

Judiciary Civil Legal Services RFP #005
Questions Received Prior to 1pm on May 25, 2016.

1. Should the “Cultural Diversity/Inclusion Policies” attachment refer to a provider’s workforce policies, client service policies, or both?

To the extent that an applicant’s workforce policies and client service policies both include cultural diversity and inclusion policies, both should be provided.

2. For attachment O, are we required to have both an affirmative action and an EEO policy or is an EEO policy alone sufficient?

Yes an EEO policy alone is sufficient, but if an applicant has an affirmative action policy in addition to its EEO policy, please include both.

3. Have contracts under this RFP been awarded in the past for the provision of immigration legal services? If so, where (in which counties) have these contracts been awarded?

Immigration legal services may be eligible for funding if the representation is directly related to and limited to accessing an existing essential of life as defined in the RFP.

4. The Program Description refers to the new, enhanced or expanded programming to be provided if awarded funding under this RFP. If an organization is applying to renew existing JCLS funding, does the proposal have to describe how funds would be used differently than they currently are being used?

No. If the applicant is a current recipient of JCLS funding, the application should explain how funds would be used if awarded, irrespective of how they are used now. The application may propose that funds be used in the same manner as they are currently.

5. This RFP added a new point score for the extent to which the applicant proposes services that enhance access to justice.

- a. Would a proposal for “access to justice” services (e.g., trainings or legal information) without any direct services be eligible?

Yes. Proposals to provide other access to justice services without direct legal services are eligible for funding.

- b. Are the five “access to justice services” categories on page 7 (training, legal information, referral to civil legal services providers, referral to social services, and mediation) the only eligible services in this category for this RFP? If not, what are other examples?

The checkbox for Other could include Other access to justice services delivery methods not specifically listed in the check boxes noted.

- c. Would training programs directed at other civil legal services and/or social services providers who serve low-income people in the essentials of life be eligible?

Yes, to the extent that an applicant can demonstrate that the proposed services provide direct legal services and/or other access to justice services for indigent clients via the proposed delivery method.

- d. Would the RFP support educational workshops aimed at nonprofit leaders designed to help nonprofits that work on issues related to affordable housing, access to health care and education, and family services to maximize their performance and impact on their communities?

Yes, to the extent that an applicant can demonstrate that the proposed services provide direct legal services and/or other access to justice services for indigent clients via the proposed delivery method.

- e. Would the RFP support an application to provide direct legal services and trainings to non-legal organizations that work with and support New York City public schools, including parent teacher associations, after-school programs and more, that aim to increase the

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quality of education for public school students through additional resources? The project would include tailored workshops for these organizations as well as free legal services to the non-profits to provide high-quality legal solutions that will help them overcome legal obstacles (such as governance, real estate, and compliance), build capacity and develop stronger and more effective programs.

Yes, to the extent that an applicant can demonstrate that the proposed services provide direct legal services and/or other access to justice services for indigent clients via the proposed delivery method.

6. For the County-Specific Program Plan

- a. How can providers prove “accessible” services within the county other than by a physical office location in a county? Many providers serve clients outside of their counties on a regular basis. How are points granted to providers with established client intakes from counties where they don't have physical offices? Most of our clients are from other counties through established intake partnerships and outreach clinics, but few points in the past appear to have been granted from linkage letters. How can providers establish points for accessibility? What factors establish points in this situation? Does a record of the volume of prior clients served in that county count? Do prior JCLS grants to the provider in the relevant counties provide points?

An applicant has the opportunity to explain how its services are accessible in the absence of a physical office location in its response to County Specific Question #3, “Discuss the organization’s capacity to provide accessible services to citizens in the catchment area.” What supporting information the applicant includes is at its discretion.

- b. Would OCA consider adding a page to the County-specific section page limit so that providers can detail accessibility and expertise?

No.

- c. For linkage letters, what specific content will help establish accessibility, and how are linkage letters weighed for points?

We cannot direct applicants on what to include in their linkage agreements.

- d. How can applicants establish avoidance of redundant services?

County Specific Question #8 asks applicants to “Describe any arrangements with other legal service providers in the catchment area designed to avoid duplication of efforts.” The 2 points awarded in each county rating for the criteria, “The extent to which the proposed program avoids redundant services” are evaluated on the response to this question.

7. If the request is for a statewide initiative, does a county specific set of questions/answers for each county in the state need to be completed?

Yes. Every application must include responses to county-specific questions in every county where funding is requested.

