PRE-PROPOSAL CONFERENCE
CALDS/SSA/16-001-S - LEGAL SERVICES
FOR CALVERT COUNTY DEPARTMENT OF SOCIAL SERVICES
200 Duke Street
Prince Frederick, Maryland 20678

OFFICIAL TRANSCRIPT OF THE PROCEEDINGS
Thursday, January 7, 2016
10:09 a.m.

REPORTED BY: Wanda L. Zapata, CVR-M

For The Record, Inc.
(301) 870-8025 - www.ftrinc.net - (800) 921-5555
CONFERENCE PARTICIPANTS

ON BEHALF OF CALVERT COUNTY DEPARTMENT OF SOCIAL SERVICES:

   Althea Berry, Management Associate
   Rebecca Gray, Procurement Officer
   Deborah Walsh, Assistant Director for Services and Project Manager
   Marissa Persetic, Family Service Case Manager

ON BEHALF OF THE MARYLAND STATE DEPARTMENT OF HUMAN RESOURCES - CENTRAL, BALTIMORE MARYLAND:

   Shirelle Green, Procurement Division
   Tracey Gamble, Procurement Division

VENDORS:

   Jaimee McDowell, Esquire
   Michele R. Harris, Esquire
   Amy Lorenzini, Esquire
   Jennifer Dill, Esquire
PROCEDINGS

(10:09 a.m.)

MS. GRAY: My name is Rebecca Gray and I'm the Procurement Officer handling this RFP. Like I said, there's extra copies if someone needs one. As Althea said, it's posted on eMaryland Marketplace.

If you haven't already done so, please make sure that you sign in. Please note that For the Record will be transcribing this conference. When asking questions, please state your name and the name of the company of record.

The transcript of this conference will be made available on eMaryland Marketplace and the DHR website.

State representatives that we have here are in the back. We have --

MS. GAMBLE: Tracey Gamble.

MS. GREEN: And Shirelle Green, DHR.

MS. BERRY: Althea Berry, Calvert County DSS.

MS. GRAY: I'm Rebecca Gray.

MS. PERSETIC: I'm Marissa Peretic.

MS. WALSH: And I'm Deborah Walsh. I'm the Assistant Director for Services.

MS. GRAY: And then our vendors that are here, would you identify yourselves for the record, please.

MS. HARRIS: Michele R. Harris, the Law Offices of Michele R. Harris.
The Calvert County Department of Social Services is issuing this Request for Proposal to acquire the legal services of a practicing attorney licensed in the State of Maryland to represent Calvert County DSS in the following areas: child welfare, child protective services, foster care, guardianships, adoptions, in-home family services, adult services, adult protective services, adult public guardianships, and requests for Calvert DSS records via subpoena.

In addition, the attorney must consult with and advise Calvert DSS staff on other general legal matters which may come before the Agency as required by the Maryland Annotated Code, Human Services Article subsection 3-601.

As outlined in Section III of this Request for Proposal, this will be a three-year contract beginning on or about April the 1st, 2016, and ending March 31st, 2019.

For the purpose of this RFP, the Procurement Officer, who will be me, is the sole point of contact.
between the State and the vendor community. Please do not contact any other representatives regarding questions about this RFP. Please direct all inquiries to my attention. And I will leave my card on the table for those of you, but it is also in the RFP.

In order to receive a contract award, a vendor must be registered on eMaryland Marketplace. Each Offeror is requested to indicate its eMM vendor number in the transmittal letter submitted at the time of the proposal submission.

Question and Responses: We can respond to some questions that have been received prior to this conference now; however, time will not permit us to respond to all of them at this time.

Responses to all questions will be posted on the eMaryland Marketplace and the DHR website with sufficient time to allow Offerors to review them to assist with formulating their proposal submissions.

If any questions that are asked during this conference are responded to during the conference, please be advised that the responses to these questions will also be posted.

Should there be any discrepancy between the responses given during this conference and the written responses provided subsequently, the written response shall
Proposal Due Date and Time: An unbound original and six copies of both the Technical and Financial Proposals, including the required electronic versions as outlined in Section 2 under proposals -- 4.2, I'm sorry, for the RFP must be received by the Procurement Officer no later than 4:00 p.m. local time, Monday, February the 8th, 2016, in order to be considered.

