

**Request for Proposals (RFP): Juvenile Dependency Proceedings  
Superior Court of California, County of San Diego  
Bidder's Conference: November 15, 2004**

**Questions and Answers (Q&A)**

*1. What was the number of conflict minors from the Public Defender's office in existence last year and what was the travel budget to visit children who are placed outside of this jurisdiction?*

We estimate that about 700 children are currently represented by the Alternate Public Defender's office through one of its two conflict offices (see RFP Attachment C, Section VII). Data regarding travel costs are not available.

*2. When are conflicts declared by the Public Defender? On minor's cases where there is a sibling group and the Public Defender does not represent all the children in the sibling group?*

Yes, that would be the main reason why a conflict would be declared but there may be other reasons why the Public Defender's office would declare conflicts, for example, a concurrent delinquency proceeding.

*3. You're not saying they declared 700 conflicts – that's how many conflicts exist on the books?*

Seven hundred is the number of children we estimate are currently represented by the Alternate Public Defender's office, through one of its contracts.

*4. What was the travel budget to visit children outside of the jurisdiction last year?*

There is no specific line item budget for travel. The Public Defender and Alternate Public Defender provide services for a lump sum aggregate cost; there is no specific cost delineated for travel.

*5. How many children are placed outside of this jurisdiction (necessitate visiting them at least twice a year)?*

Attachment C, Section VII of the RFP indicates that 6.5% of children are placed out of county and an additional 7% are placed out of state. These data were obtained from the State Department of Social Services' website. Refer to Section II of Attachment C (Attorney Performance Requirements) regarding visiting child clients in placement settings.

*6. The 13.5% of children placed out of county refers to the total number of children under court jurisdiction or just to the 700 conflict child cases?*

The percentage applies to all children under the court's jurisdiction.

*7. How much is the total budget allocation for representation of parents and children?*

There is no set allocation for dependency counsel services; each court has been reimbursed for actual dependency counsel costs for the last two fiscal years. The court was reimbursed approximately \$11.5 million for fiscal year 2003-2004 dependency counsel services. This figure reflects the fact that the county has a cost recovery program in place that grosses approximately \$400,000 annually in revenue. Selected contractors will be expected to participate in a new or continued cost recovery program established by the AOC and the court.

*8. On the payment cycle, I noticed that payment would be made within 45 days of the end of each month. Would it be acceptable to have a line item in the budget to cover the interest costs related to the loan needed to cover the gap between State payment and a 30-day cycle for salary costs?*

The question has not been raised before; further consultation with AOC staff indicates that this would be an allowable cost.

*9. Who ultimately will be making the decision regarding Contractor selection – the committee that we are seeing today? How will that decision be reached?*

There will be a committee comprised of some, but not necessarily all of the individuals here today – a joint committee of AOC staff and court representatives. The ultimate deciding entity is the court, and specifically the Presiding Judge of the court.

*10. Are the decision criteria multiple or is it strictly based on the lowest bid? And if there are multiple criteria, how are those criteria weighted?*

The evaluation criteria are listed on page 11 of the first section of the RFP. There are seven criteria that are listed there and an indication that those criteria are listed in order of descending priority; the reasonableness of the cost proposal is number 5 of 7. Therefore, the cost of the proposal is not the most important factor in Contractor selection.

*11. Will there be a specific percentage rate ascribed to each element of the evaluation criteria listed in the RFP?*

Yes. There will be a specific point value assigned to each element of the evaluation tool.

*12. Referring to page 7 of Attachment C, how will representation be any different if these same entities [the Public and Alternate Public Defender] submitted bids and are awarded the contract?*

Under those conditions, the representation structure would not necessarily be any different. If the same entities that currently provide representation submit proposals and

are selected, we would not anticipate major changes in representation, unless the entity/ies bid to provide the services in a different way. There is nothing that would prohibit an organization from bidding to provide more or different services from those currently provided.

*13. Is it true that there is not room for any participation by small entities bidding on a portion of a Lot, for example?*

There is no limitation on the type of entities that can submit proposals. The RFP was written so that bids could be received from all provider types; individual attorneys can combine forces with other practitioners to bid on entire Lots. Bids for only a portion of any Lot are not acceptable and will be deemed non-responsive.

