MARYLAND DEPARTMENT OF HUMAN RESOURCES

REQUEST FOR PROPOSAL FOR

LEGAL REPRESENTATION FOR ADULTS INVOLVED IN ADULT PROTECTIVE SERVICES

OS/MLSP-16-001-S

Questions and Responses #2

Question 5: Does Attachment DD need to be notarized?

Response: No, Attachment DD – Certification of Attendance, does not need to be notarized.

Question 6: How will “of counsel” attorneys be treated under the RFP?

Response: The Department considers the use of “of counsel” attorneys or relationships to be a form of subcontracting. Therefore, per section 3.2.11.1, “subcontracting any of the core services in not permitted”.

Question 7: The RFP states that in jurisdictions with multiple Contracts, a calendar will be created by MLSP and cases will be assigned by the court to the Contractor who appears on that day. In some jurisdictions cases are not scheduled for hearing until such time as all parties are served and an Answer is filed. How will [are] those cases be assigned?

Response: Section 1.15.3 will be amended for clarification.

Question 8: The RFP states that the State Project Manager may direct the Contractor to replace any personnel who are perceived as being unqualified, non-productive, unable to fully perform the job duties due to full or partial Incapacity, or known, or reasonably believed, to have committed a major infraction of law, agency, or Contract requirements.  With the understanding that such personnel are employees of the contractor, would this be a defense to unemployment?

Response: The Department can not advise on what is considered defense in unemployment compensation cases.

Question 9: Are the employees of the Contractor deemed an employee of the Department?

Response: Employees of the Contractor are not employees of the Department and/or State.

Question 10: The RFP states that the assigned attorneys must meet or exceed the floor salary including benefits of $60,000.  How does this apply to part-time attorneys?

Response: The floor salary, including benefits, of $60,000 is a full-time equivalency rate as stated in Section 3.2.11.6. The salary requirement applies to any assigned attorney working 35 or more hours per week.

Question 11: What recourse does the Contractor have if he/she disagrees with the decision of the State Project Manager?

Response: The work to be accomplished under the Contract shall be performed under the direction of the State Project Manager or designee. Under some circumstances, issues that cannot be resolved by the State and Contractor’s Project Mangers may be elevated to the State Project Manager’s immediate supervisor.

For any matter relating to the interpretation of the Contract, the issue shall be referred to the Procurement Officer for determination.

Question 12: It appears that the State Project Manager has a tremendous amount of authority over the Contractors.  Is there any oversight from the Department over the State Project Manager?

Response: The State Project Manager or designee has an immediate supervisor to which issues can be elevated.

Question 13: [In relation to Question 12] If so, who is that individual and what is his/her job title?

Response: The immediate supervisor of the State Project Manager provided on page iii of the RFP is Gregory James, Deputy Secretary of Operations for the Maryland Department of Human Resources.

Question 14: The RFP appears to expect several bidders.  What is the Departments plan if there are no offerors, or qualified offerors, in a jurisdiction?

Response: If there are no offerors and/or qualified offerors in a jurisdiction as a result of this RFP, the Department will issue another RFP for the jurisdiction(s) in which a proposal was not received and/or no qualified offeror recommended.

Question 15: [In relation to Question 14] How will legal services be provided in those jurisdictions?

Response: The Department may extend the term of the existing contract or seek an emergency contract in order ensure that services continue uninterrupted until the Department reissues the RFP for the affected jurisdiction(s).

Question 16: The RFP appears to expect four Contractors in Baltimore City and three Contractors in Baltimore County.  What is the Department’s plan if there are far fewer qualified bidders in those jurisdictions?

Response: The Department may determine services can be provided with fewer than four Contractors, or the Department will institute the procedures set out in the response to Question 14.

Question 17: The RFP 1.1.3 states that, “The Department intends to allow contractors that currently have contracts to keep their current cases.” By “current cases” does that mean APGRB matters?

Response: Yes, existing cases include APGRB cases.

Question 18: [In relation to Question 17] If so, if the current contractor was to have additional matters that goes to the Adult Public Guardianship Review Board following the filing of the proposal, may those cases be added to the awarded cases at a later date?

Response: If the current Contractor submits a Proposal and indicates a desire to retain its current caseload, and is recommended for award, the Contractor will maintain any case that was assigned prior to start of the new contract and will be assigned new cases under the new Contract.

If the current Contractor submits a Proposal and indicates its desire to keep existing cases, but is not recommend for a new award, the Procurement Officer may recommend that the contractor be given a Contract for existing cases only. No new cases will be assigned after the new Contract start date.

Question 19: Is this a brand new contract for the state of Maryland or have these services always been contracted out?

Response: No. This is not the first time these services have been contracted out.

Question 20: If this is not a brand new contract, can you provide the winning financial bid or at least the range of the financial bid?

Response: Please see attachment labeled, “APS-APGRB 2013-Aug 21 Agenda”.

Offerors Please Note: Questions are requested to be submitted at least five (5) days prior to the Proposal due date (see RFP Section 1.9 “Questions”)

*Date Issued: May 18, 2016 By:*

*Nneka Willis-Gray, Procurement Officer*