



NEW YORK STATE UNIFIED COURT SYSTEM

Request for Proposals #103 OCA / Professional and Court Services

Community Dispute Resolution Centers Program Nassau County, New York

Proposal Cover Sheet: Community Dispute Resolution Centers Program, Nassau County

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	

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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Proposal Cover Sheet

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I. BACKGROUND INFORMATION

In 1981, the State of New York enacted Article 21-A of the Judiciary Law and created the Community Dispute Resolution Centers Program (CDRCP). This initiative provides community-based forums for the resolution of civil and minor criminal disputes through dispute resolution processes other than litigation. Pursuant to this legislation, the New York State Unified Court System, Office of Alternative Dispute Resolution Programs, contracts with and provides funding to not-for-profit centers that provide dispute resolution services. The Community Dispute Resolution Centers (CDRCs or centers) serve several vital functions. First, the centers empower clients to play a greater role in deciding the procedural and substantive outcomes of their disputes. Second, the centers help courts streamline their dockets by providing dispute resolution services to those people who are able and willing to resolve their conflict without the assistance of a Judge. Third, the centers collaborate with other human services organizations in their communities and connect clients with available services and resources. Finally, centers serve as promoters of peaceful communities and help individuals become more effective communicators and negotiators, not only through direct delivery of services, but also through ongoing training and community outreach efforts.

The Office of Alternative Dispute Resolution Programs strongly encourages centers to utilize volunteers for two primary reasons: first, an active volunteer pool often infuses the center with a level of enthusiasm and diversity of life experience that is seldom attainable solely with paid staff; second, use of volunteers allows paid staff to focus on outreach and case development, volunteer recruitment and management, and ongoing program monitoring

II. PROJECT INFORMATION

Available funding for this program for the initial period July 1, 2022 - March 31, 2023 is estimated to total \$183,238, which equates to an annual rate of \$244,317.

UCS is particularly interested in applications that use creative methods to leverage community resources to the maximum extent feasible to enhance services provided to disputants in the CDRCs. Pursuant to Judiciary Law § 849-d (2), the UCS may award up to \$40,000.00 per county served in unmatched grant funding. Any additional UCS CDRCP funding above the \$40,000 per county served by the center must be matched on an equal basis (pro rata) by local revenue. 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*, *bid* and *solicitation*.

III. AWARD

A single contract will be awarded for a term effective July 1, 2022 and terminating on December 31, 2026 ("Contract Term").

UCS shall have the option to extend the contract for a maximum of six (6) months upon the same terms and conditions as of the expiration date of the Contract Term. Any such extension is subject to the approval of the NYS Office of the Attorney General and the NYS Office of the State Comptroller.

IV. MINIMUM QUALIFICATIONS

Pursuant to Judiciary Law § 849-a (3), the UCS may only consider applications submitted by nonprofit organizations that are organized for the resolution of disputes 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 (“Project Services”) in Nassau County, New York. The selected applicant shall be required to provide the Project Services.

- Provide a wide range of free and low-cost dispute resolution services including mediation, arbitration, restorative practices, conflict coaching, and facilitation;
- Provide case intake, management, and domestic violence screening services that inform parties about services, prepare them to participate, and screen out inappropriate matters;
- Conduct outreach to local communities, courts, and other referral sources;
- Collect data as well as analyze and report on case outcomes;
- Recruit, train, and manage a diverse roster of volunteers who act as the primary dispute resolution service providers; and
- Secure local matching revenue by engaging with local funders, county agencies, individuals, and businesses for grants, contracts, and fee-based services.

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	25
Appropriateness and Quality of the Proposed Program Plan	42
Appropriateness of the Proposed Staffing Plan	13
Reasonableness of Cost	20
MAXIMUM TOTAL POINTS	100

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

Note: A minimum 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. 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 Questions

1. Explain how the proposed center is in alignment with the organization’s mission, as provided in the required Mission Statement, and if relevant, the organization’s history. [6375 characters]¹
2. Briefly explain: (a) How the organization’s strategic plan provided in the required Mission Statement was created, including details about who was involved, the process, the duration of the process, and use of any outside experts; and (b) The implementation process of the strategic plan,

¹ Suggested number of characters to respond to each the question is offered as a suggestion only and is not a proscriptive limit.

including progress made on the timetables for meeting goals and objectives, and on-going efforts. If your organization does not have a strategic plan (as defined in **Exhibit 10**) or a strategic plan specific to the CDRC, explain. [4500 characters]

