MARYLAND DEPARTMENT OF HUMAN RESOURCES

REQUEST FOR PROPOSAL (RFP) FOR

LEGAL REPRESENTATION FOR ADULTS INVOLVED IN ADULT PROTECTIVE SERVICES GUARDIANSHIP HEARINGS AND ADULT PUBLIC GUARDIANSHIP REVIEW BOARD PROCEEDINGS

OS/MLSP-16-001-S

Questions and Responses #3

Question 21: If an incumbent wishes to keep their current APGRB matters and not take any new cases, how does the Department want the offeror to fill out the Financial Proposal?

Response: An incumbent wishing to keep their current case loads and not accept any additional cases will complete the carryover caseload column only on Attachment BB-1with the number of cases at the time of proposal submission and considering any new cases received until contract award and attrition. The incumbent would then use this information and complete the Financial Proposal.

Question 22: In the past, the State required a letter from the reference in a sealed envelope. Is the solicitation only requesting contact information on the references; so there is no requirement for a letter from the reference?

Response: A letter of reference is not required, nor does it need to be placed in a separate sealed envelope. Each reference provided must include the following information as indicated in Section 4.4.2.9 References:

 A. Name of Client organization

 B. Name, title, telephone number, and e-mail address, if available, of point of contract for the Client organization; and

 C. Value, type, duration, and description of services provided.

Question 23: How should the Financial Proposal Form be completed for an offeror requesting to keep their existing cases only?

Response: Refer to response provided to Question 21.

Question 24: Will the Evaluation Committee look negatively on an offeror if they are only requesting to keep their existing caseload?

Response: All offerors submitting a proposal in response to this RFP will be evaluated equally. Technical Proposals will be evaluated for technical merit and ranked. Financial Proposals of each Qualified Offeror will be evaluated and ranked separately from the Technical evaluation. Per section 5.5.3 Award Determination, “In an attempt to maintain continuity of representation to adults involved in APS/APGRB cases, for the final award determination for existing cases only, preference will be given to Offerors that are current providers that wish to keep their current caseload, but do not wish to take on new cases, or were not recommended for award of a new Contract, provided that it is determined to be in the best interest of and most advantageous to the State after evaluation of the Proposals.

Question 25: Section 1.15.3 of the RFP states, “Cases will be assigned by the court to the Contractor who appears on the calendar the day the cases is scheduled to be heard,” what date will be used to assign the cases, the “calendar days” (i.e. the date the case is filed; the date it is docketed in Maryland Case Search; the date it gets to the Trust Clerk’s desk; the date it’s processed by someone; the date an actual call is made to place the case with a Contractor; the date the court signs the Order Appointing Counsel, the hearing date; or some other date)?

Response: See Amendment No. 1.

Question 26: (Sections 1.15.3, 1.15.4, 1.15.5) At the pre-proposal conference held May 6, 2016, DHR announced that the successful Contractors for Baltimore City and Baltimore County will be asked to assist in the creation of a yearlong calendar for assigning cases and that this calendar will then be approved by DHR. Who will lead and be responsible for the creation of the “calendar days” schedule?

Response: The Department intends to create the calendar. However the Department welcomes the input and collaboration of the affected Contractors to assist with the creation of the calendars, so issues such as vacation or scheduling conflicts can be considered.

Question 27: [In relation to Question 26] What is the definition of “calendar days” for assignment purposes?

Response: For the purpose of assigning cases in a jurisdiction with multiple awards, “calendar days” is defined as - Monday through Friday, excluding holidays.

Question 28: [In relation to Question 26] Who will be responsible for the implementation of the “calendar days” schedule at the court?

Response: The Department will provide the courts with a copy of the Calendar.

Question 29: [In relation to Question 26] Will there be only one Contractor on a “calendar day” or will all Contractors be on the [same] “calendar day” with a ranked order of who gets assigned a case first that day?

Response: Yes, one contractor will be assigned per “calendar day”.