8. Please describe the process for prior applicants to obtain the Evaluation Tool Summary Rating Sheet (or other scoring sheets) for their prior applications?

Evaluation Tool Summary Rating Sheets for prior RFPs may be requested by filing a Freedom of Information Act request to the Unified Court System.

9. Does the term “Cash Revenue vs. Expenses” refer to the difference between “Budgeted Expenses” and “Requested Funds”? Does the term “Cash Revenue” include both funds in hand (i.e. in the form

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of cash available to the organization held in a bank account) as well as funds pledged by donors (i.e., individuals, foundations, and government agencies), but not as of yet received?

The required budget is for the requested UCS funds only. Cash Revenue is the total of all requested UCS funds. In a balanced budget (where budgeted expenses are equal to the funds requested), the Cash Revenue vs. Expenses line will be \$0 (zero).

10. Am I correct that the expense budget includes only one tab (i.e., identifying requested funds, budgeted expenses and cash revenue vs. expenses) and does not include any other tabs (such as a tab that would request the itemization of sources of revenue referable to the organization seeking funding)?

The required budget is for the requested UCS funds only. Only those expenses associated with requested UCS funds should be included on the budget, and no other sources of revenue should be included on the budget.

11. As this is a multi-year grant, how do we reflect cost of living increases in the budget? Thank you.
The required budget in this application is for the 12 month period January 1, 2017-December 31, 2017. Each budget period within the five year contract term will have its own allocation and budget. As in prior years, UCS cannot predict whether additional funds will be appropriated by the legislature in a future year. UCS hopes to be able to provide cost of living adjustments (COLA) on an annual basis.

12. Can you provide an example of an indirect cost?

Could you please clarify what you mean by "Indirect costs"? What would fall under that category? Indirect costs are costs that are not directly associated with a single activity, event, or other cost object. Such costs are frequently aggregated into an overhead cost pool and allocated to various activities, based on an allocation method that has a perceived or actual linkage between the indirect cost and the activity. Examples of indirect cost items are the Chief Financial Officer's salary or the rental of space for administrative offices.

13. If the applicant is a 501(c) 6, and not a registered charity, what should be submitted for Attachment O?

For Attachment O, non-charities applicants must provide a statement to the effect that the applicant organization is a not for profit entity duly registered with the IRS, but not a charity registered with New York State.

14. Can you please provide a definition of "essentials of life?"

The Permanent Commission on Access to Justice defined "essentials of life" in its November [2010 report](#) as "(i) housing (including evictions, foreclosures, and homelessness); (ii) family matters (including domestic violence, children, and family stability); (iii) access to health care and education; and (iv) subsistence income (including wages, disability and other benefits, and consumer debts)."

15. Are personnel costs related to administrative support and case management services considered allowable costs, as long as these expenses support access to justice?

Neither of these cost categories are specifically disallowed. However, indirect costs should be budgeted in the indirect costs budget category and explained with an included cost allocation methodology. Direct case management expenses as necessary to deliver the proposed services may be allowable. In all cases, individual budget are subject to UCS approval and all proposals are assessed for reasonableness of cost.

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16. We are currently a JCLS grant recipient and report the majority of our work, immigration, under the category of "other." Immigration legal services helps clients acquire documented status and citizenship, which in turn improve clients' access to health care and education, as well as increases their income and access to housing. Does JCLS recognize immigration legal services as a type of service to be funded under this RFP?

Immigration legal services may be eligible for funding if the representation is directly related to and limited to accessing an existing essential of life as defined in the RFP.

17. Will there be a pre-proposal conference at which questions will be answered? I reviewed the RFP and couldn't find any reference to a pre-proposal conference. I apologize in advance if that is an oversight on my part.

No, no pre-proposal conference is scheduled. The mechanism for answering questions regarding the RFP is by email. Responses to all received questions will be posted on the www.nycourts.gov/admin/bids/currentsolicitations.shtml page a few days after the deadline for posing them.

18. Will you post online the questions you receive and the answers you provide? If so, please let me know the website where we could find them.

Responses to all received questions will be posted on the www.nycourts.gov/admin/bids/currentsolicitations.shtml page a few days after the deadline for posing them.

19. The other question we have relates to whether the funds in the RFP can be used to cover services to provide legal information and outreach in terms of making people aware of the free legal services offered at our Center; we do see this in terms of access to justice in that people need to know about the services and resources available in their communities in order for them to reach out and get the help that they need.