3. Provide the following information: (a) The number of full Board meetings held in the calendar years in the chart below; (b) The number of full Board meetings held with a quorum in the calendar years in the chart below; (c) A list of active Board subcommittees, including frequency of meetings for each; (d) The total amount of financial support given by the Board in state fiscal year 2020-2021; (e) The percentage of Board members contributing financial support to the agency; (f) Other forms of support or volunteer service provided by Board members; (g) The mechanism and process the Board uses to evaluate the performance of the Executive Director/Chief Executive Officer; (h) The mechanism and process the Board utilizes to ensure the organization's continued effective performance through succession planning; (i) Data regarding the diversity of Board members (profession/field, age, gender, race) and in which county each member resides; and (j) 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. [4000 characters]

	Calendar Year 2018	Calendar Year 2019	Calendar Year 2020	Calendar Year 2021
Number of Full Board Meetings Held				
Number of Full Board Meetings Held with a Quorum				

4. Complete the following grid to indicate past funding that the agency has secured in the aggregate for its current programs, answering on a state fiscal year basis. Preference will be given to proposals that demonstrate the ability to secure funds in the following order of preference: (1) Public and private revenue, including grants and donations; (2) Fee-for-service revenue; and (3) In-kind revenue. If applicant currently provides CDRC services, respond specifically with respect to financial support to the current program, including total financial support, even if it exceeds the minimum match requirements and/or has not been listed in past reconciliations or budgets.

		FY2017- 2018	FY2018- 2019	FY2019- 2020	FY2020- 2021

Category 1	NYS Unified Court System CDRC grant funding, if currently funded				
	Other Public revenue that directly supports dispute resolution programs.				
	Public and private revenue				
	Foundations and other grant makers				
	Individual donations				
Category 2	Fee-for-service dispute resolution revenue				
	Revenue from mediation and dispute resolution training				
	Fee-for-service revenue				
	Revenue from training				
Category 3	In kind revenue supporting the CDRC program				
	Other in kind revenue				
Category 4	Public and private revenue that supports complementary non-dispute resolution programs				

5. Briefly explain how the organization's resource development plan was created. Include details about who was involved, the process, the duration of the process, and use of any outside experts. If your organization does not have a resource development plan (as defined in **Exhibit 10**) or a resource development plan specific to the CDRC, explain. [2125 characters]

6. Describe the organization's capacity to timely prepare and submit fiscal reports required by existing donors or funders. What types of fiscal reports are you presently required to provide, when were they due and when were they submitted for state fiscal years 2017-2018, 2018-2019, 2019-2020 and 2020-2021? If currently under contract with UCS, include UCS fiscal reporting deadlines and submission dates. [2125 characters]
7. Describe how the organization will resolve computer-related issues. Describe the organization's back-up protocols. [no limit]
8. Describe how the organization will utilize the components of its technological infrastructure to:
(a) Communicate with staff, volunteers, referral sources, and clients to schedule meetings, and mediations, develop caseloads, coordinate case management efforts, and share program outcomes; (b) Collect, monitor and analyze case data for program development and resource management; and (c) Train and educate staff, volunteers, referral sources, partners and others. [3125 characters]
9. Define each dispute resolution process that the center will provide as described in **Exhibit 9**, and describe the fee policy that the program will utilize in determining client fees for dispute resolution services. [4250 characters]
10. Explain the mechanisms that the center will use to ensure client confidentiality, as well as to monitor the quality of intake and screening services. 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. [4250 characters]
11. Describe the mechanisms that the center will use to monitor the quality of dispute resolution services. Include information about training, apprenticeships, continuing education, mediator evaluation, staff oversight, program design, and any other pertinent processes or mechanisms. Reference rather than attach any written materials. [4250-8500 characters]
12. Describe your agency's: (a) Internal controls procedures (as defined in **Exhibit 10**), and (b) The role of program staff in developing and monitoring programmatic budgets. For multi-purpose agencies (as defined in **Exhibit 10**), describe the role of program staff specific to the development and monitoring of the dispute resolution program budget. [4250 characters]
13. Describe the specific practices and methods by which your agency 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). [6375 characters]
14. If the proposer is a multi-purpose agency (as defined in **Exhibit 10**), 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. [2125 characters]

15. (a) Attach the job descriptions (and resumes, if staff are identified) of all staff and a proposed organizational chart in **Attachments B and H**. 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. [no limit]
16. Define all fringe benefits available to staff, including those that are required by law (such as Social Security, FICA, and Medicaid), as well as all eligibility requirements and restrictions. [4250 characters]

b. County-Specific Questions

17. Propose up to three specific locations and specify why each location is under consideration for use as a CDRC or is currently a CDRC office location. For each proposed office, identify the following: (a) The number of program staff who will work at the office; (b) The number of rooms available for simultaneously holding dispute resolution sessions; (c) Whether there is a waiting area; (d) The degree to which the organization has or will need to furnish staff areas, session rooms or the waiting area; (e) Accessibility and convenience, including accessibility for people with disabilities, and proximity to the courts, other referring organizations, and to public transportation where possible; and (f) Other community locations that are available to you for use in your proposed program. [no limit]
18. Using the grid below, describe the organization's technological infrastructure, including the organization's current inventory of computers, photocopiers, scanners, and telephones (including voicemail).

