

**The Oversight Board to Distribute  
Judiciary Civil Legal Services Funds in  
New York  
FISCAL YEAR 2012-2013  
Request for Proposals**

**APPLICATION FORMS AND  
INSTRUCTIONS**

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- Poverty Population and Judicial Department Map (See accompanying PDF)
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## **I. Background Information and Instructions**

### **A. The Task Force to Expand Access to Civil Legal Services in New York**

The continuing deep economic downturn has clearly increased the need for civil legal services in New York State. Recently released 2010 United States census data confirms that approximately six million New Yorkers (thirty percent of the State's population) are living at or below 200 percent of the poverty level. More than 2.3 million New Yorkers try to navigate the State's complex civil justice system without an attorney. To aid in assessing the extent of the unmet need for civil legal services, Chief Judge Jonathan Lippman appointed the Task Force to Expand Access to Civil Legal Services in May, 2010.

During each of the last two years, the Task Force has assisted the Chief Judge in conducting Judiciary hearings in all four Judicial Departments of the State to evaluate the unmet need for civil legal assistance. In its first year the Task Force found that lack of resources to fund civil legal services adversely impacts not only the vulnerable individuals and families without representation, but the entire state. There is a growing crisis in the courts because the need for Judges and court personnel to spend thousands of hours assisting the unrepresented has decreased efficiency and had a negative effect on the quality of justice for all parties. The State economy has been impacted by the loss of hundreds of millions of dollars in federal benefit funds. State taxpayers face additional burdens due to the need for state and local governments to shoulder the costs of increasing homelessness and the failure to prevent domestic violence. In its second year, the Task Force found that the crisis of the unrepresented had grown since the previous year. Sixty-three percent of New Yorkers are unrepresented at statutorily required settlement conferences in foreclosure cases. Ninety percent of civil legal services providers had to turn away the same number, or more, potential clients than had been turned away the previous year.

A key first-year recommendation of the Task Force was the establishment of a reliable source of funding for civil legal services. In response to this recommendation, 12.5 million dollars was allocated for civil legal services in the judiciary budget for State fiscal year 2011-2012. That funding was awarded to legal services organizations throughout the state in accordance with the Task Force priority of providing assistance to families and individuals living at or below 200 percent of the poverty level in matters involving the "essentials of life." From August 1, 2011 through November 1, 2011 services were provided to 51,297 clients who otherwise would have been turned away and 8813 cases were diverted from the courts. While this funding was critical in increasing access to justice for vulnerable individuals and families, the gap between the need and available services remains enormous. At best, only 20% of the need for civil legal services in New York is being met.

### **B. Second-Year Findings and Recommendations of the Task Force**

Based on the Judiciary Hearings testimony, and after continued comprehensive review of access

to civil legal services in New York, the Task Force made the following key findings in its second year:

***Finding 1: A continuing unmet need exists for civil legal assistance for low-income families and individuals in all areas of the State.***

***Finding 2: The continuing unmet need for civil legal assistance in all areas of the State has a negative impact on the functioning of the courts, businesses and government, and a profound impact on vulnerable families and individuals.***

***Finding 3: New cost savings analyses demonstrate that civil legal services in New York State can save at least \$85 million in costs associated with domestic violence and at least \$116.1 million in shelter costs in addition to the continuing substantial economic benefits to the State documented by the Task Force.***

***Finding 4: New Task Force initiatives can streamline and enhance client service delivery, help limit the costs of providing civil legal services, and reduce court expenditures and litigation costs for represented parties.***

The Task Force also made a number of recommendations to address these findings, including the gradual increase in funding for civil legal services in the judiciary budget to create a stable and permanent source of funding. For the Fiscal Year beginning April 1, 2012 and ending March 31, 2013, the Task Force recommended the allocation of \$25 million in civil legal services funding targeted for the provision of civil legal assistance to address matters involving the “essentials of life” across the State.

The Oversight Board established last year, consisting of the Chief Administrative Judge of the Courts (or other designee of the Chief Judge), the Chair of the Chief Judge’s Task Force, and the Chair of the IOLA Board, will oversee the process for the allocation of this funding. The parameters for the funding and the mechanism for distributing funds were adopted by the Chief Judge in response to the Task Force’s Recommendations and \$25 million was included in the proposed 2012-2013 Judiciary Budget.

### **C. Priorities for the Provision of Civil Legal Services**

The most urgent need continues to be to provide additional civil legal assistance in matters involving “the essentials of life.” The Chief Judge and the Oversight Board have adopted the Task Force’s findings **that these highest priority “essentials of life” matters most often involve legal problems in the areas of housing (including evictions, foreclosures, and homelessness), family matters (including domestic violence, children, and family stability), access to health care and education, and subsistence income (including wages, disability and other benefits, and consumer debts).** It is also clear that such matters are often interrelated with other legal problems that must be addressed in order to remedy the presenting

legal issue. **Furthermore, the provision of preventive and early intervention legal assistance, including expanded community legal education initiatives, should be emphasized as part of the array of client services that are needed.**

Persons with incomes at or below 200% of the Federal Poverty Guidelines are eligible for client services. Please refer to the Poverty Guidelines included with this application package.

#### **D. Applicant Eligibility**

Awards will be made to qualified organizations which are non-profit entities, tax-exempt under the Internal Revenue Code and eligible to receive funds for the provision of civil legal services without charge to poor persons within a geographical area in New York State.

In addition, an applicant must have an audit mechanism that provides accountability for “Judiciary CLS Funds”. All applicants for funding should provide certified financial statements for the most recently ended fiscal year.

Applicants must have staff with the requisite training, knowledge and experience to resolve client problems in the most effective and efficient manner.

