

**QUESTIONS AND ANSWERS FROM
BIDDERS' CONFERENCE OF OCTOBER 31, 2008 AND FROM
SOLICITATIONS MAILBOX BY NOVEMBER 7, 2008**

- Question # 1:* Does the AOC plan to make JCATS (the online case reporting and time tracking system) available for dependency representation providers in the Santa Clara Court and, if so, should bidders plan to use this software rather than independently obtained software for case tracking purposes?
- Answer # 1:* Yes. We have negotiated with Canyon Solutions, the developers of JCATS, to make JCATS available for Santa Clara DRAFT providers. The AOC will pay for the cost of using JCATS, but the staffing costs required for data entry should be included in bids.
- Question # 2:* Does JCATS include a time tracking function?
- Answer # 2:* Yes, it does.
- Question # 3:* Will the time tracking requirement be limited to one quarter per year?
- Answer # 3:* Yes. The first DRAFT contracts required year-round time tracking, but that is no longer required.
- Question # 4:* Is billing done on a monthly basis?
- Answer # 4:* Yes. Billing is independent of time tracking, except for attorneys who are paid on an hourly basis.
- Question #5:* Appendix A is an Invoice Documentation Form. Will this be used in conjunction with JCATS?
- Answer #5:* No, this form was provided to show the type of information that is required for quarterly reporting, but it is not used by contractors who use JCATS. A sample monthly invoice form is attached.
- Question # 6:* Is the use of JCATS mandatory?
- Answer # 6:* Yes, it is our intention that all DRAFT contractors provide caseload and time information using JCATS, so that we can get consistent data, which is used to support the AOC's budget requests.
- Question #7:* Is the parents' counsel firm on JCATS?
- Answer #7:* Not yet, but it will be.

Question # 8: What is the staffing provided by the District Attorney's (DA's) office, for the current three courtroom configuration?

Answer # 8: Two attorneys are assigned to each courtroom, in addition to a floater. The DA's office reported the following staffing assigned to the dependency unit:

- 11 attorneys (includes courtroom attorneys, trial attorneys, supervising DA and unit supervisor)
- 3 clinical social workers
- 6 investigators
- 4 support staff
- Legal, clinical and paralegal interns

Question #9: What is the current division of duties between the investigators and clinical social workers?

Answer # 9: Social workers provide clinical assessments and investigators are limited to investigative work.

Question #10: What are the respective roles of the Supervising DA and the Unit Supervisor?

Answer # 10: The Supervising DA is primarily responsible for appellate work, and also does some trials and mediations.

Question # 11: Are child client visits generally conducted by attorneys or social workers?

Answer # 11: Child client visits are done by attorneys, social workers and investigative staff.

Question # 12: Is the provider for parent representation expected to change?

Answer # 12: No. The parents' representation contract was awarded to a new provider as of October 1, 2008; the contract goes through September 30, 2010.

Question # 13: Are there areas where the court wants to see changes to policy or practice with regard to the representation of children?

Answer #13: Pursuant to recent statutory changes, effective January 1, 2009, every child over 10 will be encouraged to attend court proceedings. Children's counsel will be expected to work with social workers to ensure that transportation is provided.

The court would also like to see more focused collaboration on children in long-term foster care, to include: more meaningful post WIC §366.26 review hearings, more emphasis on family finding, and reassessment of the possibility of reunification.

Santa Clara is a model dependency court; the court chooses three system improvements to focus on annually. The new minors' counsel provider will be expected to work with its system partners on identified improvement areas.

Question # 14: Do attorneys participate in mediation?

Answer # 14: Mediation is considered a fourth department, and it must be staffed by attorneys assigned to cases. Attorney participation is needed at the beginning of the case, later for follow-up and at the end for documentation of agreements reached. The court understands attorneys' need to occasionally double-set their calendars for court hearings and mediation. DAs currently do not double-set, although some parents' counsel do so.

Santa Clara dependency mediation has an 82 percent success rate (meaning that the case issue is resolved and is not set for trial). There are not many trials, and very few are sent to the long cause department.

Question # 15: Are all attorneys present at mediations?

Answer # 15: Yes.

Question #16: Will contracts include costs for transition and setting up a new office?

Answer #16: Yes, reasonable transition and start-up costs will be allowed.

Question #17: The RFP indicates that some cases will not transfer, if they are at a critical stage. Will there be a blanket determination regarding which cases will transfer, based on the stage of the case, or will this analysis be done on a case-by-case basis?

Answer #17: The court expects the majority of cases to transfer, and will consider requests not to transfer on a case-by-case basis.

Question #18: If the case is transferred, will the whole file be transferred to the new provider?

Answer #18: Yes, it is the court's expectation that the files will be transferred.

Question #19: How many dependent children are in Santa Clara County?

Answer #19: There are approximately 2,500 dependent children. This RFP is for the representation of approximately 2,100, since it does not include conflict children.

Question #20: What are the statistics on monolingual Spanish speakers in the system?