Hardware	Number	Average Age	Oldest	Newest
Desktop				
Laptop				
Scanners				
Phone				
Copier				

19. Complete the following grid with information about the mediation panel you expect to use to provide the services described in Question 9, including both staff and volunteers. For each box, include both total numbers and percentages. If your program will supervise a peer mediation program, include a separate summary of the demographic characteristics of those mediators

Sex		Race/ Ethnicity		Age		Languages Spoken	Number
Male	/ %	American Indian and Alaska Native	/ %	Under 20	/ %	Spanish	
Female	/ %	Asian	/ %	20-29	/ %	Chinese	
Total	/100%	Black or African American, Non- Hispanic	/ %	30-39	/ %	Russian	
		Hispanic or Latino	/ %	40-49	/ %	French	
		Native Hawaiian and Other Pacific Islander					
		White, Non- Hispanic	/ %	50-59	/ %	French Creole	
		Other	/ %	60-69	/ %	Italian	
		Total	/100%	70+	/ %	Other	
				Total	/100%		

20. Compare the information you provided in the above grid (in Question 19) to the demographic data about your county as provided in **Exhibit 6**. If currently providing CDRC services, discuss how the panel in your response to Question 19 differs from your organization's current panel. Describe how the organization will recruit a panel of neutrals who: (a) reflect the diversity of the community the organization serves or will serve and (b) exhibit the capacity to serve linguistically diverse clients of the community the organization serves or will serve. If the organization has faced or faces particular challenges recruiting a diverse panel of neutrals, explain the challenges, strategies that have been attempted, and possible new approaches under consideration. [4250 characters]
21. In the column entitled Next Contractual Period, provide an estimate of the percentage of cases in which non-staff volunteers will provide dispute resolution services during the contractual period to be covered by this RFP. If currently providing CDRC services, provide the total number of cases and percentage of cases in which non-staff volunteers provided dispute resolution services for each of the last five calendar years. If any percentage of the total caseload requires the use of staff rather than volunteers, (a) explain why volunteers are not utilized in these cases, (b) provide

the total number of these cases, and (c) recalculate that volunteer utilization percentage in consideration of these cases. [2125 characters]

	Calendar Year 2017	Calendar Year 2018	Calendar Year 2019	Calendar Year 2020	Calendar Year 2021	Next Contractual Period
Volunteers	/ %	/ %	/ %	/ %	/ %	%
Staff						
Neutrals						

22. For Existing Providers listed in Exhibit 7 only (leave blank if not a current provider in Exhibit 7):

Complete the grid below to indicate the years of experience of your organization's panel of Active Mediators (as defined in **Exhibit 10**).

Years of Experience	Number of Active Staff Mediators	Number of Active Volunteer Mediators
0-2		
3-4		
5-9		
10-14		
15-19		
20+		

- 23.** Provide a detailed plan to recruit, utilize and retain volunteer neutrals. Refer to your responses to Questions 19-21. If you are proposing a plan that includes new approaches to recruiting, utilizing, and retaining volunteer mediators, explain how it differs from past practices. [4250 characters]
- 24.** Describe the dispute resolution needs of the communit(ies) that the center will serve. Include in your narrative: (a) How the center assessed those needs; (b) How the center will attempt to meet those needs; and (c) How the center determined its approach to meet those needs. [8500 characters]
- 25.** In Chart A below, project the number of cases for which the center expects to provide services in the first three years of the proposed contract period. If currently providing services only, report the number of cases for which the center provided services in fiscal year 2020-21.

For each year, specify the number of cases in which dispute resolution services are provided in the “DR” column. Those cases where dispute resolution services are not provided, but intake and other related services are provided, should be reported in the “No DR” column. Include only those cases funded by Category 1 and 2 funding as indicated in Question 4. Do not include complementary services. Use Chart B, below, to project which dispute resolution processes will be utilized in the first year of the proposed contract period.

Chart A								
	FY 2021-22		FY 2022-23		FY 2023-24		FY 2024-25	
	DR	No DR	DR	No DR	DR	No DR	DR	No DR
Agricultural - Credit								
Agricultural - Non Credit								
Child Permanency								
Civil – Housing Dispute								
Civil – Large Claim								
Civil – Small Claim								
Criminal – Felony								
Criminal – Misdemeanor/ Violation								
DSS Conciliation								
Juvenile Delinquency								
Lemon Law								
Manufactured Housing								
Matrimonial								
Other ²								
Parenting Issues								
Peer Mediation								
Permanency								
PINS/Pre-PINS								

² If more than 50 cases per year are listed in the “Other” category, describe the nature of the cases included in this category.

