QUESTIONS & RESPONSES FOR RFP – SOLICITATION OS/MLSP-15-001-S

1. Please provide the number of new cases (shelters) per year per jurisdiction.

RESPONSE: Please see **Attachment DD, CINA/TPR Projected New Entries Caseload Chart**, which is being added to the RFP, under Amendment 1.

2. Section 1.15 – What was the basis for the State's decision to award 75% and 25% of shelter days instead of 50%-50% in two provider jurisdictions?

RESPONSE: The award basis is not new, but is documentation of the current methodology currently used by MLSP to award the highest ranked Offeror shelter care days in jurisdictions, which have multiple providers.

3. Section 1.23 -

a) What regulatory/statutory provision is the State relying upon to impose these requirements? It is not reasonable to believe that a firm will be able to hire a replacement for a key personnel position who has qualifications at least equal to those of the person being replaced. How is a firm to replace an attorney, for example, who has 15 years of experience specifically in CINA law?

RESPONSE: The substitution of personnel language is standard in solicitations. One purpose of the language is to ensure that key personnel proposed by Offerors and relied upon by the State are not removed after the contract is awarded.

b) What would be the purpose of the State's Project Manager in interviewing a potential employee? What authority does the State have to request this?

RESPONSE: The Project Manager is responsible for ensuring that the personnel assigned to the contract meet the minimum requirements and are able to carry out the duties and responsibilities under the Contract.

c) Can DHR provide us with examples of any other contract it has or that any other State agency has that includes similar Substitution of Personnel provisions?

RESPONSE: The substitution of personnel language may be found in solicitations postedd on the DHR website and the Department of Budget and Management's website.

4. Section 3.1 – What does attachment P represent? It is not possible that it is the number of new cases or shelter petitions filed.

RESPONSE: Attachment P represents the number of children served in foster care on the first day of Fiscal Year 2014 and all new children for Fiscal Year 2014.

5. Section 3.2.1 – It is a statutory mandate that counsel be appointed for every child in a CINA case. Appointment is not based on whether it is "in the best interest of the child". The only best interest standard is used when the court can consider if the attorney appointed is not under contract to the State and it wants to deviate from appointing firms under contract.

RESPONSE: This section will be revised. See Amendment 1.

6. Section 3.2.2 F – should be amended to read "representing the child", not "the Department".

RESPONSE: This section will be revised. See Amendment 1.

7. Section 3.2.3.5 D –

a) It is not reasonable to require an In-Person visit before every hearing for a child in an out of State placement. The State should consider and amend the RFP to allow for alternative contact such as face time, skype, or phone contact for contact prior to every hearing for children in out of state placements.

RESPONSE: This requirement will not be changed.

b) Is it correct to interpret this section to mean that for out of state placements, firm personnel other than the assigned attorney can conduct the In-Person interviews?

RESPONSE: No, the assigned attorney must conduct the In-Person interviews. Please refer to Sections 3.2.3.5(A) and (B).

8. Section 3.2.3.7 Appeals – The State should not be contracting with firms who will not participate fully in appeals. Children being represented by a firm not filing a brief and participating in oral argument are being denied equal protection and due process under the law. A firm should not be considered responsive to the RFP if not participating in appeals and should not be recommended for award. Simply denying payment to a firm is not adequate. Most likely, the firm will have been paid for another proceeding that same year, so there is no incentive to participate by simply withholding payment for a case.

RESPONSE: This requirement will not be changed. However, an Offeror's and proposed attorneys' overall experience and qualifications representing children, including appeals, will be considered during the evaluation process.

9. Section 3.2.4.7 B – Current providers have submitted certificates of good standing in September, 2014, may we provide a copy of that certificate instead of ordering new ones?

RESPONSE: No. New certificates of good standing must be submitted with the Proposal.

10. Section 3.2.4.7 F - The State has increased the floor salary significantly from the last contract. Considering that the attorney to client ratio has been decreased which will result in the need for more attorneys, adding an increase to the minimum salary will result in the need for us to increase our prices significantly. The State should consider decreasing the floor to $50,000, particularly for attorneys who have less than 2 years experience.

RESPONSE: This requirement will not be changed.

11. Section 3.6. Just clarifying that the State will allow electronic submission of invoices, case lists etc. It has always been an antiquated requirement that originals signed in blue ink be submitted.

RESPONSE: The invoices shall be signed and submitted via mail. ould be prepared and signed in blue ink, then scanned and emailed to MLSP. A email will be sent to the Contractor's Project Manager, confirming receipt of the invoices. The Department has engaged in preliminary discussions about an electronic invoice submission process and anticipates making a technological upgrade in the future.