Answer #20: We do not have actual statistics, but estimate that approximately 20 – 25 percent of families are monolingual non-English speakers, including approximately 5 percent who speak Vietnamese.

Question #21: Will funds be provided for file storage?

Answer #21: All operating expenses, including those needed for file storage, should be delineated in the budget template that was provided with the RFP.

Question #22: Will funds for this contract be encumbered from the current fiscal year budget, so as to avoid payment delays at the onset of the contract?

Answer #22: No, funds will be encumbered from next year's budget. We are working to move DRAFT contracts off of the state's fiscal year cycle, so as to avoid payment delays during a "no budget" period for the state, but we are unable to do so with a contract of this size. Payment delays at the beginning of a new fiscal year can be problematic for contractors.

Question #23: Are contractors required to have cash on hand to cover the initial 75 day period, or can this be achieved via a line of credit?

Answer #23: It can be achieved through a line of credit. Bidders may also take exception to this requirement in their response to the RFP, if they find it unrealistic.

Question #24: Under the scope of this RFP, are attorneys required to do all child visits, or can investigator and social worker staff perform this function?

Answer #24: Social workers and investigators can perform child client visits.

Question #25: The scope of services for this RFP requires the child's attorney to appear at WIC §241.1 hearings. Due to conflict issues, the DA cannot provide representation at these hearings. Would the AOC be open to a subcontract for this type of conflict?

Answer #25: Yes; the bid should address this issue.

Question #26: Will conflict children continue to be funded under the contract with the Dependency Advocacy Center?

Answer #26: Yes. This RFP is for only the first level of child conflict.

Question #27: Who represents teen parents who are court dependents?

Answer #27: Usually, they are represented by conflict counsel. The court's preference would be for counsel appointed for the minor as a child client to also represent the minor as a mother.

Question #28: The RFP includes a reference on page 7 to Lot 1 proposals and representation of all children, which seems to contradict other information in the RFP.

- Answer #28:* This language should have been deleted from the RFP. Proposals should be for representation for only one level of conflict only.
- Question #29:* *The RFP requires bidders to identify a proposed location for client interview facilities. Will interview space be provided at the court?*
- Answer #29:* Yes, the small interview space at the court will continue to be available.
- Question #30:* *Do proposals need to reiterate the language included in the scope of services of the RFP?*
- Answer #30:* The language should not be repeated verbatim, but proposals should provide some detail about how the required services will be provided.
- Question #31:* *The budget template includes a place to indicate expenditures such as out of state travel. Will these be paid separately from the contract?*
- Answer #31:* Yes, extraordinary expenses such as out of state travel and expert witness costs will be paid on a reimbursement basis, given prior court authorization.
- Question #32:* *Do expert witness expenses include psychological evaluations?*
- Answer #32:* Yes.
- Question #33:* *Is in-state travel paid off contract?*
- Answer #33:* No, in-state travel will be included in the contract.
- Question #34:* *Are extraordinary expenses other than out of state travel and expert witnesses allowed on a reimbursement basis?*
- Answer #34:* No, all other costs will be included in the contract.
- Question #35:* *If minor's counsel wants to get an evaluation, but does not want to share it with the court or other parties, is there a process to submit an ex parte application that goes to a different judge? This could be an issue if a judge signs an order for an evaluation which is not shared; the judge may assume that the evaluation was not favorable to the party that requested it.*
- Answer #35:* There is not currently a process for ex parte applications of this type. If it were necessary to develop, the AOC would work with the providers and the court to develop such procedures.
- Question #36:* *Should bidders assume a cost of living increase for the second year of the contract?*

Answer #36: In healthier budget climates, DRAFT contracts include a 3 percent annual increase in personnel costs. In the current financial climate, it is difficult to predict future funding availability for any contractual increases.

Question #37: Does the 3 percent increase apply even for an organization whose employees who are part of collective bargaining units and therefore may negotiate an increase above 3 percent?

Answer #37: Yes.

Question #38: What is the plan for the configuration of the fourth dependency department?

Answer #38: The plan is to take one third of the cases from each of the current three departments and move it to the fourth department. Each of the departments will add an early trial settlement calendar, so that the court can more effectively address settlement needs. The fourth department may also focus on psychotropic medications, children who have been subject to termination of parental rights but are not in a permanent placement, and teens.

Question #39: Will the fourth department have a dependency drug court?

Answer #39: The court is trying to take the dependency drug court to scale. At the end of four years we hope that each department will be running dependency drug court components, including assessments, same day access to treatment and frequent reviews.

Question #40: Which positions should be included in the personnel section of the budget template?

Answer #40: All employees who will receive benefits should be included under personnel. Only hourly and other non-staff positions should be included under “Additional Professional Services.”

Question #41: Can providers, with advance notice, use court interpreters off-site?

Answer #41: No, court interpreters may not be used off-site. Depending on availability, court interpreters may be used to interview clients before hearings.

Question #42: On Appendix E, Task Assignment Template, can we list more than one staff person as doing a particular task?

Answer #42: Yes.

