Capacity**

1. Explain how the proposed initiative aligns with the organization's mission, as provided in the required Mission Statement, and if relevant, the organization's history. [250 words;<sup>1</sup> correlates to Evaluation Factor A4]
2. Does your organization have a *strategic plan* as defined in **Exhibit 6**? If so, briefly explain how guardianship services are addressed by the plan. If your organization does not have a strategic

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<sup>1</sup> Suggested number of words to respond to each the question is offered as a suggestion only and is not a proscriptive limit.

plan or one that specifically addresses guardianship services, please explain why not and include a description of the process you will use to create or update such a plan. [250 words; correlates to Evaluation Factors A1 and A4]

3. Provide the following information:

- (a) Complete the chart below to indicate: (i) The number of full Board meetings held; and (ii) the number of those meeting held where a quorum was present;
- (b) A list of active Board subcommittees, including frequency of meetings for each;
- (c) The total amount of financial support given by the Board in state fiscal year 2020-2021;
- (d) The percentage of Board members contributing financial support to the agency;
- (e) Other forms of support or volunteer service provided by Board members;
- (f) The mechanism and process the Board uses to evaluate the performance of the Executive Director/Chief Executive Officer;
- (g) The mechanism and process the Board utilizes to ensure the organization's continued effective performance through succession planning;
- (h) Data regarding the diversity of Board members (profession/field, age, gender, race) and in which county each member resides; and
- (i) A description of how the organization has recruited or plans to recruit a Board that reflects the diversity of the community the organization serves or will serve. If the organization has faced or faces particular challenges recruiting a diverse panel of Board members, explain the challenges, strategies that have been attempted, and possible new approaches being considered. [750 words; correlates to Evaluation Factors A4 and A5]

	<b>Calendar Year 2019</b>	<b>Calendar Year 2020</b>	<b>Calendar Year 2021</b>
Number of Full Board Meetings Held			
Number of Full Board Meetings Held with a Quorum			

4. What types of fiscal reports are you presently required to provide? Please explain whether required fiscal reports have been submitted timely during the past five years; if any required



fiscal reports were not filed timely, please explain why not. [250 words; correlates to Evaluation Factor A2]

5. Describe the organization's: (a) *Internal control procedures* as defined in **Exhibit 6**, and (b) The role of program staff in developing and monitoring programmatic budgets. For multi-purpose agencies, describe the role of program staff specific to the development and monitoring of the guardianship program budget. [750 words; correlates to Evaluation Factors A3 and D1]

**b. Delivery of Direct Services**

6. Describe how your organization proposes to serve approximately 175 indigent incapacitated persons (clients) annually using multi-disciplinary teams to ensure that clients' legal, financial, mental and physical health, and housing needs are appropriately met. [no limit; correlates to Evaluation Factors A3 and B1]
7. Describe how your proposed program will address the need for guardianship services in the geographic areas to be served. Include in your narrative: (a) How your agency assessed the need in those areas; (b) How the agency will attempt to meet the need in those areas; and (c) How the agency determined its approach to meet the need in those areas. [500 words; correlates to Evaluation Factor B2]
8. Explain the mechanisms that the agency will use to ensure client confidentiality and screen for conflicts of interest. Include information about staff training, management and development; policies and procedures; written manuals; and any other pertinent processes or mechanisms. Reference rather than attach any written materials. [750 words; correlates to Evaluation Factor B3]
9. Describe the mechanisms that the agency will use to monitor the quality of guardianship services. Include information about training, continuing education, evaluation, oversight, and any other pertinent processes or mechanisms, including how the agency will monitor the quality of services delivered by subcontractors, if any. Reference rather than attach any written materials. [1,000 words; correlates to Evaluation Factors A3 and B4]
10. Provide a detailed communication plan to maintain an effective relationship with the referring courts. The plan should address: (a) How your organization will receive and maintain referrals from courts of competent jurisdiction; and (b) Any factors known to the organization's staff or directors that could inhibit the development of a productive referral relationship with any judge or court employee in the counties to be served. [250 words; correlates to Evaluation Factor B5]

11. Describe how the organization will utilize the components of its technological infrastructure to:  
(a) Communicate with staff, referral sources, other service providers, and clients to ensure that high-quality guardianship services are delivered to clients; (b) Collect, monitor and analyze case data for program development and resource management; and (c) Train and educate staff, referral sources, service partners, and others. [500 words; correlates to Evaluation Factor A3]
12. Describe how the organization will ensure compliance with statutory, regulatory, and court-ordered requirements, including how the organization will ensure that: (1) Multidisciplinary team members satisfy training requirements as well as requirements for visits with assigned clients; and (2) Required fiscal reports—including Initial, Annual, and Final Accounts of Guardians—are prepared and submitted timely and accurately. [750 words; correlates to Evaluation Factors A3 and B6]

