

Santa Barbara Dependency Representation  
RFP Number CFCC-04-11-LM

CONSOLIDATED QUESTIONS AND ANSWERS  
(QUESTIONS SUBMITTED DURING BIDDERS' CONFERENCE OF SEPTEMBER 21, 2011  
AND QUESTIONS SUBMITTED TO SOLICITATIONS MAILBOX BY SEPTEMBER 26, 2011)

- Question #1.* What is the duration for the contracts that will be awarded as a result of this RFP?
- Answer #1.* Contracts will be awarded for the period January 1, 2012 through October 31, 2014.
- Question #2.* How was the length of the contract period determined?
- Answer #2.* The Judicial Council has implemented a competitive solicitation policy for court appointed counsel contracts for courts participating in the DRAFT program. The policy specifies that, with the exception of contracts with organizations established for the sole purpose of providing court appointed dependency counsel services pursuant to an RFP and contracts with organizations that represent 3,000 clients or more, these contracts are for a maximum of three years.
- Question #3.* Will this RFP process take place every three years?
- Answer #3.* Yes, the Judicial Council policy contemplates a regular competitive solicitation cycle.
- Question #4.* Is there a cap on the caseload per attorney for the contracts that will be awarded through this RFP?
- Answer #4.* There is not a caseload cap. However, proposers may wish to review the caseload standard that was adopted by the Judicial Council in October 2007. The Judicial Council report detailing the caseload standard may be found at <http://www.courts.ca.gov/documents/102607itemF.pdf>.
- Question #5.* Is a per child cost being used to determine the funding for the contracts?
- Answer #5.* No, funding is based on the caseload funding model that was adopted by the Judicial Council in October 2007. The caseload funding model is detailed in the same Judicial Council caseload report noted in Answer #4, above.
- Question #6.* In terms of caseload funding, does the analysis take into consideration the fact that some counties are more expensive than others?
- Answer #6.* Yes, the caseload funding model is based on four regions, which take into account economic factors in each region. Caseload funding is lowest in Region 1 and highest in Region 4. The Judicial Council report noted in Answer #4, above, includes a list of the courts for each region.

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- Question #7.* How many providers are currently providing the services?  
*Answer #7.* There are currently four contracts for dependency representation in the Santa Barbara court, two for the south county and two for the north county.
- Question #8.* Can we get copies of the current contracts?  
*Answer #8.* Contracts are deemed Judicial Administrative Records and access to those records are 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 how to obtain copies of Judicial Administrative Records, please go to the following link: <http://www.courts.ca.gov/publicrecords.htm>.
- Question #9.* Is there a staffing requirement?  
*Answer #9.* No, but proposed staffing must be delineated in the proposals. Proposers may wish to review the Judicial Council report cited in questions 3 and 4; the caseload standard upon which the caseload funding model is premised includes staffing levels.
- Question #10.* The RFP indicates that the maximum funding for Lot 1B (Parents, Guardians and de Facto Parents) \$657,900. What if the proposer came in higher? Is it thrown out?  
*Answer #10.* Funding is limited to the amounts listed in section 5.6.6 of the RFP. If a proposal is received for amounts higher than the specified level for the proposed lot, it will not be thrown out, but the fact that proposed pricing exceeds the maximum specified in the RFP will be reflected in the scoring pursuant to the evaluation criteria outlined in section 7.0 of the RFP.
- Question #11.* In addition to the amount of the bid is one of the other criteria experience in dependency representation?  
*Answer #11.* Yes, related experience, background and professional qualifications are listed among the evaluation criteria, which can be found in section 7.0 of the RFP.
- Question #12.* The lots outlined contemplate either north or south county staying separate but combined. What would happen if you receive proposals for Lot 1 and Lot 2, but not for the entire county?