Requests for extensions of due date and time will not be granted. Proposals received after the due date and time cannot and will not be accepted, except as provided under provisions of COMAR 21.05.03.02 F and 21.05.02.10.

If you are mailing your proposal, please allow sufficient time for mailing to ensure that it is received by me prior to the proposal due date and time. A postmark by the due date and time is not acceptable. It must be received by me.

More information regarding the proposal format will be covered in Section IV.

The Public Information Act Notice: An Offeror should give specific attention to the clear identification of those portions of its proposal that it considers confidential or proprietary commercial information or trade secrets and provide justification why such materials, upon request, should not be disclosed by the State under the
Public Information Act.

This confidential and/or proprietary information should be identified by page and section number and placed after the title page and before the table of contents in the Technical Proposal and, if applicable, separately in the Financial Proposal.

Offerors are advised that upon request for this information from a third party, the Procurement Officer is required to make an independent determination whether the information must be disclosed.

Bid/Proposal Affidavit, Attachment B of the RFP: This form must be completed -- completely filled out and submitted with your Technical Proposal. You only need to submit it with the original of the Technical Proposal. Copies are not required.

Contract Affidavit, Attachment C of the RFP: This form is only to be submitted after notification of apparent contract award. Please do not include with the Technical Proposal.

Verification of Registration and Tax Payment: Before a business entity can do business in the State, it must be registered with the State Department of Assessments and Taxation, or SDAT. It is located at State Office Building, 301 West Preston Street, Room 803 in Baltimore, Maryland 21201.
The SDAT website is listed in this section of the RFP, which is also page 18. It is strongly recommended that any potential Offeror complete registration prior to the due date for receipt of proposals or that you review your registration information to ensure it's accurate and up-to-date.

An Offeror's failure to do so may result in an otherwise successful proposal being dropped from consideration for contract award.

There is no Minority Business Enterprise subcontracting goal for this RFP.

Living Wage Requirements: The Living Wage Law requires certain contractors and subcontractors to pay minimum wage rates to employees working under certain State services contracts.

A solicitation for services under a State contract valued at $100,000 or more may be subject to Title 18, State Finance and Procurement Article of the Annotated Code of Maryland.

Effective September 28, 2015, contractors and subcontractors subject to the Living Wage Law shall pay each covered employee at least $13.59 per hour if State contract services valued at fifty percent or more of the total value of the contract are performed in the Tier 1 Area.

If a State contract service valued at 50 percent
or more of the total contract value is performed in the Tier 2 Area, the Offeror shall pay each covered employee $10.212 per hour.

The specific Living Wage Rate is determined by whether the majority of the services take place in the Tier 1 Area or Tier 2 Area of the State. The Tier 1 area includes Montgomery, Prince George's, Howard, Anne Arundel and Baltimore County and Baltimore City. The Tier 2 Area includes any county in the State not included above, which, of course, includes Calvert County, would be your Tier 2.

If a business had operations in areas with two different wage tiers, the rate you pay is determined by the area where 50 percent or more of the total contract value is performed.

If the employees who perform the service are not located in either Tier 1 or Tier 2, the Living Wage Rate will be based upon where the majority of the recipients of the services are located.

This contract has been determined to be a Tier 2 contract. Additional information regarding the State's Living Wage requirement is contained in Attachments G and G-1, entitled, "Living Wage Requirements for Service Contracts and Affidavit of Agreement."

The Affidavit of Agreement must be completed and
submitted with the original copy of the Technical Proposal. Failure to complete and submit the Living Wage Affidavit of Agreement will result in a determination that the Offeror is not responsible.

The Maryland Living Wage Law is administered by the Department of Labor, Licensing and Regulation. Additional Living Wage information pertaining to reporting obligations may be found by going to the Maryland State Department of Labor, Licensing and Regulations -- or DLLR -- website, which is listed here, and clicking on "Living Wage."

Note: The Living Wage Rates are subject to annual adjustment by DLLR; however, the contractor's prices under the contract may not change because of the Living Wage adjustment. Offerors must factor it in in their pricing of the proposal submissions.