**c. Delivery of Capacity Building Services**

13. Describe how the organization would assist the Office of Court Administration (OCA) with the development and establishment of local guardianship programs statewide. Given an anticipated budget of up to \$150,000, how would the organization: (a) Help OCA determine the need for guardianship services for indigent incapacitated persons outside New York City; (b) Help OCA identify potential partners to deliver guardianship services to indigent incapacitated persons outside New York City; (c) Develop resources, including manuals, job descriptions, evaluation tools, and other documents, for entities interested in developing and implementing a local guardianship program; and (d) Train board members, staff, and volunteers of nascent guardianship service initiatives? [1,000 words; correlates to Evaluation Factor C1]

**d. Staffing**

14. (a) Attach the job descriptions (and resumes if staff are identified) of all staff and a proposed organizational chart. Resumes should be limited to one page per person; (b) Provide a staffing plan for the program which includes the functions of each staff category included in the projected budget; (c) Describe the capacity of the organization to administer the proposed program with the existing staffing structure; and (d) Include descriptions of the proposed supervisory structure and supervisory practices of the program. If services will be delivered by any subcontractors, define the scope of their duties and summarize their qualifications. [no limit; correlates to Evaluation Factor D1]
15. Describe the specific practices and methods by which the organization will attract and maintain a diverse and culturally competent workforce and environment (beyond meeting the requirements of the laws governing discrimination of individuals in protected classes). [250 words; correlates to Evaluation Factor D2]

**e. Line Item Budget Proposal**

Applicants must submit a line item budget proposal for \$2,025,000, the annual amount of funding available for project services in the initial 12-month period of the proposed contract term, July 1, 2022 – June 30, 2023. Of that annual amount, approximately \$1,875,000 should be targeted for delivery of direct services, and the \$150,000 balance should be targeted for delivery of capacity building services. The budget must be submitted on the Required Budget Form available at <http://nycourts.gov/admin/bids/currentsolicitations.shtml>. [Correlates to Evaluation Factors E1, E2, E3, and E4]

**f. Budget Narrative**

Applicant must submit a narrative of not more than three pages that briefly describes the expenses included in each budget category of its budget proposal, and how they relate to the Project Services. The Personal Services description must include a brief description of responsibilities. If Fringe benefits are budgeted based on a rate, explain how the rate is calculated. The NPS description must include a brief description of how each expense category relates to the provision of Project Services. For equipment expenses, if any, explain the type of equipment (e.g. laptop computer, cell phone) to be purchased. For travel expenses, if any, explain which staff will be traveling and the destination, purpose, and frequency of travel. For indirect costs, describe the method or basis for allocating indirect costs. Indirect costs are those that benefit more than one program and, therefore, are shared. They include general maintenance and operation expenses, general office and administrative expenses, general overhead, etc. Some common methods of allocating indirect costs are based upon time, space, units of service, or percentage of funding. [Correlates to Evaluation Factors E1, E2, E3 and E4]

**g. Additional Documents**

In addition to the documents listed above, applicants must submit all documents listed in the Document Checklist attached as **Exhibit 1** hereto.

**IX. SUBMISSION OF PROPOSAL**

**a. Proposal Delivery**

Applicants shall deliver ONE signed, hard copy original and ONE additional COPY (two complete sets) of its application, with all required documents, to:

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

All proposals must also be labeled with the following information on two sides:

**“Deliver immediately to Amelia Hershberger”**

**“Sealed Application - Do not open”**

**“GUARDIANSHIP SERVICES 111 – Due June 21, 2022 at 2PM”**

**Proposals will not be accepted electronically or by fax.**

**b. Submission Deadline**

Applications must arrive at the address above by no later than **Tuesday, June 21<sup>st</sup>, 2022 at 2PM.**

**X. QUESTIONS**

Any and all questions applicants may have in connection with this RFP are to be directed by email only to:

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

Please indicate in “Subject” field: Guardianship Services RFP #111 Question(s)

The deadline to submit questions is **Thursday, June 2<sup>nd</sup>, 2022 at 2 PM.** No questions will be entertained after this deadline. A written Questions & Answers (Q&A) listing all questions received and their answers will be posted on the UCS website at [www.nycourts.gov/admin/bids](http://www.nycourts.gov/admin/bids) in the Addenda column for the appropriate solicitation and mailed to the applicants list promptly after this deadline.

