



THE CITY OF NEW YORK

THE MAYOR'S OFFICE OF THE CRIMINAL JUSTICE COORDINATOR

**REQUEST FOR PROPOSALS:
INDIGENT CRIMINAL DEFENSE SERVICES**

PIN # 00210DMPS413

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AUTHORIZED AGENCY CONTACT PERSON

Proposers are advised that the Authorized Agency Contact Person for all matters concerning this Request for Proposals is:

Migdalia Veloz
Criminal Justice Coordinator's Office
Municipal Building
One Centre Street, Room 1012 North
New York, New York 10007
Telephone #: (212) 676-4933
Fax #: (212) 312-0824
MVeloz@cityhall.nyc.gov

SECTION I - TIMETABLE

A. Release Date of this Request for Proposals: February 3, 2010

All questions and requests for additional information concerning this RFP should be directed to Migdalia Veloz, Agency Chief Contracting Officer, the Authorized Agency Contact Person, at:

Telephone #: (212) 676-4933
Fax #: (212) 312-0824
E-Mail Address: MVeloz@cityhall.nyc.gov

B. Pre-Proposal Conference:

Date: February 18, 2010
Time: 10:00 A.M
Location: 2 Washington Street, Room 1980

Attendance by proposers is optional but recommended by the Agency.

C. Proposal Due Date and Time and Location:

Date: March 15, 2010
Time: 3:00 p.m.
Location: Criminal Justice Coordinator's Office
Municipal Building
1 Centre Street, Room 1012 North
New York, NY 10007

E-mailed or faxed proposals will **not** be accepted by the Agency.

Proposals received at this location after the proposal due date and time are late and shall not be accepted by the agency, except as provided under New York City's Procurement Policy Board Rules. The Agency will consider requests made to the Authorized Agency Contact Person to extend the proposal due date and time prescribed above. However, unless the Agency issues a written addendum to this RFP which extends the proposal due date and time for all proposers, the proposal due date and time prescribed above shall remain in effect.

D. Anticipated Contract Start Date: January 1, 2011



SECTION II - SUMMARY OF THE REQUEST FOR PROPOSALS

A. Purpose of the Request for Proposals

The Office of the Criminal Justice Coordinator (“CJC”), established pursuant to Section 13 of the City Charter, is primarily the Mayor’s advisor on criminal justice policy and legislation and is responsible for coordinating the activities of the City’s criminal justice agencies including the Police Department, Fire Department, the Department of Correction, the Department of Probation and the Department of Juvenile Justice and serves as the City’s primary liaison with the court system, the five District Attorneys and the State criminal justice system. Additional responsibilities include oversight of the arrest to arraignment system, the use of City monies for legal services to indigent defendants, funding of alternative to incarceration programs, the City’s Court Facilities, Master Plan and Persons in Need of Supervision (PINS) services.

Pursuant to the United States Constitution, *Gideon v. Wainwright* and Section 722 of the County Law of the State of New York, the City has an obligation to provide representation for indigent criminal defendants at the trial-level. Additionally, in Bronx County, services include the representation of indigent parolees in parole revocation proceedings. Such representation will be provided to parolees in all parole revocation proceedings and will include legal representation as well as social work intervention.

The City currently contracts with seven organizations providing trial-level indigent defense representation in all five counties in New York City. These providers, along with attorneys appointed from appropriate Assigned Counsel Panels of the First and Second Judicial Departments, provide trial-level indigent defense representation

The City expects to award at least one contract in each of the five counties/boroughs in the City, and is interested in maintaining multiple providers in at least Bronx, Kings (Brooklyn), New York (Manhattan) and Queens counties, and anticipates awarding multiple contracts in each of these four counties. Vendors are eligible to receive contract awards in multiple counties. However, a separate and complete proposal must be submitted for each county. In addition, the City will consider issuing awards to vendors who propose to provide specialized services to a particular catchment area (to be determined by the proposing vendor) and who fulfill needs endemic to a specific population. A complete and separate proposal must be submitted for each catchment area.

