

STATE OF NEW YORK

JUDICIARY

—REQUEST FOR BID—

NEW YORK STATE
 OFFICE OF COURT ADMINISTRATION
 DIVISION OF PROFESSIONAL AND COURT SERVICES
 98 NIVER STREET, COHOES, NY 12047
 (Agency Name and Address)

Direct Inquiries to: AMELIA HERSHBERGER, SR. COURT ANALYST
 Telephone No.: (518) 238-4357

(This is not an order)
**BID MUST BE MADE ON THIS SHEET
 OR AS OTHERWISE SPECIFIED**

Bid/Proposal Number: OCA/ADRCIP RFP 006 Issue date: SEPTEMBER 17, 2012	Commodity Group:
Opening date: OCTOBER 22, 2012 2PM	Commodity Name: NEW YORK STATE AGRICULTURAL MEDIATION PROGRAM

Price to include delivery to (describe exact location and method of delivery)

PER ATTACHED RFP/SPECIFICATIONS

OFFICE OF GENERAL SERVICES "GENERAL SPECIFICATIONS" (DECEMBER 1998) ARE FULLY INCORPORATED HEREIN.

Agency's Specification of item(s) Required (include quantities)	Bidder's Quotation and Specific Description of Item Offered
<p><u>UCS ATTACHMENT I, ATTACHMENT III AND ATTACHMENT IV ATTACHED & INCORPORATED HEREIN.</u></p> <p>THE UCS IS SEEKING PROPOSALS FOR THE OPERATION OF THE NEW YORK STATE AGRICULTURAL MEDIATION PROGRAM</p> <p>TERM: JANUARY 1, 2013 – DECEMBER 31, 2017</p>	<p>BIDDERS ARE TO SUBMIT ALL REQUIRED DOCUMENTATION AND PRICING IN THE FORMAT PRESCRIBED BY THE ATTACHED RFP SPECIFICATIONS.</p>

NOTICE TO BIDDERS

Pursuant to the Rules and Regulations of the Chief Administrator for the Courts, sealed bids for furnishing the item(s) in this Request for Bid will be received at the above address. When submitting a bid, you must:

- 1) Complete this form and all required attachments and appendices in their entirety using ink or computer/typewriter and return with all other documents.
- 2) Explain any deviations or qualifications if your bid deviates from the specifications. If necessary, attach a separate sheet setting forth such explanations.

3) Sign the bid. The bid must be completed in the name of the bidder (corporate or other) and must be fully and properly executed by an authorized person.

4) INDICATE THE BID NUMBER, THE BID OPENING DATE AND TIME ON THE ENVELOPE CONTAINING THE SEALED BID.

5) Mail the bid to the above agency address in sufficient time for it to be received before the specified bid opening.
LATE BIDS WILL BE REJECTED.

BIDDER HEREBY CERTIFIES THAT THE ABOVE QUOTED (OR OTHERWISE NOTED) PRICES ARE APPLICABLE TO ALL CUSTOMERS FOR COMPARABLE QUANTITIES, QUALITY, STYLES OR SERVICES.

BIDS MUST BE SIGNED

Bidder's Firm Name:	Employer's Federal Identification Number		
Address Street	City	State	Zip
Bidder's Signature	Official Title		
Printed or Typed Copy of Signature	Area Code/ Telephone Number		

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**NEW YORK STATE AGRICULTURAL MEDIATION PROGRAM GENERAL
SPECIFICATIONS**

In addition to such other terms, conditions and provisions presented herein, the NYS Unified Court System Standard Request For Bid Clauses & Forms - **Attachment I**, Vendor Responsibility - **Attachment III** and UCS **Attachment IV** are attached and incorporated herein.

