

SECOND SET OF QUESTIONS & RESPONSES FOR RFP
OS/MLSP-15-001-S

32. What is the financial audit required NLT than 90 days after contract conclusion and how is it appropriate under fixed price, ID/IQ contract?

RESPONSE: The Department intends to audit the funds used for services provided under the Contracts for contract and fiscal compliance.

33. Is the cost of hiring an “independent CPA” to perform the audit allowable under the contract as an “indirect expense”?

RESPONSE: The Contracts resulting from the solicitation shall contain fixed unit prices, which includes all direct and indirect costs and expenses associated with providing the services.

34. What data is to be provided to the CPA and what should the content of the report include and is this report protected from all FOI claims under all circumstances?

RESPONSE: The Contractor must consult with its CPA to determine what information is necessary to meet the audit requirements in the RFP.

35. What is the statutory authority for requiring line item cost accounting and disclosing earned profit and loss under a fixed price contract?

RESPONSE: It is fiscally responsible and prudent for the Department to monitor and audit the funds used for services provided under the Contracts for contract and fiscal compliance.

36. How does the audit differ from certified financial statements?

RESPONSE: An audit is a certified financial statement. The Department is asking for a supplemental schedule that differentiates the DHR funding for the MLSP contract. The schedule must be attested to by the CPA.

37. What is private conflict counsel and how and by whom are they compensated?

RESPONSE: Private conflict counsel is a private attorney who is appointed by the Court to represent a client when the Contractor has a conflict of interest. The private attorney will bill the Department according to the CAAP policy.

38. Does the 1:100 attorney/client ratio refer to cases per year or clients at any one time?

RESPONSE: An attorney may not have more than 100 open cases assigned to him/her at any point in time.

39. Why are appointment orders required with the current case list and if a jurisdiction does not use appointment orders, what documentation is required instead, if any?

RESPONSE: Appointment orders are requested for purposes of auditing and monitoring the contract. If appointment orders are not available, the Offeror shall submit documentation from the court that verifies the attorney of record.

40. Please explain the requirement on page 45, Section 4.4.2.6 f., "...the Offeror will ensure the safety and security of its clients".

RESPONSE: At a minimum, the Offeror shall detail its processes for completing background checks and ensuring that its staff does not have any offending history, as well as ensuring the safety of the children it represents.

41. How does an Offeror demonstrate financial capability? Are tax returns adequate proof of financial stability?

RESPONSE: Section 4.4.2.11 Financial Capability has been revised and clarified. Please see Amendment 2. Tax returns alone are not sufficient to demonstrate financial stability.

42. What role, if any, does the State envision for case investigators in maintaining contact with the clients and does an investigator's interaction with the client count as an In-Person Contact?

RESPONSE: Only the assigned attorney's face to face In-Person Contact count toward the contract requirements. It is up to the Offeror to determine what and how to best use its proposed staff.

43. The RFP says to submit proposals in an "unbound" original and four copies. Please clarify what "unbound" means. Do you want the original in a notebook and the accompanying copies stapled?

RESPONSE: The original proposal shall be unbound and secured with a binder clip or rubberband or placed in a separate envelope. It is preferred that the copies be bound, professionally or in binders.

44. Page 13, Section 1.15.2 of the RFP states, "***In jurisdictions with a single provider, the Offeror with the highest ranking will be awarded that jurisdiction's new cases and existing case, if applicable.***" Does this statement mean that in a single provider jurisdiction, that if an incumbent provider is unsuccessful in their bid, that the incumbent provider must transfer their existing cases to the new provider?

RESPONSE: An incumbent provider who proposed to keep their existing caseload may be permitted to do so even if the incumbent does not receive a new Contract.

45. Regarding ATTACHMENT P, for clarification, this attachment represents actual CINA Petitions filed in 2014 (new children) and **all** children served in foster care of the first day of fiscal year 2014?

RESPONSE: Attachment P represents the actual CINA petitions filed in 2014.

46. Regarding ATTACHMENT BB, for clarification, do these projected fiscal year numbers for 2016-2020 include existing cases and anticipated new cases?

RESPONSE: The case projections are based on existing and anticipated new cases and take into consideration recent trends and historical data.

47. Would the Department consider increasing the case ratio to 1:120 for attorneys with two (2) or more years of experience in child welfare representation?

RESPONSE: No.

48. Regarding Section 3.2.4.7 C, must the Offeror identify all proposed staff in the proposal to fulfill the projected case assignments in each jurisdiction OR can the Offeror state the number of proposed positions in the jurisdiction and state To Be Determined (TBD)?

