



ADDENDUM #1
Indigent Defense Article 10
Parent Representation
EPIN: 00224P0001

ADDENDUM #1

This Addendum #1 provides answers to the questions submitted during the question-and-answer period which closed, Tuesday, October 23, 2023, at 5pm EST.

Questions & Answers

1. How do I respond to this [Request for Proposal] in Passport?

Only vendors on the Human Service PQL can propose to this RFP in Passport. If your organization is on the PQL list, please follow the instructions for proposing to this RFP within the [Article 10 RFP Pre-Proposal Conference PowerPoint Presentation from October 4, 2023](#)

If your organization is not on the PQL list but would like to apply to future procurements, please email mocjprocurements@cityhall.nyc.gov and we will provide resources.

2. The RFP does not contain data regarding the number of filings or other expected caseload. Can the City provide three years of data by borough regarding the number of filings as well as how many were assigned to a primary provider and how many were handled by the 18b panel? In addition, it would be useful to know what type and number of collateral petitions have been included in the primary/conflict caseloads.

Please refer to page 4 of the Indigent Defense Article 10 Parent Representation Request for Proposal for information regarding the State Office of Indigent Legal Services case load standards. See also [ILS Caseload Standards](#).

3. Does the City anticipate non-respondent parents being included in assignments under this contract, particularly for conflicts but also for primary providers, especially when they already have a relationship with the non-respondent parent.

Yes, the contract covers court assignments of non-respondent parents that are assigned at intake to your organization.

4. Although it is clear that a primary provider applicant could be considered for conflicts if they were not awarded the primary contract, is there a way for a provider to submit one application in a single borough for both primary and conflict programs?

We ask that applicants submit separate applications for each competition pool, however, applicants may copy and paste responses that apply to both proposals.

5. The providers have indicated to the city over the course of the past few years that \$80 million was needed to meet the caseload caps set by ILS. That was based on the pool of primary cases currently

handled by the providers. The money allocated to this RFP seems to approximate what the primary providers need to meet caseload limits, but it adds conflict cases currently handled by the 18b panel. Are there funds that will be moved from 18b to the conflict portion of this RFP?

No. The anticipated annual funding for this contract is as follows:

- FY25: \$76,795,018
- FY26: \$78,295,018
- FY27: \$79,895,018

6. It is clear from the RFP that it is expected that a provider would work with clients prior to a filing. However, it is not clear that this includes situations where we work with a client during an investigation and there is never a filing. Does it?

Yes. MOCJ is seeking to support institutional providers with an interdisciplinary practice that will result in a more effective administration of representation of indigent adults in Article 10 cases. This Request for Proposal does anticipate that there might be proposers that provide early representation, including investigations work. If your organization provides early representation, then it is appropriate to include those related costs in your proposal. If your organization is awarded a contract, early representation services can be negotiated into the scope of work. Please keep in mind that the anticipated annual funding for this contract is as follows:

- FY25: \$76,795,018
- FY26: \$78,295,018
- FY27: \$79,895,018

However, this Request for Proposal does not require an organization to provide early representation. Please note that the question within the Structured Proposal Form/Questionnaire regarding early representation is not weighted.

7. There are many cases where ACS files a petition in court to enter the home (or produce the child) of someone during an investigation (FCA 1034). This is a proceeding under Article 10 of the FCA, but is not (yet) an abuse or neglect filing. Parents have a right to an attorney. Are these in-court proceedings included in this contract?

- Yes. MOCJ is seeking to support institutional providers with an interdisciplinary practice that will result in a more effective administration of representation of indigent adults in Article 10 cases. This Request for Proposal does anticipate that there might be proposers that provide early representation, including investigations and instances where ACS files a petition in court to enter a home. If your organization provides early representation, then it is appropriate to include those related costs in your proposal. If your organization is awarded a contract, early representation services can be negotiated into the scope of work. Please keep in mind that the anticipated annual funding for this contract is as follows: FY25: \$76,795,018
- FY26: \$78,295,018
- FY27: \$79,895,018

8. Does the specified budget in the RFP already include the allowance amendment?

The funding amount does not include any allowance clause calculations. The allowance amendment is merely a procurement device that simplifies the process for adding funds to a contract. The anticipated funding for these contracts is as follows:

- FY25: \$76,795,018
- FY26: \$78,295,018
- FY27: \$79,895,018

The allowance amendment will allow for additional funding beyond that amount to be included without the need for the full contract amendment process. Please see [Nonprofits Initiatives | MOCS \(nyc.gov\)](#) for additional information regarding the allowance clause.