Question 30: [In relation to Question 26] What happens to the “calendar days” schedule when the Contractor on a “calendar day” meets one of the criteria of 1.15.3 (a) through (d)?

Response: The cases assigned on that “calendar day” will be reassigned to one of the next available contractors in that jurisdiction or CAAP attorney.

Question 31: [In relation to Question 26] How will the assigning entity of the court know who to assign if the “calendar days” Contractor is prohibited from taking the case due to one of the criteria (a) through (d) of 1.15.13.

Response: The Department will provide direction to the assigning entity of the court. Contractors shall also advise the Court if they are unable to accept assignments for one of the acceptable reasons.

Question 32: [In relation to Question 26] How will the “calendar days” methodology work with assigning Adult Public Guardianship Review Board (APGRB) cases?

Response: Yes, the same methodology will be used.

Question 33: (Section 1.15.3) The order appointing counsel automatically expires upon the expiration for the time for filing an appeal unless the court orders otherwise. Maryland Rule 10-106 requires that “the court shall either continue the attorney’s appointment or appoint another attorney to represent the disabled person before the Adult Public Guardianship Review Board.” Will the Circuit Court issue a new order for the APGRB hearing at the conclusion of the guardianship hearing?

Response: The Contractor shall request that the appointment continue through the APGRB process.

Question 34: Section 1.23 C and D of the RFP give the State Project Manager authority to approve the hiring and even firing of Contractor personnel. What statute, regulation, or law gives the State Project Manger the authority to approve the hiring and/or require the removal of an employee of the Contractor? Please provide a copy of the statute, regulation or law referenced when providing a response to this question.

Response: Section 1.23 A of the RFP states that the Department is requesting notification of removal of Key Personnel. The Department may request removal or reassignment of Key Personnel.

Question 35: Section 3.2.1 of the RFP reads, “New cases coming before the Circuit Court are filed by the various local Department of Social Services (LDSS) offices.”

 DSS only files a handful of cases each year. The vast majority of cases are filed by family members, hospitals, and nursing facilities. The local DSS and Office of Aging (OofA) are always listed as interested persons, (see Maryland Rule 10-103 and Estates and Trusts Article 13-101) but rarely [are] ever a party to the proceedings. Will cases where DSS or OofA is not a party to the proceedings be covered by this contract?

Response: Attorneys who are assigned to cases where DSS or OofA are interested parties will be paid at the Contractor’s agreed upon price per case proposed under the Contract.

Question 36: [In relation to Question 35] Will cases where DSS or OofA is an interested person and not a party to the proceedings be covered by this contract?

Response: See response to Question 35.

Question 37: (Section 3.2.4) What are an Exception Hearing and Extension Hearing as it relates to guardianship cases?

Response: They are examples of potential hearing types.

Question 38: Will hearings on Petitions for medical examination, withholding of medical treatment, substitution hearings, and termination hearings be covered by this contract?

Response: Yes, these are additional types of hearings that may arise during the course of the representation.

Question 39: (Section 3.2.4.4) “Independent investigations” is a term that has a different meaning in practice see Maryland Rule 10-106. Also, “ a change in placement” is only sometimes a significant event, as it depends on the individual client, the care provider, and the action of the guardian. Moreover, such changes usually happen without notice to the attorney. What are treatment, placement, administrative hearings and other hearings as referenced in this section? Please provide examples and the mechanism by which the attorney will receive notice, as well as a list of significant events and the mechanism by which the attorney will receive notice.

Response: Pursuant to Section 3.2.4.4 of the RFP is self explanatory.

Question 40: (Section 3.2.5.1) What is a CIS number and is it provided by DHR?

Response: This requirement is being removed. See Amendment No. 1.

Question 41: What is an identification number and is it provided by DHR?

Response: This requirement is being removed. See Amendment No. 1.

Question 42: What is the date court exercised jurisdiction over the client?

Response: The date service has been perfected.

