

## **RFP for Santa Barbara Parents' Representation**

### **ADDENDUM NO. 2**

Summary of this Addendum:

- Cost Proposal information to be submitted has been modified.
- Dates and times for hearing juvenile dependency case in Santa Maria (North County) and Santa Barbara (South County) have been modified.
- A note has been added to the Conflicts paragraph following the Table 2 for the Juvenile Dependency Statistics for South County.
- Questions and Answers from the mandatory pre-proposal conference of September 3, 2004 is included.

The Administrative Office of the Courts has issued each page in this Addendum package to allow for full replacement of existing pages in the RFP document.

The following pages are hereby replaced: 7 of the RFP; 4, 5, and 8 of Attachment C.

2. Whether the bid is based on a contract amount, an hourly rate, or a combination of both; and
3. The following:
  - Number and FTE status of attorneys included in the proposal<sup>1</sup>;
  - Number, type and FTE status of non-attorney staffing, if applicable;
  - Proposed number of clients per attorney;
  - For hourly rate bids, proposed number of attorney and non-attorney hours per case, annually;
  - Salaries and benefits of and/or hourly rate to be provided to attorney and non-attorney staff;
  - Contractual social worker/investigator costs, if applicable;
  - Rent costs, if applicable; ~~and~~
  - Insurance Coverage as outlined in Attachment A, #14. Bidders may submit two cost proposals as follows:
    1. A proposal that reflects the full amounts of coverage as listed in Attachment A, #14 ; and
    2. A proposal that states and reflects the bidder's current levels of coverage for each type of insurance listed in Attachment A, #14.
  - Note that worker's compensation and employers' liability coverage are required only for employers, not for solo practitioners. Deductible amounts must be listed for each type of coverage, for all cost proposals; and
  - Other overhead costs, if applicable.

Bids to provide service for the entire county must provide separate cost breakdowns for both a North County and a South County office.

Note that prior approval from the Court will be required for expert witnesses, psychiatric evaluations and other non-routine case costs. These costs will not be included in the contract for services, and should not be reflected in proposals.

## 6.0 RIGHTS

The AOC and the Court reserve the right to reject any and all proposals, in whole or in part, as well as the right to issue similar RFPs in the future. This RFP is in no way an agreement, obligation, or contract and in no way is the AOC, the Court or the State of California responsible for the cost of preparing the proposal. One copy of a submitted proposal will be retained for official files and becomes a public record subject to disclosure under the California public records act.

Only written responses will be accepted. Responses should be sent by registered or certified mail or by hand delivery.

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<sup>1</sup> For purposes of this section, FTE status refers to the portion of the individual's workload that the representation of parents in dependency proceedings will comprise.

RFP for Santa Barbara Parents' Representation  
Attachment C  
Scope of Services

- Determine if appeals and writs are appropriate and file if necessary;
- Adhere to mandated timelines;
- Arrange for substitutive representation where necessary to avoid court delay; and
- Attend dependency trainings provided by the Court and the AOC:
  - Comply with education and training standards outlined in Santa Barbara Superior Court Rules, Chapter 20, part 2009 (b) ([http://www.sbcourts.org/general\\_info/ct\\_rules.htm#20](http://www.sbcourts.org/general_info/ct_rules.htm#20)).
- In addition to those sections specifically referenced, comply with Santa Barbara Superior Court Rules, Chapter 20 ([http://www.sbcourts.org/general\\_info/ct\\_rules.htm#20](http://www.sbcourts.org/general_info/ct_rules.htm#20)).

### **III. Additional Activities Expected of the Provider**

The Dependency Court fosters collaboration among all agencies involved in the system. As a result, the parents' attorneys or the administrator of the program for the representation of parents or his or her designee are expected to participate in system meetings that are intended to improve services for children and families in Dependency Court.

### **IV. Santa Barbara County Juvenile Court Facilities and Calendaring System**

The Superior Court hears juvenile dependency cases in Santa Maria (North County) and Santa Barbara (South County).

1. The North County courtroom is located in Santa Maria
  - a. Court calendaring process:  
Note: These calendars are subject to change.

Monday through Friday 8:30 a.m.  
First Appearances  
Detention hearings  
(as required by filing of new petitions)

Thursday 8:30 a.m. to 4:30 p.m.  
First Appearances  
Detention hearings  
Jurisdiction hearings  
Dispositions  
Status reviews  
Post-permanency  
Adoptions  
W&I Section 366.26 hearings  
W&I Section 387 Petitions  
W&I Section 388 Petitions

Monday, Tuesday, Wednesday 1:30 p.m. to 4:30 p.m.  
Contested Hearings (all stages)

Additional Appearances  
Mandatory dependency mediation and settlement conferences  
Mandatory meet & confers

RFP for Santa Barbara Parents' Representation  
Attachment C  
Scope of Services

2. The South County courtroom is located in Santa Barbara  
a. Court calendaring process:

Note: These calendars are subject to change.