Furthermore, the City is interested in providing representation in conflict cases and anticipates issuing awards to vendors who propose to provide representation in conflict cases. The term *conflict cases* refers to cases in which the provider at arraignment has a conflict of interest and is thereby barred from representing the defendant. Some common examples of conflict cases include the representation of co-defendants or cases in which a witness against the defendant was previously represented by the provider at arraignment. Proposers may include representation in conflict cases in their proposals, but such proposals will only be considered in conjunction with a proposal to be a provider in the proposed county or catchment area. The City will not award a contract to proposers seeking to provide representation for conflict cases only.

B. Program Description

1. Trial-level Indigent Defense Representation

Proposers will be expected to provide representation to indigent clients in all non-conflict, non-homicide criminal cases. Proposers who seek to provide services in Bronx County must propose to provide services to indigent parolees in parole revocation proceedings. Such representation will be provided to parolees on all parole revocation proceedings. Parole revocation hearings are held on Rikers Island.



Furthermore, if the proposer seeks to provide representation in conflict cases, representation will include the items listed below. Representation commences at the time of assignment either at arraignment or by order of the court. The attorney will be required to represent a client until the final resolution of their case. Such representation will include, but is not limited to, the following:

- attorney representation at all court appearances and proceedings up to and including filing notices of appeal,
- where appropriate, preparation of pre-sentence reports and referrals to alternative to incarceration and drug treatment programs,
- interlocutory appeals, where appropriate,
- grand jury proceedings,
- parole violations,
- probation proceedings,
- psychological evaluations,
- subsequent in-county arrests while the initial case is pending,
- consultations with client/jail visits, as needed,
- providing copies of motions and court papers, as requested by client, and
- consultation with client's family, as requested by client.

Additionally, the City is interested in proposers who will provide City-wide collateral consequence services in such areas as immigration, housing and other situations arising from a criminal case. In an effort to achieve the contracted caseload in each proposed county, proposers will be required to staff arraignment shifts. The exact shifts and number of shifts will be determined periodically by agreement between the contractor and the City in consultation with the Supervising Judge.

2. *Resources*

Each selected vendor will be expected to maintain an array of resources in addition to legal staff, which could include social workers, paralegals, investigators, and experts and have the capacity to serve non-English speaking clients. As required during court appearances, the proposer will be required to ensure that interpreter/translation services are available.

3. *Client-Attorney Communication/Office Space*

Providers will establish reliable methods of contact so that client-attorney communication is maintained outside of court appearances. Additionally, providers will be required to maintain a central office in each contracted county which operates during regular business hours, is accessible by public transportation and near that county's criminal court.

4. *Reporting*

Providers will be required to submit monthly data and quarterly reports and are strongly encouraged to maintain caseload data electronically. Reports will cover each calendar quarter, and will be due by the end of the month following the end of the quarter (*e.g.*, for the quarter July 1 through September 30, the report would be due by October 31). Quarterly reports should present data for the quarter and should also present cumulative data for the year. In addition to the quarterly reports as set forth above, the contractor will be required to submit monthly data on:



- Arraignment Intake (felony and misdemeanor intake)
- Percent of cases disposed at arraignment
- Number and type of dispositions including:
 - Guilty Pleas
 - ACD's
 - Trials
 - VOP-Resolved
 - Re Sentenced & SORA
 - Bench Warrant
 - Provider Relieved
 - Abated by Death
- Average caseload per attorney (felony and misdemeanor) for both supervisors and staff attorneys
- Number of video conferences held
- Cases relieved after arraignment
- New assignments post arraignment
- Average life of felonies/misdemeanors
- Average number of appearances on a case
- Average number of adjournments on a case
- Average number of client visits on a case

The contractor will follow the City's specified format for monthly reporting. These reports will be due within 10 days following the end of the month for which the report is being submitted. The City reserves the right to require additional data from the selected proposers.

