

JUDICIAL COUNCIL OF CALIFORNIA

QUESTIONS AND ANSWERS

CFCC-2016-12LB

Legal Services Providers to Operate Pilot Projects under the Sargent Shriver Civil Counsel Act

April 13, 2017

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1. How may I obtain a copy of the initial report on the study, submitted to the Legislature in January, 2016, referred to in paragraph 1.2.7 of the recent RFP?

**ANSWER:** The evaluation submitted to the Legislature on January 31, 2016 may be found at:

<http://www.courts.ca.gov/documents/lr-SargentShriverCivilCounselAct.pdf>

2. The RFP focuses on providing to low income persons representation in matters in which there is an opposing party who is represented by counsel. However in probate matters, particularly guardianship and conservatorship proceedings, though there may be an adversarial environment in which counsel is present in some cases, frequently even without opposing counsel, persons attempting to navigate the complex court processes would benefit, as would the courts, if a party were able to engage effective counsel. Does the project contemplate providing counsel in aid of court processes whether or not there is an opposing counsel to confront, particularly in probate, guardianship and conservatorship proceedings?

**ANSWER:** The statute is not intended to provide one-sided representation. If a proposer is interested in cases where there is no representation on the other side, they should propose a mechanism through conflict counsel or otherwise to provide equal representation.

3. The RFP expressly refers to “Probate conservatorship” as an area of interest or concern. What of a concern for Lanterman-Petris-Short Act conservatorships? Would providing representation in some such proceedings meet with project expectations?

**ANSWER:** The authorizing statute, Government Code 68651(b) (1) refers to “probate conservatorships” as an area that may be funded. An applicant wishing to provide assistance with Lanterman-Petris-Short Act conservatorships would need to explain in the application how those cases fall within the definition in the statute.

4. When addressing income qualifications of persons (RFP paragraph 1.2.2.) does the project contemplate qualification of the Conservator/Guardian or does the project contemplate the need for the qualification of the Conservatee/Ward?

**ANSWER:** Conservatees are provided with representation as a matter of right pursuant to Probate Code section 1471. If a program proposes providing additional services, it would need to describe the need for those services and explanation of how those services would not be supplanting existing resources in the application.

5. May the proposed project include expansion of self-help and other ancillary processes in support of low income persons whether or not there is an opposing party represented by counsel?

**ANSWER:** Yes, the court based assistance contemplated by the statute may be provided to low income persons whether or not there is an opposing party represented by counsel. Some existing programs have utilized those self help services as a screening mechanism for identifying cases that require limited scope or full representation.

6. In certain communities, though the need for representation may be great, the availability of pro bono counsel may be low, particularly in rural communities. Hence, the need for contract or fully employed attorneys may be essential to meet program objectives. Will such factors be considered in the determination of awards?

**ANSWER:** Yes, if that information is provided in the grant application.

7. As an agency that primarily practices in family law, will a proposal for only domestic violence restraining orders be considered?

**ANSWER:** Yes.

8. Section 1.2.3 states that up to 20% of funding available for custody cases. Will that amount be split evenly among all custody projects? Is there a limit as to how much we should be requesting?

**ANSWER:** Current grants are not split equally between the custody pilots. The total amount anticipated for all awards is no more than \$6,900,000 so custody programs in total will be limited to \$1,725,000.

9. Section 5.1 does not mention a page limit. Is there a page limit for the technical and cost proposals?

**ANSWER:** No, there is not a page limit. Proposers should be mindful that reviewers are volunteering their time.

10. Section 5.1 states that “separate proposals shall be submitted for each separate project.” Does that mean each area of legal services listed in 1.2.2 are separate projects?

**ANSWER:** The program may determine that they want to provide assistance in more than one case type in a single project. For example, they may want to combine conservatorships and guardianships. However, if they contemplate significant differences in the projects, it would be helpful to keep them as separate.

11. Section 5.4.1 states that we must submit 1 original and 6 copies of the proposal in 1 envelope with 2 sealed proposal envelopes inside. What are the contents of these sealed envelopes? Would all copies of the Technical Proposal be in one envelope and copies of the Cost Proposal be in the other?

**ANSWER:** The Technical Proposal (1 original & 6 copies) must be in one sealed/marked envelope and the Cost Proposal (1 original & 6 copies) must be in a separate sealed/marked envelope.

12. Section 6.1.2.18 requires the applicant to indicate a "willingness to implement random assignment of a significant number of cases as determined by the evaluator to either receive or not receive representation." Has the plan for the randomized evaluation already been created? If not, will the legal services agencies be involved in the design? If so, what is the protocol for randomly assigning clients to receive or not receive services? Is there a plan for attrition of study participants? And if so, what is it?

**ANSWER:** The plan for random assignment is designed by the evaluator and the Judicial Council with the programs and varies depending on the way services are provided and other issues. The program may or may not be chosen for randomization. However, it is critical that each program agree to participate in this method of evaluation among others.

13. In Section 6.2.31, by "attorney staff" do you mean case-carrying attorney staff?

**ANSWER:** Attorney staff may also include attorneys providing case supervision for that case carrying attorney staff.

14. Can proposals include a mixture of the areas listed in 1.2.2? For instance, could we apply for a project that provides legal representation in child custody cases where there is domestic violence? Do these categories overlap or stand on their own?