**IMPORTANT:** Contact by any prospective applicant, or any representative thereof, with any other personnel of the UCS in connection with this Bid/RFP may violate the Procurement Lobbying Act of 2005 (see Attachment IV), will jeopardize the respective applicant's standing and may cause rejection of its proposal.

**XI. GENERAL SPECIFICATIONS**

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

Not-for-profit corporation 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 contract approval

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 or other transfer of any duties or obligation to be performed hereunder will be permitted only with the prior written approval of UCS. In the event that 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. UCS reserves the right to request additional information from subcontractors.

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/OCA 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 and 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 corporations, or other organizations 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 their responsibility or qualification 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 "Responsible Applicant" section.

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 two 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 or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of an applicant's proposal 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 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, upon request, must provide justification why such material 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 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.*

*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. Failure to provide all documents in the manner required may result in disqualification of an applicant's proposal.***

- \_\_\_\_\_ Proposal Cover Sheet (p.2)
- \_\_\_\_\_ Narrative Description – Organizational Capacity (Article VIII (a))
- \_\_\_\_\_ Narrative Description – Delivery of Direct Services (Article VIII (b))
- \_\_\_\_\_ Narrative Description – Delivery of Capacity Building Services (Article VIII (c))
- \_\_\_\_\_ Narrative Description – Proposed Staffing (Article VIII (d))
- \_\_\_\_\_ Line Item Budget Proposal/Budget Narrative (Article VIII (e) and (f))
- \_\_\_\_\_ Organizational Chart
- \_\_\_\_\_ Board of Directors Roster
- \_\_\_\_\_ Mission Statement
- \_\_\_\_\_ Strategic Plan
- \_\_\_\_\_ References for the Organization (Three (3) required)
- \_\_\_\_\_ 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
- N/A Attachment II - Not Applicable
- \_\_\_\_\_ Attachment III - Vendor Responsibility Questionnaire

RFP P&CS #111 Guardianships for Indigent Incapacitated Persons: Direct Services (NYC Only) and  
Capacity Building Services (Statewide)

Issued Wednesday, May 25, 2022

Due Tuesday, June 21, 2022 at 2PM

☐ 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 the following insurance coverage during the contract term:

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  
Division of Professional and Court Services  
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 in or otherwise authorized 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 a certificate holder, 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. The commercial general insurance of Applicants awarded funding shall be primary insurance with respect to UCS.

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. Commercial or other Property Insurance (hazard and casualty) coverage must be obtained from commercial insurance carriers licensed or otherwise authorized to do business in the State of New York. Proof of applicant's commercial property 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 and loss payee, that provides for at least thirty (30) days advance written notice to UCS as certificate holder for cancellation or non-renewal prior to finalization of the contract. Such insurance shall cover the premises owned or rented by the center in an amount not less than the full insurable value (replacement value) of the real property unless otherwise approved in writing by UCS.

4. 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**

**EVALUATION TOOL  
TECHNICAL PROPOSAL SUMMARY RATING SHEET**

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

- |   |                 |
|---|-----------------|
| <b>A. ORGANIZATIONAL CAPACITY (24 POINTS)</b>   | <b>A. _____</b> |
| <b>B. APPROPRIATENESS AND QUALITY OF THE PROPOSED<br/>PLAN TO DELIVER DIRECT SERVICES (35 POINTS)</b>           | <b>B. _____</b> |
| <b>C. APPROPRIATENESS AND QUALITY OF THE PROPOSED<br/>PLAN TO DELIVER CAPACITY BUILDING SERVICES (5 POINTS)</b> | <b>C. _____</b> |
| <b>D. APPROPRIATENESS OF STAFFING PLAN (12 POINTS)</b>  | <b>D. _____</b> |
| <b>E. REASONABLENESS OF COST (24 POINTS)</b>  | <b>E. _____</b> |

**A minimum technical score of 70 is required for a contract to be awarded.**

**TOTAL:** \_\_\_\_\_

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

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

**DATE:** \_\_\_\_\_

**DETAIL RATING SHEETS**

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

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

**ORGANIZATIONAL CAPACITY (24 POINTS TOTAL)**

**A1. Evaluate the extent to which the proposer has a plan that is likely to deliver high-quality guardianship services.**

**(6 points)**

**[Reviewer: Consider the following sources of information: Question 2 and Strategic Plan]**

- 5-6 points: Proposer has a plan very likely to result in the delivery of high-quality guardianship services in the future.
- 2-4 points: Proposer has a plan somewhat likely to result in the delivery of adequate guardianship services in the future.
- 0-1 points: Proposer has a plan that is unlikely to result in the delivery of acceptable guardianship services in the future.