Question 2 in Program Description includes a check box for "Other access to justice services: Provision of legal information," defining it as one of the delivery methods being solicited. Question 5 in the Program Description section specifically asks applicants to explain their outreach strategies. In addition, JCLS funds may be used for service delivery mechanisms that leverage technology to provide both direct legal and other access to justice services (See Question 10, Organizational Capacity).

20. Is there anything we need to know about the new RFP, other than we need to submit our proposal by June 15th? What period of time will this proposal be covering, it looks as if it is for the period Jan 2017 to Dec. 2017. Our current funding is through March 2017.

The contract period for this RFP is the five year period January 1, 2017 – December 31, 2021, with an initial contract period of January-March 2017. UCS intends to terminate all existing contracts for JCLS services effective December 31, 2016, with no resulting overlap or gap in services.

21. Am I correct in assuming that we now do our budget based on calendar year as opposed to your fy starting in April?

No. The initial three month period (January-March 2017) for the five year contract term ends on March 31, 2017. Thereafter, UCS intends to allocate funds to contractors on a state fiscal year basis, with the final budget period commencing on April 1, 2021 for a duration of nine (9) months.

22. How much latitude do we have to interpret the "essentials of life" categories in order to apply them to civil legal services that otherwise are not an obvious fit? For example, can any service that affects

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“children” be included in “family matters”, and anything that helps families stay together (family stability) also be included in “family matters”?

Yes, if the applicant successfully demonstrates the relationship between the services provided and the essential of life area.

23. If the “essentials of life” categories are meant to be narrowly applied, to what extent would it harm our application if we propose to address only one unmet “essentials of life” category in a given county and propose to provide non-essentials of life civil legal services if we can demonstrate that the non-essentials of life are in fact a higher priority for our population in this county?

Funding is not available for services that do not address an essentials of life area.

24. Are civil legal services that are implemented primarily through the federal courts/administrative systems less prioritized than those that are provided in the state courts?

No.

25. Is greater weight given to programs that have one or two physical offices in the community than to programs that ensure access to legal services in multiple locations in the community through regular, but not always daily, onsite service provision at social service partners?

Applications are scored on the issue of accessibility in relation to their responses to Narrative Proposal, Program Description, questions 5 and 6, and Attachments K and L. The amount of funding awarded to an applicant is based in part on accessibility of service. The funding criteria that relate to accessibility is found on pages 5 and 6 of the application.

26. Is there a difference in preferred format between the support letter described in Q. 11 of the Program Description and the linkage agreement described on p. 6 of the RFP? Could one be used for both purposes?

In the Funding Amount Criteria Description section, the instructions say that accessibility of the proposed services...will be demonstrated by...linkage agreements with other departments of the applicant’s organization or other organizations in the community that provide social services to the target population and that might result in greater client access. In the OCA RFP Program Description section, question 10 it says that bidders must “attach letters of support from social services agencies, medical providers, schools, community-based organizations or other entities that will participate in the proposed program.” There seems to be overlap between the those groups from which we might seek linkage agreements and those which might provide us with letters of support. Should we get BOTH linkage agreements AND letters of support from groups we work with on an ongoing basis or may we just submit one or the other? Does a linkage agreement carry greater weight than a letter of support?

Format is at the discretion of the applicant. The letters of support and the linkage agreements serve different purposes. However, if a linkage agreement letter effectively demonstrates both linkage to the applicant organization and support of the application, one letter may be used for both purposes.

27. Does the service “Representation in Appeals or Other Complex Matters” listed under Program Description Question 3 include class actions and other impact litigation?

No, Appeals or Other Complex Matters does not include class actions and other impact litigation, which should be categorized in Other.

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28. Narrative Proposal Question 5 states: "Describe how the additional funding requested in this RFP will enhance the overall mission and services that the organization currently provides." Should organizations that currently receive Judiciary Civil Legal Services funding describe here how they will use their current funding (e.g. by continuing certain currently-funded services) as well as describe how they will use any additional funding requested?

The application should be written to describe all of the work for which the applicant is requesting funding, which may include services currently provided under an existing contract intended for termination December 31, 2016 (see question #8 above).

29. Where the RFP Pages 12-13) asks for #s of cases per county, do you want just JCLS funded cases or total for our program?

Please respond with number of cases to be handled as a result of the funding requested.

30. We would like to know whether the following types of legal work are included within "Family Matters":

- a. Representing immigrant minors in proceedings to obtain Special Immigrant Juvenile Status and resulting immigration relief for minors.

