

ADMINISTRATIVE OFFICE OF THE COURTS
QUESTIONS AND ANSWERS

RFP Number: CFCC 10-13-LM

EL Dorado Dependency Representation

November 22, 2013

1. What is the current configuration of service providers in El Dorado County listed by type of organization?

Answer: The current contracted service providers in El Dorado County are configured as eight (8) sole practitioners.

2. Who are the contractors that are currently providing service for the County?

Answer: The holders of the current contracts for dependency services have no bearing on this solicitation.

3. The RFP is for El Dorado County as a whole. Due to geography, there is typically a panel for South Lake Tahoe and then one for Placerville. Is it correct the proposer could bid the area they are interested in representing?

Answer: As described in the *Introduction* on page 1 of the RFP, this RFP seeks service providers for representation for parties in juvenile dependency proceedings for the Superior Court of California, County of El Dorado. There are no requirements to bid for services in a specified geographic area. Proposers who prefer to provide services in a particular region of the county may explain their preference as part of their *Description of Services to be Provided* (see *RFP section 7.1.3* on page 6).

4. Regarding full-time positions available, will there be a possibility of an award/contract for a full-time attorney position in the Placerville court (Department 8)? In the South Lake Tahoe court (Department 12)?

Answer: It is possible for a proposer to apply for a full-time position representing parties in juvenile dependency proceedings for the Superior Court of California, County of El Dorado. Refer to the specifications in *RFP section 7.2.2* on the Caseload Funding Model parameters and *section 7.1.3(e)* on handling conflict cases. See number 3, above. Proposers who prefer to provide services in a particular region of the county may explain their preference as part of their *Description of Services to be Provided*. See *RFP section 7.1.3* on page 6.

5. Is this RFP for the exclusive contract of just handling conflicts?

Answer: It is not. See the *RFP Introduction* on page 1, which states, “The representation is for all children and parents in juvenile dependency proceedings in El Dorado County, including all parent or child cases in which there is a conflict of interest.”

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6. Would the proposal be either for parents or children and/or is it for both?

Answer: Proposers may propose to represent only parents, only children, or both parents and children. See the *RFP Introduction* on page 1, which states:

“Proposers may submit a proposal to provide services for one or more of the following Lots, as described below¹:

Lot 1 – Sole practitioner representing a specified number of clients, either parents, children or both. The minimum number of clients to specify in the application is 70.

Lot 2 – Partnership, non-profit organization, or other configuration representing a specified number of clients, parents, children or both. The minimum number of clients to specify in the application is 140.”

7. My practice is that of a sole practitioner; however, it is organized as a corporation licensed to do business in California. Should the proposal be bid as an individual and then have the business structure as a professional corporation, or should the proposal be bid as a corporation?

Answer: The AOC is unable to advise proposers on how their proposal should be bid or its content. Refer to *RFP section 7.1.1(d)* and *(e)* for more information. To conduct business as a corporation, identify yourself under *section (d)*. To bid with the representation model of a sole practitioner, identify yourself under *section (e)*.

8. Is it a requirement to have separate offices in Placerville and South Lake Tahoe, or is it permissible to have a centralized office?

Answer: There are no requirements to have separate offices in Placerville and South Lake Tahoe. It is permissible to have a centralized office.

9. If multiple offices are required, are they required to be open five days per week?

Answer: There are no requirements to have multiple offices, as explained in number 8, above, and there are no requirements regarding office hours.

10. Is a home office acceptable if there is room for interviews and client contact?

Answer: A home office is acceptable. As stated in *RFP section 7.1.3(f)* on page 8, “Proposers must identify the proposed location(s) of office(s) and client interview facilities.”

11. What is the estimate of non-English speaking clients?

Answer: The AOC does not have data regarding the number of non-English speaking clients in El Dorado County. However, proposers may consider the table below, which compares the race and ethnicity of all children in El Dorado County compared to those in foster care in the County.

¹ Definitions of key terms used below, including “representation”, “parents”, “parent”, “children”, “child”, and “conflict” can be found in section 1.4 of this RFP.

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July 1, 2012 children by race and ethnicity (ages 0-17): county and in foster care					
Children with missing ethnicity data are excluded.					
	Black	White	Latino	Asian / P.I.	Nat. Amer.
County (N=37,210)	<1%	72%	22%	5%	<1%
In foster care (N=263)	8%	68%	20%	2%	3%

Source: http://www.courts.ca.gov/documents/ElDoradoSupCourt_CWData_2012Q4.pdf

12. Is it permissible to use a telephone language line rather than a live interpreter?

Answer: If this question refers to an attorney's work with a client outside of the courtroom, there are no requirements regarding the type of language/interpreter services used. If this question refers to an attorney's work in the courtroom, the court may provide an interpreter, if available.