*14. Are there current concerns by the courts or the AOC regarding the quality of current attorney representation?*

In general, there are no concerns regarding the quality of current representation.

*15. Is there an expectation that bidders will have office space?*

Yes. We are certainly envisioning that these proposals will reflect costs associated with office space. This expectation, while not explicitly stated, is reflected in the budget template, which includes a line for Rent, and in the RFP's discussion of how conflicts should be handled as related to physical space.

*16. There are no requirements regarding the number of attorneys that need to be available per courtroom – is this no longer a requirement?*

The courtrooms do not currently have an equal distribution of cases; case distribution changes frequently based on filings and case assignment. We want to ensure that there is adequate coverage for each courtroom and that attorneys have reasonable caseloads; no specific staffing numbers are delineated because of the need to be flexible to changes in filing and case assignment.

*17. Are the caseloads equally divided among the full-time dependency courtrooms?*

No, although there is an attempt to do so.

*18. What will you be looking for in the client-attorney ratio? Will that ratio take into account an investigator staffing model?*

One of the goals of the Dependency Representation Administration Funding and Training (DRAFT) pilot program is to evaluate the proposed caseload standards resulting from the Dependency Counsel Caseload Study. To that end, bidders are asked to specifically identify proposed attorney caseloads. We are not looking for a particular number at this point but do want to have caseloads uniformly and consistently identified by all bidders.

With respect to non-attorney staffing, there is no particular staffing model in mind; bidders are asked to identify what it is that non-attorney staffing will do, and how the use of that type of staffing impacts proposed attorney caseloads.

*19. Does the RFP envision that on July 1<sup>st</sup> all cases will be automatically transferred to selected new contractors or will case transfer occur on a case-by-case basis as the cases are called on calendar? Logistically, has that issue been thought through?*

Attachment C, Section VI of the RFP outlines the anticipated procedure for case transfer. It is anticipated that the vast majority of cases will be transferred on July 1, 2005; hearings will be specially set for that purpose. Cases that will not be transferred will include those that are set for trial or are in some other crucial stage of the proceeding. Cost proposals should be based on the assumption that all cases will be transferred effective July 1, 2005.

*20. If there are cases on July 1<sup>st</sup> which the Public Defender or the Alternate Public Defender will still have because of these circumstances [outlined above], what kinds of arrangements will we [Public Defender/ Alternate Public Defender] have for compensation because potentially if we do not win the bid, our attorneys will be out of work on July 1<sup>st</sup> - the county will have no structure to retain any staff. Has that been thought through?*

The AOC will continue to be fiscally responsible for those cases maintained by the Public Defender's and/or the Alternate Public Defender's office as of July 1, 2005, in the event that one or both of those entities are not awarded contracts. The AOC would be responsible for addressing costs associated with cases retained by either or both of these offices until all cases were transferred to a new provider/s.

*21. Do we have any idea as to how the discussion will take place between the date of contract award and July 1<sup>st</sup> as to which cases might be retained [by the Public Defender/Alternate Public Defender] and how many lawyers will need to be retained by either office?*

We do not have a plan in place for these discussions. It would be premature to have such a plan in place at this time; there is ample time between notice of contract award and July 1, 2005 to engage in these discussions should they become necessary.

*22. Regarding 39.1B writs, do the proposals have fees for those included or will there be additional fees for those and will they be billable to the contract?*

Costs associated with 39.1B writ preparation should be included in all bids.

*23. Does the requirement for a line-item budget imply that the contractor will be paid on a reimbursement/line-item basis? If so, what happens with any unused funds?*

These contracts are envisioned to be flat fee contracts. Line item budgets are required as part of the RFP process so that we can understand what it is that we are paying for in terms of both service levels to clients and types of proposed expenditures. The distribution of funds over the course of the life of the contract will be formulaic and based on the annual contract award divided by 12.

*24. How does the pilot program [DRAFT] work in other counties, such as Riverside? Santa Barbara?*

Riverside is not participating in the pilot program. There are only ten courts participating in the effort. In Santa Barbara, the RFP process has been completed and the court has selected the winning bidders.