Yes, if the applicant successfully explains the relationship between the immigration services provided and the essential of life area, family matters.

- b. Representing victims of domestic violence in proceedings to obtain immigration relief under the Violence Against Women Act.

Yes, if the applicant successfully explains the relationship between the immigration services provided and the essential of life area, family matters. See the answer to Question #14 above.

- c. Representing immigrants in petitions to adjust status based on marriage to a US citizen?

Yes, if the applicant successfully demonstrates the relationship between the immigration services provided and the essential of life area, family matters.

31. May we include representing immigrants on petitions for Deferred Action for Childhood Arrivals within the category of "Access to Healthcare and Education?"

Yes, if the applicant successfully demonstrates the relationship between the immigration services provided and the essential of life area, Access to Healthcare and Education.

32. On page 16 of the RFP, we are asked to estimate the number of cases to be handled "by the program" and, similarly, the number of clients to be served "by the program" in 2017. Our question concerns the meaning of "by the program". Are we to estimate the number of cases/clients we will handle using just OCA funds or the number of cases/clients to be served by our entire agency?

Please respond with number of cases and clients to be handled as a result of the funding requested.

33. I'm in the process of assembling attachments for the RFP and I noticed that there are two "K" attachments listed. The order is J K L K M. What should those applying do? Should we change the second K to M and label the rest of the sequence accordingly i.e. M becomes N, N becomes O, O becomes P, etc.?

To correctly identify attachments, please use the lettering found on page 8 or in the table of contents, where the typo in the attachment checklist on page 19 is not duplicated.

34. In past years, Judiciary CLS grants have been limited to applicants providing direct legal services. As a result, applications for proposals involving the use of technology were not awarded Judiciary CLS grants. For the current Judiciary CLS RFP, the preference for direct legal services has been

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eliminated. In addition, a new scoring criterion “The extent to which the applicant proposes provision of services that enhance access to justice.”, has been added to the RFP. Do these changes indicate that applications specifically seeking funding for technology or a technology based project, and that otherwise meet all other requirements of the RFP, are now eligible for Judiciary CLS grants?

Yes. The solicited services are both direct legal services and other access to justice services which may include leveraging technology to provide the services.

35. The RFP states that our proposal will be evaluated for “reasonableness of cost”. We would like to know what is meant by “reasonableness of cost”. Please advise.

What specific factors will be used to evaluate the reasonableness of cost of services? Will this evaluation be based solely on funds being requested from the State, or will it take into account our entire agency budget?

This RFP added sections to explain reasonableness of cost. What factors does OCA use in awarding points in this area? What key areas should providers explain?

How does OCA rate the reasonableness of fringe rates and Other Than Personnel costs?

Could you provide further clarification on Reasonableness of Cost, and how to determine what other agencies are budgeting for administrative costs? If we are to compare ourselves to other organizations, how are we to obtain this information? How do we determine which organizations are of similar size?

Are there specific guidelines for determining reasonableness of cost? For example, are things like similarly situated organization’s costs or historical costs based on funding streams and salary structure taken into account?

The evaluation criteria and points allotted for individual components of each section scored are found in C. Award Selection Criteria and Method of Award on pages 3-6 of the application.

Briefly describe services and reasonableness of proposed costs (1-2 sentences) should summarize the costs associated with the amount requested for the county to be served.

36. The requirement for a Language Access Policy is new, and I know that many of us have only had language access practices, not a formal board approved policy in the past. Do you have a sample policy that you could point applicants to when formalizing our policies?

No.

37. Could you explain the difference between cultural diversity/inclusion policies and language access policies? Or provide examples of such policies?

These two policies may overlap, but one is specific to language access issues.

38. Our Internal Controls Policy actually has many different policies. Is it sufficient to simply list all of the policies that we have, or do you want for us to attach all policies in their full printed form?

Applicants may choose to submit a summarized version of their internal controls policies.

39. For attachment S, should the internal controls policy cover only fiscal controls or program controls as well?

The RFP defines internal controls procedures as “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.” To the degree that the applicant’s policies to ensure

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adherence to agency policies and plans are primarily programmatic in nature, the applicant should include those policies in addition to internal controls policies that are primarily fiscal in nature.

40. To be clear: if we submit the application electronically on Sharepoint, we do not need to mail a copy as well?

Should the application be submitted both electronically and in paper format?

The application should be submitted either electronically or delivered (mail or otherwise) as a hard copy.