13. If a language line is permissible, what is the projected number of interviews that will need to be conducted using the service for each of the two contract years?

Answer: The projected number of interviews that will be conducted using a language line is indeterminable at this time. Refer to number 11 regarding demographics pertaining to El Dorado County.

14. What was the total number of times an out-of-court interpreter needed for each of the last three years, through September 30, 2013? What is the projected number of times an out-of-court interpreter needed for each of the two contract years?

Answer: The AOC does not have information regarding the number of times an out-of-court interpreter needed in prior years, nor are projected numbers available.

15. Can court interpreting services be used or can this be subcontracted?

Answer: Per number 12, above, court-interpreting services may be used in the course of an attorney's work in the courtroom.

16. Does the court have an existing list of pre-approved attorneys that can be used in conflict situations?

Answer: Yes, the court has a pre-approved list of attorneys that can be used in conflict situations.

17. Will internal evaluations be required of the selected contractor(s)?

Answer: Evaluations within a contractor's organization are not required. See *Attachment 2, Exhibit A, section 4. AOC's Quality Assurance Plan* for more information regarding the AOC's evaluation of contractors.

18. If a contractor purchases equipment/office furniture over the course of the contract, will the AOC buy back the equipment/furniture upon completion of the contract?

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Answer: The AOC will not buy back equipment/office furniture purchased by the contractor upon completion of the contract.

19. Is there a plan for moving or transitioning existing cases over to the new contractor?

Answer: See *RFP section 7.1.3(b)* on page 7 for more information regarding the requirements to describe a start up and transition plan. In the event that a new contractor is selected, the AOC would work with the court, the current contractor, and the new contractor to ensure a smooth transition, including transfer of files.

Sample plans and proposals are deemed Judicial Administrative Records and access to these records is governed by rule 10.500 of the California Rules of Court. For more information on rule 10.500 of the California Rules of Court, and obtaining copies of Judicial Administrative Records, use the following link:
<http://www.courts.ca.gov/publicrecords.htm>.

20. What is the maximum/minimum amount of funds required under *RFP section 7.1.7(g)* on page 10 regarding the requirement to support the operation for 75 days prior to the first payment?

Answer: It is the proposer's responsibility to identify the amount of funds they will need to support their operation for seventy-five (75) days prior to the first payment.

21. Regarding proof of financial solvency in *RFP section 7.1.7(f)*, if the proposer is a sole practitioner with a new practice (i.e., no business income statements to speak of, yet) would a personal income statement be required or would this requirement be waived in this instance?

Answer: All proposers, regardless of whether or not they have a new practice, should submit proof of financial solvency or stability. Any lack of information may be described in a narrative for consideration by the Evaluation Team.

22. Is there a form or format for the "balance sheet" requested by the RFP?

Answer: Assuming this question refers to the requirement in *RFP section 7.1.7(g)*, quoted below, the AOC does not have or require a specific form or format for the balance sheet.

RFP section 7.1.7(g) reads "Proof of financial solvency or stability (e.g., balance sheets and income statements)."

23. Does the JCATS system have specific operating system requirements? Is it compatible with Macintosh systems?

Answer: The JCATS case management system mentioned in *RFP section 7.1.3(g)* requires internet service and is fully compatible with Mac and Windows laptop and desktop computers. For Windows, Internet Explorer is required.

24. As a sole practitioner working from home without employees, how do I complete the budget template?

Answer: The AOC is unable to advise proposers on the content of their proposals. All proposers, regardless of their structure (i.e., sole practitioner, partnership, etc.) should complete

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Appendix B – Budget Template, to reflect how their proposed total funding will be allocated. Proposers only need to complete the sections that are relevant to their proposal.

25. What are the rates paid for contracts awarded through this RFP? Or is this something that should be included in our proposal?

Answer: See *RFP section 7.2 and 7.2.3* for more information regarding cost proposal requirements and available funding. It is a proposer's responsibility to determine their budget based on the information provided in the RFP and attachments.

26. The maximum total annual funding for proposals is \$710,000 - \$775,000 (*RFP section 7.2.3* on page 11). Does this projection cover staffing in both the Placerville (Department 8) and South Lake Tahoe (Department 12) courts on an annual basis?

