

**Request for Proposals (RFP): Juvenile Dependency Proceedings  
Superior Court of California, County of Los Angeles  
Bidder's Conference: November 18, 2005**

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

*1. Does the AOC have a ceiling on what it is able to award on Lot 3 proposals?*

Yes; however the RFP was intentionally issued with no dollar delineation because we want bids to reflect the level of services articulated in the RFP. There is insufficient information available at this juncture to put a price on that service level for the Los Angeles Court, as the overall client volume is significantly higher than anything we have anywhere else in the state.

*2. My guesstimate for purposes of drafting [the bid] was approximately 25-30% more than what is in place. Will that be a safe estimate?*

In preparing your bids, take a careful look at the expected service level and generate as accurate an estimate of the cost of that service level as possible. Whether this will be 25% lower than or higher than current costs cannot be determined at this point. Once we receive the bids we will come back to each of the bidders with a fairly detailed set of questions; that process will followed by subsequent in-person meetings with the court. Upon completion of that process, notices of intent to award will be issued to selected vendors, and actual contract negotiations will begin. Thus, we are a long way from nailing down the final dollar amount of the contract at this point.

*3. The organization that Judge Corral has established is a new organization designed specifically with this bid in mind. There are some questions as to the timing of [the onset of the contract]. For example, it seems that the courts and the AOC are contemplating some time around the beginning of the 3<sup>rd</sup> quarter next year, and it appears that the award should be announced around the 5<sup>th</sup> month of next year—the question then becomes the cost of the first month. You mentioned a letter of intent; if a person needs a line of credit, when is the initial payment under the award anticipated?*

As specified in the RFP, we expect the new provider to begin service October 1, 2006. In the sample contract payment timeline outlined in the RFP, it states that the first payment will be made within 75 days of the first day of the contract; the latest that you could expect your first contractual payment would be December 15, 2006. Some contracts implemented through the DRAFT program have allowed vendors to bill twice per month for the first quarter of services in order to expedite initial billings/payments. This option will be available for contracts executed as a result of this RFP.

*4. Can one entity submit a proposal for representation of all clients included in this?*

Yes.

*5. As a matter of logistics and a follow up to the prior question, if an organization is able to submit more than one bid, has the AOC in the other DRAFT jurisdictions shown a preference toward an employee model vs. a centrally administered panel? Or is LA so different that you would be more open to accepting something different than the other DRAFT jurisdictions have adopted?*

There has not been one model that has subsumed all other models, so there is not a DRAFT model for the delivery of these services. The court and the AOC spent a lot of time developing this RFP and thinking about whether to require an employer/employee type of model or a panel model. In lieu of including such requirements, the court and the AOC decided that the RFP would be silent as to organizational structure precisely because we'd like to see what you will come up with, what you think is the most effective way to handle this volume of clients.

*6. So there's no preconceived notion of what model the AOC is willing to accept, and in fact, it could be a hybrid of the models outlined in the beginning of the RFP, even a combination of models, including a non-profit organization, private firm, or administrative panels?*

Yes. However, whatever model is proposed, there is a requirement that it be administered. Even if a panel type model is proposed, there must be an administrator ultimately responsible for participating in court meetings and for attorney oversight and training. That requirement remains the same for all models regardless of how those models are structured.

*7. You are anticipating that it's going to be a hard start, a 100% start on October 1, 2006, but it looks like there will be certain percentage of cases that will remain with current attorneys after that date. Do you have any idea of the number of such cases? Obviously, it would make difference in required staffing levels.*

The criteria for cases that will not transfer to the new provider with the effective start date of the contract are listed on Attachment D page 6. Note that the cases that the RFP identified as not transferring immediately to new providers are estimated to comprise approximately 45-50% of the caseload. This is a very rough estimate as neither the court nor the AOC keeps statistics as to which cases fall in the categories outlined in Attachment D page 6.

*9. Based on those categories, the new provider would be responsible for all of the [not immediately transferring] cases within 30, 60 or 120 days, and would be responsible for every case, thereafter?*

Yes.