Applicants are encouraged to limit their applications to one Judicial Department unless the organization does substantial work in more than one Department. If an applicant does substantial work in more than one Department and applies for funding for more than one Judicial Department, the applicant need only submit one application which allocates the percentage of funds to be used in each of the Judicial Departments served.

Applicants seeking funding for joint projects between two or more funding-eligible organizations should have only one of the organizations submit an application for the project. The application should be submitted in the name of the organization, not in the name of the proposed project, unless the project is a separate legal entity.

#### **E. Grant Award Amounts**

The Oversight Board will grant awards based on the number of people living at or below 200% of poverty within the applicable geographic area, according to the latest available figures from the U.S. Census Bureau. See New York State Poverty Population Table and Judicial Department Map included with the application package.

Proposals should include the amount of funding requested for the period from April 1, 2012 through March 31, 2013.

The Oversight Board reserves the right to award less than the amount requested by any applicant and to allocate the funding between Judicial Departments (if funding for more than one Judicial

Department is requested and awarded) in a different proportion than that requested by the applicant. In the event that an applicant receives less funding than requested, the applicant may be required to submit a revised budget and/or project plan. The Oversight Board also reserves the right to impose any special conditions on the grant award that it, in its discretion, determines will improve services or performance by the grantee, or conform to the Oversight Board's priorities over the grant period.

**F. Factors Considered in Awarding Grants**

Proposals will be evaluated based on the factors set out below. Proposals will be awarded a maximum of 100 points with each factor assigned the point values listed.

	<u>Factor</u>	<u>Point Value</u>
1.	<u>Needs/Services/Methods/Outcomes</u> Problems to be addressed (must include community characteristics, demographic and statistical data); services to be provided; relationship to Oversight Board priorities; methods of service delivery (including use of pro bono attorneys and/or volunteers, if applicable), preventive and early intervention assistance (including expanded legal education initiatives) and anticipated outcomes and impact.	50
2.	<u>Organizational Capacity</u> Organizational capacity to implement the proposed activities and services, including legal expertise and other professional qualifications; staffing; ties to community to be served; governing board and its role in setting priorities, ensuring program accountability and providing leadership in the development of program resources for the project for which funding is requested.	15
3.	<u>Implementation Strategies and Cooperative Efforts</u> Strategies to ensure efficient and expeditious program implementation; and cooperative efforts to maximize benefit of grant funds and avoid duplication of services.	10
4.	<u>Budget/Expenditures</u> Reasonableness, allowability (consistent with generally accepted accounting principles and in conformance with the purposes of the RFP) and allocability (directly benefiting the proposed program and assigned to the appropriate cost objective in reasonable and realistic proportion to the benefit provided) of proposed costs.	10

5.	<u>Quality Control</u> Current and planned methods to ensure quality control of services, including appropriate systems for client intake, case assignment, case management and supervision, training of staff and volunteers, and technical support for the project for which funding is sought.	10
6.	<u>Use of Technology</u> Planned uses of technology in all facets of the project for which funding is requested and how the use of technology will enhance the proposed services.	5

**G. Application Review and Grant Award Process**

Proposals will be evaluated and scored according to the factors listed above.

A list of all applicants will be circulated to the Oversight Board with Conflict of Interest Disclosure Forms, which must be filed prior to Oversight Board meetings in which grant decisions are made. Oversight Board members are required to file conflict disclosure forms prior to review of grant applications and are required to disclose current affiliations with applicants, and they are precluded from reviewing and being involved in decisions on grants involving those organizations.

**H. Grant Contract**

Grant recipients will enter into a contract with the New York State Unified Court System (UCS). The contract will be for all or a portion of the 2012-2013 state fiscal year (April 1, 2012-March 31, 2013), with an estimated commencement date of April 1, 2012. The contract will also have four (4) optional one-year renewal terms, the exercise of which will depend on grants by the Oversight Board in subsequent years.

Any special terms and conditions imposed by the Oversight Board on grant awards will be included in the grant contract. The grant contract will also include Appendix A (attached hereto), which contains required terms and conditions for all UCS contracts. Grant contracts are subject to review and approval by the New York State Attorney General and the Office of the New York State Comptroller.

**I. Reporting Requirements**

Grant recipients will be required to report semi-annually on the use of the awarded funds. The due dates, format and specific information to be contained in the reports will be determined by UCS.

## **J. Insurance Requirements**

Grant recipients will be required to maintain during the term of the contract: (i) workers' compensation and disability benefits insurance; (ii) commercial general liability insurance; and (iii) professional liability insurance. See Exhibit 1 for specific coverage requirements and documentation that must be submitted with application.

## **K. Vendor Responsibility**

UCS is required to conduct a review of every organization with which it enters into a contract in order to provide reasonable assurances that the organization is responsible. Vendor responsibility is determined by a review of each prospective contractor's legal authority to do business in New York State, business integrity, financial and organizational resources, and performance history. Organizations that are awarded a grant of \$100,000 or more will be required to complete a Vendor Responsibility Questionnaire. The Vendor Responsibility Questionnaire should be submitted as soon as possible after receipt of notice of the award. See Exhibit 2 for detailed instructions on completion of the Vendor Responsibility Questionnaire.

## **K. Questions**

Applicants may submit questions concerning this RFP **by email only** to

Marie-Claude Ceppi  
Mceppi@courts.state.ny.us

Please indicate in "Subject" field: Judiciary CLS RFP 2012 Question(s)

The deadline to submit questions is Wednesday, April 4, 2012, before 1:00 pm. A Questions & Answers (Q&A) sheet will be posted on the UCS website at [www.nycourts.gov/admin/bids](http://www.nycourts.gov/admin/bids) in the Addenda column for this RFP a few days after the deadline for submission of questions.