A1 Rating: \_\_\_\_\_

Basis for rating:

**A2. Evaluate the extent to which the proposer demonstrates that the organization has the ability or previous experience necessary to submit required reports in a timely fashion. (4 points)**

**[Reviewer: Consider the following source(s) of information: Question 4]**

- 3-4 points: Proposer demonstrates that it routinely meets reporting deadlines of funding sources or other institutions.
- 1-2 points: Proposer demonstrates that it often meets reporting deadlines of funding sources other institutions.
- 0 points: Proposer fails to demonstrate that it meets reporting deadlines of funding sources or other institutions.

A2 Rating: \_\_\_\_\_

Basis for rating:

**A3. Evaluate the extent to which the proposer demonstrates effective utilization of its technological infrastructure to administer the program. (4 points)**

**[Reviewer: Consider the following source(s) of information: Questions 6, 9, 11, and 12]**

- 4 points: Proposer demonstrates very effective utilization of its technological infrastructure to: 1) Ensure technology support; (2) Communicate with staff, volunteers, referral sources and clients; and (3) Collect, monitor and analyze case data for program development and resource management.
- 2-3 points: Proposer demonstrates somewhat effective utilization of its technological infrastructure to: 1) Ensure technology support; (2) Communicate with staff, volunteers, referral sources and clients; and (3) Collect, monitor and analyze case data for program development and resource management.
- 0-1 points: Proposer demonstrates minimally effective utilization of its technological infrastructure to: 1) Ensure technology support; (2) Communicate with staff, volunteers, referral sources and clients; and (3) Collect, monitor and analyze case data for program development and resource management.

A3 Rating: \_\_\_\_\_

Basis for Rating:

**A4. Evaluate the extent to which the proposer's Board of Directors is actively engaged in the following three core Board responsibilities:**

- a) **Governance and Oversight (criteria: number of full Board meetings held annually with a quorum, active Board subcommittees and meetings held annually, Executive Director performance evaluation process, and succession planning mechanisms);**
- b) **Ensure Support and Adequate Financial Resources (criteria: percentage of Board members contributing to the organization financially, other forms of support or volunteer service by Board members, and total amount of fiscal year financial support derived from the Board); and**
- c) **Determine Mission and Purpose(s) (criteria: strategic plan and organization mission alignment). (6 points)**

**[Reviewer: Consider the following source(s) of information: Questions 1, 2, and 3; Board of Directors Roster; and Strategic Plan]**

- 5-6 points: Proposer's Board of Directors is engaged in all three core Board responsibilities:
1. Governance and Oversight
  2. Ensure Support and Adequate Financial Resources
  3. Determine Mission and Purpose(s)
- 3-4 points: Proposer's Board of Directors is engaged in two of the three core Board responsibilities:
1. Governance and Oversight
  2. Ensure Support and Adequate Financial Resources



3. Determine Mission and Purpose(s)

1-2 points: Proposer's Board of Directors is engaged in one of the three core Board responsibilities:

1. Governance and Oversight
2. Ensure Support and Adequate Financial Resources
3. Determine Mission and Purpose(s)

0 points: Proposer's Board of Directors is not engaged in any of the three core Board responsibilities:

1. Governance and Oversight
2. Ensure Support and Adequate Financial Resources
3. Determine Mission and Purpose(s)

A4 Rating: \_\_\_\_\_

Basis for rating:

**A5. Evaluate the extent to which the proposal demonstrates that the Board of Directors reflects the diversity of the community that the initiative will serve. (4 points)**

**[Reviewer: Consider the following source(s) of information: Question 3(h) and (i)]**

4 points: The proposal demonstrates that the Board of Directors will reflect the diversity of the initiative that the center will serve.

2-3 points: The proposal demonstrates that the Board of Directors only somewhat reflects the diversity of the community that the initiative will serve, and the proposed strategies to address this issue are likely to be successful.

0-1 points: The proposal minimally demonstrates that the Board of Directors will reflect the diversity of the community that the initiative will serve, and the proposed strategies to address this issue are unlikely to be successful.