*10. What is the current budget/expenditure level for Lot 1 and Lot 2 client levels?*

What we have now is the cost of the existing panel, which represents all clients outlined in the RFP, for the last 4 fiscal years. Panel costs have fluctuated; the high was \$10.6 million in FY 02-03 and low \$9.065 million in 04-05.

*11. That's for Lot 1?*

Actually, that would be for Lot 3 because the costs comprise all parents and conflict children.

*12. Do you have data that breaks that down into child and parent clients?*

No.

*13. What is the current panel compensation structure?*

Please see Addendum 4-Flat Fee Payment Schedule, which is posted at <http://www.courtinfo.ca.gov/reference/rfp/repjuvdep-la.htm>.

*14. Back in 96', the panel was paid on an hourly basis and there were some current indicators that this would not occur again. If one were to employ an appellate project kind of structure, where there's an administrative staff and independent contractors, of course the best and easiest way to monitor cost is through an hourly rate. Is an hourly rate fee structure possible?*

Yes. However we will be negotiating a flat fee contract with the selected vendor/s; how the vendor chooses to establish a payment structure for attorneys actually handling cases is up to the vendor. While hourly rate structures are not precluded by the RFP, proposals should clearly outline how such a fee structure would work.

*15. If the flat fee based on a specific number, that is the current caseload, what happens if filings go up?*

DRAFT contracts have contract opener clauses; in most cases it is 25%. Under a 25% opener clause scenario, if caseloads increase or decrease by 25% more than the caseload level stipulated in the contract for a specified period of time (typically three consecutive months), renegotiation of contract terms can take place.

*16. Do you have the breakdown of cases per courtroom, including Lancaster?*

Please see Addendum 5 – Appointments per Courtroom by Client Type, which is posted at <http://www.courtinfo.ca.gov/reference/rfp/repjuvdep-la.htm>.

*17. How much data is the AOC going to require per attorney per month? Are those [requirements] outlined in Appendix C.?*

Attorneys in all other DRAFT courts are required to provide a significant amount of data each month specifying in-court and out-of-court activities. These requirements have been omitted from the Los Angeles RFP due to the volume of cases comprised by the RFP scope. At this point, and until an automated data collection system can be made available to Los Angeles dependency counsel providers, the only data required for monthly submission is that outlined in Attachment D, Section VIII.

Appendix C is where information should be provided by bidders regarding the proposed activities of non-attorney staff. For example, if investigator staffing is proposed, the chart in Appendix C should identify the work to be performed by same. This information is to be provided on a one-time basis for RFP evaluation only.

*18. So someone to just sit there and input all these numbers should be included or not included in cost of the proposal?*

The cost of providing the required information as outlined in Attachment D, Section VIII of the RFP should be included in bid proposals.

*19. Once it gets automated, say a year from now, additional staff will be required to provide the required information. Will the cost of that person be included in the second year [of the negotiated contract]?*

When we negotiate this contract, we will need to have some opener language that refers not only to changes in caseload but changes in requirements from the AOC with respect to data collection and reporting. It is not clear whether the automated system will be developed within the initial contract term. However, any additional workload resulting from its implementation would be addressed via contract opener language.

*20. Within Lot 2 (conflict children) there are children that have conflicts as well. Is there any information as to how many kids require separate counsel at this time, other than the primary [conflicts] group? In other words, you're going to have to have primary, secondary, tertiary conflict levels for the Conflict Children identified in the RFP?*

Data is not available regarding levels of conflict within the overall Conflict Children category.

*21. So the number [of Conflict Children] outlined in the RFP is an accurate number; this is what we can anticipate?*

3,682 is the best estimate.

*22. If it's contemplated that the amount of conflict minors is going to be reduced to perhaps less than 10% instead of 20%, is it possible that it would be more likely that a Lot 3 proposal would be more effective for the purposes of what the AOC wants to accomplish here, as opposed to a separate proposal for just conflict minors representation?*

Perhaps. There's always an issue of economies of scale. Presumably, the fact that the parent representation component of the anticipated caseload is considerably larger than the child client piece suggests that certain efficiencies could be gained by comprehensive proposals. On the other hand, an argument could be made that it might make sense to have the conflict child piece separated out so that those clients can be appropriately focused on and not lost in a sea of parent clients. There is not a preconceived notion about what type of proposal is best and that's the reason why the RFP was issued in this manner.