C. Jurisdictions/Estimated Annual Caseloads

There were approximately 355,000 arraignments billed in City Fiscal Year 2009. Listed below are the approximate numbers of billed arraignments by county:

Kings (Brooklyn):	96,498
Bronx:	76,923
New York (Manhattan):	103,398
Queens:	68,669
Richmond (Staten Island):	13,071

CJC expects awarding multiple contracts in at least the Bronx, Kings (Brooklyn), New York (Manhattan) and Queens counties. CJC also anticipates awarding caseloads to provide representation for conflict cases to multiple providers (if proposer seeks to provide representation for conflict cases). For purposes of the RFP, an estimate of conflict caseloads in Calendar Year 2009 is provided. Conflict caseloads are a subset of the 355,000 arraignments billed in City Fiscal Year 2009. Caseloads are estimated as follows: 7.5% of arraigned arrests in Manhattan, 3.7% in Queens, 15.8% in the Bronx, 10.8% in Brooklyn, and 10.7% in Staten Island. Proposers should state in their proposals the maximum caseloads (trial-level and conflict) for which they are proposing. A complete and separate proposal must be submitted for each county or catchment area, with specified caseload maximums for each county or catchment area, as applicable. A complete and separate proposal must be submitted for each catchment area and each county with specified trial-level caseload and conflict caseloads, if applicable.



D. Program Competitions

The program competitions for which proposals are being sought through this RFP are listed below:

County-wide*

- Competition 1: Kings County (Brooklyn)
- Competition 2: Bronx County
- Competition 3: New York County (Manhattan)
- Competition 4: Queens County
- Competition 5: Richmond County (Staten Island)

*Proposals for county-wide services may include a proposal for a conflict caseload. The City will not award a contract to proposers seeking to provide representation for conflict cases only.

Catchment Areas**

- Competition 6: New York County (Manhattan), Bronx County, Kings County (Brooklyn), Queens County and Richmond County (Staten Island) catchment areas.

**CJC has not delineated specific catchment areas. Proposers are encouraged to submit proposals to provide specialized services to a particular catchment area in order to fulfill needs endemic to a specific population. Proposals for a catchment area may include a proposal for conflict cases; however, a separate and complete proposal must be submitted for each catchment area proposed. The City will not award a contract to proposers seeking to provide representation for conflict cases only.

E. Anticipated Contract Term

It is anticipated that the term of the contracts awarded from this RFP will be from July 1, 2010 to June 30, 2012. In addition, the contracts may include up to two 2-year options to renew. The Agency reserves the right, prior to contract award, to determine the length of the initial contract term and each option to renew, if any.

F. Anticipated Available Annual Funding

The Agency anticipates that the total available funding for the program citywide will be approximately \$92,480,000¹ annually. Anticipated funding for conflict cases annually is \$8,700,000.

Contracts may be awarded to multiple vendors, and annual funding will be distributed according to the negotiated caseload for each provider. There are no funding match requirements.

G. Payment Structure

It is anticipated that the payment structure of the contracts awarded from this RFP will be cost reimbursement, based upon an agreed upon line item budget. However, the Agency will consider proposals to structure payments in a different manner and reserves the right to select any payment structure that is in the City's best interest.

¹ The total funding excludes 18-b expenditures and City Council funding for indigent representation.

SECTION III - SCOPE OF SERVICES

A. Agency Goals and Objectives for this Request for Proposal

The Agency's goals and objectives for this RFP are to ensure that:

- constitutionally mandated trial-level indigent criminal defense services are provided throughout the City,
- there are multiple providers in at least Bronx, Kings, New York and Queens counties and the City anticipates multiple awards in these boroughs,
- the provider(s) selected for each county (or catchment area) will address the unique characteristics or factors endemic to that county or catchment area,
- the City maintains institutional flexibility to respond to emergent criminal justice trends,
- there are multiple providers to handle conflict cases for each county,
- the City provides cost effective representation for conflicts cases,
- the City increases the overall administrative efficiency and cost effectiveness of indigent defense services,
- the City maintains data for selected providers in order to address cost effectiveness, program efficiency, and is able to identify and respond to emergent criminal justice trends, and,
- selected providers provide collateral consequence services, thereby representing clients in ancillary matters in such areas as immigration, housing, and other situations arising from a criminal case.