12. Section 3.2.4.13 E. Monitoring Results - The contract should be amended to require the State to provide the contractor with the report of the audit within 30 days after the audit. Reports of audits have not been provided timely to the Contractors and the State should be held to a requirement to provide the report so that we can respond to the findings and provide a CAP, if necessary. We are required to respond within 30 days, should be the same for the State.

RESPONSE: This requirement will not be changed.

13. Section 3.3.3 Criminal Background checks – Are they required for all newly hired employees only or for existing personnel if incumbent provider? There will not be enough time to have them done before submission of proposals.

RESPONSE: This section requires that Contractor to have completed background checks on any person assigned under this contract before they begin their assignment or have access to children. Refer to Section 4.4.2.6(f).

14. Section 3.6.1 Conflicts with provision that invoices should be submitted electronically. What is the need for an appointment order, just more paper. We can submit a copy email.

RESPONSE: The appointment orders should be scanned and emailed.

15. Section 4.4.2.4 – Appointment Orders – Is the State asking us to submit appointment orders for all our open cases??? That is not reasonable. Since we are required to submit a list of the names of open cases as attachment U-2 this seems duplicative. Also, our list of open cases changes daily, so by the time the proposal is prepared and submitted, the list may have changed.

RESPONSE: Yes. All appointment orders must be submitted for monitoring and auditing purposes.

16. Section 4.4.2.6. c. This section requires us to "provide a copy of the resume of each proposed attorney relied upon to meet the minimum requirement", however this section seems to relate to office locations. Please clarify. Also the RFP states that resumes should be included in Section 4.4.2.8 c. under Tab G. Where should we include the resumes?

RESPONSE: Resumes should be included under Section 4.4.2.8(c), Tab G.

17. Section 4.4.2.7 c (tab F)– requires an organizational chart – so does section 4.4.2.8.c (tab G) – where does the State want us to include the chart?

RESPONSE: Section 4.4.2.7, Tab F relates to the Offeror's organization, it's headquarters, parent organization, etc. Section 4.4.2.8, Tab G relates to the Offeror's personnel and staff who will be assigned to the Contract. Organizational charts shall be submitted for both.

18. Section 4.4.2.8.c – how is a "letter of intent" defined? Is a letter of intent required by every employee of the Offeror?

RESPONSE: A statement from each proposed personnel, indicating his or her agreement to perform the services under the Contract as indicated by the Offeror, is required.

19. Section 4.4.2.9 – References – Are references restricted to child clients, or can they be other stakeholders, e.g. foster parents, employees for RTC or group homes, members of bench or bar etc.? What is meant by name of "client organization"? This section does not seem applicable to this contract or the services procured.

RESPONSE: References may be submitted by any person or entity that can attest to the Offeror's qualifications and experiences, except, employees of the Department of Human Resources.

20. 4.4.2.11. b. – Are we permitted to submit any of the acceptable documents, or must we submit copies of all documents listed in this section? For example, can we submit a P&L Statement for the last two years only to satisfy this requirement?

RESPONSE: Offerors are required to submit independently audited financial statements in order to prove its financial stability, which may include one or more of the examples listed.

21. Section 4.4.3.2. i. Allocation of personnel – Att Y-1 – please explain how the calculations are determined for this form?

RESPONSE: Please refer to Attachment Y-2 Allocation of Personnel Example Worksheet.

22. Will the provider selected to pick up a percentage of the shelter care days receive the percentage of the projected estimated caseload under the CINA/TPR Projected Caseload Chart? Will they also receive transfer cases?

RESPONSE: The provider will receive shelter care days, not a projected caseload. If a current provider is not awarded a Contract or chooses not to continue to provide legal representation, the existing provider's cases will be transferred to the new Contractor.

23. If an incumbent is not awarded new cases and does not have sufficient existing cases for the next 3 years can the provider be released from the remainder of the contract and continue representation under the Court Appointed Attorney Program (CAAP).

RESPONSE: It is expected that Offerors awarded a Contract under this solicitation will continue to provide legal representation throughout the term of the Contract.

24. An assigned attorney cannot be in two places at the same time. Will another staff attorney be permitted to stand in for the assigned attorney if, for example, an oral argument is scheduled at the same time the assigned attorney has other hearings in circuit court?

RESPONSE: Attorneys shall use their professional judgment to provide the best representation to clients and to ensure continuity of representation.

25. Are school and/or community visits not acceptable when placement visits are not feasible?

RESPONSE: School and/or community visits may be acceptable, subject to the requirements of Section 3.2.3.5.