Federal Funding Acknowledgment: There are programmatic conditions that apply to this contract because it contains federal funding. Please refer to Attachment H, Federal Funds Attachment, for additional information and requirements. Completed Federal Fund Attachment H is to be included in your Technical Proposal.

Conflict of Interest Affidavit and Disclosure: Offerors shall complete and sign the Conflict of Interest Affidavit and Disclosure, which is Attachment I, and submit
it with their proposal.

All Offerors are advised that if a contract is awarded as a result of the solicitation, the successful contractor's personnel who perform or control work under this contract and each of the participating subcontractor personnel who perform or control work under this contract shall be required to complete the agreements substantially similar to Attachment I located on page 86.

Non-Disclosure Agreement: All Offerors are advised that this solicitation and any resultant contracts are subject to the terms of the Non-Disclosure Agreement contained in this solicitation under Attachment J.

This agreement must be provided within five business days of notification of proposed contract award; however, to expedite the process, it is suggested that this document be completed and submitted with the proposal.

There is no Veteran-Owned Small Business Enterprise goal for this RFP.

DHR Hiring Agreement: All Offerors are advised that if a contract is awarded as a result of this solicitation, the successful Offeror will be required to complete a DHR Hiring Agreement. A copy of that affidavit is included as Attachment O on page 95.

This affidavit must be provided within five business days of notification of the proposed contract award.
All right, Section 2 - Offeror Minimum Qualifications: The Offeror shall have two years of recent experience within the last five years in administrative, child welfare, child disability, family law, adult protective services and/or related legal fields.

As proof of meeting these requirements, in addition to the information requested in Sections 4.4.2.7 and 4.4.2.9, the Offeror shall provide with its proposal three references from the past five years that are able to attest to the Offeror's experience with the following types of cases: child welfare, child disability, termination of parental rights, adult services, family law and related legal fields for each year of the last five years.

The attorney proposed to work under the contract shall be licensed to practice law in the State of Maryland. As proof of meeting this requirement, the Offeror shall provide with its proposal a copy of a Certificate of Good Standing from the Maryland Court of Appeals for each attorney assigned to this contract.

Section 3 is the Scope of Work, which will be presented to you by Deborah Walsh, the Project Manager.

MS. WALSH: I'm not going to read the scope of work because a lot of it is duplicative of already what Becky read to you.
I just wanted to highlight that a majority of the work is done with the child welfare part of the agency handling a case from shelter, which can occur at anytime and any day of the week, through adjudication, disposition, permanency planning, guardianship or adoption.

Also, recently we've had an increase in guardianships. The Department only holds guardianship of one individual. We have worked with the Office on Aging with two, so that's kind of newer to Calvert County, but we do see that that is expanding.

We also do -- are handling a lot of subpoenas for our family investment. We're getting an increasing number of subpoenas requesting their records in the court system.

Currently, our hearings -- our CINA hearings are scheduled and heard on three Mondays a month.

The previous Friday -- unless there's a holiday, which sometimes throws things off, the previous Friday is settlement conferences. They are normally at 8:30 in the morning and go until court -- it usually is managed with the normal business workday, but it can run past five o'clock.

Oh, there also is it's necessary to participate in mediation as court-ordered, as well as family involvement meetings upon request.

There's pre-hearing and post-hearing conferences in addition to the settlement conferences; provide general
legal advice to the supervisors and the line staff, as needed; attend in-service; there's a can do conference that -- and the subject matter is related to the CINA cases. It is the expectation that those will be attended, as well as doing training for staff not to exceed two times per year, but if there's any substantial changes in law, to come to the Department and work with staff; providing an emergency contact number so that we can reach you should we have an off-hour emergent situation; obviously, knowledge of the Uniform Child Custody Law and related proceedings is critical; making sure that the cases are filed timely and within the mandated timeframes; and represent child welfare and adult service appeals with the Office of Administrative Hearings, including all non-CPS appeals; consulting with the attorneys from the Maryland Office of the Maryland Attorney General; preparing witnesses for court testimony at least one week prior; just kind of as an aside, having a good working relationship with the Legal Aid and Public Defender's Office is also important; making sure that all court documents, included, but not limited to, court reports, addendums, orders, motions, subpoenas are delivered to the agency within one business day; prepare motions, petitions, orders and answers and affidavits for CINA, TPR, adult public guardianship, and other cases, as required within the mandated timeframes; work in conjunction with the
courts; assist and consult with Calvert DSS staff;
participate in and regularly attend ad hoc meetings.
Currently, there's a quarterly CINA meeting that does occur;
provide a monthly activity report, as well as an invoice;
also representing the Department in voluntary placements,
which is increasing; guardianship hearings and proceedings
and prepare the petitioners for the guardianship.