Special Education								
Youth Issues								
TOTAL								

Chart B	
Dispute Resolution Process	FY 2022-23
Arbitration	
Conciliation	
Conflict Coaching	
Facilitation	
Mediation	
Restorative Justice	

26. (a) Identify the six most frequent sources of case referrals in the column labeled Referral Source (as defined in **Exhibit 10**), and (b) Complete the column labeled “Next Contractual Period” with the percentage of referrals the program expects to receive from each source. If currently providing services, complete the FY 2021-22 column to indicate the number and percentage of referrals the center has received from its six most frequent referral sources, and (b) Complete the column entitled “Next Contractual Period” with the percentage of referrals the center expects to receive from these referral sources.

Referral Source	FY 2021-22	Next Contractual Period
	/ %	%
	/ %	%
	/ %	%
	/ %	%
	/ %	%
	/ %	%

27. Provide a detailed outreach plan, which describes: (a) How your organization will develop and maintain referrals with courts and other public and private agencies; (b) How this plan will achieve the projections provided in Questions 25 and 26; and (c) Any factors known to the

organization's staff or directors that could inhibit the development of a productive referral relationship with any Judge, court employee, or other current or potential referral source in the community to be served. [8500 characters]

28. Provide a detailed description of: (a) How the center will promote its services to the public, and (b) How this effort will specifically help to achieve the projections detailed in Questions 25 and 26. [4250 characters]

c. Proposed Service Delivery

Submit resumes for all staff who will provide Project Services. For those positions currently vacant, submit detailed job descriptions.

d. Line Item Budget Proposal

Applicants must submit a line item budget proposal for \$244,317, 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. The budget must be submitted on the Required Budget Form available at <http://nycourts.gov/admin/bids/currentsolicitations.shtml>.

e. 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. 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.

f. 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”

“NASSAU CDRC – Due May 5, 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 **Thursday, May 5th, 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

Please indicate in “Subject” field: Community Dispute Resolution Centers Program, Nassau County
RFP #103 Question(s)

The deadline to submit questions is **Thursday, April 7th, 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 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

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 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))
- ☐ Project staff resumes (Article VIII (b))
- ☐ Project Description (Article VIII (c))
- ☐ Line Item Budget Proposal/Budget Narrative (Article VIII (d))
- ☐ Audited Financial Statements from the Most Recently Ended Fiscal Year.
- ☐ Organizational Chart
- ☐ Board of Directors Roster
- ☐ Mission Statement
- ☐ Strategic Plan
- ☐ Resource Development 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
- ☒ Attachment II - Not Applicable

_____ Attachment III - Vendor Responsibility Questionnaire

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

☐ paper questionnaire

_____ Attachment IV - Procurement Lobbying forms

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

☐ Affirmation of Understanding and Agreement (UCS 421)

EXHIBIT 2

INSURANCE REQUIREMENTS

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

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/ 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: _____

A. ORGANIZATIONAL CAPACITY (25 POINTS) **A.**_____

**B. APPROPRIATENESS AND QUALITY OF THE PROPOSED
PROGRAM PLAN (42 POINTS)** **B.**_____

C. APPROPRIATENESS OF STAFFING PLAN (13 POINTS) **C.**_____

D. REASONABLENESS OF COST (20 POINTS) **D.**_____

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

TOTAL: _____

EVALUATOR: (Print) _____

(Signature) _____

DATE: _____

DETAIL RATING SHEETS

APPLICANT: _____

REVIEWER: _____

ORGANIZATIONAL CAPACITY (25 POINTS TOTAL)

A1. Evaluate the extent to which the proposer demonstrates that the organization:

- a) Has a strategic plan that is likely to support dispute resolution and other CDRC services, and**
- b) Has involved internal (board members, staff and volunteers) and external (referral sources, community partners, contract providers) stakeholders in the development of the strategic plan. (5 points)**

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

- 4-5 points: (1) Proposer has a plan very likely to support dispute resolution and other CDRC program services in the future, and (2) Proposer has described a process that demonstrates significant involvement of important stakeholders in the development of the plan.
- 2-3 points: (1) Proposer has a plan somewhat likely to support dispute resolution and other CDRC program services in the future, and (2) Proposer has described a process that demonstrates some involvement of important stakeholders in the development of the plan.
- 0-1 points: (1) Proposer has a plan that is not likely to support dispute resolution and other CDRC program services in the future, and (2) Proposer has described a process that demonstrates minimal involvement of important stakeholders in the development of the plan.