9. I do not see an Acknowledgment tab in Passport. Will it come later?

There is no acknowledgement tab in PASSport for this RFP. Please disregard the instruction to fill out the acknowledgement tab within the [Article 10 RFP Pre-Proposal Conference PowerPoint Presentation from October 4, 2023](#)

10. Are there character, word, or page limits for answers?

Neither the Request for Proposal responses, nor the text boxes have character limits under 5,000 characters. However, we ask that proposers submit clear and concise responses using as few characters as possible.

11. This ppt and all notices of addenda will be posted on the website you linked, right?

- The Article RFP Pre-Proposal Conference Presentation and notifications can be found at <https://criminaljustice.cityofnewyork.us/solicitation/article-10-rfp-2023/>
- The presentation can also be found here: [Article 10 RFP Pre-Proposal Conference PowerPoint Presentation from October 4, 2023](#)
- Any addendums will be posted on PASSPort at [Access Manager \(nyc.gov\)](#)

12. Page 7 references making referrals for collateral services like housing and public benefits, is this work outside of the scope of services for the RFP or is funding included in the RFP?

MOCJ is seeking to support institutional providers with an interdisciplinary practice that will result in a more effective administration of representation of indigent adults in Article 10 cases. This Request for Proposal does anticipate that proposers might provide referrals to collateral services. If your organization provides referrals to collateral services, then it is appropriate to include any related costs in your proposal. If your organization is awarded a contract, costs associated for making collateral service referrals can be negotiated into the scope of work.

13. Early defense is included in the scope of work, how will that be handled and what are the limits? The RFP (p. 8) asks about other funding sources; will the Art 10 contract include funding for early defense?

MOCJ is seeking to support institutional providers with an interdisciplinary practice that will result in a more effective administration of representation of indigent adults in Article 10 cases. This Request for

Proposal does anticipate that there might be proposers that provide early representation. If your organization provides early representation, then it is appropriate to include those related costs in your proposal. If your organization is awarded a contract, early representation services can be negotiated in the scope of work.

However, this Request for Proposal does not require an organization to provide early representation. Please note that the question within the Structured Proposal Form/Questionnaire regarding early representation is not weighted.

14. Can the same reference letter suffice for multiple proposals?

Yes.

15. How do we translate character limits in the text box to character limits in word/pdf? The text boxes do not accept charts, graphs, or any other format. If we want to add charts or graphs or bullet points or any other formatting that the text boxes don't allow, how do we calculate the number of characters of those things if we're submitting a word or pdf document? Note that if we upload "pictures" of graphs or charts or whatever, word does not count characters for them.

As noted above, neither the Responses, nor the text boxes have character limits. However, we ask that proposers submit clear and concise responses using as few characters as possible. If the response requires a chart or graph, please upload the chart or graph to the questionnaire response by clicking "Click or Drag to add a file". Please refer to the attachment within the text box response.

16. The 'competition pools' section on page 2 of the RFP states: "Conflict providers represent a parent where the primary provider is unable to provide legal representation due to a legal conflict or where counsel is appointed for a non-respondent parent." Does this mean that MOCJ expects to contract for representation of non-R parents only for conflict providers? Are non-R parents also covered by catchment providers who bid for and serve as primary catchment providers?

As noted above, yes, the contract covers court assignments of non-respondent parents to your organization that are assigned at intake.

17. Pg. 4 "Parent defense can include the representation of biological parents of a minor, as well as other caregivers with custody of a minor...", is this meant to cover non-R parents and also all categories of PLR?

As noted above, yes, the contract covers court assignments of non-respondent parents and persons legally responsible ("PLR") that are assigned to your organization at intake.

18. Pg. 3 states "in an effort to account for the varying needs of proposers, MOCJ may accept proposals with a higher amount than the anticipated contract value." Please explain; does this mean you could award contracts that in total are more than the allocated funding?

Your organization's proposal should include all estimated costs associated with Article 10 parent representation. Please keep in mind, however, that the total the anticipated annual funding for this contract award will be as follows:

- FY25: \$76,795,018

- FY26: \$78,295,018
- FY27: \$79,895,018

19. Is SCR [Statewide Central Register of Child Abuse and Maltreatment] work included as part of the scope for early defense services?

No, SCR work will not be included in the scope of work.

20. If the providers are to estimate the number of new intakes to be handled, how will providers be compared equitably on a cost basis if estimates about intakes vary widely?

Please submit a proposal based upon the estimated costs associated with your organization’s Article 10 parent representation. Furthermore, new intakes are not necessarily the primary drivers of staffing. Organizations should explain staffing needs in terms of total caseloads.