We talked about mediation and involvement at
meetings; prepare for TPR hearings and testimony at least
one week prior to the scheduled hearing; for the adult
service world, to represent the Department with regard to
authorization for forced entry; emergency adult protective
services; temporary guardianship of person from medical
consent; emergency guardianship of a person and regular
guardianship of a person and to consult with the adult
protective service staff regarding potential and active
court cases; prepare, develop and file petitions in adult
protection service cases such as emergency adult protective
services and guardianship of the person; consult with and
advise the adult service staff upon request regarding legal
questions to include, but not limited to, liability, project
home zoning, recovery of overpayments, suits by the clients
or their relatives for termination of services or payments
and gaining access to clients' funds in order to secure the
needed service; prepare and attend court for shelter care
adjudication, disposition, contempt of an adult public guardianship; prepare petitions for adult public guardianship cases for both contested and non-contested, and represent CALDSS in all adult public guardianship hearings and proceedings; and provide legal assistance to Calvert DSS to ensure a client's income and assets are used for their benefit; for staffing, designate adequate staff to support the requirements of the RFP and provide a thorough description of the duties and responsibilities of the support staff.

Designated staff should include the attorneys and any support staff, including paralegals and legal secretaries, and provide a qualified conflict attorney willing to accept cases from the contractor when conflicts of interest preclude involvement of the contractor and/or when the contractor is on vacation.

The conflict attorney must meet all of the requirements of the minimal qualifications of the RFP. It will be the responsibility of the contractor to determine conflicts, assign appropriate cases to the conflict attorney and pay all professional fees involved.

Reports shall be submitted on a monthly basis to the State Project Manager. Again, it's a monthly invoice, a monthly activity outlining the use of the conflict attorney and report of postponements. And all of those are
Attachments Q, R, S, T.

Each person who is employed as an agent of the contractor or subcontractor shall display his or her company ID badge at all times while on State premises. Upon a request of the authorized State personnel, such as an employee or agent, shall provide additional photo identification.

The rest of the scope of work is kind of -- it's been already -- you can refer to it yourself. There's no real highlights to that.

Do you have any questions on the scope of work?

Can we do questions now or is that --

MS. BERRY: If you want to ask questions about the scope of work, it's pertinent.

MS. HARRIS: Did I understand you to say that appeals are included?

MS. WALSH: Yes.

MS. BERRY: I apologize. State your name and company name, please.

MS. HARRIS: Yes, I'm sorry. Michele R. Harris, Law Offices of Michele R. Harris.

So administrative appeals, as well as the Court of Special Appeals, Intermediate Appeals, is it including those or just administrative?

MS. WALSH: It's the administrative appeals and
then you would work with the AG.

MS. HARRIS: Okay. So it is including both?

MS. WALSH: Except for the CPS appeals. That's taken out of this. That's represented separately. For the investigation, it's represented separately.

MS. BERRY: Could everyone hear Debbie? Just then I had a little trouble.

MS. GRAY: More questions on the scope or we'll move on.

(No response.)

MS. GRAY: Okay. And now my part is just reading to you, so I'm going to try to not read to you, if I can help it. I know how much fun that is.

One piece that I did see, Criminal Background Check: The contractor shall obtain from each individual assigned to work on the contract a statement permitting a criminal background check.

And the Department will obtain a criminal background check for each individual using a source of its choosing. The State Project Manager reserves the right to reject any individual based upon the results of the background check.