A5 Rating: \_\_\_\_\_

Basis for Rating:

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**SUBTOTAL FOR PART "A" (A1 + A2 + A3 + A4 + A5):**

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**B. APPROPRIATENESS AND QUALITY OF THE PROPOSED PLAN TO DELIVER DIRECT SERVICES (35 POINTS TOTAL)**

**B1. Evaluate the extent to which the proposal is likely to serve approximately 175 indigent incapacitated persons (clients) using multi-disciplinary teams to ensure that clients' legal, financial, mental and physical health, and housing needs are met appropriately. (8 points)**

**[Reviewer: Consider the following source(s) of information: Question 6]**

- 6-8 points: The proposal is highly likely to result in: (1) the delivery of services to approximately 175 clients annually; and (2) Outcomes where clients' legal, financial, mental and physical health, and housing needs are met using a multi-disciplinary approach delivered by teams of professional including case managers, attorneys, and financial professionals.
- 3-5 points: The proposal is somewhat likely to result in: (1) the delivery of services to approximately 175 clients annually; and (2) Outcomes where clients' legal, financial, mental and physical health, and housing needs are met using a multi-disciplinary approach delivered by teams of professional including case managers, attorneys, and financial professionals.
- 0-2 points: The proposal is unlikely to result in: (1) the delivery of services to approximately 175 clients annually; and (2) Outcomes where clients' legal, financial, mental and physical health, and housing needs are met using a multi-disciplinary approach delivered by teams of professional including case managers, attorneys, and financial professionals.

B1 Rating: \_\_\_\_\_

Basis for Rating:

**B2. Evaluate the extent to which the proposal demonstrates that the organization will address the need for guardianship services for eligible indigent incapacitated persons in every county to be served. (5 points)**

**[Reviewer: Consider the following source(s) of information: Question 7]**

- 4-5 points: The proposal demonstrates a comprehensive understanding of the guardianship service needs for eligible clients in every county of the proposed geographic service area, and that plan is highly likely to meet those needs.
- 2-3 points: The proposal demonstrates an adequate understanding of the guardianship service needs for eligible clients in every county of the proposed geographic service area, and/or that plan is somewhat likely to meet those needs.
- 0-1 points: The proposal does not demonstrate an understanding of the guardianship service needs for eligible clients in every county of the proposed geographic service area, and/or that plan is unlikely to meet those needs.

B2 Rating: \_\_\_\_\_

Basis for Rating:

**B3. Evaluate the extent to which the proposal demonstrates that the initiative will ensure client confidentiality and provide high quality intake and screening. (6 points)**

**[Reviewer: Consider the following source(s) of information: Question 8]**

5-6 points: The proposed quality assurance mechanisms for intake and screening and to protect client confidentiality are very likely to be effective.

3-4 points: The proposed quality assurance mechanisms for intake and screening and to protect client confidentiality are somewhat likely to be effective.

0-2 points: The proposed quality assurance mechanisms for intake and screening and to protect client confidentiality are not likely to be effective.

B3 Rating: \_\_\_\_\_

Basis for Rating:

**B4. Evaluate the extent to which the proposal demonstrates that the agency will monitor effectively the quality of guardianship services delivered. (8 points)**

**[Reviewer: Consider the following source(s) of information: Question 9]**

6-8 points: The mechanisms that the agency will use to monitor the quality of the guardianship services are highly likely to result in the agency adequately meeting clients' needs, and the proposal explains comprehensively how the agency will take corrective action when necessary.

4-5 points: The mechanisms that the agency will use to monitor the quality of the guardianship services are somewhat likely to result in the agency adequately meeting clients' needs, and the proposal explains comprehensively how the agency will take corrective action when necessary.

2-3 points: The mechanisms that the agency will use to monitor the quality of the guardianship services are somewhat likely to result in the agency adequately meeting clients' needs, and the proposal contains a modest explanation of how the agency will take corrective action when necessary.

0-1 points: The mechanisms that the agency will use to monitor the quality of the guardianship services are not of a high quality and the proposal lacks an explanation of how the agency will take corrective action when necessary.