21. How will current providers be evaluated against new providers who don’t have a pending caseload? Current providers will have a higher cost to cover pending caseloads. Is there a risk of funding being reduced in future years if intakes are lower than anticipated?

All proposals to this RFP, including proposals submitted by new and current providers will be evaluated as follows: 25% Experience, 25% Approach, and 50% Organizational Capacity. All providers should submit a proposal based upon the estimated costs associated with your organization’s parent representation in Article 10 cases. Please keep in mind that the anticipated funding for this contract award will be as follows:

- FY25: \$76,795,018
- FY26: \$78,295,018
- FY27: \$79,895,018

22. Pg. 5 defines a case as an A10 filing for abuse and/or neglect as well as representation in any Family Court matters that arise during the original proceeding, including but not limited to, custody, guardianship, paternity, and family offense matters, as well as interlocutory appeals. Is there any differentiation made between number of cases a client has and number of petitions filed?

Yes, please distinguish between the number of petitions assigned at intake and the current caseload. Please also provide the distinction in cost when representing clients in various proceedings. We ask that providers submit proposals based upon the estimated costs associated with your organization’s Article 10 parent representation caseload, including but not limited to, early representation, intake, and costs associated for carrying out the case, including all related proceedings.

23. The ILS caseload standards are centered around new intake petitions, how should providers arrive at a pending caseload in relation to new intakes? Are new intakes regarded as the primary driver of staffing? How will you compare proposals for providers who base staffing on the number of pending clients (cases) with providers who base staffing on the number of new intake petitions?

Please submit a proposal based upon the estimated costs associated with your organization’s Article 10 parent representation. Furthermore, new intakes are not necessarily the primary drivers of staffing. Organizations should explain staffing needs in terms of total caseloads.

24. p. 5: Proposals should state the estimated intake cases in the catchment area, as well as an estimated absolute number of cases. For purposes of this RFP, proposers should structure their price proposal on estimated intake, including direct and indirect appeals. Can you provide data on filings by borough for the last three years? Proposers will still be obligated to represent a percentage of all new intakes, as specified by the above ILS standards. Does 'absolute number of cases' need to be broken down in a proposal into case types, i.e. total article 10 cases, total TPR, Custody etc?

No, we do not have the information regarding data filings by borough for the last three years. Please distinguish between the number of petitions assigned at intake and the current caseload. Please also provide the distinction in cost when representing clients in various proceedings.

25. What are 'indirect appeals' where the parent is defending an appeal?

The Request for Proposal included "indirect appeals" because it intended to encompass all types of appellate work performed by your organization. Thus, please describe any appellate work performed by your organization that is related to the parent representation proceeding.

26. Can a submitter choose a number of final appeals and interim appeals to propose?

Please describe any appellate work performed by your organization that is related to the parent representation proceeding. Applicants may choose to dedicate any percentage they see fit towards supporting their work on final appeals and interim appeals. Any funding allocated to this work should be detailed in the budget and the budget narrative.

27. What is the percentage of all new intakes the primary and conflict providers is expected to take?

Your proposal as a primary and/or conflict provider should be based upon your organization's capacity.

28. When referencing the number of transferred cases on page 9, is this a reference to reassignments made to the institutional provider or between staff attorneys within a single provider office?

Both. Please provide all relevant information regarding transferred cases.

29. Pg 8 asks for information about additional funding sources that will be utilized to pay for the services set forth within the RFP. Is it anticipated that MOCJ will not cover the full cost of the collateral services described in the RFP?

If your organization has additional funding sources that contribute to your organization's A10 parent representation, please provide that information in your response. The total anticipated annual funding from MOCJ for this contract award will be as follows:

- FY25: \$76,795,018
- FY26: \$78,295,018
- FY27: \$79,895,018

30. Will additional points be awarded to providers with large criminal and/or immigration contracts who can offer unique economies of scale for collateral work?

Points will only be added for answers to the weighted questions within the Structured Proposal Form and/or the Questionnaire on PASSPort.

31. "Conflict representation may be proposed for full-time availability or for part time (fewer than five days per week)." Does MOCJ data on the total pool of likely conflict cases in each catchment area and/or percentages of cases that require conflict representation? Can you share history on the number of conflict cases by borough in the last three years?

No, MOCJ does not have information related to the number of conflict cases in each borough. Your proposal as a primary and/or conflict provider should be based upon your organization's capacity.

32. When preparing proposed budgets, should we use our currently approved indirect rate, a forecasted indirect rate, or the 10% de minimis rate?