**IMPORTANT:** All questions regarding this RFP must be **in writing** and directed solely to the attention of the above-designated person.

## **L. Application Submission Procedures/Deadline**

### **Step One: Complete the Grant Application**

Please follow the formatting instructions and page limits. Applications must be single-spaced with one inch page margins (not including attachments, financial forms and data tables) using a 12 point font. In order to facilitate photocopying, please do not permanently bind applications.

An Application includes the Application Cover Sheet, Description of the Applicant Organization

Narrative Proposal, Excel Data Packets and Attachments.

**Step Two: Assemble the Following Attachments:**

- A. Client Financial Eligibility Guidelines
- B. Client Grievance Procedures
- C. Case Acceptance Policy and Procedures
- D. Certificates of Insurance
- E. Minutes of the Last Four Meetings of the Board of Directors
- F. Audited Financial Statement from the Most Recently Ended Fiscal Year
- G. Most Recent Annual Report (if available)
- H. Resumes of Principal Organization Staff and proposed Project Staff
- I. Affirmative Action/EEO Policy
- J. Documentation of Current NY Charities Registration
- K. Documentation of Taxpayer Identification Number (TIN)
- L. Board of Directors Roster

**Step Three: Deliver the Application with all Required Attachments**

**Applications should arrive at the address below by no later than Tuesday, April 17, 2012, before 5:00 pm.**

Deliver **ONE** signed, hard copy original and **ONE** additional copy (two complete sets) of the Application to:

**Marie Claude Ceppi  
Management Analyst  
New York State Office of Court Administration  
25 Beaver Street Room 840  
New York, NY 10004**

All envelopes/cartons must also be labeled with the following information on two sides:

**“Deliver immediately to Marie-Claude Ceppi R-840”**

**“Sealed Application - Do not open”**

**”CLS GRANTS 2012-13 - due April 17, 2012, before 5:00 pm.**

**Applications will not be accepted electronically or by fax.**

## II. Application Cover Sheet

### A. General

Name of Applicant Organization	
Name of Executive Director	
Name of Contact Person and Title	
Amount of Judiciary CLS Funding Requested	
Total Budget of Organization	
Number of FTE Staff Needed to Accomplish Grant Project	
Total Number of FTE Staff Employed in Organization	
Summary of Proposal (indicate principal program activities in 2 or 3 sentences)	
If you received Judiciary CLS Funding for 2011-12, please indicate the amount.	
If you are considering any mergers or joint projects, please note them.	
If you are applying in more than one Department, please indicate where the primary work will be done.	
Please indicate what other organizations provide similar services in the same geographic area.	
Address	
Phone	
Fax	
Email	
Website Address	
Federal Tax Identification No. (TIN)	
*New York State Charities Registration Number	
*Exempt from Requirements to Have Charities Registration number because:	

*\* New York State prohibits payments to be made without this number. If exempt, please explain.*

**B. Proposal Submitted**

Please provide a brief description of which of the “essentials of life” your organization will address, indicating which counties and departments will be served. If serving more than one department, indicate the amount requested by department.

1. Check Department(s) Served	Amount Requested
FIRST	\$
SECOND	\$
THIRD	\$
FOURTH	\$

**Total Request:**

**2. List Counties Served:**


**C. Required Signatures**

Executive Director or Chief Executive Officer	
Signature	

Board Chair	
Signature	

### III. Description of Applicant Organization

The questions in this section are to be answered by all applicants:

***PAGE LIMIT: Twelve single-spaced pages.***

#### A. Principal Activities

Briefly describe **all** of the organization's principal activities, including the provision of civil legal services to low-income persons.

#### B. Service Delivery Methods

Please check the methods used to deliver legal services.

<input type="checkbox"/>	Staff delivery using attorneys and paralegals
<input type="checkbox"/>	Organized pro bono programs
<input type="checkbox"/>	Specialized law units
<input type="checkbox"/>	Evening clinics
<input type="checkbox"/>	Pro se training
<input type="checkbox"/>	Mediation/alternative dispute resolution
<input type="checkbox"/>	Supervised non-lawyer advocate
<input type="checkbox"/>	Other

#### C. Geographic Service Area

State the area (counties, cities or neighborhoods) served by the organization.

#### D. Clients with Special Needs

Describe any measures used to facilitate access to services for clients with the following needs:

Primary language other than English:	
--------------------------------------	--

Physically or mentally disabled:	
Lacking transportation to your office location:	
Institutionalized clients:	
Low-income working clients (extended office hours, etc.):	
Other needs particularly applicable to your clients:	

**E. Quality Control Mechanisms**

Describe provisions for assuring quality of services.

1. Methods for case and/or work assignment:
  
2. Procedures for reviewing/supervising work:
  
3. Provisions for backup and technical support for paralegals, volunteers, law students and other non-attorneys involved in legal service delivery:
  
4. Provisions for ensuring client confidentiality:

**F. Private Attorney Involvement**

The Oversight Board will seek to leverage the impact of its grants by funding applicants who will involve the bar through pro bono and other programs. If the organization involves private attorneys in the delivery of legal services, please complete the following:

1. Check all activities that apply.

	Pro Bono - Client Services
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	Pro Bono - Support Services (e.g., training, mentoring)
	Other methods of private attorney involvement

- Briefly describe each activity checked above.

**G. Involvement of Non-Attorney Volunteers**

If the organization involves volunteers other than attorneys in the delivery of legal services, please describe and explain how attorney supervision is provided.

**H. Legal Services Achievements in Last Fiscal Year**

- Summarize in 100 words or less the organization’s most significant achievements during last fiscal year, supported by any funding source, including:

- Numbers of people who benefited;
- Dollar benefits obtained for clients;
- Significant developments that affected the capacity to deliver legal services.