A1 Rating: _____

Basis for rating:

A2. Evaluate the extent to which the proposer demonstrates that the organization:

- a) Has demonstrated success in securing funding and other resources to support dispute resolution or other programming; and**
- b) Has a plan likely to secure funding and other resources in the future. (5 points)**

[Reviewer: Consider the following source(s) of information: Questions 4 and 5; and Resource Development Plan]

- 4-5 points: Proposer has met both of the following criteria:
(1) Proposer has 4 or more years of experience securing funding and resources in the following order of preference: (a) public and private revenue, (b) fee for service revenue, and (c) in-kind revenue; and (2) Proposer has a plan that is very likely to secure funding and other resources in the future.
- 2-3 points: Proposer has met one of the two following criteria:

(1) Proposer has 4 or more years of experience securing funding and resources in the following order of preference: (a) public and private revenue, (b) fee for service revenue, and (c) in-kind revenue; and (2) Proposer has a plan that is somewhat likely to secure funding and other resources in the future.

0-1 points: Proposer has met none of the following criteria:

(1) Proposer has 4 or more years of experience securing funding and resources in the following order of preference: (a) public and private revenue, (b) fee for service revenue, and (c) in-kind revenue; and (2) Proposer has a plan that is not likely to secure funding and other resources in the future.

A2 Rating: _____

Basis for rating:

A3. 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. (2 points)

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

2 points: Proposer demonstrates that it routinely meets reporting deadlines of funding sources or other institutions.

1 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.

A3 Rating: _____

Basis for rating:

A4. 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 7, 8 and 18]

3-4 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.

1-2 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.

A4 Rating: _____

Basis for Rating:

A5. 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: resource development plan, 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). (5 points)**

[Reviewer: Consider the following source(s) of information: Questions 1, 2, 3 and 5; Board of Directors Roster; Strategic Plan; Resource Development Plan]

5 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)

A5 Rating: _____

Basis for rating:

A6. Evaluate the extent to which the proposal demonstrates that the Board of Directors reflects the diversity of the community that the center will serve. (4 points)

[Reviewer: Consider the following source(s) of information: Question 3(i) and (j); and Exhibit 6]

- 3-4 points: The proposal demonstrates that the Board of Directors will reflect the diversity of the community that the center will serve.
- 1-2 points: The proposal demonstrates that the Board of Directors only somewhat reflects the diversity of the community that the center will serve, and the proposed strategies to address this issue are likely to be successful.
- 0 points: The proposal minimally demonstrates that the Board of Directors will reflect the diversity of the community that the center will serve, and the proposed strategies to address this issue are unlikely to be successful.

A6 Rating: _____

Basis for Rating:

SUBTOTAL FOR PART “A” (A1 + A2 + A3 + A4 + A5 + A6):

B. APPROPRIATENESS AND QUALITY OF THE PROPOSED PROGRAM (42 POINTS TOTAL)

B1. Evaluate the extent to which the proposal demonstrates that the center will ensure client confidentiality and provide high quality intake and screening. (4 points)

[Reviewer: Consider the following source(s) of information: Question 10]

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

2-3 points: The proposed quality assurance mechanisms for intake and screening and to protect client confidentiality are somewhat likely to be effective.

0-1 points: The proposed quality assurance mechanisms for intake and screening and to protect client confidentiality are not likely to be effective.

B1 Rating: _____

Basis for Rating:

B2. Evaluate the extent to which the proposal demonstrates that the center will provide high quality dispute resolution services. (4 points)

[Reviewer: Consider the following source(s) of information: Question 11]

4 points: The mechanisms that the center will use to monitor the quality of the dispute resolution services are of a very high quality.

2-3 points: The mechanisms that the center will use to monitor the quality of the dispute resolution services are somewhat of a high quality.

0-1 points: The mechanisms that the center will use to monitor the quality of the dispute resolution services are not of a high quality.

B2 Rating: _____

Basis for Rating:

B3. Evaluate the extent to which the proposal demonstrates that the organization will provide appropriate, accessible facilities for each county it proposes to serve. Appropriate and accessible facilities contain rooms suitable to hold dispute resolution sessions, are close to courts, other referring organizations, and public transportation; and are easily accessed by all members of the public, including those with disabilities. In addition to the main office location, appropriate off-site facilities for dispute resolution services have been identified and are available to clients. (4 points)

[Reviewer: Consider the following source(s) of information: Question 17]

- 4 points: The proposal contains a description of the main office facilities for each proposed center, and all of the facilities are appropriate to provide the proposed services. The proposal also includes community locations.
- 2-3 points: The proposal contains a description of the main office facilities for each proposed center, and the majority of the facilities are appropriate to provide the proposed services. The proposal also includes community locations.
- 1 point: The proposal contains a description of the main office facilities for each proposed center, and only some of the facilities are appropriate to provide the proposed services. The proposal also includes community locations.
- 0 points: The proposal lacks a description of the main office facilities, or describes facilities unsuitable for dispute resolution sessions, or describes facilities difficult for the public, including individuals with disabilities, to access. The proposal does not include community locations.