B4 Rating: \_\_\_\_\_

Basis for Rating:

**B5. Evaluate the extent to which the proposal demonstrates that the center will develop and maintain appropriate relationships with referring courts. (4 points)**

**[Reviewer: Consider the following source(s) of information: Questions 10 and 11; and References]**

- 4 points: Proposer: (1) Demonstrates a comprehensive plan to develop referrals from courts that is highly likely to yield a referral relationship that will generate a consistent caseload of appropriate cases, and (2) Proposer's references include commitments by Judges to utilize the Proposer's guardianship services.
- 3 points: Proposer: (1) Demonstrates an adequate plan to develop referrals from courts that is likely to yield a referral relationship that will generate a consistent caseload of appropriate cases, and (2) Proposer's references indicate that Proposer is likely to secure future commitments by Judges to utilize the Proposer's guardianship services.
- 1-2 points: Proposer: (1) Articulates aspirational goals to solicit referrals from courts, but offers no more detailed plans than to accept appropriate cases on an ad hoc basis from such institutions, and (2) Proposer's references speak positively of the Proposer, but do not address the likelihood that the initiative will be an effective provider of guardianship services.
- 0 points: Proposer: (1) Lacks any plan to develop a referral relationship with courts, and (2) Proposer's references offer lackluster endorsements of the Proposer.

B5 Rating: \_\_\_\_\_

Basis for Rating:

**B6. Evaluate the extent to which the proposal demonstrates that the agency will comply with statutory, regulatory, and court-ordered requirements, including visiting clients, completing required training, and filing required reports. (4 points)**

**[Reviewer: Consider the following source(s) of information: Question 12]**

- 3-4 points: The proposal contains a detailed plan to ensure that the agency and its multi-disciplinary teams will comply with statutory, regulatory, and court-ordered requirements, including visiting clients, completing required training, and filing required reports.
- 1-2 points: The proposal contains a vague plan to ensure that the agency and its multi-disciplinary teams will comply with statutory, regulatory, and court-ordered requirements, including visiting clients, completing required training, and filing required reports.
- 0 points: The proposal lacks a plan to ensure that the agency and its multi-disciplinary teams will comply with statutory, regulatory, and court-ordered requirements, including visiting clients, completing required training, and filing required reports.

B6 Rating: \_\_\_\_\_

Basis for Rating:

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**SUBTOTAL FOR PART “B” (B1 + B2 + B3 + B4 + B5 + B6):**

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**C. APPROPRIATENESS AND QUALITY OF THE PROPOSED PLAN TO DELIVER CAPACITY BUILDING SERVICES (5 POINTS TOTAL)**

**C1. Evaluate the extent to which the proposal demonstrates an ability to enhance the Office of Court Administration’s (OCA) capacity to deliver guardianship services statewide, including: (a) Helping OCA determine the need for guardianship services for indigent incapacitated persons outside New York City; (b) Helping OCA identify potential partners to operate a program delivering such services; (c) developing written resources for entities interested in delivering such services; and (d) training individuals interested in establishing initiatives to deliver such services. (5 Points)**

**[Reviewer: Consider the following source(s) of information: Question 13]**

- 4-5 points: The proposal demonstrates a comprehensive plan to help OCA determine the need for guardianship services for indigent incapacitated persons outside New York City, to help OCA identify potential partners to operate a program delivering such services, to develop written resources for those entities, and to train individuals interested in establishing programs to deliver such services.
- 2-3 points: The proposal includes an incomplete plan to help OCA determine the need for guardianship services for indigent incapacitated persons outside New York City, to help OCA identify potential partners to operate a program delivering such services, to develop written resources for those entities, and to train individuals interested in establishing programs to deliver such services.
- 0-1 points: The proposal lacks a plan to help OCA determine the need for guardianship services for indigent incapacitated persons outside New York City, to help OCA identify potential partners to operate a program delivering such services, to develop written resources for those entities, and to train individuals interested in establishing programs to deliver such services.

C1 Rating: \_\_\_\_\_

Basis for Rating:

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**SUBTOTAL FOR PART “C” (C1):**

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**D. APPROPRIATENESS OF STAFFING PLAN AND PROCEDURES (12 POINTS TOTAL)**

**D1. Evaluate the extent to which the proposal demonstrates an appropriate allocation of responsibilities among staff of the initiative, an appropriate supervisory structure, and that the initiative will be staffed appropriately to meet the needs of the community. (6 points)**

**[Reviewer: Consider the following source(s) of information: Questions 5 and 14]**

- 5-6 points: The proposal contains a comprehensive staffing plan and supervisory structure to promote the initiative's ability to monitor cases, train and supervise guardianship service team members, and ensure the quality of the services provided, in order to meet the needs of clients.
- 3-4 points: The proposal contains an adequate staffing plan and supervisory structure to promote the initiative's ability to monitor cases, train and supervise guardianship service team members, and ensure the quality of the services provided, in order to meet the needs of clients.
- 1-2 points: The proposal contains a somewhat adequate staffing plan and supervisory structure to promote the initiative's ability to monitor cases, train and supervise guardianship service team members, and ensure the quality of the services provided, in order to meet the needs of clients.
- 0 points: The proposal does not contain an adequate staffing plan and supervisory structure to promote the initiative's ability to monitor cases, train and supervise guardianship service team members, and ensure the quality of the services provided, in order to meet the needs of clients.