- Definition of a “Case”

Please check below the box that best describes the organization’s definition of a case for statistical reporting purposes. Check ONE only:

	A case is defined as the provision of legal assistance to an eligible client with a legal problem, or set of closely-related legal problems accepted for assistance supported by Judiciary CLS funds or other funds.
	We use a different definition of a case, which is as follows (briefly describe below):

- Examples of typical cases

Please provide brief narrative examples, or snapshots of typical cases.

Example 1:

Example 2:

4. Services other than case services

Please describe any legal services provided for low-income people in addition to direct legal representation.

**I. Mergers/Joint Projects**

If your organization is contemplating any mergers, or applying for funding for a joint project (as described in section I(D)), please provide details. Only one application should be submitted for a joint project and the application should describe the specific role of each organization in the proposed project, including the services, staffing and other resources to be provided by each.

## IV. Narrative Proposal

**PAGE LIMIT: Twenty single-spaced pages.**

### **1. Brief summary of the proposal**

Indicate which of the priorities defined herein as the “essentials of life” will be addressed with the help of Judiciary CLS funds, and the amount of funding requested. Describe the kinds of services to be provided, to whom they will be provided and where the recipients of those services reside. Indicate the provision of preventive and early intervention legal assistance, including expanded legal education initiatives, in an effort to keep cases out of court and avert protracted litigation.

### **2. Target population and problems to be addressed**

Provide a clear statement, supported by community characteristics, demographic and statistical data, of the problems to be addressed by the proposed activities and services.

### **3. Geographic service area**

Describe below the geographic area proposed to be served, including the name of the county or counties served. If only a portion of a county is served please indicate the portion of the county served.

### **4. Proposed methods for addressing the problem**

Provide an overview of the legal services or other activities planned for addressing the needs identified above. Indicate which of the service delivery methods checked in response to Question III(B) will be used in the project for which funding is sought. Describe which, if any, of the activities checked in response to Question III(F) will be used in the project. In addition, indicate whether non-attorney volunteers will be used in the project and if so, describe their role.

### **5. Intake process**

Indicate where people will come to apply for service and describe the process for handling their requests. Indicate staff involved in each step e.g., receptionists, paralegals, lawyers, etc. Please do not exceed 50 words.

**6. Intake schedule**

Describe briefly the hours during which intake is open to clients. Describe any special arrangements (for example, weekend and evening hours) made for accommodating low-income working people.

**7. Anticipated impact of this grant**

**a. Number of clients to be provided with direct legal services.**

Approximately how many persons will be served during the one-year period of this grant, assuming the total proposed budget is available?

In addition, if possible, please provide an estimate of the number of cases that through early intervention will be kept out of court or avoid protracted litigation.

<b><u>Level of Service Provided:</u></b>	<b><u>Estimated Number of Persons:</u></b>
Community Legal Education	
Brief Advice and/or Information	
Assistance in Completing Forms or Applications	
Representation in Court and/or Administrative Proceedings	
Representation in Appeals or Other Complex Matters	
Cases diverted from Court	
Other Legal Assistance (Specify)	

**b. Longer-term impact**

What impact, if any, will remain after this grant is over? Please do not exceed 50 words.

**8. Outreach**

How will potential clients be made aware of the availability of proposed services? Indicate how the proposed outreach methods address any special problems of the target population, for example, language barriers, physical disabilities, etc. Also indicate which, if any, of the measures used to facilitate access to services for clients with special needs (Question II(D)) will be applicable to the project for which funding is sought. Please do not exceed 50 words.

**9. Cooperative efforts**

Identify other legal services providers, private bar organizations, and partnerships and collaborations with non-legal entities that provide services to clients, including social services agencies, medical providers, schools and community-based organizations, which will actively participate under this proposal. Provide an overview of their roles in carrying out the purposes of this grant. Describe arrangements with other legal service providers in your area to avoid duplication of effort.

**10. Technology**

Describe how you propose to use technology to enhance the impact of your proposal.

**11. Quality Control**

Describe methods that will be used to ensure quality control of services including systems for client intake, case assignment, case management and supervision, training of staff and volunteer and technical support for the project. Indicate which of the quality control mechanisms described in response to Question III(E) will apply to the project.

## **V. Organizational Data Packet**

*Use supplied Excel document*

## **VI. Proposal Data Packet**

*Use supplied Excel document*

## VII. Attachments Checklist

Please place an X in each box for the document that is submitted.

	<b>A.</b>	<b>Client Financial Eligibility Guidelines</b>
	<b>B.</b>	<b>Client Grievance Procedures</b>
	<b>C.</b>	<b>Case Acceptance Policy and Procedures</b>
	<b>D.</b>	<b>Insurance Certificates: (1) Workers' Compensation; (2) Disability Benefits; (3) Commercial General Liability; and (4) Professional Liability</b>
	<b>E.</b>	<b>Minutes of the Last Four Meetings of the Board of Directors</b>
	<b>F.</b>	<b>Audited Financial Statement from the Most Recently Ended Fiscal Year</b>
	<b>G.</b>	<b>Most Recent Annual Report (if available)</b>
	<b>H.</b>	<b>Resumes of Principal Staff and proposed staff for the project</b>
	<b>I.</b>	<b>Affirmative Action/EEO Policy</b>
	<b>J.</b>	<b>Documentation of Current NY Charities Registration</b>
	<b>K.</b>	<b>Documentation of Taxpayer Identification Number (TIN)</b>
	<b>L.</b>	<b>Board of Directors Roster (use form supplied on next page)</b>



## Exhibit 1

### INSURANCE REQUIREMENTS

Grant recipients will be required to maintain, during the term of the contract, the following insurance coverage:

1. Workers' compensation and disability benefits insurance coverage as required under NYS law. Proof of workers' compensation insurance and disability benefits insurance must be provided with the grant application. If applicant is legally exempt from such coverage, proof of exemption, must be provided. The only forms acceptable as evidence of these insurance requirements are: (1) Certificate of NYS Workers' Compensation Insurance Form C-105.2; and Certificate of NYS Disability Benefits Insurance Form DB-120, or, if applicant is exempt from such coverage requirements, Certificate of Attestation of Exemption Form CE-200. Please note that an ACORD Certificate of Insurance is NOT acceptable proof of New York State workers' compensation or disability benefits insurance coverage. Only the forms as prescribed by the NYS Workers' Compensation Board are acceptable. Applicants should obtain the appropriate Workers' Compensation Board forms from their insurance carrier or licensed agent, or follow the procedures set forth by the Workers' Compensation Board for obtaining an exemption from coverage. Required forms and procedures may be obtained on the Workers' Compensation Board website at: [www.wcb.ny.gov/content/main/Employers/Employers.jsp](http://www.wcb.ny.gov/content/main/Employers/Employers.jsp). Applicants without web access may contact the Workers' Compensation Advocate for Business office at (800) 628-3331 for additional information.

2. Commercial General Liability Insurance (bodily injury and property damage on an occurrence basis), contractual and products/completed operations liability coverage, and auto liability with minimum limits as follows:

Bodily Injury and Property Damage	\$1 million, per occurrence, \$2 million, aggregate
Personal Injury and Advertising:	\$1 million aggregate
Contractual and Products/ Completed Operations Liability	\$2 million aggregate
Auto Liability, Combined single limits	\$1 million

Commercial general liability insurance coverage must be obtained from commercial insurance carriers licensed to do business in the State of New York and must name UCS as an additional insured or loss payee as appropriate, and shall provide for at least thirty (30) days advance written notice to UCS of cancellation or non-renewal.

3. Professional liability insurance in the amount of \$1,000,000, with tail coverage for two (2) years, for all of applicant's professional employees that will perform with grant funding.

**Exhibit 2**  
**VENDOR RESPONSIBILITY REQUIREMENTS**

**VENDOR RESPONSIBILITY ACKNOWLEDGMENT**

*(To be completed only by organizations awarded \$100,000 or more in Judiciary CLS funds)*

The NYS Unified Court System (UCS) is required to conduct a review of a prospective contractor to provide reasonable assurances that the vendor is responsible. The Vendor Responsibility Questionnaire, a required component of all UCS solicitations, is designed to provide information to assist the UCS in assessing a vendor's responsibility prior to entering into a contract with the vendor. Vendor responsibility is determined by a review of each prospective contractor's legal authority to do business in NYS, business integrity, financial and organizational resources, and performance history (including references).

The UCS recommends that vendors file the required Vendor Responsibility Questionnaire online via the NYS VendRep system. To enroll in and use the NYS VendRep System, see the VendRep System Instructions available at: [http://www.osc.state.ny.us/vendrep/vendor\\_index.htm](http://www.osc.state.ny.us/vendrep/vendor_index.htm) or go directly to the VendRep System online at: <https://portal.osc.state.ny.us> Vendors must provide their NYS Vendor Identification Number when enrolling. To request assignment of a Vendor ID or for VendRep System assistance, contact the Office of the State Comptroller's Help Desk at **866-370-4672** or **518-408-4672** or by email at [cihelpdesk@osc.state.ny.us](mailto:cihelpdesk@osc.state.ny.us) Alternatively, vendors may choose to complete and submit a paper questionnaire. Vendors opting to complete and submit a paper questionnaire can obtain the appropriate form from the VendRep website: [www.osc.state.ny.us/vendrep](http://www.osc.state.ny.us/vendrep) or by contacting the OCA Contracts Unit at **212-428-2727** or by email: [mceppi@courts.state.ny.us](mailto:mceppi@courts.state.ny.us)

**PLEASE COMPLETE EITHER OPTION 1 OR OPTION 2 BELOW:**

<p><b>OPTION 1</b></p> <p><input type="checkbox"/> Our Vendor Responsibility Questionnaire was filed online via the OSC VendRep System</p> <p><i>If you have selected Option 1, please complete the following. The required signature is an acknowledgment that the questionnaire has been filed and certified directly on the OSC VendRep System.</i></p> <p>Solicitation: 2012 Judiciary Civil Legal Services Grants</p> <p>ORGANIZATION NAME: _____</p> <p>NAME/TITLE: _____</p> <p>SIGNATURE: <i>(blue ink only)</i> _____</p>
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<p><b>OPTION 2</b></p> <p><input type="checkbox"/> Vendor Responsibility Questionnaire in paper attached</p>
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**RETURN COMPLETED FORMS TO:**

**NYS OCA, CONTRACTS UNIT, 25 BEAVER STREET, 8<sup>TH</sup> FLOOR, NEW YORK, NY 10004**  
**ATTN: MARIE-CLAUDE CEPPI**

**New York State Unified Court System  
Appendix A  
Standard Clauses for all Contracts**

The parties to the attached contract, license, lease, amendment or other agreement of any kind (hereinafter, "the contract" or "this contract") agree to be bound by the following clauses which are hereby made a part of the contract (the word "Contractor" herein refers to any party other than the State, whether a contractor, licensor, licensee, lessor, lessee, or any other party):

**1. EXECUTORY CLAUSE.** In accordance with Section 41 of the State Finance Law, the State shall have no liability under this contract to the Contractor or to anyone else beyond funds appropriated and available for this contract.