B3 Rating: _____

Basis for Rating:

B4. Evaluate the extent to which the proposal demonstrates that the center will manage a roster of mediators who reflect the diversity of the community that the center will serve. (4 points)

[Reviewer: Consider the following source(s) of information: Questions 19 and 20; and Exhibit 6]

- 4 points: The proposal demonstrates that the roster of available neutrals will reflect the diversity of the community that the center will serve.
- 2-3 points: The proposal demonstrates that the roster of available neutrals only somewhat reflects the diversity of the community that the center will serve, and the proposed strategies to address this issue are likely to be successful.
- 0-1 points: The proposal fails to demonstrate that the roster of available neutrals will reflect the diversity of the community that the center will serve, and the proposed strategies to address this issue are unlikely to be successful.

B4 Rating: _____

Basis for Rating:

B5. Evaluate the extent to which the proposal demonstrates that the center will recruit, train, utilize and retain volunteer neutrals. (7 points)

[Reviewer: Consider the following source(s) of information: Questions 21, 22 and 23]

- 6-7 points: The proposal contains a plan that: (1) Is highly likely to be effective in recruiting, training and retaining volunteer neutrals, and (2) Commits the Proposer to utilize volunteer neutrals in more than 80% of all appropriate dispute resolution cases.
- 3-5 points: The proposal contains a plan that: (1) Is somewhat likely to be effective in recruiting, training and retaining volunteer neutrals, (2) Commits the Proposer to utilize volunteer neutrals in more than 50% of all appropriate dispute resolution cases.
- 0-2 points: The proposal contains a plan that: (1) Is not likely to be effective in recruiting, training and retaining volunteer neutrals, or lacks a plan, and (2) Commits the Proposer to utilize volunteer neutrals in less than 50% of all appropriate dispute resolution cases.

B5 Rating: _____

Basis for Rating:

B6. Evaluate the extent to which the proposal demonstrates an adequate assessment of the dispute resolution needs of the community that it will serve. (4 Points)

[Reviewer: Consider the following source(s) of information: Question 24]

- 4 points: The proposal demonstrates a comprehensive assessment of the dispute resolution needs of the community it will serve.
- 2-3 points: The proposal demonstrates a moderate assessment of the dispute resolution needs of the community it will serve.
- 0-1 points: The proposal demonstrates an inadequate assessment of the dispute resolution needs of the community it will serve.

B6 Rating: _____

Basis for Rating:

B7. Evaluate the extent to which the proposal demonstrates that: (a) The organization will provide dispute resolution programming that will respond to local community needs, and (b) The fee policy waives fees or uses an affordable sliding scale for indigent members of the community. (4 points)

[Reviewer: Consider the following source(s) of information: Questions 9, 24 and 25]

- 4 points: The proposal adequately demonstrates that: (1) The organization will provide dispute resolution programming that will respond to the assessed local community needs, and (2) The fee policy waives fees or uses an affordable sliding scale for indigent members of the community.

- 2-3 points: The proposal somewhat demonstrates that: (1) The organization will provide dispute resolution programming that will respond to the assessed local community needs, and (2) The fee policy waives fees or uses an affordable sliding scale for indigent members of the community.
- 0-1 points: The proposal fails to adequately demonstrate that: (1) The organization will provide dispute resolution programming that will respond to the assessed local community needs, and (2) The fee policy waives fees or uses an affordable sliding scale for indigent members of the community.

B7 Rating: _____

Basis for Rating:

B8. Evaluate the extent to which the proposal demonstrates that the center will work with local courts and other public and private agencies to generate dispute resolution referrals to the center. (7 points)

[Reviewer: Consider the following source(s) of information: Questions 25, 26 and 27; and References]

- 7 points: Proposer: (1) Demonstrates a comprehensive plan to develop referrals with courts and other public and private agencies 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 and/or representatives of other community institutions to utilize the Proposer's dispute resolution services.
- 4-6 points: Proposer: (1) Demonstrates an adequate plan to develop referrals with courts and other public and private agencies 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 and/or representatives of other community institutions to utilize the Proposer's dispute resolution services.
- 2-3 points: Proposer: (1) Articulates aspirational goals to solicit referrals from courts and other public and private agencies, 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 center will be an effective provider of dispute resolution services.
- 0-1 points: Proposer: (1) Lacks any plan to develop a referral relationship with courts and other public and private agencies, and (2) Proposer's references offer lackluster endorsements of the Proposer.

B8 Rating: _____

Basis for Rating:

B9. Evaluate the extent to which the proposal demonstrates that the center will conduct effective outreach efforts to promote the center's dispute resolution services to members of the public. (4 points)

[Reviewer: Consider the following source(s) of information: Question 28]

- 4 points: The proposal: (1) Contains a description of the mechanisms that the center will use to promote its services to members of the public, and (2) These mechanisms are highly likely to yield cases.
- 2-3 points: The proposal: (1) Contains a description of the mechanisms that the center will use to promote its services to members of the public, and (2) These mechanisms are somewhat likely to yield cases.
- 0-1 points: The proposal: (1) Does not describe the mechanisms that the center will use to promote its services to members of the public, and (2) There are no mechanisms in place to yield cases.