41. When we list the "Total Funding Requested" on the first page and for the budget, should it be for one calendar year, Jan 1, 2017 through Dec 31, 2017?

Yes.

42. We were instructed last year to have the following EXACT address listed on the required insurance certificates:

Division of Professional and Court Services

2500 Pondview, Room 104

Castleton On Hudson, NY 12033

Do I have to have our carriers change it for the different name listed in the instructions this year or will certificates with last year's be accepted?

No. The address above is acceptable.

43. For job descriptions, should we submit unique job descriptions for each position we are including on the budget, or may we submit generic descriptions, such as for "staff attorney", "paralegal", "supervising attorney", etc.?

The specificity of the included job descriptions is at the discretion of the applicant.

44. An email earlier this week acknowledged that many organizations did not receive an email notifying them of the RFP. In light of that, will the deadline for proposals be extended in order to provide all potential proposers adequate time to submit?

No. The RFP was publicly announced on both the New York State Contract Reporter website and the New York State Unified Court System website on the day it was issued.

The email notice of the RFP was a courtesy only and did not constitute an official announcement. As an additional courtesy, the email was resent to those addresses that had rejected the initial email.

45. Will JCLS be receiving applications next year?

We cannot predict whether or not additional funding will be made available in a subsequent fiscal year that would necessitate another procurement.

46. What kind of reporting is required at the end of the first 3 month period of the contract?

Organizations that receive funds pursuant to this RFP will be required to report on the expenditure of those funds for the initial contract period of January-March 2017, and may be required to report caseload data for that period.

47. Moving forward with the grant (assuming a grant was approved), will there be a renewal for each of the following planned years? Or will organizations need to submit a new proposal each year?

The structure of the intended contract is for a five year multi year term, which does not require the contract to be renewed on an annual basis. Instead, the contract will establish periods within the term, each of which will have its own allocation and budget.

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48. If there is a renewal system, will we be able to make changes to the initial program when renewing and/or request changes in funding?

Each budget period within the five year contract term will have its own allocation and budget.

49. For joint projects, should the attachments A-S all reflect the lead agency's portion of the project, or should resumes/job descriptions or potentially other items (e.g. case acceptance procedures) also come from project partners?

For joint applications, the attachments should be provided by the lead applicant.

50. If we have produced an annual report recently, and our old one does not have financial information in it, are you still interested in it, or what would you prefer to see instead?

Please include the most recently published annual report.

51. Is there a limit on the number of joint applications for which an agency can apply?

No.

52. In a joint application, should questions in the Organizational Capacity section that are most directly relevant for program clients, such that concerning the client confidentiality policy, include all members of the joint project?

The policies that will be in place for the project should be included in the application.

53. Eligibility of legal services to nonprofit organizations enhancing access to "essentials of life" In the "Award Selection Criteria and Method for Award" section of the instructions for previous grant cycles, there was a bullet stating that "A preference will be given for applications that propose direct legal services." This bullet is not included in the application instructions for the current RFP. Does this indicate that legal services provided to nonprofit organizations that are enhancing access to the "essentials of life," including access to healthcare and access to education, may be eligible for funding under the current award selection criteria?

Would direct legal services for non-profits that serve low-income communities on the essentials of life be eligible? (For example, free transactional representation on governance, real estate, compliance, or employment that builds the capacity of these organizations and improves their operations in service of low-income communities, or group representation of a community or tenant group to promote accessible and safe housing.)

Applications proposing legal services provided to not-for-profit organizations as described in the question may be eligible for funding if the applicant successfully demonstrates the relationship between the proposed legal services and the essential of life area.

54. Meaning of "other access to justice services" In question 2 of the "Program Description" section of the narrative proposal, applicants are asked to "indicate the service delivery method(s) the program will employ." The fifth through ninth check boxes have the language "Other access to justice services." The phrase "access to justice services" is not included in the application instructions for the previous RFP cycle. To what extent is the phrase "other access to justice services" consistent with IOLA Fund of the State of New York's definition of the "administration of justice"?

The RFP did not take the IOLA Fund of the State of New York's definition of the administration of justice into consideration in writing Question 2 of the Program Description. Any connection between the two is coincidental.

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55. **Direct legal services to nonprofit organizations** In question 2 of the “Program Description” section of the narrative proposal, would non-litigation legal services provided to nonprofit organizations enhancing access to the “essentials of life” by staff attorneys and by pro bono attorneys fall within the scope of the categories “Direct legal services: provided by staff attorneys” and “Direct legal services: provided through referral to pro bono attorneys”?