**2. NON-ASSIGNMENT CLAUSE.** In accordance with Section 138 of the State Finance Law, this contract may not be assigned by the Contractor or its right, title or interest therein assigned, transferred, conveyed, sublet or otherwise disposed of without the previous consent, in writing, of the State and any attempts to assign the contract without the State's written consent are null and void. The contractor may, however, assign its right to receive payment without the State's prior written consent unless this contract concerns Certificates of Participation pursuant to Article 5-A of the State Finance Law.

**3. COMPTROLLER'S APPROVAL.** In accordance with State Finance Law Section 112.2(a) , if this contract exceeds \$50,000.00, or if this is an amendment for any amount to a contract which, as so amended, exceeds said statutory amount, or if, by this contract, the State agrees to give something other than money, it shall not be valid, effective or binding upon the State until it has been approved by the State Comptroller and filed in his office.

**4. WORKER'S COMPENSATION BENEFITS.** In accordance with Section 142 of the State Finance Law, this contract shall be void and of no force and effect unless the Contractor shall provide and maintain coverage during the life of this contract for the benefit of such employees as are required to be covered by the provisions of the Workers' Compensation Law.

**5. NON-DISCRIMINATION REQUIREMENTS.** To the extent required by Article 15 of the Executive Law (also known as the Human Rights Law) and all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, sexual orientation, age, disability, genetic predisposition or carrier status, or marital status. Furthermore, in accordance with Section 220-e of the Labor Law, if this is a contract for the construction, alteration, or repair of any public building or public work, or for the manufacture, sale, or distribution of materials, equipment, or supplies, and to the extent that this contract shall be performed within the State of New York, Contractor agrees that neither it nor its subcontractors, shall, by reason of race, creed, color, disability, sex, or national origin: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. If this is a building service contract, as defined in Section 230 of the Labor Law, then, in accordance with Section 239 thereof, Contractor agrees that neither it nor its subcontractors shall, by reason of race, creed, color, national origin, age, sex, or disability: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. Contractor is subject to fines of \$50.00 per person per day for any violation of Section 220-e or Section 239, as well as possible termination of this contract and forfeiture of all moneys due hereunder for a second or subsequent violation.

**6. WAGE AND HOURS PROVISIONS.** If this is a public work contract covered by Article 8 of the Labor Law or a building service contract covered by Article 9 thereof, neither Contractor's employees nor the employees of its subcontractors may be required or permitted to work more than the number of hours or days stated in said statutes, except as otherwise provided in the Labor Law and as set forth in prevailing wage and supplement schedules issued by the State Labor Department. Furthermore, Contractor and its subcontractors must pay the prevailing wage rate and pay or provide the prevailing supplements, including the premium rates for overtime pay, as determined by the State Labor Department in accordance with the Labor Law.

**7. NON-COLLUSIVE BIDDING REQUIREMENT.** In accordance with Section 139-d of the State Finance Law, if this contract was awarded based upon the submission of bids, Contractor warrants, under penalty of perjury, that its bid was arrived at independently and without collusion aimed at restricting competition. Contractor further warrants that, at the time Contractor submitted its bid, an authorized and responsible person executed and delivered to the State a non-collusive bidding certification on Contractor's behalf.

**8. INTERNATIONAL BOYCOTT PROHIBITION.** In accordance with Section 220-f of the Labor Law and Section 139- h of the State Finance Law, if this contract exceeds \$5,000.00, the Contractor agrees, as material condition of the contract, that neither the Contractor nor any substantially owned or affiliated person, firm, partnership or corporation has participated, is participating, or shall participate in an international boycott in violation of the federal Export Administration Act of 1979 (50 USC APP. Sections 2401 et seq.) or regulations thereunder. If such Contractor, or any of the aforesaid affiliates of Contractor, is convicted or is otherwise found to have violated said laws or regulations upon the final determination of the United States Commerce Department or any other appropriate agency of the United States subsequent to the contract's execution, such contract, amendment or modification thereto shall be rendered forfeit and void. The Contractor shall so notify the State

Comptroller within five (5) business days of such conviction, determination or disposition or appeal (2 NYCRR 105.4)..

**9. SET OFF RIGHTS.** The State shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State's option to withhold for the purposes of set-off any moneys due to the Contractor under this contract up to any amounts due and owing to the State with regard to this contract, any other contract with any State department or agency, including any contract for a term commencing prior to the term of this contract, plus any amounts due and owing to the State for any reason including, without limitation, tax delinquencies, fee delinquencies, or monetary penalties relative thereto. The State shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by the State agency, its representatives, or the State Comptroller.

**10. RECORDS.** The Contractor shall establish and maintain complete and accurate books, records, documents, accounts and other evidence directly pertinent to performance under this contract (hereinafter, collectively, "the Records"). The Records must be kept for the balance of the calendar year in which they were made and for six (6) additional years thereafter. The State Comptroller, the Attorney General and any other person or entity authorized to conduct an examination, as well as the agency or agencies involved in this contract, shall have access to the Records during normal business hours at an office of the Contractor within the State of New York or, if no such office is available, at a mutually agreeable and reasonable venue within the State, for the term specified above for the purposes of inspection, auditing and copying. The State shall take reasonable steps to protect from public disclosure any of the Records which are exempt from disclosure under Section 87 of the Public Officers Law (the "Statute") provided that: (i) the Contractor shall timely inform an appropriate State official, in writing, that said records should not be disclosed; and (ii) said records shall be sufficiently identified; and (iii) designation of said records as exempt under the Statute is reasonable. Nothing contained herein shall diminish, or in any way adversely affect, the State's right to discovery in any pending or future litigation.