RESPONSE: An Offeror shall describe how it intends to meet the requirements of the RFP. Also, please refer to Sections 4.4.28 (b) and (c) and Section 5.2.2 of the evaluation criteria.

49. Would the Department consider removing the Maryland -specific child welfare legal experience requirement? And if not, would the Department consider a comprehensive supervisory plan for the attorney with two (2) or more years of child welfare representation who was NOT a member of the Maryland bar but who would require less supervision than attorneys who do not have the two (2) or more years of child welfare representation experience?

RESPONSE: No.

50. On Page 32, Section 3.2.4.7 E, the RFP states, "***the supervising attorney is to be physically present during all court-ordered proceedings.***" Would the Department be willing to remove this clause and replace it with the following?:

During the first year the supervising attorney is to be physically present during all court-ordered proceedings and during the second year the Offeror shall provide a comprehensive supervision plan for the attorney with less than two (2) years Maryland-specific child welfare representation experience, to be approved by the

Department. If the supervision plan is not to the Department's satisfaction, the attorney that does not meet the two (2) year Maryland -specific child welfare representation experience must be supervised by an attorney for the additional year, and the supervising attorney must be physically present during all court-ordered proceedings.

RESPONSE: No.

51. Is the Offeror required to submit with the Proposal **only** the Malpractice Insurance policy with the required limits or must the Offeror include the other insurance requirements mandated in the RFP?

RESPONSE: At the time of Proposal submission, the Offeror shall include evidence of whatever insurance it has in place. See Section 4.4.2.12. However, evidence of the exact insurance types and minimum limits required in Section 3.4 will be required after notice of award.

52. Page 39, Section 3.6.3, bullets CINA/TPR Case Proceedings. Please define Commitment Hearing and Extension Hearing.

RESPONSE: The terms may differ from jurisdiction to jurisdiction, but, generally a commitment hearing relates to a hearing to determine whether the child will be committed to the custody of the Department of Social Services (shelter hearing), another placement facility or whether the commitment should continue. An extension hearing may relate to the continued need for the commitment or placement.

53. Should a current Contractor who is seeking to continue providing services for its currently assigned case assignment **and** who is seeking assignment of new cases state in the Executive Summary its intent to bid on new cases?

RESPONSE: Yes

54. Regarding Proposal submission, can the unbound original be three (3) hole-punched and placed in a binder or would you like the original, unbound copy held together by a binder clip?

RESPONSE: See Response to Question 43.

55. To comply with RFP Section 4.4.2.5 on page 45, can state employees of the Department or other agencies be listed as references to verify that attorneys proposed to work under the contract meet the minimum qualifications for the Offeror? If not, whom does the Department deem to be a valid reference to comply with this provision?

RESPONSE: See Response to Question 19.

56. Regarding Incumbent Providers, should the Offeror submit criminal background check affidavits for current staff working for the Offeror with the Proposal OR should all criminal background affidavits (including current staff) be submitted seven (7) days prior to the start of the Contract?

RESPONSE: Criminal background affidavits are to be submitted with the Technical Proposal. Please see page 49 of the RFP. If criminal backgrounds results are not available by the Proposal due date, the Offeror shall indicate in its proposal the process for obtaining completed criminal backgrounds checks at the time of contract award.

57. The RFP states on page 22, Section 1/37, that the agreement known as ATTACHMENT J, *must be provided within five (5) Business Days...of proposed Contract award; however, to expedite processing, it is suggested that this document be completed and submitted with the Proposal.*” Do you want ATTACHMENT J to be submitted with the Proposal or not?

RESPONSE: It is up to the Offeror to decide.

58. Can you please provide the Offerors and unlocked copy of ATTACHMENT U-2, so that we can have it in a singular file and have the ability to type in it?

RESPONSE: Attachment U-2 will be made a separate attachment to the RFP and will be a fill-in document. See Amendment 2.

59. Regarding RFP Section 4.4.2.9 on Page 47, should the names of references be listed in the Proposal only OR should the references include written letters attesting to the Offeror’s performance of services?

RESPONSE: Letters of reference are required.

60. Can we indicate “See Attached” on the ATTACHMENT U-2 , Current Client Case List, and provide the information in the same format on an Attachment?

RESPONSE: Please use Attachment U-2 as revised. See Amendment 2.

61. Referencing RFP Sections 4.4.2.8 and 4.4.3.2, does ATTACHMENT S, Projected Staffing Form belong under Tab G or Tab O?