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- Answer #12.* Pursuant to the RFP, we would select the highest scoring proposal regardless of what it is for. If it does not provide representation for all parties, we will take additional steps to secure the required representation.
- Question #13.* If a proposal is submitted for only part of the county, would it be scored the same as one for countywide representation? Or are additional points given for consolidation?
- Answer #13.* Each proposal will be scored individually, based on the criteria specified in section 7.0 of the RFP. No points will be awarded on any basis other than those listed in this section.
- Question #14.* If the attorneys currently providing services under contract with the AOC are not selected, how would the transfer of files be accomplished?
- Answer #14.* The AOC would work with the court, the current contractor, and the new contractor to ensure a smooth transition, including transfer of files. AOC staff has experience in this area, having effected similar transfers in several other courts.
- Question #15.* When the current contracts were initially negotiated, the AOC directed the contractors to adjust their budgets, moving funding from one line item to another. Is there a budget model in place to delineate funding for certain areas?
- Answer #15.* No, the initial contracts in Santa Barbara were negotiated prior to the development of the caseload funding model. Proposers should refer to that model for information about expected staffing and overhead ratios. Proposers should also note that, among the evaluation criteria is the ratio of costs applied directly to attorney services, compared to indirect (overhead) costs.
- Question #16.* Since the new contracts will not go into effect until January 1, 2012, will the current contractors be expected to be available for appointment and representation through the end of December?
- Answer #16.* Yes.

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*Question #17.* The RFP includes a new requirement for JCATS reporting; attorneys are required to use the JCATS calendaring function. What is the purpose of this requirement?

*Answer #17.* This requirement was added in order to facilitate the juvenile dependency court performance measures contained in California Rule of Court 5.505. The purpose of the performance measures is to help courts assess compliance with mandated hearing time frames; ensure children's placement in safe and permanent homes; promote child and family well-being; and provide fair and timely treatment for all court participants. (JCATS refers to the online case management and reporting system, which all court appointed juvenile dependency counsel providing services through contracts with the AOC are required to use.)

*Question #18.* Isn't it possible to get the information required for the performance measures referred to in the answer to question 17 from the court?

*Answer #18.* No, it is not possible.

*Question #19.* If a proposal includes representation in both north and south county, are they required to have offices in both locations?

*Answer #19.* This is not a requirement listed in the RFP. The topic can be addressed by the proposer in section 5.6.3.E of the RFP.

*Question #20.* Is the location of facilities part of the scoring criteria?

*Answer #20.* Yes, it would be included under the first criterion listed in section 7.0 of the RFP.

*Question #21.* How would outside proposers be evaluated in comparison to the current providers?

*Answer #21.* All proposals will be evaluated according to the criteria listed in section 7.0 of the RFP.

*Question #22.* When someone bids from outside the county, do you take into account their ability to get to court, staffing, etc.?

*Answer #22.* Proposals will have to provide information on all of these factors. The RFP requires proposals to provide information about recruitment and staffing.

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*Question #23.* The caseload numbers reference a court report of July 2010, which seems to be outdated. Are you going to provide updated statistics, and revise funding based on those statistics?

*Answer #23.* This is a typo in the RFP. The report is from July 2011. Please see Addendum 1 to the RFP, which includes a correction to the date of the court report.

*Question #24.* These caseload numbers do not appear to be accurate.

*Answer #24.* These statistics are based on a detailed review of statistics from more than one source, and represent the best estimates of caseloads available.

*Question #25.* If the AOC is shown that these numbers are not accurate, would that affect the compensation levels provided in the RFP?

*Answer #25.* No, contracts will be based on the funding provided in the RFP. The contracts allow for renegotiation based on a variance in the caseload levels.

*Question #26.* Can you explain the statement about funding decreasing over the next three years?

*Answer #26.* This statement refers to the overall statewide court appointed counsel budget. The statewide annual allocation is \$103.725 million, while annual expenditures have been over \$110 million for the last six years. The Judicial Council has made up the difference with transfers from other court operations areas; these transfers have been made on a one-time basis each year. The fiscal year 2011-12 transfer has been reduced by half, and elimination of the transfer is anticipated for fiscal year 2012-13.