**11. IDENTIFYING INFORMATION AND PRIVACY NOTIFICATION. (a) FEDERAL EMPLOYER IDENTIFICATION NUMBER and/or FEDERAL SOCIAL SECURITY NUMBER.** All invoices or New York State standard vouchers submitted for payment for the sale of goods or services or the lease of real or personal property to a New York State agency must include the payee's identification number, i.e., the seller's or lessor's identification number. The number is either the payee's Federal employer identification number or Federal social security number, or both such numbers when the payee has both such numbers. Failure to include this number or numbers may delay payment. Where the payee does not have such number or numbers, the payee, on his invoice or New York State standard voucher, must give the reason or reasons why the payee does not have such number or numbers.

**(b) PRIVACY NOTIFICATION.**

(1) The authority to request the above personal information from a seller of goods or services or a lessor of real or personal property, and the authority to maintain such information, is found in Section 5 of the State Tax Law. Disclosure of this information by the seller or lessor to the State is mandatory. The principal purpose for which the information is collected is to enable the State to identify individuals, businesses and others who have been delinquent in filing tax returns or may have understated their tax liabilities and to generally identify persons affected by the taxes administered by the Commissioner of Taxation and Finance. The information will be used for tax administration purposes and for any other purpose authorized by law.

(2) The personal information is requested by the purchasing unit of the agency contracting to purchase the goods or services or lease the real or personal property covered by this contract or lease. The information is maintained in New York State's Central Accounting System by the Director of State Accounts, Office of State Comptroller, AESOB, Albany, New York 12236.

**12. EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITIES AND WOMEN.** In accordance with Section 312 of the Executive Law, if this contract is: (i) a written agreement or purchase order instrument, providing for a total expenditure in excess of \$25,000.00, whereby a contracting agency is committed to expend or does expend funds in return for labor, services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to the contracting agency; or (ii) a written agreement in excess of \$100,000.00 whereby a contracting agency is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon; or (iii) a written agreement in excess of \$100,000.00 whereby the owner of a State assisted housing project is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon for such projects, then:

(a) The Contractor will not discriminate against employees or applicants for employment because of race, creed, color, sex, national origin, age, disability or marital status, and will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination. Affirmative action shall mean recruitment, employment, job assignment, promotion, up-gradings, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation;

(b) at the request of the contracting agency, the Contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of the Contractor's obligations herein: and

(c) the Contractor shall state, in all solicitations or advertisements for employees, that in the performance of the State contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. Contractor will include the provisions of "a", "b", "c" above, in every subcontract over \$25,000.00 for the

construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work") except where the Work is for the beneficial use of the Contractor. Section 312 does not apply to: (i) work, goods or services unrelated to this contract; or (ii) employment outside New York State; or (iii) banking services, insurance policies or the sale of securities. The State shall consider compliance by a contractor or subcontractor with the requirements of any federal law concerning equal employment opportunity which effectuates the purposes of this section. The contracting agency shall determine whether the imposition of the requirements of the provisions hereof duplicate or conflict with any such federal law and if such duplication or conflict exists, the contracting agency shall waive the applicability of Section 312 to the extent of such duplication or conflict. Contractor will comply with all duly promulgated and lawful rules and regulations of the Governor's Office of Minority and Women's Business Development pertaining hereto.

**13. CONFLICTING TERMS.** In the event of a conflict between the terms of the contract (including any and all attachments thereto and amendments thereof) and the terms of this Appendix A, the terms of this Appendix A shall control.

**14. GOVERNING LAW.** This contract shall be governed by the laws of the State of New York except where the Federal supremacy clause requires otherwise.

**15. LATE PAYMENT.** Timeliness of payment and any interest to be paid to Contractor for late payment shall be governed by Article XI-A of the State Finance Law to the extent required by law.

**16. NO ARBITRATION.** Disputes involving this contract, including the breach or alleged breach thereof, may not be submitted to binding arbitration (except where statutorily authorized) but must, instead, be heard in a court of competent jurisdiction of the State of New York.

**17. SERVICE OF PROCESS.** In addition to the methods of service allowed by the State Civil Practice Law & Rules ("CPLR"), Contractor hereby consents to service of process upon it by registered or certified mail, return receipt requested. Service hereunder shall be complete upon Contractor's actual receipt of process or upon the State's receipt of the return thereof by the United States Postal Service as refused or undeliverable. Contractor must promptly notify the State, in writing, of each and every change of address to which service of process can be made. Service by the State to the last known address shall be sufficient. Contractor will have thirty (30) calendar days after service hereunder is complete in which to respond.

**18. PURCHASES OF APPAREL.** In accordance with State Finance Law Section 162 (4-a), the State shall not purchase any apparel from any vendor unable or unwilling to certify that:

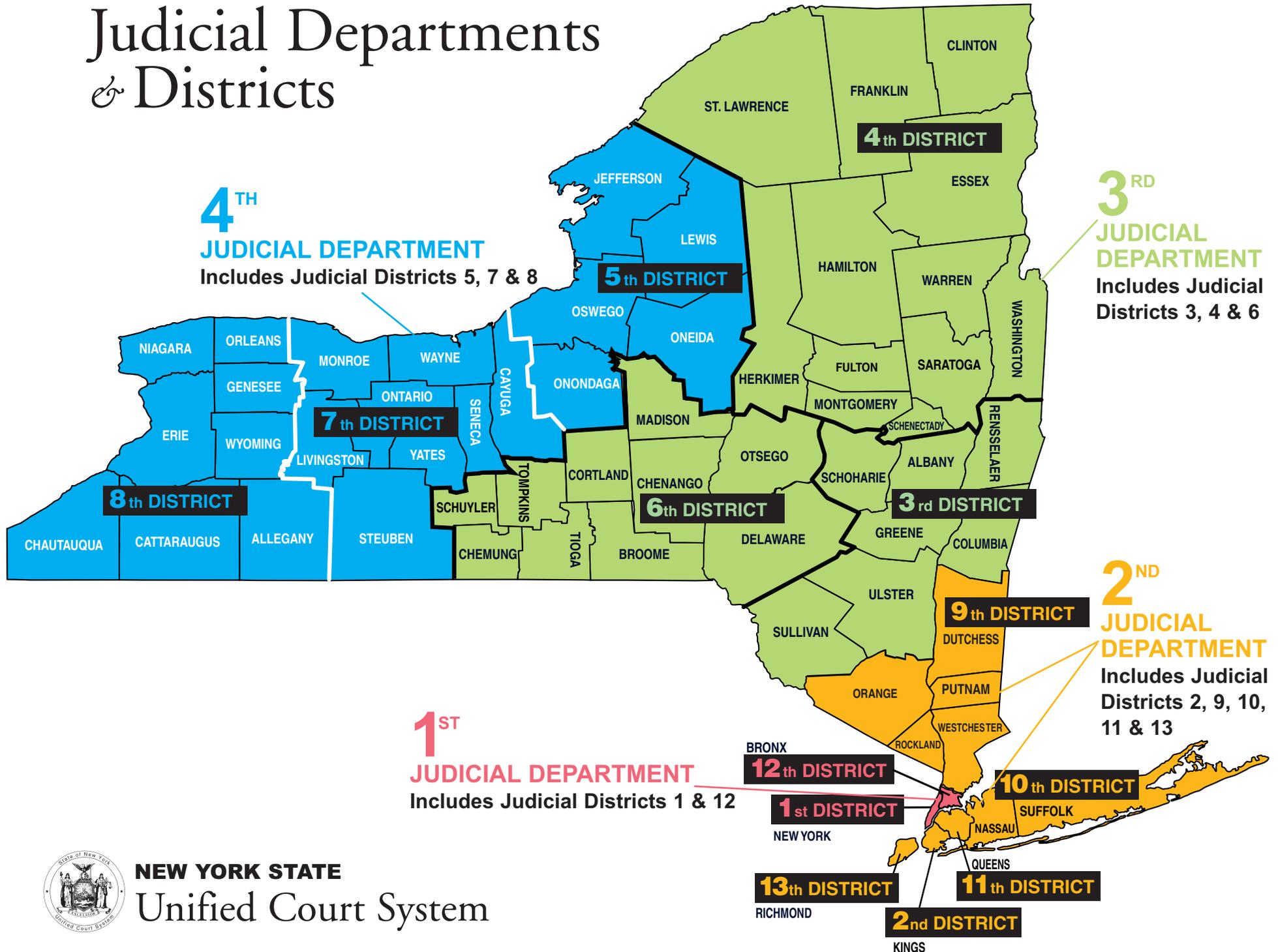
- (i) Such apparel was manufactured in compliance with all applicable labor and occupational safety laws, including, but not limited to, child labor laws, wage and hour laws and workplace safety laws; and
- (ii) Vendor will supply, with its bid (or, if not a bid situation, prior to or at the time of signing a contract with the State), if known, the names and addresses of each subcontractor and a list of all manufacturing plants to be utilized for this contract by the bidder.

2010 NEW YORK STATE POPULATION BELOW 200% OF THE FEDERAL POVERTY LEVEL BY JUDICIAL DEPARTMENT  
AND COUNTY\*

<b><u>Statewide Total</u></b>	<b>5,717,644</b>				
<b><u>First Department</u></b>		<b><u>Third Department</u></b>		<b><u>Fourth Department</u></b>	
Bronx	687,194	Albany	74,095	Allegany	17,468
New York	507,986	Broome	65,277	Cattaraugus	29,694
	<b>1,195,180</b>	Chemung	29,409	Cayuga	23,241
<b><u>Second Department</u></b>		Chenango	17,655	Chautauqua	49,124
Dutchess	54,344	Clinton	23,374	Erie	271,272
Kings	1,050,768	Columbia	15,278	Genesee	16,901
Nassau	181,465	Cortland	14,828	Herkimer	22,493
Orange	86,865	Delaware	15,764	Jefferson	39,244
Putnam	14,711	Essex	11,662	Lewis	9,767
Queens	700,180	Franklin	16,203	Livingston	16,300
Richmond	103,452	Fulton	20,152	Monroe	211,400
Rockland	71,465	Greene	14,239	Niagara	62,608
Suffolk	231,485	Hamilton	1,246	Oneida	74,127
Westchester	183,127	Madison	18,903	Onondaga	132,463
	<b>2,677,862</b>	Montgomery	17,973	Ontario	24,739
		Otsego	20,524	Orleans	12,630
		Rensselaer	40,516	Oswego	40,913
		Saratoga	39,495	Seneca	11,168
		Schenectady	39,224	Steuben	33,748
		Schoharie	8,542	Wayne	26,262
		Schuyler	5,517	Wyoming	11,513
		St. Lawrence	37,245	Yates	8,399
		Sullivan	27,060		<b>1,145,474</b>
		Tioga	14,369		
		Tompkins	30,161		
		Ulster	45,483		
		Warren	16,611		
		Washington	18,323		
			<b>699,128</b>		

\* From US Census Bureau Table S1701 : Poverty Status in the Past 12 months -  
2006-2010 American Community Survey 5-year Estimates

# Judicial Departments & Districts



**NEW YORK STATE**  
Unified Court System

2012 Annual Federal Poverty Guidelines  
48 Contiguous States and DC

Household size	200%
1	\$22,340
2	30,260
3	38,180
4	46,100
5	54,020
6	61,940
7	69,860
8	77,780
For each additional person, add	\$7,920