*23. The RFP includes a requirement to interview clients. Is the court going to make any additional client interview rooms available?*

The court does not know at this time whether space will be available for this purpose. Office space included in the proposal should account for facilities needed to interview clients.

*23. Is there an expectation that there will be a branch or satellite office in Lancaster?*

Actual physical office space is not required; selected vendors will be required to provide full coverage to the Lancaster court and this may, in fact, include office space.

*24. What about breaking Lancaster off from the proposal?*

That is not envisioned.

*25. Of those jurisdictions that you have already awarded, have there been any surprises to the AOC in the way that other DRAFT jurisdictions are being operated*

No. The process has gone pretty smoothly in terms of RFP issuance, contract negotiation and implementation.

*26. Has [the DRAFT program] created the level of uniformity that the AOC has been looking for?*

It has certainly created uniformity in terms performance expectations, contract terms, and compensation. In terms of the actual quality of services that are being provided, which is really the most critical component of DRAFT, that still remains to be seen and is part of the overall evaluation of the DRAFT pilot program.

27. *[You referred to disparity between minors' counsel and parents' counsel currently.]  
What disparity are you referring to?*

Currently, there is organizational representation for children that includes training and supervision. As far as the representation of parents, there is no counterpart with respect to training or supervision. Further, the panel compensation structure does not reward/encourage a significant amount of work on cases.

28. *Can you provide information about the cost and levels of coverage for Children's Law Center's (CLC) malpractice insurance, as well as their cost for workers' compensation insurance?*

CLC has reported that its annual premium for professional liability insurance is \$163,508 for a \$10,000,000 policy with a \$25,000 deductible. While they did not provide information about the cost of workers' compensation insurance, we have been informed that premiums for workers' compensation insurance are generally calculated at approximately \$2.72 per \$100 of payroll.

29. *What is the annual cost of CLC's contract?*

CLC's current contract totals \$15,229,848.

30. *The AOC has taken over panel attorney payment since December 2004. Do you know what your annual cost has been to perform that function?*

The AOC has approximately two full time equivalent positions devoted to that function. The combined cost of those positions is approximately \$150,000 per year.

31. *Appendix E, the expert witness list, does not include those experts that would be used in dependency cases. Was there a reason the actual juvenile dependency court witnesses were not included?*

Both Appendix E and Addendum 1 - Expert Witness Costs, reflect work done by the AOC and the court to provide information to help you in preparing your proposals, specifically with respect to anticipated expert witness costs. The information provided is the best that is available.

32. *The question is one of limitation. That is to say that presently the 730 panel charges \$350 per head. Payments have to be competitive with county counsel and what CLC pays their experts. There's a big discrepancy between what Dr. Shaw makes when he working for CLC, as opposed to what he makes working for county counsel. Is there a limit on that line item?*

No, there is no limit per se. Your budget narrative should support and clarify whatever dollar amount you include in that line item. This is an area for which we have very little

information to go on. If you have a better sense of the actual cost than that suggested by Appendix E, outline those costs in your proposals.

*33. Currently the attorneys representing children also provide representation for the children's educational needs, e.g., going to the IEPs and litigating school issues. Should those activities be included in Lot 2 proposals?*

Educational advocacy is ideal, but as a practical matter it doesn't currently occur with any degree of consistency. Under Welfare and Institutions Code §317(e) (317(e)), children's attorneys are only required to be attorneys in the dependency court and as part of that function are only required to bring the existence of educational issues to the court's attention. The Los Angeles court has a protocol that utilizes a pro-bono panel of people to deal with educational issues outside of the framework of the dependency court.

The RFP contemplates attorneys going beyond the framework of §317(e) and, with that in mind, proposals can be submitted that encompass educational advocacy. This is not a requirement of the RFP, however.

*36. Do we have statistics on how many kids now in that conflict unit have outside attorneys, pro-bono or otherwise, who are assisting them with their educational needs?*

No.

Question received via email subsequent to the bidders' conference:

*What have the panel costs been for the past couple of years?*

Panel costs were \$9,454,590 for 2003-04 and \$9,065,585 for 2004-05.