Monday through Friday 8:30 a.m.  
First Appearances  
Detention hearings  
(as required by filing of new petitions)

Monday, Tuesday, Thursday 9:00 a.m. to 12:00 p.m.  
Contested Hearings (all stages)

Wednesday 9:00 a.m. to 12:00 p.m.  
First Appearances  
Detention hearings  
Jurisdiction hearings  
Dispositions  
Status reviews  
Post-permanency  
Adoptions  
W&I Section 366.26 hearings  
W&I Section 387 Petitions  
W&I Section 388 Petitions

Thursday 3:00 p.m. to 4:30 p.m.  
~~Clean and Sober Calendar~~

Friday 1:30 p.m. to 4:30 p.m.  
~~Juvenile Drug Court~~

Bidders must submit a proposal to represent parents, guardians and de facto parents in the current arrangement of all dependency departments. The proposal must describe how each courtroom will be staffed so as to ensure adequate attorney availability at all times. No facilities will be provided for the contractor under this proposal. All office space, except for client interview rooms at the each of the two Court locations, will be the responsibility of the contractor.

V. **Background**

A. **Contracted Legal Representation of Parents**

Currently, the Office of the Public Defender represents indigent parents in dependency proceedings. The Court appoints the North County Defense Team for conflicts that arise in North County, and Criminal Defense Associates for conflicts that arise in South County.

B. **Opposing Counsel**

Currently, the Court appoints the District Attorney to represent minors in dependency proceedings pursuant to Welfare and Institutions Code §317(c), and appoints the North County Defense Team for conflicts that arise in the North County, and Criminal Defense

RFP for Santa Barbara Parents' Representation  
 Attachment C  
 Scope of Services

South County

<b>Fiscal Year:</b>	<b>FY 00/01</b>	<b>FY 01/02</b>	<b>FY 02/03</b>
A. No. of Juveniles Subject of Dependency Petitions:			
Original	62	33	41
Subsequent	13	38	22
<b>Total Filings</b>	<b>75</b>	<b>71</b>	<b>63</b>
B. Juvenile Cases Disposed of:			
1. Before Hearing			
Original	1	0	0
Subsequent	0	1	2
<b>Total</b>	<b>1</b>	<b>1</b>	<b>2</b>
2. After Hearing			
a. Uncontested			
Original	55	35	33
Subsequent	9	21	6
<b>Total</b>	<b>64</b>	<b>56</b>	<b>39</b>
b. Contested			
Original	30	26	18
Subsequent	13	11	8
<b>Total</b>	<b>43</b>	<b>37</b>	<b>26</b>
3. Disposition Total			
Original	86	61	51
Subsequent	22	33	16
<b>Total Dispositions</b>	<b>108</b>	<b>94</b>	<b>67</b>
C. Other Data*			
1. Detention Hearings*	63	33	39
2. Semi-annual Reviews*	452	440	380

*Conflicts*

Proposal must describe how all potential levels of conflicts will be addressed, and must demonstrate the ability to provide representation for at least four levels of conflict, including procedures to avoid ethical conflicts while providing representation to more than one party in a dependency case. Please describe how you will structure your professional staffing in order to avoid any secondary conflicts within your group.

Please note that this requirement does not apply to public law offices, which may submit proposals reflecting the scope of current representation.

**Questions and Answers (Q&A):  
Parent Representation in Juvenile Court Proceedings  
Minors Representation in Juvenile Court Proceedings  
Superior Court of California, County of Santa Barbara  
September 3, 2004**

**The RFPs have been modified as noted in this Q&A: see  
<http://www.courtinfo.ca.gov/reference/rfp/parentreprfp.htm>  
<http://www.courtinfo.ca.gov/reference/rfp/minorreprfp.htm>**

**For modified Requests for Proposals**

1. *Are corrected caseload statistics available for Attachment C, Table 1 of the Parent Representation Request for Proposals (RFP)?*

Yes, an addendum to the RFP has been posted.

2. *Is information available regarding the proportion of parent clients represented by the Public Defender vs. the Conflicts Panels?*

The best estimate available is based on a point-in-time Conflicts Panel caseload count conducted on July 22, 2004. That count identified 203 open Conflict cases; of these, 173 represented parent clients. Based on an estimated fiscal year 2003–2004 total parent client caseload of 318, the Conflicts Panel handles approximately 54% of all parent clients. Note that these figures are estimates only and that the data reflects a combination of both point-in-time and annual caseload information.