The New York State Agricultural Mediation Program (NYSAMP) is a vibrant statewide program created to increase the accessibility of mediation and other alternative dispute resolution (ADR) services to farmers, agri-business, and others in the agricultural community. The New York State Unified Court System's (UCS) Office of Alternative Dispute Resolution and Court Improvement programs (ADRCIP), is seeking a collaboratively minded nonprofit organization to manage the day to day operations of the program. **Current Community Dispute Resolution Centers Program contractors (CDRCs) are not eligible to apply for this RFP.**

Mediation is a voluntary and confidential process in which a neutral third party—the mediator—helps people communicate and negotiate with one another. Mediation provides a forum in which parties can discuss their dispute(s), and the mediator moderates that discussion to the extent that the parties indicate that they need the mediator's assistance. Although parties are not obligated to reach agreement during mediation, the process frequently concludes with a written or verbal agreement

While primarily focused on providing mediation services in farm credit disputes and in situations where individuals have been adversely impacted by the decisions of United States Department of Agriculture (USDA) agencies, NYSAMP has also provided Community Agricultural Mediation (CAMs) services in farm family conflicts, right-to-farm disagreements, and other challenging conflicts involving the agricultural community. NYSAMP cases are referred to the program by courts, social service organizations, creditors, and by word of mouth. Community Dispute Resolution Centers (CDRCs) are critical partners in the NYSAMP program, and provide services in the vast majority of the 300-400 cases that NYSAMP annually handles. Under contracts with UCS, CDRCs provide ADR services in all 62 New York counties. For more information about the CDRCs visit: <http://www.nycourts.gov/ip/adr/cdrc.shtml>

Purpose & Scope:

It is the intent of this Request for Proposals (RFP) to award a single contract for the operation of the New York State Agricultural Mediation Program (NYSAMP). The Office of Alternative Dispute Resolution and Court Improvement Programs, an office of the Office of Court Administration, is soliciting sealed proposals for the purpose of establishing a contract to provide the services herein.

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Proposal due date:

All proposals must be received on or before **Monday, October 22, 2012, at 2:00 pm**, to receive consideration. Addenda to submitted proposals must be received on or before **Monday, October 22, 2012, at 2:00 pm** to receive consideration.

Contract term:

The term of any awarded contract shall be for a period of FIVE (5) commencing JANUARY 1, 2013 and expiring DECEMBER 31, 2017.

Method of Award:

Award shall be made to the responsible proposer who receives the highest point value as indicated in **Award Criteria**. "Responsible" shall be defined to include, but not be limited to, compliance with these specifications, references, bidder's performance history, financial stability, resources, cost factors and experience with comparable awards/contracts.

Paperwork:

Complete the paperwork with this solicitation unless otherwise specified herein. **Do not amend any portion of this solicitation.** Failure to comply may result in disqualification of proposer's response.

Implied Requirements:

Products and services that are not specifically requested in the RFP, but which are necessary to provide the functional capabilities proposed by the bidder, shall be included in the offer.

Silence of the Specifications:

The apparent silence of the specifications contained as a 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 practices are to prevail. All interpretations of these specifications shall be made on the basis of this statement.

Liability - Personal Injury:

Awarded contractor(s) shall hold harmless the State of New York, the Unified Court System and the Office of Court Administration with respect to any injuries sustained by contractor's employees, agents, subcontractors, etc. during the contract period.

Unacceptable Bids/Proposals:

The UCS may reject any proposals from bidders who previously defaulted on contract obligations, as surety or otherwise, upon any obligation to the state of New York; who have been declared not responsible, or disqualified, by any agency of the State of New York; or have any proceeding pending relating to the responsibility or qualifications of the bidders to receive public contracts.

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Alternate Proposals:

In the event satisfactory bids are not received, OCA/ADRCIP reserves the right to consider alternate proposals containing deviations from specifications. Bidders shall explain in detail where such alternatives deviate from or qualify the terms of the proposal and specifications as issued.

Failure to Provide Data:

Failure to submit any documents or information requested by OCA/ADRCIP in a timely manner may result in rejection of bidder's proposal.

Pre-Bid Conference

A Pre-Bid Conference will be held on **OCTOBER 1, 2012 from 10:00AM-11:30AM** as a telephone conference call. The conference call phone number is (888) 795-5787, and the Meeting ID number is 1304.

While participation in the bidders' conference is not mandatory, it is strongly recommended.