If a current provider has an approved indirect rate for FY25, please use the approved rate for your organization's FY25 budget. Otherwise, please use a forecasted indirect rate.

33. Should non respondent parent clients be treated with the same weight as respondent parents in terms of ILS caseload capacity?

Please refer to page 4 of the Indigent Defense Article 10 Parent Representation Request for Proposal for information regarding the State Office of Indigent Legal Services case load standards. See also [ILS Caseload Standards](#).

34. What is the intention of 18b involvement in each borough if conflict contracts are to be awarded for each area?

18-B attorneys will continue to serve as conflict counsel when a conflict of interest exists between the indigent respondent and the primary provider. In instances where conflict contracts are awarded, 18-B attorneys will serve as conflict counsel when a conflict of interest exists between the indigent respondent and institutional conflict provider.

35. Start-up costs: For a proposal in a new jurisdiction or an expansion, there will be one-time start-up costs such as computers and furniture or costs associated with obtaining office space. Is the City contemplating the availability of start-up costs? If so, how should providers include those needs in their budgets? Is there a possibility of receiving start-up funds prior to July 1, 2024?

No, there is no possibility of receiving start-up funds prior to July 1, 2024.

36. Intake: In determining the number of cases a conflict provider expects to handle in a particular borough, is it OK to include some cases that are received by the provider that may not be conflicts for the primary provider. For example, if a conflict provider offered early defense services pre-filing and the case eventually is filed, it would make sense for the provider to stay on the case even though there is no conflict for the primary provider. There are also times when there is a prior nexus with a parent or family. If a provider would like to include some cases that are not conflicts in addition to conflicts, is that acceptable under this RFP?

Yes.

37. Should we describe the current fiscal processes for our entire organization or family defense practice, which handles Article 10/TPR cases. Do you want the current outlook and processes, or an answer based on additional funding we may be seeking or some combination of both?

This RFP requests information of the proposer's financial ability to manage the contract award. Please provide any relevant information regarding your organization's practice (either fiscal practices for the entire organization or for only the A10 portion of the organization) that will assist MOCJ in understanding your organization's financial abilities.

We ask that you please describe your organization's ability to provide services rendered within the anticipated contract award. However, we also ask that you please include any additional funding (from other sources, or future requests to MOCJ) that may be required to carry out your organization's A10 practice.

Please keep in mind that the anticipated annual funding for this contract is as follows:

- FY25: \$76,795,018
- FY26: \$78,295,018
- FY27: \$79,895,018

38. Our office currently handles a limited number of Article 10 appellate cases per contract. Does this question assume that providers will now handle all interlocutory and final appeals?

No. However, if your organization does provide appellate work, please describe any appellate work performed by your organization that is related to the parent representation proceeding. Applicants may choose to dedicate any percentage they see fit towards supporting their work on appeals. Any funding allocated to this work should be detailed in the budget and the budget narrative.

39. MOCJ is seeking institutional providers with an interdisciplinary practice that will result in a more effective administration of representation of indigent adults in Article 10 cases. Should this language refer to "parents" instead of "adults" (since all parents, whether adults or not, are entitled to representation)?

The contract covers court assignments of parents and adults that are assigned at intake to your organization.

40. Should the staffing and budget proposals match the ILS standards regarding caseloads?

Pursuant to the Program Expectations, if the proposer is unable to meet ILS caseload standards under their proposal, proposers must include a justification for why they cannot meet the ILS caseload standards.

41. For the question requesting "any relevant executive staff resumes," should we submit resumes for indirect executive staff (e.g., COO, CFO, HR Managing Director), office-wide programmatic executive staff (e.g., Executive Director, Deputy Director/Chief Program Officer), and/or Family Defense-specific programmatic leadership staff (e.g., Managing Director of Family Defense, Deputy Director of Family Defense, Legal Director)

Please provide any relevant executive staff resumes that showcase your organization's experience with Article 10 practice. This can be indirect executive staff, office wide programmatic executive staff, and/or family defense programmatic executive staff, or any combination thereof.

42. In response to this question: Please describe how your organization's leadership has the expertise and experience relevant to the services set forth in this RFP, should we submit resumes and/or bios of each of our supervisors or practice managers? Should we include leadership outside of our family defense practice?

Please briefly summarize your leaderships' expertise and experience in managing an Article 10 practice. The description can include the expertise and experience of supervising attorneys, practice managers, executives, or any combination thereof. We are not looking for resumes or bios in response to this question, although feel free to copy and paste portions of the staff bios into this response.