3. *What is the total allocation available for this contract? The current funding level is not sufficient; will funding be available to fully cover the costs of quality representation?*

A fixed funding level has not been established. There is a recognition that the court's current court-appointed counsel funding level is insufficient to cover the costs of currently provided services, and an understanding that any new contracts resulting from this RFP will result in a significant increase in the level of funding provided for dependency counsel services in Santa Barbara County.

4. *Implementation of the proposed caseload standards would result in a serious cost increase for court-appointed counsel services. Is the AOC prepared to fund this?*

The cost proposal section of the RFP was purposefully made broad so that bidders could outline the cost of various attorney caseloads and service levels. Bidders may submit proposals reflecting the full cost of caseload standard implementation as well as cost proposals reflecting higher attorney caseloads. The court and the AOC will negotiate with selected vendors to determine the actual attorney caseload levels that can be funded at this time.

5. *Requirement regarding separate and distinct offices for North and South County – does this requirement hold for attorneys dedicated to writ/appellate work?*

No, one individual may perform writ/appellate work for both locations.

6. *How can the Public Defender realistically provide representation for up to four levels of conflict?*

The requirement regarding representation for up to four levels of conflict does not apply to public law offices. The RFP has been modified to reflect this change. The Public Defender may submit a bid reflecting the scope of its current representation.

7. *If the Public Defender submits a bid reflecting representation for anything less than the four levels of conflict, will contract award to the Public Defender depend upon another entity submitting a proposal to cover the remaining levels of conflict?*

Yes.

8. *Section 4.7 of the RFP states that the AOC and the court reserve the sole right to evaluate the applicant's representatives. The Public Defender currently retains discretion as to who to assign to dependency – does this provision mean that the court will have the authority to select which attorneys provide dependency counsel services?*

This provision of the RFP results from an AOC and court desire to 1) ensure that experienced and qualified attorneys are used to provide dependency counsel services; and 2) to minimize attorney rotations in the dependency court. The provision does not provide the court with any additional or new ability to hand-select attorneys for the dependency court, beyond that already outlined in statute and court rule.

9. *Do the insurance requirements outlined in Attachment A, #14, apply to all bidders? How will the impact of different levels of insurance coverage and deductible amounts on proposal costs be analyzed/addressed?*

As a general rule, the insurance requirements apply to all bidders, with the exception that only *employers* will be required to provide workers' compensation and employers' liability coverage. Bidders are invited however to submit two separate cost proposals, one that reflects the levels of coverage outlined in Attachment A, #14, and one that reflects bidder's current coverage levels for each type of insurance listed in that section, as appropriate. Both cost proposals should state the deductibles that apply to each type of coverage and the current levels of coverage must be stated in the proposal if they do not match what is requested.

10. *Can bids be submitted by the same provider for minor's and parent's representation?*

Yes.

11. *Should the cost of interpreter services be included in proposals?*

Yes.

12. *Would the court be amenable to establishing a process whereby a judge other than the one adjudicating the case at hand decides whether or not an expert witness appointment is allowable?*

No.

13. *Would an attorney be precluded from working from a home office?*

No.

14. *Who will be responsible for paying for cases that are not immediately transferred under this contract? What is the possibility that existing providers will refuse to transfer cases therefore rendering this a contract for new filings only?*

The AOC will be responsible for the cost of cases not transferred immediately under the contract, as outlined in Attachment C, VI. There is virtually no possibility that existing providers will refuse to transfer cases, as 1) the existing provider is the county, which has noticed the court re termination of services; and 2) that position would run contrary to the local legal culture.

15. *Does the AOC envision only a 9-month contract resulting from this RFP?*

No, the AOC and the court anticipate that up to three-year contracts will result from the RFP process.

16. *Section 4.6 outlines circumstances whereby the AOC would re-negotiate contracts, one of which is "court decisions...that impact workload requirements" Does "court" in this context refer to the trial court, the appellate courts, and/or the Supreme Court?*

"Court" refers to the trial court.



RFP for Santa Barbara Parents' Representation

*17. Why are the Clean and Sober and Juvenile Drug Court calendars included (South County)? There is an error in North County calendar (Attachment C, Section IV).*

Dependency attorneys will not be expected to staff either the "Clean and Sober" or Juvenile Drug Court calendars. Bidders may disregard this calendar information. Modifications have been made to the RFP section reflecting this change as well as corrections to the North County calendar.

*18. What is the actual RFP due date/time?*

Proposals are due at 1:00 p.m. on September 13, 2004.

*19. The RFP states that the Bidder's Conference was mandatory – is that accurate?*

Yes.