26. I have investigated securing Employee Theft Insurance $100,000 per occurrence. Insurance carriers require certain controls in place which are not part of my business structure. For example, We have to have a countersignature in place, a separation of duties, and all vouchers or supporting documents accompany all checks to be signed. There is no supervision by an owner partner or director and no duplicate money counters. This is a compliance issue. If unable to secure this coverage. What is the remedy for this situation? Any thoughts, Ladies?

RESPONSE: The requirement to maintain Employee Theft Insurance will be removed. Please see Amendment 1.

27. Need more guidance on completing Y-1; there is no explanation or description to assist in completing this form. For each position are we required to determine the amount allocated in the direct costs from a federal program and non federal program. We receive a fixed price per case which is used for salary and overhead. Not sure how to designate the amount for federal and non-federal programs?

RESPONSE: Please refer to Section 1.35 regarding the amount of federal funds available under this solicitation. The Offeror must determine the amount and source of funds it receives. All personnel positions that require time to be charged to more than one cost objective must be identified separately on this attachment.

28. What other reports fall under Ad Hoc Reports.

RESPONSE: Any report or request for information that the Department deems necessary to respond to inquiries or assist with monitoring the Contract.

29. References are requested from customers. We do not have customers. We have clients and do they have capacity to document the Offeror's ability to provide the services specified in this RFP?

RESPONSE: Please see response to question number 19.

30. Can the contract manager and supervising attorney be the same person under the contract? Or does the RFP require that the contract manager position be separate and distinct from the supervising attorney's role?

RESPONSE: The Offeror shall propose staff that meets the minimum qualifications in the RFP and staff that are capable of meeting the requirements of the RFP. Key Personnel acting in more than one capacity must be able to meet the requirements of each role assigned.

31. Who are the current incumbents on the contract? How do you find out the contract amounts awarded to the current incumbents?

RESPONSE: Please see the Board of Public Works Agenda submitted with the current contracts attached to these responses.

BOARD OF PUBLIC WORKS
NOVEMBER 6, 2013
APPENDIX

Contact: Sandy Johnson 410-767-7408
sandy.johnson@maryland.gov

A1. EMERGENCY PROCUREMENT REPORT

Department of Human Resources

CONTRACT ID: Legal representation/Children in Need of Assistance (CINA); Termination of Parental Rights (TPR); and related cases, ADPICS No. N00B4400222

CONTRACT TYPE: Services

DESCRIPTION: Legal representation for children involved in CINA, TPR, and related cases

PROCUREMENT METHOD: Emergency

EMERGENCY DECLARED: August 21, 2013

AWARD DATE: September 1, 2013

AWARDS: Multiple awards (*details on pages APP 3 – APP4*)

Child Advocacy Project of the Eastern Shore, Inc.
Children's Legal Services of Baltimore, LLC
Darlene A. Wakefield, PA
The Franklin Law Group
Lazarus & Burt, PA
Legal Aid Bureau, Inc.
Patricia A. Patton Legal & Mediation Services, PA
Randall & Sonnier, LLC

AMOUNT: $24,541,628 total (see pages A3-A4 for individual rates)

TERM: 9/01/2013 – 8/31/2015

MBE PARTICIPATION: 0%

FUND SOURCE: 67% General/33% Federal
Appropriation Code: N00A0104

BOARD OF PUBLIC WORKS
NOVEMBER 6, 2013
APPENDIX

A1. EMERGENCY PROCUREMENT REPORT (cont'd)
Department of Human Resources

REMARKS:

Background: By law, the State is mandated to provide legal representation services for children in Children in Need of Assistance (CINA), Termination of Parental Rights (TPR), and related cases. See § 3-813, Courts and Judicial Proceedings Article, Annotated Code of Maryland. DHR's Maryland Legal Services Program (MLSP) was created to ensure quality and effective legal representation in State court to children who are victims of abuse or neglect and where the local department of social services is a party to the case. MLSP contracts with legal services providers to represent this population.

Nature of Emergency: Reference is made to DBM Item 7-S (August 21, 2013) in which the Board of Public Works, after extended testimony, took "no action" on DHR's recommendation to approve award of CINA/TPR legal-services contracts. DHR had made its recommendation to award contracts (to be effective September 2013) after conducting a competitive sealed proposals procurement. Faced with the lack of Board approval of its recommendation, DHR confronted a situation in which its current contracts would expire and leave children without representation. DHR thus declared an emergency to avoid serious damage to public health, safety, and welfare.