D1 Rating: \_\_\_\_\_

Basis for Rating:

**D2. Evaluate the extent to which the proposal demonstrates how the organization will attract and maintain a diverse and culturally competent workforce and environment. (6 points)**

**[Reviewer: Consider the following source(s) of information: Question 15]**

- 4-6 points: The proposal contains a comprehensive plan indicating that the agency is highly likely to attract and maintain a diverse and culturally competent workforce and environment.
- 2-3 points: The proposal contains a staffing plan that is somewhat likely to attract and maintain a diverse and culturally competent workforce and environment.
- 0-1 points: The proposal is silent as to the applicant's plans to attract and maintain a diverse and culturally competent workforce and environment, or the included plan is unlikely to attract and maintain a diverse and culturally competent workforce and environment.

D2 Rating: \_\_\_\_\_

Basis for Rating:

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**SUBTOTAL FOR PART “D” (D1 + D2):**

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**E. REASONABLENESS OF COST (24 POINTS TOTAL)**

**E1. Evaluate the extent to which the salaries and fringe benefits for the proposed program are appropriate for the positions listed in the proposal. (5 points)**

**[Reviewer: Consider the following source(s) of information: Budget; Organizational Chart; Strategic Plan; and Question 14]**

- 5 points: All salaries and fringe benefit costs are: (1) Appropriate for the positions listed in the proposal, and (2) Competitive with other proposals submitted for comparable positions in the same geographic area.
- 3-4 points: The majority of salaries and fringe benefit costs are: (1) Appropriate for the positions listed in the proposal, and (2) Competitive with other proposals submitted for comparable positions in the same geographic area.
- 1-2 points: Some salaries and fringe benefit costs are: (1) Appropriate for the positions listed in the proposal, and (2) Competitive with other proposals submitted for comparable positions in the same geographic area.
- 0 points: None of the salaries or fringe benefit costs are (1) Appropriate for the positions listed in the proposal, and therefore, (2) Not competitive with other proposals submitted for comparable positions in the same geographic area.

E1 Rating: \_\_\_\_\_

Basis for Rating:

**E2. Evaluate the extent to which the percentage of UCS funds that support administrative costs (including salaries and fringe benefits of non-program staff, real estate expenses that are not utilized for the direct delivery of services and related costs) is comparable to the percentage found in the budgets of similarly sized agencies. (5 points)**

**[Reviewer: Consider the following source(s) of information: Budget and Question 13]**

- 5 points: Administrative costs: (1) Comprise less than 20% of the proposed budget, and (2) Provide for sufficient agency administration of the program.
- 3-4 points: Administrative costs: (1) Comprise less than 20% of the proposed budget, but (2) Some costs are too high or too low to provide for reasonable administration of the program.
- 0-2 points: Administrative costs: (1) Comprise greater than 20% of the total proposed budget, and/or (2) Do not provide for adequate administration of the program.

E2 Rating: \_\_\_\_\_

Basis for Rating:

**E3. Evaluate the extent to which the non-personnel service costs included in the budget are reasonable for the operation of the proposed program. (5 points)**

**[Reviewer: Consider the following source(s) of information: Budget]**

- 5 points: All costs for non-personnel expenses are reasonable and adequately provide for the needs of the proposed program.
- 3-4 points: Most costs for non-personnel expenses are reasonable and adequately provide for the needs of the proposed program.
- 1-2 points: Many of the costs for non-personnel expenses are unreasonable and/or do not adequately provide for the needs of the proposed program.
- 0 points: Costs for non-personnel expenses are unreasonably high or low, and do not adequately provide for the needs of the proposed program.