Obviously, another important part, the Proposal Format. There are two parts of this submission. One is your Technical Proposal and the other is the Financial
Proposal and never shall the two be mixed together. I want to just tell you that. Volume I is your Technical Proposal and Volume II is the Financial Proposal. They are to be sealed separately from each other.

It's preferred, but not required, that your name and email address and phone number be included on the outside of the packaging for each volume.

Each volume shall contain one original unbound and six copies, unless this is resulting in the package being too unwieldy. The Department's preference is that the two sealed volumes be submitted together in a single package, including a label bearing the RFP title and number, name and address of the Offeror and the closing date and time of receipt of proposal.

There also is a requirement for an electronic version, either through CD or USB, to be submitted at the same time with Volume I, the Technical Proposal, and also with Volume II, the Technical Proposal, in Microsoft Word and the Financial can be in Microsoft Word or Excel.

Delivery, we've already covered that.

I've lost my place. Excuse me. (Perusing document.)

No pricing is to be listed in the Technical Proposal Volume. That's totally separate. That will be in
your Volume II.

MS. WALSH: There's just a whole bunch of listed titles.

MS. GRAY: Yeah, let me get back there. Okay, let's try this. Pricing and Title Page, all of that we've covered.

All right, like I said, Solicitation Title and Agency Control Number that the proposal is in response to with your signature; name and title of the individual authorized, this should be with the transmittal letter. It's under Section -- or Tab B of the transmittal.

The letter should include all of those things: the contact person, signature and typed name, the individual authorized to commit the Offeror to its proposal; the Federal ID Number of the Offeror or, if single individual, the Social Security Number; the Offeror's eMaryland Marketplace number, their MBE certification number, if applicable, or SBR certification number, if applicable, the Offeror's VSBE, which is Veteran's, if applicable; acceptance of all State RFP and contract terms and conditions.

If any exceptions are taken, they are to be noted in the Executive Summary, and acknowledgment of all addenda to this RFP.

The Executive Summary you submit under Tab C; the
Minimum Qualifications Documentation you submit under Tab D; Offeror Technical Response to RFP Requirements and Proposed Work Plan, submit under Tab E; Experience and Qualifications of Proposed Staff submit under Tab F; Offeror Qualifications and Capabilities submit under Tab G; References submit under Tab H; and list of Current or Prior State Contracts submit under Tab I; Financial Capability submit under Tab J; Certificate of Insurance under Tab K; Subcontractors under Tab L; Legal Action Summary submit under Tab M; Economic Benefit Factors submit under Tab N; Additional Required Technical Submissions submit under Tab O. This is the section where all of the required forms are to be submitted.

Volume II, on your Financial Proposal: Under separate sealed cover from the Technical Proposal, clearly identify in the format identified in Section 4.2, the Offeror shall submit the original unbound copy and six copies and an electronic version in Microsoft Excel the Financial Proposal.

The Financial Proposal shall contain all price information in the format specified in Attachment F. The Offeror shall complete the Financial Proposal Form only as provided in the Financial Form instructions and the Financial Proposal Form itself.

Section 5, Evaluation Committee, Evaluation Criteria and Selection Procedure: Evaluation Committee,
Evaluation of proposals will be performed in accordance with COMAR 21.05.03 by a committee established for that purpose and based on the evaluation criteria set forth in the RFP. The Evaluation Committee will review proposals, may participate in Offeror oral presentations and discussions and will provide input to the Procurement Officer.

The Department reserves the right to utilize the services of individuals outside of the established Evaluation Committee for advice and assistance, as deemed appropriate.

Technical Proposal Evaluation Criteria: The criteria to be used to evaluate each Technical Proposal are listed as follows in descending order of importance:

Offeror's Technical Response to RFP requirements and work plan; experience and qualifications of proposed staff; Offeror qualifications and capabilities, including proposed subcontractors; economic benefit to the State of Maryland.

Financial Proposal Evaluation Criteria: All qualified Offerors (a responsible Offeror determined to have submitted an acceptable Technical Proposal) will be ranked from the lowest (most advantageous) to the highest (least advantageous) price based on the Offeror's total three-year price within the stated guidelines set forth in the RFP and
submitted on Attachment F, the Financial Proposal Form.