B. Agency Assumptions Regarding Contractor Approach

The Agency's assumptions, applicable to all counties and catchments areas across all 6 competitions, regarding which approach for providing indigent defense services will best achieve the goals and objectives set out above are:

1. *Attorney Experience*

- the contractor would use attorneys who are admitted to the practice of law in the State of New York and who are in good standing,
- at least 50% of contractor's attorney staff would be felony or appeals certified, as appropriate, for 18-B work in the jurisdiction in which the work will be done **or** have sufficient criminal defense experience to qualify for such certification, and
- the contractor would provide appropriate and adequate supervisory attorney staff.

2. *Homicides*

- The contractor would not handle homicide cases pursuant to the contract resulting from this RFP.

3. *Client Representation*

The Attorney staff would represent clients:

- at all court appearances and proceedings up to and including filing notices of appeal,
- for interlocutory appeals, where appropriate,



- at grand jury proceedings,
- for parole violations and violations of probation,
- at subsequent in-county arrests while initial case is pending, and,
- at parole revocation hearings held on Rikers island (for Bronx County proposals only).

The City is interested in proposers who will provide City-wide collateral consequence services in such areas as immigration, housing and other situations arising from a criminal case.

Further, the attorney staff would consult with incarcerated clients in person at their jail/prison facility, as necessary, provide to client copies of motions and court papers, as requested by client and staff the arraignment parts for specified shifts each week.

Additionally, the City is interested in providing representation in conflict cases and will consider proposals that include representation in conflict cases as defined in Section II A.

4. *Support Staff*

The contractor would provide:

- bi-lingual staff (in languages specific to the client population in the proposed county), which would include attorneys,
- investigators, and
- social workers

5. *Reporting*

The City seeks to award contracts to vendors who either currently maintain an electronic database system or have a developed vision of an electronic database system that may be quickly implemented upon receipt of a contract award.

Such case electronic database system would allow the contractor to maintain internal data to measure program effectiveness and maintain information that will be reported in monthly and quarterly reports included in **Section B. 4 “Program Description.”** The contractor will follow an Agency specified format for monthly and quarterly reporting.

An effective electronic database system would allow the contractor to efficiently manage cases and report timely and accurate data. Set forth below are specifications of a basic electronic database system that would best achieve the City’s goals and objectives. The electronic database system ideally would:

Reporting

- Possess the capability to manipulate entered data to produce reports on:
 - Client Demographics
 - Arraignment Intake (felony and misdemeanor intake)
 - Percent of cases disposed at arraignment
 - Number and type of dispositions including:
 - Guilty Pleas
 - ACD’s



- Trials
- VOP-Resolved
- Re Sentenced & SORA
- Bench Warrant
- Provider Relieved
- Abated by Death
- Average caseload per attorney (felony and misdemeanor) for both supervisors and staff attorneys
- Cases relieved after arraignment
- New assignments post arraignment
- Average life of felonies/misdemeanors
- Average number of appearances on a case
- Average number of adjournments on a case
- Average number of client visits on a case

Functionality

- Allow filtering of case identifiers (percentage of cases disposed at arraignment, average caseload per attorney, number and type of disposition, etc.).
- Allow users to document progress on a case from start to finish and assess the length of a case from arraignment to disposition.
- Allow filtering of client identifiers through demographics captured within the system.
- Allow early identification of conflicts of interest.
- Allows reports to be scheduled to run on a periodic basis and produce reports in multiple formats.
- Maintain security measures to prevent external access to confidential information.

6. *Program Site/Office Space*

The contractor would maintain:

- a central office in the county or catchment area being proposed for that is near that county's Criminal and Supreme courthouses and accessible by public transportation. For vendors providing services in a particular catchment area, a central office near the courthouse is not required,
- an office space suitable for meeting with clients and/or family of clients,
- a phone answering system whereby incoming calls will be answered by staff when the office is open, at minimum Monday through Friday (except for New York City-observed holidays), 9:00 a.m. to 5:30 p.m., and
- a system for clients to leave non-emergency messages during off-hours and receive return calls within a reasonable time period, and,
- observance of national holidays when court is not in session.