E3 Rating: \_\_\_\_\_

Basis for Rating:

**E4. Evaluate the extent to which the proposal's capacity building expenses are reasonable and likely to yield additional local guardianship programs elsewhere in the state. (5 points)**

**[Reviewer: Consider the following source(s) of information: Question 15; and Budget]**

- 4-5 points: The proposal is highly likely to: (1) enhance the Unified Court System's ability to identify qualified entities capable of serving indigent incapacitated individuals in counties where such needs are not currently adequately met; and (2) help such entities develop and implement a local guardianship initiative capable of delivering high-quality guardianship services to indigent incapacitated individuals in those counties.
- 2-3 points: The proposal is somewhat likely to: (1) enhance the Unified Court System's ability to identify qualified entities capable of serving indigent incapacitated individuals in counties where such needs are not currently adequately met; and (2) help such entities develop and implement a local guardianship initiative capable of delivering high-quality guardianship services to indigent incapacitated individuals in those counties.
- 0-1 points: The proposal is unlikely to: (1) enhance the Unified Court System's ability to identify qualified entities capable of serving indigent incapacitated individuals in counties where such needs are not currently adequately met; and (2) help such entities develop and implement a local guardianship initiative capable of delivering high-quality guardianship services to indigent incapacitated individuals in those counties.



E4 Rating: \_\_\_\_\_

Basis for Rating

**E5. Evaluate the extent to which the fees for services are reasonable and likely to ensure that clients' needs are addressed competently and professionally. (4 points)**

**[Reviewer: Consider the following source(s) of information: Question 9; and Budget]**

3-4 points: The costs for the proposed services proposal are reasonable in light of the number of indigent incapacitated individuals who are expected to be served, and the costs are highly likely to ensure that clients' needs are addressed competently and professionally.

1-2 points: The costs for the proposed services proposal are reasonable in light of the number of indigent incapacitated individuals who are expected to be served, and the costs are somewhat likely to ensure that clients' needs are addressed competently and professionally.

0 points: The costs for the proposed services proposal are not reasonable in light of the number of indigent incapacitated individuals who are expected to be served, or the costs are unlikely to ensure that clients' needs are addressed competently and professionally.

E5 Rating: \_\_\_\_\_

Basis for Rating

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**SUBTOTAL FOR PART "E" (E1 + E2 + E3 + E4 + E5):**

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**EXHIBIT 4**

**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 ©)

RFP P&CS #111 Guardianships for Indigent Incapacitated Persons: Direct Services (NYC Only) and  
Capacity Building Services (Statewide)

Issued Wednesday, May 25, 2022

Due Tuesday, June 21, 2022 at 2PM

[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.

## **Exhibit 5**

### **General Guidelines for Proposal Writing**

1. Read each question thoroughly, and ensure that you provide answers for all of the sections in each question.
2. When responding to the questions that request a detailed plan, include details that will demonstrate the specific work activities and community partners that are central to your organization's plan for accomplishing the objective stated in the given question.
3. Several questions in this RFP are linked to each other, with numerical data requested in some questions and narrative responses requested in subsequent questions. Where relevant, directly refer to the data you provided when composing your narrative responses.
4. Use **Exhibit 3** (Evaluation Tool) for guidance on what your proposal must demonstrate in order to achieve the maximum score for each rating item. Additionally, each rating item specifies the RFP questions that will be used to evaluate your proposal for the given item.
5. In selecting your organization's references for this RFP, consider choosing references closely familiar with your organization's guardianship services. Also, consider choosing a balanced group of three individuals who collectively support the likelihood that your organization can successfully provide guardianship services across counties.

## **Exhibit 6**

### **General Definitions**

#### **INTERNAL CONTROL PROCEDURES**

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

#### **MULTI-PURPOSE AGENCY**

Multi-purpose indicates that the agency operates two or more discrete programs whose administrative costs are shared by one organizational entity. For instance, an organization operates a guardianship program and a transportation services program, and splits administrative costs between the two programs.

#### **REFERRAL SOURCE**

Referrals will be made either from Supreme Court or Surrogate's Court.

#### **STRATEGIC PLAN**

A strategic plan describes the results of an organizational process for defining its mission and goals. It guides the strategy for setting goals, determining actions to meet goals and allocating resources to support those actions. The strategic plan serves as a reference that helps coordinate allocation of time, human capital, and financial resources in relation to organizational strengths, needs, opportunities and challenges. A strategic plan should describe the organizational process for assessing and defining its direction and for making decisions on allocating its resources to pursue this strategy. It may also extend to control mechanisms for guiding the implementation of the strategy, especially in consideration of relationships among stakeholders and partners.