Direct legal services are services provided to eligible clients who are defined as New Yorkers living at or below 200 percent of the federal poverty level. However, see the response to Question #53 above.

56. Under “Program Description” the application form states that 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.”

Since the entire contract is being rebid, should a program that currently receives funds answer the questions under this entire section as though all of the funding applied for is new? For example, question 8 states: “Based on the definition articulated in question 7 above, what is the estimated number of cases to be handled by the program during the 2015-16 fiscal year?” Should the answer to this and all of the other questions under this section reference all of the cases handled by the program since all of the funding awarded would be newly awarded under a rebid contract?

If the applicant is a current recipient of JCLS funding, the application should explain how funds would be used if awarded, irrespective of how they are used now. The application may propose that funds be used in the same manner as they are currently.

Please verify that you are reading the most recent and current RFP. Question 8 of the Program Description reads, “Based on the definition articulated in question 7 above, what is the estimated number of cases to be handled by the program during 2017?”

57. On page 15 of the RFP, questions 2 and 3 (about service delivery methods and level of service) include a series of check boxes that together take up almost an entire page. In our response, do these questions need to be reproduced in the same format to take up one of our 10 available pages for response? If not, what format is acceptable?

Yes.

58. Section V(b) regarding budget narrative (described on page 18) includes a table format and does not include a length restriction. Do we need to respond in a table format or can we use headings that match each section in the table? Is there any length restriction for the budget narrative?

Applicants are not limited to the space in the table provided and may re-create the table structure to write their budget narratives. The format of the narratives (a summary for each major category) must remain intact in a re-created structure.

59. Is a breakdown of the awards under this RFP available by county?

Exhibit 3 defines the funding available for each county. No awards have been made and none will be made until the conclusion of the RFP process.

60. If an applicant submits one proposal to cover multiple counties, should a budget for each county be submitted?

No, the RFP requires a single budget for the entirety of the proposed program across all counties. The Application Summary Table requires a brief discussion of costs budgeted in each county.

61. Is there a limit to the number of proposals an applicant may submit under this RFP?

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No.

62. Is there a cap on the administrative recovery (indirect cost) rates?

Is there a cap on indirect costs?

For budget purposes, is there a cap on indirect costs or an amount above which would be an issue?

For example, government funders frequently anticipate 10% indirect costs.

No, but the RFP requires that all indirect cost rates be justified and submitted with a methodology supporting their inclusion at the budgeted rate.

63. Is an administrative recovery (indirect cost) rate acceptable as a method to claim administrative expenses, or will awarded organizations be asked to itemize their administrative costs?

Yes, but the RFP requires that all indirect cost rates be justified and submitted with a methodology supporting their inclusion at the budgeted rate.

64. Is there a cap on fringe costs?

No, but as with all budgeted categories, the applicant must explain the costs included in the budgeted amount in the required budget narrative.

65. We are a currently funded JCLS provider, already have a user id and password and sent an email to request access to the site set up to receive JCLS applications. How long does it take to get permission to upload the file after we have sent an email request?

Requests for usernames and passwords will be honored and access to the electronic submission website will be made available after the deadline to request them has passed.

66. Is an audited statement required or in lieu thereof may our recent tax returns suffice?

If an applicant does not have an audited financial statement, an explanation of that fact and the most comprehensive comparable document should be submitted in its place.

67. What is an organizational chart?

An organizational chart is a diagram that shows the structure of an organization and the relationships and relative ranks of its parts and positions/jobs ([Wikipedia](#)).

68. According to the RFP we are to consider 25% of the \$85 million as available for the period January 1 through March 31, 2017; does that mean that commencing April 1, 2017 the full \$85 million is available for allocation?

Yes. UCS intends to allocate the full \$85 million during the fiscal year 2017-18, assuming it is appropriated by the legislature for that period.

69. Moving forward will the contract years be from April through March, as current?

Yes. After the initial three month January-March 2017 period, UCS intends to allocate funds to JCLS contracts on a state fiscal year basis.

70. When creating the budget for the RFP, are we writing for:

- a. January 1, 2017 through March 31, 2017 (budget 1)
- b. April 1, 2017 through March 31, 2018 (budget 2) OR
- c. January 1, 2017 through March 31, 2018

None of the above. The required budget forms define the budget period as January 1, 2017 –December 31, 2017.

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71. In light of the new 5 year funding period, will there be additional increases each year, as was previously?