7. *Library Facilities/Training/Continuing Legal Education (CLE)*

The contractor would:

- have physical access to a law library on the premises and/or on-line research capabilities will be provided for legal staff and
- arrange for the provision of ongoing relevant training for legal and non-legal staff.



C. Agency Assumptions Regarding Performance-Based Payment Structure

The Agency has determined that a performance-based payment structure that will most likely ensure that the selected proposers will perform the work under the contracts awarded from this RFP in a manner that is cost-effective for the Agency and most likely to achieve the Agency's goals.

D. Compliance with Local Law 34 of 2007

Pursuant to Local Law 34 of 2007, amending the City's Campaign Finance Law, the City is required to establish a computerized database containing the names of any "person" that has "business dealings with the city" as such terms are defined in the Local Law. In order for the City to obtain necessary information to establish the required database, vendors responding to this solicitation are required to complete the attached Doing Business Data Form and return it with this proposal submission, and should do so in a separate envelope (If the responding vendor is a proposed joint venture, the entities that comprise the proposed joint venture must each complete a Data Form). If the City determines that a vendor has failed to submit a Data Form or has submitted a Data Form that is not complete, the vendor will be notified by the agency and will be given four (4) calendar days from receipt of notification to cure the specified deficiencies and return a complete Data Form to the agency. Failure to do so will result in a determination that the proposal submission is non-responsive. Receipt of notification is defined as the day notice is e-mailed or faxed (if the vendor has provided an e-mail address or fax number), or no later than five (5) days from the date of mailing or upon delivery, if delivered.



SECTION IV - FORMAT AND CONTENT OF THE PROPOSAL

Instructions: Proposers should provide all information required in the format below. The proposal should be typed on both sides of 8 ½" X 11" paper. The City of New York requests that all proposals be submitted on paper with no less than 30% postconsumer material content, i.e., the minimum recovered fiber content level for reprographic papers recommended by the United States Environmental Protection Agency (for any changes to that standard please consult: <http://www.epa.gov/cpg/products/printing.htm>). Pages should be paginated. The proposal will be evaluated on the basis of its content, not length. Failure to comply with any of these instructions will not make the proposal non-responsive.

A. Proposal Format

1. Proposal Cover Letter

The Proposal Cover Letter form (Attachment A) transmits the proposer's Proposal Package to the Agency. It should be completed, signed and dated by an authorized representative of the proposer.

2. Program Proposal

The Program Proposal is a clear, concise narrative addressing the following:

a. Experience

Describe the successful relevant experience of the proposing *entity* and the proposed *key staff* in providing the work described in Sections II and III of this RFP. Specifically address the following in terms of the entity's experience and individual staff experience:

Entity Experience:

- Handling large indigent caseloads as set forth in Section II C.
- Overall management of a legal entity, particularly legal and non-legal support staff.
- Aggregate experience of lawyers.

In addition:

Attach letters from at least five relevant court related references (i.e., judges, ADA's or other defense counsel not related to the proposing entity) including the name of the reference entity, a brief statement describing the relationship between the proposer and the reference entity, and the name, title and telephone number of a contact person at the reference entity, for the proposer.

Individual Staff Experience:

- Individual experience of staff lawyers, social workers and investigators.



In addition:

- Attach for each key staff position a resume and/or description of the qualifications that will be required. In addition, provide a statement certifying that the proposed key staff will be available for the duration of the project.

b. Organizational Capability

Demonstrate the proposer's organizational (i.e., programmatic, managerial and financial) capability to provide the work described in Sections II and III. Specifically address the following:

- Proposed managerial hierarchy,
- Provide a summary statement of the organization's current annual gross revenue, revenue sources, types of service(s) provided, and numbers of clients served overall and by program on an annual basis,
- Any proposed funding (other than funding to be provided pursuant to the contract to be awarded from this RFP) that will support the proposed services,
- Ability to coordinate the tasks of social workers, investigators, and intake staff with attorney staff,
- Ability to develop and maintain an appropriate database and an electronic system for tracking cases, attorney appearances, investigation assignments, and,
- In the case that the proposer has submitted multiple proposals (i.e., is proposing to serve more than one jurisdiction covered by this RFP), indicate each jurisdiction for which the proposer has submitted a complete and separate proposal and demonstrate both the proposer's capacity and administrative capability to simultaneously provide effective services to all of the jurisdictions being proposed.