**ANSWER:** Yes. A program can propose a mixture of categories. However, if a program is considering child custody, it would be important to identify how much of the

program will be dedicated to providing assistance with child custody given the statutory restrictions on that funding.

15. Can we narrow the project so we only help residents in a specific zip code for a specific time frame? For instance, could we submit a proposal that served a specific area with higher concentration of need for 6 months, and then target a similar area in the county with similar needs to test the results between the two areas? We would then be able to see the before and after in serving specific areas with different demographics to have a better idea of trends.

**ANSWER:** Yes, the program could propose such a plan.

16. Is the blended hourly rate expected to be a single rate for all attorneys supporting the project or is a contractor expected to have multiple rates for each attorney working on the project?

**ANSWER:** The blended hourly rate is expected to be a single rate for all attorneys supporting the project.

17. The blended hourly rate definition includes “other staff.” Please provide an example of what positions would fit this category.

**ANSWER:** This might include social workers, paralegals, and support staff.

18. Please provide clarification for the following items listed under Allowable Expenses:
- a. Contract services to clients: Do these include services like translation services or Litigation costs?
  - b. Contract services to programs: Would payroll, accounting, IT support services be considered appropriate? Other examples?
  - c. Contract services to partners: Are project oversight and management (including invoicing and reporting) performed by the lead agency ok to bill here? If not, where would these costs be captured?

**ANSWER:**

- a) Yes
- b) Yes – at a proportionate level to the program.
- c) Yes, costs for project oversight and management performed by the lead agency can be budgeted here. If attorney oversight, that can be billed in the attorney hours line.

19. Are all attorneys working for the lead agency required to work a minimum of 1505 hours on the project annually? Please confirm whether this standard applies to partner organizations.

**ANSWER:** The 1505 hourly requirement is the basis for a full-time equivalency in order to allow a program to identify an anticipated budget. So, if a program anticipated that an attorney would be working full time or ½ time on a project, they could identify the anticipated number of billable hours in order to establish an appropriate hourly rate. If an attorney is working less hours, they would just bill for the hours spent. Yes, this standard also applies to the partner agencies.

20. Are new methods of providing services required, or can an existing program submit a proposal to continue to provide the same innovations implemented in the previous grant cycle? Item 1.2.6 (pg. 3) states: “New and existing programs are *invited* to propose new methods of providing services to enable continuing development of best practices” (italics added), and items 6.1.2.1.iv.c and 6.1.2.2.i (pg. 8) appear to suggest that new methods are optional.

**ANSWER:** Yes, new methods are optional.

21. Can an existing program which previously submitted one joint proposal addressing two areas of need (i.e., housing-related matters and child custody actions) again submit a joint proposal, or are separate proposals now required for each?

**ANSWER:** Yes, the programs can proposal a joint proposal again.

22. If a single, joint proposal addressing two areas of need may be submitted as was done relative to San Diego County for the last two grant cycles, will the Judicial Council enter into a separate contract with each legal services agency involved or only with the lead legal services agency?

**ANSWER:** If a single proposal is submitted, a single contract will be negotiated.

23. Item 6.1.2.1.ii (pg. 8): “Describe how the pilot project will be administered.” Is this item seeking details related to staffing, training, and oversight of the program?

**ANSWER:** This does not require extensive detail, but enough information to assure the Implementation Committee that the project will be administered in a professional manner that provides high levels of service to clients.

24. RFP, Section 2.2 at page 4 of 18, states “projects are for a 3-year period, October 1, 2017 through September 30, 2020. The yearly amount available for pilot projects collectively is expected to be approx. \$6.9M ...” – is there a maximum annual dollar amount that can be requested?

**ANSWER:** No.

25. In prior year RFP’s, we were given detailed budget templates to be completed (i.e., Forms C-1, C-2 & C-3). Is there any specified format for the budget tables or any budget tables that MUST be included? I did not see any budget templates or suggested formats included with this RFP. Should the court’s budget be separate and apart from the legal service budget?

**ANSWER:** Forms C-1 - C-5a are attached here and programs are strongly encouraged to use them. The court’s budget should be separate and apart from the legal service budget.

26. RFP, Section 5.4.2, complete electronic version of proposal on CD or flash drive – do you want ONE complete file or do you want the technical proposal and the cost proposal to be saved as TWO separate files?

**ANSWER:** Please save the technical proposal and the cost proposal on one CD or flash drive, but in TWO separate files.

27. RFP, Section 6.2.1 – Should the tables look identical to the tables listed on page C-2 or do we have a certain amount of latitude in the information provided?

**ANSWER:** You can have a certain amount of latitude in the information presented.

28. RFP, Section 6.2.1 - What does the column “invoice due by” mean – can you elaborate what these dates represent (or should represent) as I thought invoices were due on a monthly basis and this would suggest otherwise. Clarification please.

**ANSWER:** Invoices are indeed due on a monthly basis and programs are strongly encouraged to submit all bills on a timely basis for reimbursement. These are the dates that the funds expire.

29. Item number 4, on page C-3 of Exhibit C of Attachment 2, reads in part that “no payment will be made for any taxes levied on the Contractor’s or any Subcontractor’s employee’s wages.” Can you confirm that the “taxes” referenced in this item do not include standard federal payroll tax items?

**ANSWER:** Yes, those referenced taxes do not include standard federal payroll tax items.