*25. Who are the winning bidders?*

The winning bidders are four different organizations.

*26. Were any of them public law entities?*

No.

*27. Was the lowest bidder selected in Santa Barbara?*

No.

*28. Is this project [DRAFT] designed to standardize representation across all participating court systems?*

The intent of the DRAFT pilot program is not to create a “one size fits all” model of representation, but rather to pilot innovative models in participating courts. Over time, the Judicial Council, the Department of Finance and the legislature would like to get some notion of what the per case cost should be to represent children and parents in dependency proceedings and, related, about what attorney caseloads should be. The purpose of the pilot is to ultimately identify such standards over time, while recognizing the inherent differences between court systems and representational models.

*29. Are you looking at reducing the cost of dependency counsel services in San Diego given the fiscal problems currently being experienced by the State and the courts?*

No, this is not a cost reduction program. While the state and the courts have faced funding difficulties for the last several fiscal years, these difficulties are not the impetus behind the DRAFT pilot program.

*30. Page 10, Billing Requirements, sample invoices, is this the product of the DRAFT Implementation Committee?*

Yes. What you see on pages 1 and 2 of Appendix D are the initial products of a working group of that committee.

*31. It is not clear whether or not when you submit a monthly invoice you would need to concurrently submit the activities on each case handled in-court and out-of-court for that same period of time. Is that what is anticipated here?*

The monthly invoicing process will involve the submission of the in-court and out-of-court forms; the in-court form does not require case-specific information. Please see Attachment C, Section IX, Reporting and Billing Requirements, and the sample forms provided in Appendix D, for additional clarification.

*32. What is envisioned with respect to the ability to submit multiple cost proposals?*

Multiple cost proposals should be based upon variances in attorney caseloads. These variances would typically result from the use of non-attorney staffing for example, or from reduced or increased services levels.

*33. Historically, dependency counsel have been funded by the executive branch. How is the AOC's funding of the DRAFT program not a conflict of interest?*

Funding for dependency counsel services has never been provided by the executive branch. Dependency counsel services have been a state court funding responsibility since the passage of the Trial Court Funding Act in 1997. The funding for these services rests in the judicial branch; the DRAFT program merely involves a direct contracting relationship between the AOC, a part of the judicial branch, and dependency counsel providers.

*34. One of the concerns raised by lawyers in my organization is if any particular provider is selected, will the court have a say in who the attorneys are that the provider can utilize?*

The issue of court oversight of particular attorneys utilized by any organization would be handled similarly to the way such oversight is currently achieved; on a case-by-case basis the judicial officer/judge works directly with the attorney's supervisor to address any performance problems that exist.

*35. Do the children have a choice in continuing representation by counsel that they have had in the past?*

No.

*36. I heard today that our system is a model system yet I have also heard that we are going to conduct an experiment by changing things – why is that?*

The court is generally satisfied with the overall system in terms of the quality of attorney representation. The reason the court chose to participate in the pilot program is to try to ensure that the quality of services is maintained while keeping the costs of dependency counsel services from significantly increasing over time.

*37. Will the AOC be involved in attorney training? Will the AOC be providing training and therefore training costs should be removed from our budgets?*

Training is a cornerstone of the DRAFT pilot program, and ultimately the AOC will take on the responsibility of providing minimally required trainings. However, at this point, bidders should include training costs in their proposals.

*38. Will the list of attendees to this meeting be posted?*

Yes; the list is attached.

*39. Is there a mechanism for electronic attorney payment?*

The AOC is currently working with the State Controller to develop a mechanism for electronic transfer of funds (direct deposit) for appellate attorneys. If that effort is successful, the mechanism should be transferable to trial counsel but the implementation date is unknown. For cost proposal preparation purposes, assume there is no electronic attorney payment mechanism in place.

*40. Have you considered a delayed timeframe for implementing the data reporting requirements [ in-court and out-of-court forms]?*

No, it is anticipated that these forms will be completed by selected Contractors effective July 1, 2005.

*41. I understand that the court is phasing out its case management system – will the data reporting requirements of this program replace the current case management system?*

No.

