

**Request for Proposals (RFP): Juvenile Dependency Proceedings
Superior Court of California, County of Stanislaus
Bidder's Conference: December 7, 2004**

Questions and Answers (Q&A)

1. Attachment A (Contract Terms and Provisions) includes provision 5, which gives the State a way to get out of the contract. What about such a provision for contractors [to do the same]?

This issue was raised during negotiations with service providers for the Santa Barbara Court, and we are working with the AOC's Contract Manager to modify the contract to allow contractors to terminate under specified circumstances.

2. Can the revised version of the contract be posted to the AOC's web site?

Contract revisions are being handled on an individual basis with each selected provider. Section 4.9 of the RFP outlines a process by which bidders can take exception to portions of the standard contract included in the RFP; bidders should note any desired contract amendments/changes as part of their response to the RFP.

3. Are the proposals received in response to the Santa Barbara RFP available for our review?

Proposals submitted in response to the Santa Barbara RFP will not be available until all Santa Barbara contracts have been signed. We expect to sign contracts with selected providers soon, and the proposals will be made available at that time.

4. Are any counties already operating under "this" [contracts resulting from an RFP process conducted by the AOC]?

No. Santa Barbara will be the first court system to provide dependency counsel services under contracts resulting from the AOC RFP process. Stanislaus will be next, followed by San Diego.

5. Are you permitted to give us a view of the range of reimbursement for Santa Barbara? What is the range that's being talked about?

The Santa Barbara funding level is not comparable, because Santa Barbara has a very small dependency population. If the larger question is, what kind of cost proposals you should put together, we don't have in mind a firm-fixed cost. Instead, we hope to solicit proposals reflecting the actual cost of the service level outlined in the RFP.

6. What are "true" costs?

Bidders should review the RFP with respect to service level requirements, determine what meeting those requirements would take, in terms of providing representation to clients, and what it would cost to render services at the levels required.

7. The RFP suggests a level of services far greater than is currently provided; the caseload standards make sense in light of this level of services. Do you want proposals to reflect the caseload standards?

One of the goals of the DRAFT pilot program is to evaluate the efficacy of the proposed caseload standards. The caseload standards have not been adopted by the Judicial Council; as such, the standard is flexible at this time and proposals do not need to reflect a particular caseload level. Instead, bids should outline proposed attorney caseloads and any variations in proposed caseloads and related impact on service levels and costs.

8. What would you do to adjust the caseload standard after evaluating caseloads as part of the DRAFT pilot program?

It depends on the findings; some may say that the proposed standard is too high; others may say it is too low. Ultimately, this process should result in an evaluated caseload standard. At that time, staff will seek Judicial Council adoption and establish a plan to implement the standard as identified.

9. Our office has 371 open cases, and we pick up about 200 new cases per year. Based on what the county bills for our services, we receive about \$287 per case per year. What is the per-case cost for the contracts being negotiated in Santa Barbara?

Providers in Santa Barbara will be paid a fixed annual contract amount. To prepare a similar proposal, you could determine the number of attorneys required to provide services for the number of cases you would like to handle, determine appropriate salaries for the attorneys, and build on those figures to include benefits, overhead, etc.

12. It's unlikely that I will be able to submit a proposal due to the onerous insurance requirements imposed by the contract. For a solo practitioner, the costs associated with these coverage levels are prohibitive.

The RFP indicates that bids may include multiple cost proposals, reflecting the bidders current levels of insurance coverage, as well as those outlined in the included sample contract, Attachment A, Section 16. The levels of coverage are negotiable, and should not preclude anyone from submitting a proposal. In any case, the cost of insurance coverage levels as identified in Attachment A, Section 16 can be included in the cost proposal and thus fully recouped by selected providers.

13. The sample contract specifies, in Attachment A, Section 24, that the state will own all records produced as part of provided services. This implies that the state would own client files, which legally belong to the client. It would be an ethical violation for an attorney to agree to state ownership of client files.

The contract terms specifically excludes ownership of attorney work product.

14. If I have the skills to participate in Individualized Education Plans (IEPs), will the state reimburse me for providing services in relation to my minor clients' educational needs?

If you would like to include advocacy related to IEPs as part of your proposal, you may do so; this should be stated in your description of proposed service level and should be reflected in your cost proposal (if applicable).

17. If an attorney filed a 388 motion and it were denied, would the state pay for the time spent on preparing and filing the motion?

Yes. Payment for motion work is not conditional on the court's approval of motions.