RESPONSE: Only one Attachment S is required and should be placed under Tab G.

62. Regarding RFP Section 1.35 and ATTACHMENTS Y AND Y-1, can more guidance be provided on how to complete these forms and can the State provide another sample more related to this procurement?

RESPONSE: A sample has been provided. Please provide a more detailed question if further explanation is required.

63. Regarding ATTACHMENT F-2, What number should be inserted into the Requested Caseload column if there are no carryover cases and we are not incumbent providers in a jurisdiction. In other words, should we use 75% of the projected new entry number on ATTACHMENT DD as the maximum requested caseload? For example, in Baltimore City, what number should be used for the requested caseload, some percentage of new entries?

RESPONSE: The requested caseload should be a number, not a percentage and must take into consideration the attorney/client ratio of 1:100.

64. RFP Section 4.4.2.9 asks for customer references. Are the bench and DSS considered our customers. If not, who would be considered appropriate customer references?

RESPONSE: See Response to Question 19.

65. Regarding RFP Section 4.4.2.5, do minimum qualifications documents include letters of reference and if so, is there any limit.

RESPONSE: Yes. In accordance with Section 4.4.2.9, a minimum of 3 references is required.

66. For incumbent providers who keep their cases, but do not request new cases, would they still get siblings of existing clients or their old clients back if those people came in under position?

RESPONSE: Incumbent providers who keep their existing cases, but do not request new cases, would not receive siblings or former clients, unless the Court determines that the appointment would be in the best interest of the child.

67. Are we required to submit the criminal background results along with the Proposal or submit them prior to the start date of the contract if we receive and award?

REVISED RESPONSE: Please see response to Question 56. The Department does not receive the actual report.

69. Regarding the appointment order requirement, are you going to allow us to submit it on a flash drive or something like that?

RESPONSE: The preference is to receive the orders electronically, but paper submissions are acceptable. See RFP Amendment 2.

70. Attachment U-2, you want us to use that exact Attachment to provide the information because it needs to be modified because we can't insert and information on the Attachment?

RESPONSE: See response to Question 58 and Amendment 2.

71. Where did you say the projected caseloads can be found?

RESPONSE: There is a projected caseload chart, ATTACHMENT BB. There's a projected caseload chart for out-of-state placements and voluntary placements, Attachments BB-1 and BB-2.

72. Should the audit coincide with the end of the organization's fiscal year or with the end date of the contract?

RESPONSE: Audits should coincide with the Contract year.

73. Are you requiring some separate order and expense (for an independent audit)...the government wants you to do a comprehensive A-133?

RESPONSE: The Department is requesting an independent audit of only the MLSP contract funds and not requesting submission of a copy of the A-133.

74. You list the proposition that technical will carry more weight than the financial, is that correct?

RESPONSE: Correct.

74. How much more weight (will the technical carry over the financial)?

RESPONSE: There are no points, there is no scoring, there is no specific weight assigned in this RFP.

75. The fiscal part will be ranked according to price?

RESPONSE: Correct. A ranking is from lowest to highest. If there are five Offerors with financial proposals, they would be ranked from the lowest Offerors' proposals, they would be ranked from the lowest Offeror's proposal to the highest, one, two, three, four, five.

76. The ranking is based on the unit of dollars in the technical (sic) side?

RESPONSE: Correct.

77. As to the technical side now, how do you rank from best to worst under what system?

RESPONSE: (For example), if there are five Offerors, the best technical proposal would be ranked number one, the second best proposal would be ranked number two, three, four and five

and so on. Then there would be an overall ranking considering the technical and the financial, and then we will get an overall ranking one through five.

78. How are you going to figure out which technical overrides what price, if you have top rank at a higher price?

RESPONSE: We will consider all of the factors in the RFP, all of the criteria, and determine which Proposal is in the best interest of the State and provides the most advantageous price for the services offered.

79. Can you check your website for the proposal date and due time?

RESPONSE: eMM website posts the accurate closing date and time for the receipt of Proposals, which is May 20, 2015, by 3:00 P.M., local time.

80. Is there a continuing period for written questions?

RESPONSE: Yes. Please submit them in writing and they will be responded to and posted to eMM and the DHR website.

81. Regarding ATTACHMENT X, Page 147 of the RFP, under the Meetings section, there is a reference to a One-On-One Follow-Up Meeting. Who attends this meeting?

RESPONSE: The reference has been removed. See RFP Amendment 2.