Answer: The maximum funding available for all contracts serving both the Placerville (Department 8) and South Lake Tahoe (Department 12) courts each year is \$775,000. See *RFP section 7.2.3 and 7.2.4* (page 11) for more information.

27. Is this projection based on the Applied Compensation Model set forth on page 10 of the October 26, 2007 report to the Judicial Council:
<http://www.courts.ca.gov/documents/102607itemF.pdf>?

Answer: The maximum total annual funding of \$710,000 - \$775,000 is based on calculations of the Applied Compensation Model using Region 2 salaries, and also takes in to consideration available funding, funding of current contracts, and how current funding compares to the Caseload Funding Model.

28. Is \$100,031 the maximum annual attorney salary allowed for 2014, 2015 and 2016?

Answer: The attorney's full time equivalent (FTE) salary range listed in *section 7.2.3* of the RFP is based on the salary rates that have been adopted by the Judicial Council in accordance with the Caseload Funding Model (CFM). The standard maximum rate at which a full-time Supervising Attorney should be paid according to the CFM is \$100,031; however, it is up to the proposer to determine the actual rate applied. Proposers should consider the requirements in *RFP section 7.2* when developing their cost proposal and budget.

See the October 2007 report to the Judicial Council, which was also cited with *section 7.2.2* of the RFP: <http://www.courts.ca.gov/documents/102607itemF.pdf>.

29. What is the definition of overhead (listed in *RFP section 7.2.6*, page 11)? What is included and what is excluded in overhead costs?

Answer: Overhead costs, also referred to as indirect costs, are generally defined as the fixed costs of running a business that do not directly apply to the services being offered by the business. For the purpose of the compensation model adopted by the Judicial Council, overhead costs include supervising attorneys, support staff, and all operating and facility costs.

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Excluded from overhead, or indirect costs, are items that would fall under direct costs. Examples of direct costs include case-carrying attorneys (staff or contract), investigators (staff or contract), bar dues, attorney training costs, interpreters, travel costs associated with client visitation, and experts.

See page 9 of the October 2007 report to the Judicial Council for more information:
<http://www.courts.ca.gov/documents/102607itemF.pdf>

30. What is the definition of indirect costs? What is included and excluded in indirect costs?

Answer: See the response to question 29, above, for an explanation of indirect costs.

31. Are indirect costs required to be in the range of 19-35% as shown on page 32 of the October 2007 report to the Judicial Council: <http://www.courts.ca.gov/documents/102607itemF.pdf>?

Answer: There are no specific requirements for direct costs to fall within a given range. However, proposers should consider that *RFP section 7.2.2* states, "Proposers are asked to submit proposals based on the Caseload Funding Model adopted by the Judicial Council in October 2007." In addition, as indicated in the table of evaluation criteria listed under *RFP section 10.3*, proposers will be evaluated by the reasonableness of their cost proposal, including the "2. Percentage of Proposer's costs directly applied to attorney services and to indirect costs".

32. Are direct costs required to be in the range of 65-81% as shown on page 32 of the October 2007 report to the Judicial Council: <http://www.courts.ca.gov/documents/102607itemF.pdf>?

Answer: There are no specific requirements for indirect costs to fall within a given range. See the response to question 31, above, for more information.

33. Why do you need budget line items for rent, etc. when we will be not reimbursed?

Answer: The Caseload Funding Model adopted by the Judicial Council includes compensation standards that include overhead costs such as rent. As explained in number 29, overhead costs may be factored in to a proposer's proposed compensation for services. However, rent would not count as a reimbursable cost in the same way as out-of-state travel to visit child clients, or use of expert witnesses, described in *RFP section 7.2.7*.

See the October 2007 report to the Judicial Council for more information:
<http://www.courts.ca.gov/documents/102607itemF.pdf>.

34. Can a social worker position be filled by interns (if being supervised by a licensed clinician)?

Answer: Yes, a social worker position can be filled by an intern if supervised by a licensed clinician.

35. Can the position of investigator be subcontracted out?

Answer: Yes, the position of investigator can be subcontracted.

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36. Is it a requirement to provide full-time positions for paralegal, secretary, and senior staff attorney? Can these positions be paid hourly instead of a full-time salary?

Answer: There are no requirements for any positions to be full-time positions (or 1.0 full-time equivalent, FTE), including paralegals, secretaries, and senior attorney staff.

37. Can positions be merged? For example, a secretary/paralegal, or a administrator/investigator?

Answer: Yes, positions can be merged.

38. What are examples of contractual non-attorney professional services that are not listed elsewhere in *Appendix B - Budget Template*?