Question #43: Is data regarding Santa Clara outcomes available other than the data on the UC Berkeley website?

Answer #43: The court and the Department of Family and Children's Services have some data, but it is not as expansive as what is available on the Berkeley site.

Question #44: *Can we have access to mediation data?*

Answer #44: Following is the most recent mediation data:

Total # of cases mediated 3rd quarter: 93

Total # of Mediations to date for the calendar year: 242

Outcomes of individual sessions for 3rd quarter:

Full Agreements: 82.0%

Partial Agreements: 7.5%

No Agreements: 10.5%

Average time per session for 3rd quarter: 3.20 hours. (The time includes reviewing the documents and face to face contact for each case, it does not include the administrative time, i.e.: making files, filing, etc.)

Question #45: *How firm is the estimated notice of intent to award date of February 13, 2009? Do you anticipate conducting interviews prior to selection?*

Answer #45: Interviews have been conducted as part of the RFP process in some locations, and may be conducted as part of the current process. We hope to announce a selected bidder by the indicated date, but it is an estimate.

Question #46: *What is the court's general philosophy with regard to dependency cases?*

Answer #46: The dependency population consists largely of people with drug and alcohol problems. There are a disproportionate number of people of color in the dependency system, and almost all the families are poor. The court's values are that every child should be at home, when it is safe. The court is an extremely collaborative court; stakeholders and community providers are encouraged to participate in activities that lead to the best outcomes for all children. Our preference is to heal families – we prefer family wellness, as opposed to separation.

Question #47: *What is the policy with regard to judicial rotation?*

Answer #47: The Presiding Judge is responsible for judicial assignments and many factors are considered by the Presiding Judge in making those assignments.

Question #48: *How would we make arrangements to visit the court prior to submitting a bid?*

Answer #48: The court encourages prospective bidders to observe proceedings in all departments. Bidders should contact Ms. Linda Katz at linda.katz@jud.ca.gov or (415) 865-8029 to make arrangements to visit.

- Question #49: Is it acceptable (i.e., no point deductions) for the bidder to add an administrative fee to the budget proposal? If so, is a 15% fee acceptable? If 15% is not acceptable, what percentage is acceptable?*
- Answer #49:* Yes, administrative fees can be added to the proposal. Note that Section 7.0 of the RFP lists the seven criteria that will be used in evaluating proposals, in descending order of priority. Criterion 4 is the reasonableness of the cost proposal and criterion 5 includes both the analysis of direct vs. indirect costs and the average cost per client. To the extent that an administrative fee impacts these criteria, it would impact the scoring of a proposal.
- Question #50: Does the AOC want caseloads based on the number of individual clients or the number of assignments (with each sibling group designated as one assignment)?*
- Answer #50:* Caseloads should be based on the number of individual clients.
- Question #51: Does the AOC want bids based upon a caseload of 188 to 200 clients per FTE attorney? Or is a smaller caseload preferred?*
- Answer #51:* Bidders are encouraged to submit multiple cost proposals that reflect varying caseloads.
- Question #52: Does the AOC have a preference for salary levels for staff attorneys? If so, what are current salary guidelines?*
- Answer #52:* Bidders should submit budget proposals that provide for reasonable salaries that will allow them to hire and retain qualified attorneys.
- Question #53: Is the current DA supervising attorney one of their 11 staff attorneys?*
- Answer #53:* Yes.
- Question #54: Is the function of the current DA appellate attorney to prepare writs only?*
- Answer #54:* No, the DA appellate attorney has other duties, as well.
- Question #55: Attachment D section 9: Reporting and billing Requirements; subsection 3 requires that a new vendor make quarterly reports using the JCATS system. Since we don't have that system how would we report? Is what we've done in the past to fulfill this requirement satisfactory?*
- Answer #55:* The AOC intends to provide access to JCATS, which is a web-based system that does not require the installation of software, in time to comply with the reporting requirements.

Project Title: Santa Clara Dependency Representation for Children
RFP Number: CFCC 11-08 DRAFT-Santa Clara-CT

SAMPLE CONTRACT INVOICE

Invoice Date:

Invoice Number: **[Format = Contract number-last day of month, i.e. 1234567-10/31/08]**

Bill to: Judicial Council of California
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102

Re: Court-Appointed Dependency Services for the
Superior Court of California, County of _____

Remit Payment to: **[Insert Vendor Name and Address]**

State Bar #:

Social Security or Tax ID:

Pursuant to Contract number **XXXXXXXX**, the total amount incurred for services rendered and/or extraordinary expenses incurred for the period of **MM/DD/YY to MM/DD/YY** is **\$\$\$\$\$\$\$\$**. The detail for the total amount billed is as follows:

Compensation Amount: \$

Extraordinary Expenses: \$

Total Invoice Amount: \$

Vendor Signature: _____

For AOC Use Only

I certify that the services and/or the extraordinary expenses invoiced herein were satisfactorily performed and/or incurred and hereby authorize payment.

Approver Signature: _____

Approval Date: _____