Questions:

Prospective bidders are to direct any inquiries regarding this solicitation **by OCTOBER 15, 2012 AT NOON (12PM)** and solely to the attention of:

Amelia Hershberger
Senior Court Analyst
Office of Alternative Dispute Resolution and Court Improvement Programs
98 Niver Street, Cohoes, NY 12047
E-mail:ahershbe@courts.state.ny.us (518) 238-4357

For written questions, the bid number must be indicated on the subject line.

All questions and responses will be uploaded to the web site

<http://www.nycourts.gov/admin/bids>

Notice to parties accessing solicitations or bid documents issued by the New York State Unified Court System via the internet

The electronic versions of such solicitations & bid documents are intended solely as a convenience to the bidder and vendor community.

Any and all individuals, firms or organizations accessing any Request for Bid(s) (RFB), Requests for Proposal(s)(RFP), Specifications or any related documents from this website shall remain solely and wholly responsible for reviewing the respective solicitation & bid documents on the internet regularly, **up to the scheduled date and time of the bid/proposal due date**, to ensure their knowledge of any amendments, addenda, modifications or other information affecting the solicitation or bid documents in question. The New York State Unified Court System (UCS) - Office of Court Administration (OCA) shall have no responsibility or liability with respect to any party or submission which does not address any and all such amendments, addenda, modifications or other information posted on this website or which purports to respond to any solicitation/bid change not issued by UCS - OCA. Further, UCS - OCA shall not be responsible or liable for any losses

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or damages caused by any party's failure or inability to access such data for any reason whatsoever, including, but not limited to, power failures, system failures, inaccessibility of on-line service providers, or log-on or transmission delays.

Please ensure all Attachments, Exhibits and Appendices are downloaded from the web site.

All times indicated are E.S.T. or E.D.S.T.(Eastern Standard Time or Eastern Daylight Savings Time)

All responses are to be in English.

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DETAILED SPECIFICATIONS

While UCS is responsible for determining NYSAMP's strategic direction and program design, the prevailing contractor will be responsible for the day to day operations of the program including:

- Implementing strategic direction of NYSAMP by developing programs, conducting outreach to statewide stakeholders, and coordinating statewide marketing/ publicity
- Maintaining relationships with New York state USDA agencies and provide intake and case management services, with the assistance of CDRC regional coordinators, for all cases involving the USDA
- Maintaining a working knowledge of all USDA regulations and procedures regarding USDA participation in mediation
- Providing technical assistance to CDRCs to increase their capacity to conduct outreach, develop programs, and coordinate local marketing/publicity
- Providing technical assistance to and oversight of CDRCs providing NYSAMP mediation services.
- Recruiting, training, and supervision of a roster of CDRC-affiliated mediators for mediation involving USDA agency stakeholders; ensure that such mediators maintain minimum standards for initial training and continuing education
- Providing direct training to mediators where appropriate and assistance to help enable CDRC's to increase their capacity to provide mediation training related to NYSAMP programming
- Developing new funding streams to support the expanded use of mediation in the agricultural community
- Maintaining confidential case files
- Conducting legislative outreach and education about NYSAMP to relevant elected officials
- Assisting UCS in the verification of CAMS data recorded in DRCMS databases
- Assisting UCS in the preparation of annual grant requests and other reports required by the USDA
- Processing and paying all vouchers for USDA cases and other vendors.
- Paying for the NYSAMP Coordinator and the UCS liaison to attend the annual USDA/CAMP meeting and for other travel expenses necessary for the operation of NYSAMP

Funding:

Funding for NYSAMP is estimated to total \$300,000 annually, and is contingent on an annual federal grant award amount. 50%-60% of the total grant funds are passed through by the contracting agency to the CDRCs for case reimbursements and local outreach work. The remaining \$145,000 is expected to be available for the organization that is selected in this RFP process for the day to day operations of the program.

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Eligibility of bidders:

Not for profit entities that do not currently provide Community Dispute Resolution Centers Program (CDRCP) services pursuant to contract with the New York State Unified Court System are eligible to apply.

Award selection criteria:

UCS intends to award one contract to operate the New York State Agricultural Mediation Program.