Answer: Social workers and investigators typically fall into this category, although they may also be listed in the Personnel section of the *Budget Template* depending on the organizational structure being proposed.

39. What was the total number of expert witnesses used for each of the last three years through September 30, 2013?

Answer: Based on information gathered from invoices for expert witness costs submitted to the court and the AOC, the number of cases in which an expert witness was used and cost information is as follows:

Period	No. of Cases Using an Expert Witness	Avg. Cost per Case	Cost Range
October 1, 2010 – September 30, 2011	5	\$600	\$500-\$750
October 1, 2011 – September 30, 2012	6	\$1,493	\$700-\$3,700
October 1, 2012 – September 30, 2013	1	\$750	\$750

See *RFP section 7.2.7* for more information regarding reimbursable costs, including expert witness costs.

40. What is the projected number of expert witnesses that will be needed for each of the two contract years?

Answer: The use of an expert witness is determined on a case-by-case basis. The AOC does not have information regarding the projected number of expert witnesses that will be needed in future years. However, the AOC generally budgets for these costs based on historical expenditures. See the table in question 39, above, for historical data.

41. What is the estimate of children (clients) who are in out-of-county placements?

Answer: See the table below for an estimate of children who are out-of-county placements.

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Out-of-county Placements as of July 2013

County	El Dorado Children Placed in Another County
Amador	10.9%
Sacramento	8.4%
Out of State	2.8%
Calaveras	2.2%
Contra Costa	2.2%
San Joaquin	1.9%
Nevada	1.2%
Solano	1.2%
Yuba	1.2%
Fresno	0.9%
Placer	0.9%
Sutter	0.9%
Ventura	0.9%
Butte	0.6%
San Luis Obispo	0.6%
Shasta	0.6%
Sonoma	0.3%

Data Source: CWS/CMS 2013 Quarter 2 Extract

http://cssr.berkeley.edu/CWSCMSreports/Pointintime/fostercare/childwel/grids/data/grid_sXr_jul2013_0.html

42. What were the total number of times in a year that out-of-county and out-of-state travel were needed for each of the last three years through September 30, 2013? To what states was travel required?

Answer: Based on a review of invoices submitted to the AOC by current contractors, no out-of-state travel was billed to the AOC in the last three years.

The AOC does not have information regarding the number of times out-of-county travel was needed. However, proposers may consider the table in question 41 to gauge the amount of out-of-county travel that may be needed.

43. What are the projected number of times out-of-county and out-of-state travel will be needed for each of the two (2) contract years?

Answer: The AOC does not have information regarding the projected number of times that out-of-county or out-of-state travel will be needed in future years. However, proposers may review the information in question 41, above, to determine their own projections.

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44. What are the rules for mileage reimbursement? Can an attorney bill travel to visit out-of-county clients?

Answer: Mileage can be reimbursed as an extraordinary expense if it is part of out-of-state travel to visit a child client with prior authorization. See *Attachment 2, Exhibit C, section 2* for more information. Attorneys cannot invoice the AOC for travel expenses to visit child clients within the State of California, even if the child clients are outside El Dorado County.

However, proposers may consider mileage as part of their Operating Expenses in *Appendix B – Budget Template*, and include that estimate as part of the overall compensation for services.

45. What are the total number of cases or the number of families currently open in El Dorado County and how many of those cases are located in Placerville and South Lake Tahoe respectively?

Answer: In El Dorado County, each child is designated a case number. For counting purposes, the number of cases is equal to the number of child clients, regardless of their family association. As of November 13, 2013, based on information from the court's case management system, there are approximately 397 open cases in El Dorado County. Of these, 273 cases are under the jurisdiction of the Placerville court and 124 are under the jurisdiction of the South Lake Tahoe court. Data regarding the number of families involved in dependency cases is not available.

46. How many of the cases in El Dorado County have more than two (2) parents with attorneys appointed? How many cases in El Dorado County have more than 1 children's attorney appointed?

Answer: As explained in response to question 45, above, each child in El Dorado County is assigned a case number and, for counting purposes, treated as a separate case. Therefore, each case will have one child's attorney appointed. See question 45, above, regarding the number of open cases in El Dorado County.

Proposers may also consider the client data available in *Attachment 4, section 8*, which estimates approximately 384 child clients and 411 parent clients receiving court-appointed dependency representation. This produces a ratio of 1.07 parent clients for each child client.