Basis for Selection: DHR awarded two-year contracts on an emergency basis to its incumbent contractors who will continue to provide legal services for two years.* The award represents the amount MLSP budgeted for expenditures on legal representation over the next two years. Attorneys will be paid based upon the price per proceeding.

* At its August 21st meeting, the Board directed the Council for the Procurement of Health, Educational, and Social Services to review generally how the State procures CINA/TPR legal services and report its findings and recommendations. DHR's emergency contract terms are two years which is anticipated to be adequate time for the Council review and a new procurement to be complete.

TAX COMPLIANCE NO.: See pages A3-A4

RESIDENT BUSINESS: Yes for all

BOARD OF PUBLIC WORKS ACTION: **THIS REPORT WAS:**

ACCEPTED — REMANDED

WITH DISCUSSION — WITHOUT DISCUSSION

BOARD OF PUBLIC WORKS
NOVEMBER 6, 2013
APPENDIX

A1. EMERGENCY PROCUREMENT REPORT *(cont'd)*

Department of Human Resources

Provider and Tax Clearance No.	Jurisdictions Served	CINA	TPR	Shelter Care Hearings	Appeals
Child Advocacy Project of the Eastern Shore, Inc. **David Wright, Esq.** Chestertown, MD 13-2664-0001	Baltimore City and Baltimore County	$1000	$1000	**$125**	$1800
Child Advocacy Project of the Eastern Shore, Inc.	Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, Worcester	$1050	$1050	$125	$1800
Children's Legal Services of Baltimore, LLC **Chris Robinson, Esq.** Brooklyn, MD 13-2665-0111	Baltimore City and Baltimore County	**$1216**	*NA*	*NA*	*NA*
Darlene A. Wakefield, PA **Darlene A. Wakefield, Esq.** Baltimore, MD 13-2666-0111	Baltimore, Carroll, Harford, Howard and Baltimore City	$1150	*NA*	*NA*	*NA*
The Franklin Law Group **Stephanie S. Franklin, Esq.** Baltimore, MD 13-2168-0000	Baltimore City and Baltimore County	**$1150**	*NA*	*NA*	*NA*
Lazarus & Burt, PA **Ronna Lazarus, Esq.** Baltimore, MD 13-2667-0111	Baltimore City	$1150	**$1400**	$540	$1100
Lazarus & Burt, P.A.	Montgomery	**$1420**	**$1670**	**$800**	**$1485**
Patricia A. Patton Legal & Mediation Services, P.A. **Patricia A. Patton, Esq.** 13-2669-0111	Washington	$700	$130	$225	*NA*
Randall & Sonnier, LLC **Kendra Randall-Jolivet, Esq.** Baltimore, MD 13-2169-0001	**Baltimore City**	Yr 1 **$1302** **Yr 2** **$1320**	Yr 1 **$1302** **Yr 2** $1320	**$65**	$1300
Legal Aid Bureau, Inc. **Wilhelm Joseph, Jr., Esq.** Baltimore, MD 13-1123-0110	Anne Arundel	Yr 1 $1307 Yr 2 $1355	*NA*	*NA*	*NA*
Legal Aid Bureau, Inc.	Baltimore City	**Yr 1** **$1494** Yr 2 $1569	*NA*	*NA*	*NA*

BOARD OF PUBLIC WORKS
NOVEMBER 6, 2013
APPENDIX

A1. EMERGENCY PROCUREMENT REPORT (cont'd)

Department of Human Resources

Provider and Tax Clearance No.	Jurisdictions Served	CINA	TPR	Shelter Care Hearings	Appeals
Legal Aid Bureau, Inc.	Baltimore County	Yr 1 $1532 Yr 2 $1608	*NA*	*NA*	*NA*
Legal Aid Bureau, Inc.	Calvert, Charles, St. Mary's	Yr 1 $1277 Yr 2 $1341	*NA*	*NA*	*NA*
Legal Aid Bureau, Inc.	Frederick	Yr 1 $1150 Yr 2 $1190	*NA*	*NA*	*NA*
Legal Aid Bureau, Inc.	Garrett	**$1460**	*NA*	*NA*	*NA*
Legal Aid Bureau, Inc.	Montgomery	Yr 1 $1560 Yr 2 $1620	*NA*	*NA*	*NA*
Legal Aid Bureau, Inc.	Prince George's	Yr 1 $1608 Yr 2 $1688	*NA*	*NA*	*NA*
Legal Aid Bureau, Inc.	Allegany	Yr 1 $1391 Yr 2 $1433	*NA*	*NA*	*NA*

Rates are per proceeding type and are the same for contract years one and two unless otherwise noted