Proposals will be scored using the Evaluation Tool included herein as Exhibit VI.

Award shall be made to the responsible proposer who receives the highest point value by county until funding is exhausted as indicated in **Award Criteria**. Responsible shall be defined to include, but not be limited to, compliance with these specifications, references, bidder's performance history, financial stability, resources, cost factors and experience with comparable awards/contracts.

**Proposals will be evaluated on the following criteria as defined in:
Exhibit VI, Evaluation Tool**

Demonstrated organizational ability.	19 Points (32%)
Appropriateness and quality of proposed program.	29 Points (48%)
Reasonableness of cost.	12 Points (20%)
TOTAL POSSIBLE POINTS	60 (100%)

To submit an application, a proposer must include the following appendices and attachments in addition to the Program Narrative Component described on the following page. All signatures must be in blue ink.

Appendix B The first page of this document, completed and signed.

Attachment I Cover Sheet, Pages 3 of 10 (Non-Collusive Bidding Certification) and 4 of 10 (Acknowledgment Form).

Attachment III Vendor Responsibility

Attachment IV UCS Attachment IV

Appendix C Completed budget worksheets
The budget should cover the 12 month period January 1, 2013-December 31, 2013. Funding requests must be submitted on the worksheets and budget summary forms in Appendix C. The budget requests must include a brief narrative providing explanation of each non-personnel item, including the breakdown of UCS and

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other funding.

Appendix D

Required Attachments:

- Audited financial report
- Organizational chart
- Listing of Board of Directors
 - For each board member include name, address, length of current term, total years of service on the board, and number of meetings attended in fiscal year 2011-2012.
 - Certificate of incorporation
 - Staff job descriptions and resumes
 - Photocopy of correspondence issued by the Internal Revenue Service that indicates the proposer's status as a tax-exempt organization.

Appendix E

List three (3) references for the organization. Each reference should be familiar with the organization's services, particularly its dispute-resolution services, if possible. The list should state each reference's name, address, telephone number, a description of the work performed for the reference organization, and the name of a contact person.

Appendix F

Attach the organization's:

- Strategic plan
- Resource development plan
- Mission statement.

If the organization does not have one of these documents in place, attach a statement to that effect.

PROGRAM NARRATIVE COMPONENTS

Please submit the narrative **single-sided and double-spaced, retyping each question and including its number**. The program narrative must include a separate response to each question specified below and should include the full text of the question being answered. **Suggested lengths follow each question and are purely suggested totals and should not be interpreted as restrictive minimums or maximums**. There is no penalty for exceeding the page length indicated after each question, and providing clarification of your answer is helpful. Skipping questions or not answering questions completely will result in a lower score.

The following Exhibits are provided for informational purposes only:

- | | |
|--------------------|---|
| Exhibit V | Proposed contract |
| Exhibit VI | Evaluation Tool |
| Exhibit VII | Summary of Budget Categories for use in completing Appendix C |

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Awarded contracts:

This request for proposal (RFP), bidder's proposal and required appendices shall serve as the basis of a contract with the UCS. Such proposed agreements are subject to the review and approval of the offices of the New York State Attorney General and Comptroller.

The applicant may be required to submit a clarified program description and budget and may also be asked to address specific questions or recommendations of the UCS evaluation committee before contract award.

Copies:

In addition to one (1) complete, original blue ink-signature proposal with all required appendices, bidders must include THREE (3) complete copies of same. Failure to do so may result in rejection of proposal.

Please Note: Original may be bound or contained in a three ring binder, however all copies of the proposal should not be submitted in a three-ring binder, or in any other bound fashion. Please submit the copies bound only by rubber bands, staples, clips or similar devices.

Submission of Paperwork:

Proposals must be submitted on bidder's letterhead and be clearly marked, ARFP# OCA/ADRCIP #006 in the top left or right of the first page. Proposals must be received at the address below on or before OCTOBER 22, 2012 at 2pm:

Amelia Hershberger
Senior Court Analyst
Office of Alternative Dispute Resolution and Court Improvement Programs
98 Niver Street, Cohoes, NY 12047

Original signature proposals and all required copies must be contained in a sealed envelope or carton and the statement clearly marked on the exterior: ASEALD PROPOSAL - DELIVER IMMEDIATELY - DO NOT OPEN. RFP OCA/ADRCIP #006 DUE DATE OCTOBER 22, 2012, 2:00 PM.