As in prior years, UCS cannot predict whether additional funds will be appropriated by the legislature in a future year. UCS hopes to be able to provide cost of living adjustments (COLA) on an annual basis but does not predict increases to funding beyond COLA level in the near future.

72. Given that the original purpose of OCA funding was to ensure systemic and stable civil legal services, and given that the IOLA Fund gives additional points to current grantees, will the Office of Court Administration help ensure continuity of services to clients and stability in the legal services provider system, by giving greater weight to current providers with good performance records and experience, over new applicants?

Will prior experience in providing JCLS funded legal services receive any weight or points in assessing organizational capacity, program plan, overall accessibility, and/or county-specific accessibility?

No. Prior experience as a Judiciary Civil Legal Services contractor with the Unified Court System is not a criterion for receiving funding nor are additional points awarded to currently funded providers. One purpose of a single procurement for a five year, multi year term is to create stability amongst providers for that time period.

73. Will prior experience in providing JCLS funded legal services receive greater weight in assessing organizational capacity?

No. The 15 points available for organizational capacity are not predicated on whether or not an applicant is a currently funded JCLS contractor.

74. Will new JCLS grantees be required to assume responsibility for pending cases being handled by a current JCLS grantee who receives less funding than in prior years?

No. In the event that a currently funded JCLS contractor is not funded beyond December 31, 2016, the organization will be provided with sufficient notice to make appropriate disposition of open cases.

75. What weight will be given to letters of support to demonstrate partnership and collaboration?

Item 6 in the Overall Program Plan section of the Evaluation Tool assigns 5 total points to the assessment of the collaborative nature of the proposed program with instructions to reviewers to consider the responses to Narrative Proposal, Program Description, questions 10 and 11.

76. Will services similar to those provided by others be considered redundant if it is clear that the community continues to have a high rate of unmet need?

No.

77. What will be the basis used to evaluate the effectiveness of the use of state dollars for the quality of service based on the dollars budgeted for staffing cost?

The criteria for evaluating reasonableness of cost are the budget and the budget narrative. These elements will be evaluated in light of the level of services, and type, quality, and location of services.

78. If a program has a standardized fringe rate based on historical fringe cost across the program and salaries are based on negotiated CBA contracts, will those automatically be considered appropriate and reasonable?

Not necessarily. The reasonableness of personnel related costs is not dependent upon the method of salary and benefit negotiation.

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79. When stated in bullet # 3 under "Overall Budget" on page 5 that "The extent to which percentage of UCS funds that support administrative cost (including, real estate expenses that are not used for the direct delivery of services, and related costs) **is comparable to the percentage found in the budgets of similarly sized agencies**. Which similarly sized agencies are you thinking of -- will it be among agencies that have applied for the grant or outside agencies? The comparison appears very subjective – can you explain more please?

UCS is familiar with administrative cost data for a wide size range of not for profit service providers in New York state. The term "similarly sized" refers to an organization's total budget.

80. We spread our Other Than Personnel Costs based on FTE ratio (proportionate to the FTE's working on each grant). Is this calculation acceptable and reasonable?

Not necessarily. Budgeted expenses must be actual estimated costs that are directly attributable to the Judiciary Civil Legal Services program.

81. May we include embedded hyperlinks in our proposal? As a follow up to that question, will applications be reviewed electronically or on paper?

Reviewers will likely read some applications electronically and others on paper depending on accessibility at the time of review. For that reason, we do not recommend embedding links in your application.

82. The Application Summary Table that is found on page 12 of the application packet has three columns that did not appear in the Application Summary Table for previous applications. I have questions about two of the new columns. Specifically, on each county row, we are now asked for (1) "Proposed FTE's" – does this mean that we will need to track that actual delivery of FTE's on a county by county basis? If so, this would be extremely burdensome for multi-county programs; and (2) "Briefly describe services and reasonableness of proposed costs (1-2 sentences)" -- are you looking for the reasonableness of the dollar amount or the reasonableness of spending money on the proposed services? In either case, how much detail are you looking for in such a short answer?

The Proposed FTEs in each county need not be exact in terms of percentage of time each multi county employee will spend working on cases for each county, but should be reasonable estimates of the staffing to be devoted to serving the county and should total to the Number of FTE Staff Funded Under This Proposal on the Application Cover Sheet.

Briefly describe services and reasonableness of proposed costs (1-2 sentences) should summarize the costs associated with the amount requested for the county to be served.