B9 Rating: _____

Basis for Rating:

SUBTOTAL FOR PART “B” (B1 + B2 + B3 + B4 + B5 + B6 + B7 + B8 + B9):

C. APPROPRIATENESS OF STAFFING PLAN AND PROCEDURES (13 POINTS TOTAL)

C1. Evaluate the extent to which the proposal demonstrates an appropriate fiscal and regulatory supervisory structure for the center. (4 points)

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

- 4 points: The proposal: (1) Indicates that the program director will have significant input and responsibilities towards the development and monitoring of the program budget, and (2) The internal control procedures will provide thorough staff oversight of fiscal and policy matters.
- 2-3 points: The proposal: (1) Indicates that the program director will have a moderate degree of input and responsibilities towards the development and monitoring of the program budget, and (2) The internal control procedures will provide adequate staff oversight of fiscal and policy matters.
- 0-1 points: The proposal: (1) Indicates that the program director will not have input or responsibilities towards the development and monitoring of the program budget, and (2) The internal control procedures will provide less than adequate staff oversight of fiscal and policy matters.

C1 Rating: _____

Basis for Rating:

C2. Evaluate the extent to which the proposal demonstrates an appropriate allocation of responsibilities among staff of the center, an appropriate supervisory structure, and that the center(s) will be appropriately staffed to meet the needs of the community. (6 points)

[Reviewer: Consider the following source(s) of information: Question 15; and Attachments B and E]

- 6 points: The proposal contains a comprehensive staffing plan and supervisory structure to promote the center's ability to develop referral sources, monitor cases, train and supervise neutrals, and ensure the quality of the services provided, in order to meet the needs of the community.
- 4-5 points: The proposal contains an adequate staffing plan and supervisory structure to promote the center's ability to develop referral sources, monitor cases, train and supervise neutrals, and ensure the quality of the services provided, in order to meet the needs of the community.
- 2-3 points: The proposal contains a somewhat adequate staffing plan and supervisory structure to promote the center's ability to develop referral sources, monitor cases, train and supervise neutrals, and ensure the quality of the services provided, in order to meet the needs of the community.
- 0-1 points: The proposal does not contain an adequate staffing plan and supervisory structure to promote the center's ability to develop referral sources, monitor cases, train and supervise neutrals, and ensure the quality of the services provided, in order to meet the needs of the community.

C2 Rating: _____

Basis for Rating:

C3. Evaluate the agency's commitment, efforts, and accomplishments toward maintaining diversity among its staff and promoting cultural competence. (3 points)

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

- 3 points: Proposer demonstrates a consistent commitment, adequate efforts and accomplishments towards maintaining diversity among staff, and to promoting cultural competence of staff.
- 1-2 points: Proposer demonstrates some commitment, adequate efforts and accomplishments towards maintaining diversity among staff, and to promoting cultural competence of staff.
- 0 points: Proposer fails to adequately demonstrate commitment, adequate efforts and accomplishments towards maintaining diversity among staff, and to promoting cultural competence of staff.

C3 Rating: _____

Basis for Rating:

SUBTOTAL FOR PART "C" (C1 + C2 + C3):

D. REASONABLENESS OF COST (20 POINTS TOTAL)

D1. 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 16]

- 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.

D1 Rating: _____

Basis for Rating:

D2. 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 14]

- 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.

D2 Rating: _____

Basis for Rating:

D3. 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.

D3 Rating: _____

Basis for Rating:

D4. Evaluate the extent to which the proposal includes matching funds and other funding to support dispute resolution services that are sufficient and appropriate for the sustainability of the program. (5 points)**[Reviewer: Consider the following source(s) of information: Budget]**

- 5 points: The proposal: (1) Includes sufficient matching revenues and other dispute resolution funding to meet program requirements, and (2) Relies heavily on cash funding from public and private sources, and from direct fees-for-service from dispute resolution services.
- 3-4 points: The proposal: (1) Includes sufficient matching revenues and other dispute resolution funding to meet program requirements, and (2) Relies on cash funding from public and private sources, and from direct fees-for-service from dispute resolution services, as well as in-kind contributions to the program.
- 1-2 points: The proposal: (1) Includes sufficient matching revenues and other dispute resolution funding to meet program requirements, and (2) Relies on cash funding from public and private sources, and from direct fees-for-service from alternative dispute resolution services, as well as in-kind contributions to the program, and funding for non-dispute resolution programming.
- 0 points: The proposal: (1) Does not include sufficient matching revenues or other dispute resolution funding to meet program requirements, and/or (2) Relies exclusively on in-kind contributions to the program or funding for non-dispute resolution programming.