47. Over the past twelve (12) months, what is the average number of dependency clients represented by an individual attorney in the Placerville court (Department 8) and South Lake Tahoe court (Department 12)? Are these figures based on a full-time attorney working 40+ hours a week on dependency cases? Or part-time attorney working under 32 hours a week on dependency cases?

Answer: See the table below for more information. Note that attorneys in the Placerville court are contracted to represent different caseloads varying from 55 to 130 clients.

Attorneys in South Lake Tahoe are contracted to represent the same number of clients.

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Court	Average Contracted No. of Clients	Average Reported No. of Clients	Full-Time Equivalent (FTE) Status
Placerville Department 8	102 (range: 55 to 130)	94	0.2 to 0.6 FTE
So. Lake Tahoe Department 12	73	83	0.35 FTE

Source: Attorney-reported case information from the JCATS case management system.

48. What was the total number of cases assigned for each of the last three years, 10/1/10-9/30/11, 10/1/11-9/30/12 and 10/1/12-9/30/13? What is the projected total number of cases to be assigned for the same periods?

Answer: See the table below for information regarding the number of new cases assigned for each of the last three years:

Year	No. of New Cases	No. of New Cases w/ Appointed Counsel
2010/2011	179	171
2011/2012	200	186
2012/2013	196	164

The AOC does not have information regarding the projected number of cases to be assigned in the future. However, proposers may consider the historical data presented in this document, within the RFP, and child welfare data provided in the link below to determine their own caseload projections.

Additional child welfare data is available at <http://www.courts.ca.gov/brc.htm#acc18886> in the section “Child Welfare County Data Profiles for the Courts”.

49. What was the total number of conflict cases assigned for each of the last three years through September 30, 2013? What is the projected number of conflict cases to be assigned for each of the two contract years?

Answer: Current contracts are held by sole practitioners. The AOC does not have information regarding the number of conflict cases, as any conflicts are covered by other contracted vendors. In instances where the number of conflicts on a case exceeds the number of contracted vendors available, cases are assigned to non-contracted vendors, who are paid on an hourly basis. See the response to question 48, above, which provides total caseload data regardless of whether the case was assigned to a contract or non-contract vendor.

50. At what caseload number does the AOC consider an attorney full time?

Answer: As indicated in the October 2007 report to the Judicial Council, and as determined by the Caseload Funding Model, a full-time attorney aided by a 0.5 full-time equivalent investigator can carry a caseload of 188-200 clients.

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See pages 4-6 of the October 2007 report to the Judicial Council for more information:
<http://www.courts.ca.gov/documents/102607itemF.pdf>

51. What is the estimated time spent on a typical case?

Answer: The average time spent on a typical case is approximately eight (8) hours, according to the June 2004 Dependency Counsel Caseload Study conducted by the American Humane Association on behalf of the Administrative office of the Courts. This study was used to determine the Caseload Funding Model mentioned in *RFP section 7.2.2*.

52. What are the accounting system requirements?

Answer: As indicated in *Attachment 2 – Contract Terms and Conditions, Exhibit A, section 17*, “Contractor shall maintain an adequate system of accounting and internal controls in accordance with Generally Accepted Accounting Principles (GAAP).”

53. Can contractors design their own invoicing or are forms to be provided?

Answer: The AOC will provide invoice templates after contractor selection. Any invoice must meet the terms described in *Attachment 2 – Contract Terms and Conditions, Exhibit C*.

54. Can contractors design their own quarterly workload report, described in *Attachment 2 – Contract Terms and Conditions, Exhibit C, section 8.A (iv)*, or is there a report template to be used?

Answer: Contractors must use the JCATS case management system, described in *RFP section 7.1.3(g)*, for their quarterly workload report. Training on the use of JCATS will be provided after contractor selection.

55. Are the insurance requirements listed under *Attachment 2 – Contract Terms and Conditions, Exhibit A, section 7* the same for a sole practitioner?

Answer: The insurance requirements listed in *Attachment 2, Exhibit A, section 7* apply to all provider types and only distinguishes between Option 1 – non-government insurance and Option 2 – county/government self-insurance.

56. In what form is the 11.5% operating reserve described in *Attachment 2 – Contract Terms and Conditions, Exhibit A, section 14.A* to be confirmed (i.e. money market, credit, etc.)?

Answer: There are no contractual requirements for contractors to provide proof of their operating reserve. However, as described in *Attachment 2, Exhibit A, section 14.D*, contractors may consider any line of credit or similar instruments as part of their reserve in order to meet the requirements under *section 14*.

[END OF QUESTIONS AND ANSWERS]