

Judiciary Civil Legal Services RFP #004  
Answers to Questions Received Prior to May 21, 2015 at 1PM

1. Are you most interested in receiving specific or general proposals? In other words, are you interested in project proposals that address a particular issue or particularly isolated population, that stress advice/counsel vs. representation, etc., or would you prefer an extension of the work for which you already provide funding with increased deliverables?
  - A. The RFP does not prioritize the specific or general nature of services, only that funding is to be used for new, enhanced or expanded programming.
  
2. What exactly is meant by “internal controls” policy required as attachment Q? From the footnote it seems that you are looking primarily for financial and operational controls – is that correct?

The RFP requests a new attachment, “Internal Controls Policy.” Our system of extensive internal controls are contained in multiple sources, including accounting procedures, corporate By-laws, Whistleblower and Conflict of Interest policies, and the Employee Handbook. Is a summary of internal controls similar to that prepared for (and approved by) the NYS Grants Gateway for pre-qualification sufficient for this RFP?

  - A. Internal controls procedures, as stated in the RFP, are systematic methods such as reviews, checks and balances instituted by an organization to conduct its business in an orderly and efficient manner; safeguard its assets and resources; deter and detect errors, fraud and theft; ensure accuracy and completeness of accounting data; produce reliable and timely financial and management information; and ensure adherence to agency policies and plans. A summary of these policies in place in your organization is sufficient to meet the requirements of this attachment.
  
3. The RFP states that joint projects can be proposed “between two or more funding-eligible organizations.” Can a joint proposal contain one lead, funding-eligible legal service provider and two other non-legal social services partners in the community? These social services partners do not provide legal services. Are they “funding-eligible” under the RFP?
  - A. No. All participants in a joint project must meet the RFP’s eligibility criteria.
  
4. The "Program Description" section of the Narrative asks for answers describing "the new, enhanced or expanded programming to be provided if awarded funding under this RFP". In Questions 8 and 9, are we providing estimates of cases and clients that will result from only the expanded funding, or are we providing estimates of cases and clients served in our entire JCLS program?
  - A. The answers to the questions in this section should describe the new, enhanced or expanded programming to be provided if awarded funding under this RFP.

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5. How do you define “Direct legal services” as included in Program Description Section 2?
  - A. Direct legal services include legal advice, counsel and representation provided to a client or clients.
  
6. Since the grants will be awarded in the middle of the fiscal year does the money need to be spent in the fiscal year?
  - A. Funding available pursuant to this RFP is for the period April 1, 2015 – March 31, 2016. Funds awarded pursuant to this RFP must be expended within that period.
  
7. If the program proposed is new and will only launch if and after awarded this grant should the program budget reflect only expenses for a partial year, those that we would incur within the fiscal year ending March 31, 2016?
  - A. Applicants should prepare a 12 month budget assuming a full year of service. After awards have been made UCS reserves the right to negotiate budgets with awarded providers to account for expenditure constraints due to award timing.
  
8. [Our organization] is already enrolled in the VendRep System online, and has submitted a Vendor Responsibility Questionnaire as recently as February 2015, as part of our earlier JCLS funding. Is it necessary to re-submit the vendor questionnaire for this recent application for 2015-2016 funding? We're assuming that we can simply complete Option 1, "Vendor Responsibility Acknowledgment" and that no further action is necessary on our part. Is that correct?
  - A. The Vendor Responsibility Questionnaire must be updated within the last six months at the time that the contract or contract amendment is submitted to the Office of the State Comptroller. We advise that the Questionnaire be updated at the time of application submission.
  
9. Our question is whether we can submit for funds to cover the portion of a fellow's salary (not covered by the fellowship)?
  - A. It is at the applicant’s discretion what expenses are to be included in the application budget. Budgets will be assessed as outlined in Exhibit 4.
  
10. Will the application be released as a Word document?

Will a Word version of the RFP be released soon? The RFP includes a number of forms which we must fill out and it would be easier for us to do so with a Word document.

  - A. Yes, a Word version of the RFP has been posted on the website.

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11. We were happy to have our contract renewed for 2015-2016, but we would like to ask for additional funds. Should we submit the full application a second time to do this or is there some other procedure we would follow?
- A. This application process is the only mechanism by which an existing Judiciary Civil Legal Services provider may request additional funding for the current period.
12. On Page 14 of the RFP, there are two extensive checklists which are part of the Program Description. Together, these checklists take up nearly a full page. Proposals are limited to 10 single-spaced pages. Will the completed checklists on page 14 be counted against the 10-page limit? Doing so would effectively limit us to 9 pages of proposal narrative. Please advise.
- A. The required checklists constitute one of the possible ten narrative pages.
13. As we prepare to complete the recent RFP for funding for civil legal services in NY State, I was hoping that I could get some feedback on last year's application since we did not receive that funding. Would you be able to talk to me about our score or anything in particular about [our] services or proposed program that could help me in responding to this new RFP?
- A. We are unable to provide feedback on prior applications during this application period.
14. If we are recipients of a Judiciary Legal Services #003 grant, are we eligible to apply for a Judiciary Legal Services #004 grant?  
Are current JCLS contract recipients eligible to apply under this RFP?
- A. Yes, eligible applicants include currently funded Judiciary Civil Legal Service providers.
15. Can a proposed program to be funded with JCLS funds include re-entry work including correcting criminal records, obtaining certificates of relief from disability and/or filing motions to conditionally seal criminal records so that clients are able to gain or maintain employment? It is my understanding that these types of activities are considered civil actions even though they relate to criminal law. The lead case on the matter regarding conditional sealing (though presumably this would also apply to correcting records and obtaining certificates of relief from disability) is: *People v. M.E.*, 121 AD 3rd 157, 4th Dept. 2014. *People v. M.E., Id.*, holds that a record sealing motion is a strictly civil matter in that, although it relates to a criminal matter, it does not affect the judgment itself and is only collateral to the judgment (citing *Hynes v. Karassik*, 47 NY2d 659, 661 n 1). As such, a criminal court in determining a sealing motion acts in "exercise of the

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court's civil jurisdiction" (People v. Purley, 297 AD2d 499, 501). A sealing motion must, therefore, be brought under the civil rules, specifically CPLR Sect. 103.

Consequently, the criminal court to which the sealing motion is made does not act in its criminal capacity but, instead, acts under its civil capacity as permitted by CPL 10.10 [7] – an order or determination made by such a court in its civil capacity is not an order or determination of a criminal court even though it may terminate or otherwise control or affect a criminal action or proceeding. (CPLR 10.10 statutory language in italics.) See, also, People v. M.E. supra.

A. Yes, provided that the legal services proposed to be provided impact one of the essentials of life problems as defined in the RFP.

16. Is there any possibility that the deadline will be extended? There is less than four weeks notice between the release of the RFP and return date for proposals. This seems like very little time.

A. No, the deadline will not be extended. The timeline for applications is the same as in prior years.