*Question #27.* Is there a possibility that DRAFT may be eliminated?

*Answer #27.* While the impact of the budget crisis might be felt by court appointed counsel funding as a whole, it does not have a particular impact on the continued existence of the DRAFT program.

*Question #28.* Is there a mechanism in place for payment of contracts even if a budget is not passed?

*Answer #28.* We have made an effort to move DRAFT contracts off the state's fiscal year cycle, in order to protect them from extended "no budget" periods. Santa Barbara contract funding is for October through September, so that even if

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there is a significant delay in passing a budget, these contracts will be paid through the end of October.

*Question #29.* The RFP includes a new requirement for 11.5% in unallocated operating reserves. This is a significant amount. Why do we need to have this?

*Answer #29.* This provision is now standard in all DRAFT contracts. Prospective contractors need to have this reserve to ensure solvency in the case of delayed payment by the state. .

*Question #30.* I am very interested in working with a team of colleagues to respond to RFP. I would like to know if this is an entirely new process. How were parents and minors represented in the county prior to this RFP? Is this a brand new funding model for SB dependency court system?

*Answer #30.* Parents and minors are currently represented through contracts with private counsel. Funding is based on the caseload funding model adopted by the Judicial Council in October 2007. The Judicial Council report detailing the caseload funding model may be found at <http://www.courts.ca.gov/documents/102607itemF.pdf>.

*Question #31.* My understanding is that there is no statutory authority for the compensation of counsel appointed for de facto parents even though the Rules of Court, Rule 5.534(e)(2) give a juvenile court discretion to appoint counsel for a de facto parent. Yet this RFP seems to indicate that legal services for de facto parents provided by panel attorneys would be paid for under the contract. Is there some statutory authority for the compensation of de facto parent counsel that I am not aware of or is the expectation that contracted attorneys will provide these services without compensation?

*Answer #31.* While de facto parents are not entitled to appointed counsel, the court, in its discretion, may appoint counsel to represent de facto parents. When it does so, the cost of such counsel is an allowable court appointed counsel expense under the Trial Court Funding Act (see California Rule of Court 10.810 , function 7). De facto parent representation is included in all DRAFT contracts that include representation of parents.

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*Question #32.* The RFP for the Santa Barbara Dependency Contract references only the courts in Santa Barbara and Santa Maria. Is there a dependency court calendar which is also called in Lompoc? If so, do you know the days, times and scope of operations in that court?

*Answer #32.* There is no dependency calendar in Lompoc.

*Question #33.* There are a reported 484 parents represented in 2010-2011 in the North County Court and 118 in the South County Court. How many of these appointments have only one parent being represented? How many have two parents being represented? How many have three or more parents being represented?

*Answer #33.* The number of clients listed in the RFP reflects a point in time figure rather than representation for the entire fiscal year 2010-2011. The following table provides information about the number of parents represented per case as of July 2011:

	North County	South County
One Parent	111	30
Two Parents	175	38
Three or more parents	0	2

*Question #34.* There are a reported 241 original petition filings in 2009-2010 for the county. How many of these were filed in the North County Court and how many in the South County Court? As to each court: How many of these required the appointment of only one parent attorney? How many of these required the appointment of two parent attorneys? How many required the appointment of three parent attorneys and how many required the appointment of more than four parent attorneys?

*Answer #34.* The following table provides the requested information:

**Parent Attorneys - WI 300 Initial Petition - FY 09/10**

	North County	South County
One Parent Attorney	66	19

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**Parent Attorneys - WI 300 Initial Petition - FY 09/10**

Two Parent Attorneys	108	22
Three or More Attorneys	0	0
No Parent Attorney	19	8
Total Filings	193	49

*Question #35.* For the most recent year reported, how many WIC section 300 subdivision (e) cases were filed? How many subdivision (f) cases were filed?

*Answer #35.* Petitions are not tracked by allegation type in the court's case management system, so this information is not available.

*END OF QUESTIONS AND ANSWERS*