83. Relating to the contract dates – can you please explain how the new contract start date of Jan 1, 2017 and funding will affect our funding under our current contract – which runs until March 31, 2017. It is unclear to us if our current funding will be rolled into a new award which will begin on Jan 1, or if a new award will begin after the current contract expires. Also will there be any funding lapses due to the change of the contract dates of current and new contracts?

It is our understanding that the contract term for current grantees will be shortened to 9 months ending on 12/31/2016. Since current grantees have hired staff and developed budgets and work plans based on the entirety of the current award through 3/31/2017, will current grantees receive the amount of the original grant award for 1/1/2017 to 3/31/2017? If so, how will those funds for the final quarter of the existing award be disbursed? Will the funds for the final quarter of current grants be in addition to the new grant? Or should we assume we will not receive any funds for the last quarter as they will be supplanted by any new grant?

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In previous years OCA grantees were automatically renewed at the amount of the existing grant and just had to submit a proposal for additional OCA grant monies. Is this the case for this round of OCA funding? Are organizations asked to submit a proposal just for the \$15 million in additional funds or for the entire \$85 million?

Is this RFP for a grant in addition to what my organization is currently receiving? If we want to continue the project that is funded through March 31, 2017, do we submit a detailed RFP or is this for a new proposal (something in addition to what is currently being funded)? Thanks.

We're somewhat confused on the budgeting for our submission. We know that the budget period is January 1 – December 31, 2016, and that the initial part of the contract will be for three months with 25% of the funding articulated in Exhibit 3 available during that period. Here is our enigma. We have a current JCLS contract which expires March 31, 2017, thus causing a three-month overlap. Our finance department tells me that we cannot have the same expenses on two different contracts for the same period. Please give us some guidance as to how to do the budget. Our concern is that if we only include amounts for the nine months, that would be construed as the annual amount we are requesting, thus representing only 75% of what we are requesting.

Given that the contract date would start Jan 1, 2017, if we are already a recipient of a Judiciary CLS grant and are awarded one under this new RFP, how would the overlapping contract time frames be implemented?

Regarding the current JCLS contracts which now are set to end on March 31, 2017, is the intention to end these on December 31, 2016, basically reducing the contract period to three-quarters of the current agreement?

- o If so, will there be any guarantee that current programs, services and staffing will be continued under the new contracts or will grantees risk needing to reduce services and potentially lay off staff if they are funded at a lower level than the current contract provides?
- o If current contracts are not ending on 12/31/16, what should we anticipate for our staffing and deliverable obligations for the period 1/1/17 - 3/31/17? How should we budget for this time period?

There is only a budget form in the RFP for a 1 year budget.

- a. Do you only want a 1 year budget?
- b. Or do you want a 5 year budget
- c. should it be entered on your budget form as a 5 year lump sum?

Will our current budget end on December 31, 2016? If so, will the current contract be reduced by 25%?

The RFP's funding period is Jan - Dec 2017. The renewal for current contract period was from April 2016 - March 2017. How does OCA plan to reconcile the overlap?

Will the amount in the FY17 renewal for the current period be pro-rated to reflect the 9 months of 2016? Will the last quarter funds be added to the first quarter of RFP fiscal period?

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The current contracts are scheduled to run through March 31, 2017. The new contracts are scheduled to begin on January 1, 2017. Will there be a 3 month overlap? If so, will there be a provision for carrying funds over? Or, will the current contracts be ended early? If so, what will happen to final quarter of funding (for the period from January 1 to March 31, 2017)? If current contracts are ended early on December 31, 2016, this would likely not create great hardship for current grantees that are refunded at the same or at a higher level. However, what will happen regarding commitments made (staffing, case representation, etc) if a current grantee was defunded or funded at a lower level than under their current contract?

UCS intends to terminate all current contracts for JCLS services effective December 31, 2016. Funding for the period that began on April 1, 2016 will be pro-rated to a nine month award. Contracts awarded pursuant to this RFP will commence on January 1, 2017. There will be no lapse in services. If an organization is currently funded and does not receive an award pursuant to this RFP, the organization's funding would cease on December 31, 2016. If an organization is currently funded and does receive an award pursuant to this RFP, the organization would be funded continuously, but not necessarily at the same level as during the contract period April 1, 2016 – December 31, 2016. In other words, funding would be continuous but the level of funding beyond December 31, 2016 is dependent upon awards made pursuant to this RFP.

Budgets submitted pursuant to the RFP are for the 12 month period January 1, 2017-December 31, 2017 as articulated on the required budget forms.