Question 43: [In relation to Question 42] Who will determine and provide that date?

Response: The information should be available in the court record.

Question 44: (Section 3.2.8) Postponement Court in Baltimore City requires attendance by the Contract Attorney, is recorded, is heard before and ruled on by a judge, and the case is discussed. Postponements are almost always requested by petitioner’s attorney, not by the Contract Attorney. Sometimes a postponement hearing is held not to change the hearings date to a later time but to move the date to a closer date. Court appointed counsel is often placed in a position at postponement court where s/he is representing what is in the client’s best interest medically and not moving the date or delaying the case. Postponement Court is a hearing where the presiding judge could complete attachment DD as proof of attendance. Why does DHR consider this not to be a hearing?

Response: The Department recognized that postponements may be a type of hearing; however, it is not a billable event.

Question 45: (Section 3.4.6) Is there a legal authority for the State to require contractors to name the State as an additional insured? If so, please provide a copy of the statue, regulation, or law indicating such.

Response: The State to be listed as an additional insured is a contractual requirement.

Question 46: (Section 3.6.1) Invoicing indicates that a “Court Order and Appointment Order shall be uploaded electronically.” In all court cases, there are several orders that could be issued. Is this language referring to the Order Appointing Counsel, Show Cause Order, or Ordering Appointing a Guardian? Please specify what Court Order is going to be required for invoicing purposes.

Response: The order appointing counsel to represent an alleged disabled person and an order which demonstrates that a billable hearing has occurred and that the contract attorney was present at the billable hearing.

Question 47: (Section 3.6.3(b)) Settlement hearings do not always result in a court order being issued. Often times there is just a Notice of Voluntary Dismissal filed by Petitioner. Will the Notice of Voluntary Dismissal suffice as a court order as required by this section and if not, please explain what will suffice when the court does not issue an order?

Response: Yes.

Question 48: The current contract year ends August 30, 2016. The proposed start date for the new RFP contract is February 2017. Will the option year one contract be implemented for the six-month gap? Will there be contract extensions?

Response: The Department anticipates that there will be an extension of the current contract.

Question 49: How will Attachment DD – Certificate of Attendance be implemented for the APGRB hearings?

Response: The Department will obtain the APGRB sign-in sheet to verify attendance of the Contractor at the APG/APGRB meeting.

Question 50: Has Attachment DD – Certificate of Attendance been approved by the court? Will the court complete and sign the attachment?

Response: In the absence of the Court order Attachment DD may be used and executed at the discretion of the Court.

Question 51: [In relation to Question 50] If Attachment DD – Certificate of Attendance has not been approved by the court, will it be approved before the due date of Proposals?

Response: See response to Question 50.

Question 52: (Section 4.4.1) Does “unbound” refer to the original only, or to the original and the four copies?

Response: The original and four copies should be “unbound”.

Question 53: What does “unbound” mean?

Response: “Unbound” means not attached or are easily removed. Please do not attach or bind pages to each other (i.e., no staples or spiral binders).

Question 54: Can the proposal (both original and copies) be placed in a 3-ring binder?

Response: Yes (also refer back to Question 53 response).

Question 55: (Section 4.4.2.4) Should the Appointment Orders also be sent electronically only; in paper format only; or both?

Response: The Appointment Orders should be submitted electronically on a CD or DVD.

Question 56: If Appointment Orders are sent electronically, should they be on the same CD as the Client Case List?

Response: The Appointment Orders can be provided on the same CD or DVD as the Client Case List or on a different CD or DVD.

Question 57: (Section 4.4.2.7) Letters of intended commitment, is this only required from a subcontractor?

Response: Letters of intended commitment is a requirement of a subcontractor or a subcontractor’s key personnel.

Question 58: Is the Letter of intended commitment also required from the Offeror’s key personnel?

Response: See Response to Question 57.

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 27, 2016 By:*

 *Nneka Willis-Gray, Procurement Officer*