Compliance with laws:

Contractors shall be compliant with all applicable federal, state and local laws, rules and regulations including, but not limited to the Americans with Disabilities Act.

Confidentiality:

Proposer acknowledges that any and all information, records, files, documents or reports contained in any media format accessible to the proposer, employees, servants, contractors, agents or volunteers (hereafter Agents) by the court, or which may be

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otherwise encountered by Agents shall be considered extremely confidential and shall be handled accordingly at all times. Neither the proposer, nor any of its Agents shall at any time be permitted to utilize such confidential information for the any purpose outside the scope of any resulting agreement without the express prior written authorization of the UCS. Any breach of this confidentiality by the proposer or any of its Agents may result in the immediate termination of the contract and may subject the proposer to further legal penalties.

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PROGRAM NARRATIVE QUESTIONS

1. Describe your agency's mission and how the administration of NYSAMP is in alignment with that mission. (1/2 page)
2. Briefly explain how the organization's strategic plan was created and how NYSAMP fits within that plan. Include a copy of your strategic plan in Appendix F. If your organization does not have a strategic plan, please explain why it does not. (1/2 page)
3. Describe your organization's philosophy and experience in working collaboratively with other organizations and stakeholders. (1 page)
4. Describe your agency's governing Board of Directors. Attach (Appendix D) a list of all members and their external affiliations. Provide the following information: (a) the number of times per year that your Board met in fiscal year 2011-12 and dates of those meetings; (b) the number of those meetings during which a quorum was present; (c) the percentage of the board that annually contributes financially to support the agency's mission; (d) the mechanism the board uses to evaluate performance of the executive director/ chief executive officer. (1/2 page)
5. Describe the facilities (i.e., physical space) that are available for the operation of the NYSAMP program. Identify the (a) Proposed physical address, (b) number of program staff who will work at the office, (c) degree to which the organization will need to furnish the proposed office, (d) accessibility of the office to individuals with disabilities. (1/2 page)
6. Discuss (a) how the organization will use technological components – computers, internet, website, and social media – to adequately support the operations of NYSAMP; b) the organization's capacity to resolve computer related issues; and (c) the organization's data backup protocols. (1 page)
7. Describe your organization's philosophy and experience in providing services to farmers, agri-business, and others in the agricultural community. (2 pages)
8. Describe your organization's understanding of the purpose of mediation and experience in providing ADR services. (2 pages)
9. Provide a brief outreach plan for how the organization will develop new referrals for cases, citing specific organizations and strategies. Identify any factors known

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to the organization's staff that could inhibit the development of productive referral relationships with the USDA, local courts, or any other potential referral source and identify how the organization will overcome these barriers. (1-2 page)

10. Describe the organization's success in securing grants, contracts, charitable contributions and other resources to support the provision of services to the agricultural community. Provide a proposed plan to increase funding for NYSAMP including potential strategies and specific funding sources. (1 page)
11. Describe how the confidentiality of files will be maintained within your agency, including both paper and electronic files. (1/2 page)
12. Describe the organization's capacity to administer NYSAMP including the proposed supervisory structure, hiring practices, and supervisory practices. In Appendix D, attach an organizational chart including all proposed staff and attach resumes and job descriptions (including qualifications) for all proposed positions. (1-2 pages)
13. Describe the practices and methods by which your agency will and maintain a diverse and culturally competent workforce and environment. (1 page)
14. This question corresponds to Appendix C, in which proposers are required to submit a proposed budget for NYSAMP for the first 12 months of the contract term (January 1, 2013 through December 31, 2013). (Appendix C). Please address (a) If indirect / administrative cost costs are included, please describe the method or basis for allocation. (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.); (b) Describe your agency's internal controls procedure. (Internal controls 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.); and (c) role of program staff in developing programmatic budgets. (2 pages)