18. Is there a goal [of the DRAFT pilot program] to equalize funding statewide?

A goal of the DRAFT pilot program is to equalize dependency counsel costs on a regional, as opposed to a statewide, basis.

19. In Santa Barbara, what is the range of hourly rate [being paid to selected providers]?

No hourly rate bids were submitted in Santa Barbara; all bids were on a salary basis.

20. If three potential providers were selected, and they proposed different hourly rates, would the AOC meet with them to develop pay parity?

Yes. For those who are concerned that their bids will be too high, it should be emphasized that the selection of bidders will not be based on the lowest bid. The main criterion will be the court's assessment of the quality of services that will be provided by the bidders. The court will select providers, and the AOC will negotiate with selected providers in order to achieve compensation parity.

23. The emphasis is on a "not to exceed" number. What if there are unanticipated costs, e.g. a big case that requires more hours than expected? Would we not be paid for our time?

The RFP states that, for hourly bids, the bidder must identify an hourly rate and an anticipated average number of hours per case. This number is seen as an average, rather than as a maximum number of hours to be billed for any particular case.

24. Can we negotiate for more money in each subsequent year of the contract, if the number of cases per year goes up?

Yes, the final contracts will have opener provisions enabling renegotiation in case caseload levels substantially increase or decrease during the contract term.

25. What should we do about our open cases? Would they be grandfathered in?

Attachment C, Section VI outlines the proposed process for transferring existing cases to newly selected providers; bids should thus reflect both existing and new cases – existing cases will not be “grandfathered” in with current providers.

27. *Should we include our current cases in the bid?*

Yes, proposals should reflect the number of cases the bidder proposes to represent under the contract.

29. *If I want to keep the same level of cases [that I currently handle], can I bid to do that?*

Yes, you can bid to maintain the status quo.

30. *Section 4.3 D. of the RFP refers to courtroom coverage. What does this mean?*

The main issue is to have an attorney available to pick up new cases. Bidders need to indicate their availability to pick up new cases in court. Bidders should also provide a plan for coverage for attorneys who are on vacation or sick. Bidders should indicate their anticipated availability and proposed coverage plan; once providers are selected pursuant to the RFP process, the courtroom coverage issue will be finalized by providers and the court.

31. *Do you really expect us to provide an accounting of our time at this level of detail? It's really burdensome. It will cost a lot of money to do this reporting.*

The reporting forms were developed by the DRAFT Pilot Program Implementation Committee. The Committee has tried to balance a desire for uniform information with an equally important desire to minimize the impact on attorneys required to complete the forms. In places where attorneys bill hourly, they provide billing information that is much more detailed, with as many as 100 different tasks. These proposed forms reflect a much smaller number of tasks, and task level detail is only required for out-of-court work.

32. *Isn't part of the purpose of the DRAFT program to assist in a statewide project to gather more information about where funding for court-appointed dependency counsel is spent?*

Yes. The implementation of standardized reporting requirements for all court-appointed counsel in DRAFT pilot program participating courts will enable us, for the first time, to provide consistent and uniform information to the Legislature and Department of Finance regarding exactly what we are paying for with respect to attorney service levels.

33. *Will we have to enter case information manually, and mail it in, or can we send it directly, via computer?*

The forms are being developed in a fillable format, and you will be able to send them by email.

34. Why can't we just submit how many cases we will be able to handle, and the [related] total cost. This would be a bottom line, based on cost per case. To provide detailed information [in the proposal] about how costs will be allocated is a waste of time.

If you are unable to provide a breakdown of costs, you can put all of your costs into one line item of the cost proposal. We may have follow-up questions, but we will work with you if the budget template proves too difficult for you to complete.

35. Why do you need all this detail? For example, why do you need to know the cost of our malpractice insurance?

Sometimes, issues come up and we need to have information about costs. With respect to malpractice insurance, we often get calls from providers throughout the state, saying that they are having difficulty obtaining malpractice insurance because it is too costly. The DRAFT pilot program intends to address this issue by securing a group rate for dependency practitioners; we cannot begin this process absent current information about coverage levels and costs.

37. Under section 4.3 of the proposal, do I have to list all of the services listed in the attorney performance requirements?

No. You can state that you will provide the services listed under the performance requirements, and specify any areas where the services you plan to provide will differ from the requirements.

38. It is difficult for small provider to keep track of conflicts. Is there a program that the AOC will require us to use to track conflicts?

No. We hope to bring a group [of selected providers] together to address the conflicts issue and how best to address it as part of contract negotiations.