Selection Procedures: Technical Proposals are evaluated for technical merit and ranked. During this review, oral presentations and discussions may be held.

The purpose for such discussions will be to assure a full understanding of the State's requirements and the Offeror's ability to perform the services, as well as to facilitate the arrival at a contract that is most advantageous to the State.

Offerors will be contacted by the State as soon as any discussions are scheduled. Offerors must confirm in writing any substantive oral clarifications or changes in their Technical Proposals made in the course of discussions.

Any such written clarifications or changes then become part of the Offeror's Technical Proposal. Technical Proposals are given a final review and ranked.

The Financial Proposal for each qualified Offeror will be evaluated and ranked separately from the technical evaluation. When in the best interest of the State, the Procurement Officer may permit qualified Offerors to revise their initial proposal and submit, in writing, the best and final offer. The State may make an award without issuing a request for a best and final offer.

Upon completion of the Technical Proposal and the Financial Proposal evaluations and rankings, each Offeror
will receive an overall ranking. The Procurement Officer will recommend award of the contract to the responsible Offeror that submitted the proposal determined to be most advantageous to the State.

In making this most advantageous proposal determination, technical factors will receive equal weight with financial factors.

Do you have any questions? If so, please state your name and your firm.

(No response.)

MS. GRAY: Are you all asleep now? Do you want me to keep reading? I have volumes to go through.

But I know that I don't like being read to constantly, so any questions that we can answer?

(No response.)

MS. GRAY: All right. So the proposals are due by Monday, February the 8th, at 4:00 p.m. They have to be in this office. Once again, postmark dates do not count.

MS. BERRY: Could I just add something? Althea Berry with Calvert County DSS.

MS. GRAY: Althea.

MS. BERRY: Any questions, please submit them electronically, you know, in writing to Becky Gray's attention, Rebecca Gray's attention, either by email or fax.

And all questions and answers will be responded to
and will be posted on eMaryland Marketplace and DHR's website, as well as the transcript of this pre-proposal meeting.

And the addenda that would come up would also be posted on eMaryland Marketplace and DHR's website.

MS. GRAY: And I put my card on the table. It has my email address, but it's also in the RFP. But, you know, any questions, don't hesitate to submit them by email.

MS. DILL: I have a question. Jennifer Dill from Ferrante and Dill.

Can we get a copy of the RFP password unprotected?

MS. GRAY: Do we have an answer to that question?

MS. GREEN: We don't have an answer to that question.

MS. BERRY: I'm sorry.

MS. GREEN: We will put it in writing. Shirelle Green of DHR.

We don't have an answer to that question yet and the response will be posted on eMaryland Marketplace.

MS. DILL: Thank you.

MS. GRAY: Anything else? Well, I thank you all very much for coming.

MS. WALSH: Thank you all for coming.

MS. GRAY: Like I said, feel free to take the card. I have to give them away to somebody.
MS. BERRY: Excuse me. Jennifer -- Althea Berry, again, Calvert County DSS.

Jennifer, Shirelle Green with DHR-Central, has a follow-up question to your question.

MS. GREEN: Shirelle Green, DHR.

Can you state why you need that solicitation password unprotected?

MS. DILL: It's in order to ensure the compliance with each aspect of it. So that as we're going through it, it's just for ensuring that we've met every single requirement of the RFP.

And it's a way -- when you parse it out, it's a way to parse out the RFP to ensure compliance. I know that it's fairly standard throughout the industry.

MS. GRAY: Thank you.

MS. BERRY: We thank you all for coming.

MS. GRAY: Thank you all so much.

(Whereupon, at 10:44 a.m., the conference concluded.)
CERTIFICATE OF REPORTER

I, Wanda L. (Granger) Zapata, a Master Certified Verbatim Reporter, do hereby certify that I took the voice written notes of the foregoing conference which I thereafter reduced to typewriting; that the foregoing is a true record of said proceedings; that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were held; and, further, that I am not a relative or employee of any person employed by the parties hereto, nor financially or otherwise interested in the outcome of the action.

WANDA L. GRANGER, CVR-M
Notary Public in and for the State of Maryland

My commission expires: January 20, 2017