D4 Rating: _____

Basis for Rating

SUBTOTAL FOR PART "D" (D1 + D2 + D3 + D4):

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 ©) [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 8

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. Answer each County Specific Questions section with as much information as possible that is specifically relevant to the proposed county. Share as much information as you can from a variety of sources to provide the fullest picture of the county to be served.
3. When responding to the questions that request a detailed plan (i.e., volunteer plan, outreach plan, or public education 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.
4. 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.
5. 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.
6. In selecting your organization's references for this RFP, consider choosing references closely familiar with your organization's dispute resolution services. Also, consider choosing a balanced group of three individuals who collectively support the likelihood that your organization can successfully provide a range of dispute resolution services across counties (if applicable) and across both court and community-based programs.
7. Your organization's strategic plan and resource development plan are requested as part of Attachment I. If your organization does not have these documents or they are out of date, explain why and, if you do have a plan to update or create these documents, include a description of the process you will use to do so.

Exhibit 9

Definitions of ADR Processes

ARBITRATION

Compulsory Arbitration is a non-binding, adversarial dispute resolution process in which one or more arbitrators hear arguments, weigh evidence and issue a non-binding judgment on the merits after an expedited hearing. The arbitrator's decision addresses only the disputed legal issues and applies legal standards. Either party may reject the ruling and request a trial de novo in court.

Voluntary Arbitration is a binding, adversarial dispute resolution process in which the disputing clients choose one or more arbitrators to hear their dispute and to render a final decision or award after an expedited hearing.

CONCILIATION

Conciliation is a process through which clients resolve a dispute, with the assistance of an intermediary, without meeting face-to-face during the negotiations.

CONFLICT COACHING

Conflict Coaching is a process designed to help clients engage in and manage a conflict or negotiation. In this process, a neutral third party conflict coach (or coaches) works one-on-one with a client in order to assist the client to accomplish one or more of the following: achieve more clarity about the situation, consider options for managing the situation, develop communication and negotiation skills, and/or create an action plan for addressing the situation.

FACILITATION

Facilitation is a process in which an impartial facilitator helps clients to communicate and to constructively organize their discussion. Facilitation may be a public or private process, and it is particularly helpful in meetings involving many participants. What distinguishes facilitation from other forms of assisted negotiation, such as mediation, is that the facilitator places little to no emphasis on generating movement or achieving a solution and instead focuses purely on moderating the discussion among the clients.

MEDIATION

Mediation is a confidential, informal procedure in which a neutral third party helps disputants negotiate. With the assistance of a mediator, clients identify issues, clarify perceptions and explore options for a mutually acceptable resolution. Although clients are not obligated to reach agreement during mediation, the process frequently concludes with a written or verbal agreement and often improves the clients' relationship.

RESTORATIVE JUSTICE

Restorative justice is a process to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms, needs and obligations, in order to heal and put things as right as possible. Its goals include respectfully meeting the needs of those who were harmed, holding accountable those responsible for the harm, and promoting constructive responses for individuals, families and communities. Restorative justice practices include, but are not limited to: victim offender mediation (victim offender dialogue),

restorative conferencing (family group conferencing, victim accountability conferencing) restorative circles (sentencing circles, discipline circles), victim impact panels, and community accountability boards.

Exhibit 10

General Definitions

ACTIVE MEDIATORS

Active Mediator status is defined by the CDRCP Program Manual as annually (a) conducting —as lead or co-mediators—a minimum of three (3) mediation sessions and (b) completing at least six hours of continuing education. (This may include, at the discretion of the local Program Director, in-services scheduled by the local center, attendance at in-services conducted by other centers, or attendance at conferences or trainings that meet the needs of the local center.)

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 CDRC program and a CASA program, and splits administrative costs between the two contracts.

REFERRAL SOURCE

A referral source may include any of the following: Adult Protective Services, Attorney General, Business/Corporation, City Court, County Court, Criminal Court, Department of Social Services, District Attorney, Division of Human Rights, Family Court Intake, Family Court Judge, Family Court Magistrate, Housing Court, Law Guardian, Legal Aid, Media, NYS Division of Housing, Police, Prior Client, Private Agency, Public Agency, Public Defender, Referred by Previous Client, Religious Referral, School, Sheriff, Small Claims Court, State Police, Supreme Court, Surrogate's Court, Town and Village Court, Walk-In, Word of Mouth, or Other (specify).

RESOURCE DEVELOPMENT PLAN (RDP)

A resource development plan (RDP), also known as a fund development plan, is a planning document that clearly articulates how an organization will manage its fundraising function as well as how it will secure the funds needed to operate existing and future programming. All RDPs should state specific funding goals, provide a budget detailing the expenses needed to implement the plan, and explain the strategies that the organization will use to obtain resources from individual, corporate, foundation, and/or government funding sources. Some RDPs also include an organizational overview, case statements, historical review of past funding sources, and analysis of the current funding climate.

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.