In addition:

- Attach a chart showing where, or an explanation of how, the proposed services will fit into the proposer's organization and,
- Attach the most recent audit report or certified financial statement or a statement as to why no report or statement is available.

c. Proposed Approach

Describe in detail how the proposer will provide the work described in Sections II and III of this RFP and demonstrate that the proposer's proposed approach will fulfill the Agency's goals and objectives. Specifically address the following:

- Demonstrate the proposer's capacity to handle the relevant estimated annual caseload and to provide the required services for that caseload as set forth in Section II C.
- Demonstrate how the proposer will assign lawyers to incoming cases.
- Demonstrate how the proposer will ensure the adequacy of staffing for arraignment shifts in order to meet the relevant prescribed caseload set forth in Section II C.



- Demonstrate how the proposer will ensure that other necessary services such as ATI, drug treatment, mental health services and the like, will be made available to clients.
- Demonstrate the effectiveness of proposer’s program model and describe the proposers program model including:
 - Arraignment Intake (felony and misdemeanor intake)
 - Percent of cases disposed at arraignment
 - Number and type of dispositions
 - Guilty Pleas
 - ACD’s
 - Trials
 - Extraditions
 - VOP-Resolved
 - Resentenced & SORA
 - Bench Warrant
 - Provider Relieved
 - Average caseload per attorney (felony and misdemeanor) for both supervisors and staff attorneys
 - Cases relieved after arraignment
 - Number of video conferences held
 - New assignments post arraignment
 - Average life of felonies/misdemeanors
 - Average number of appearances on a case
 - Average number of adjournments on a case
 - Average number of client visits on a case
- Demonstrate the proposer’s capacity to serve non-English speaking clients.
- Describe proposer’s plan for start-up (if necessary) and accomplishing administrative and management tasks.
- Demonstrate the proposer’s capability to provide the City with detailed data concerning caseloads, service levels and outcomes for each of the tasks and types of services included in this section.
- Demonstrate the proposer’s electronic database system or vision of an electronic database system that may be quickly implemented upon receipt of a contract award.
- If the proposer is not currently providing the level of service being proposed for, provide a work plan that lists the essential start-up and administrative and management tasks to be undertaken in the proposed program and provide an anticipated timetable describing start and end dates for each activity associated with proposed program start-up.
- If a proposer is seeking to provide representation in a catchment area, less than an entire county, the proposer should demonstrate in detail how it will effectively address the unique characteristics or factors (if any) endemic to the county being proposed.

If the proposer is interested in providing representation in conflict cases, identify the number of these types of cases in your proposal *separately*. Proposals for representation in conflict cases will only be considered in conjunction with a proposal for a trial-level caseload within a county or catchment area. The City will not award a contract to proposers seeking to provide representation for conflict cases only.



The Agency's assumptions regarding contractor approach represent what the Agency believes to be most likely to achieve its goals and objectives. However, proposers are encouraged to propose an approach that they believe will most likely achieve the Agency's goals and objectives. Proposers may also propose more than one approach. However, if an alternative approach affects other areas of the proposal such as experience, organizational capability or price, that alternative approach should be submitted as a complete and separate proposal providing all the information specified in Section IV of this RFP.

3. Price Proposal

Proposers are encouraged to propose innovative payment structures. The Agency reserves the right to select any payment structure that is in the City's best interest. If a proposer is interested in providing representation in conflict cases, provide a Price Proposal Form (Attachment B2) including such cases. For the purposes of comparison, proposers should submit a Price Proposal that meets the standards prescribed below.

The Price Proposal should include each of the following for providing the work described in Section III of this RFP:

- A proposed line item budget accompanied by narrative to justify each line item, for years 1 and 2 of contractor's operation in the format prescribed in the Price Proposal form attached as Attachment B2.
- A proposed line item budget accompanied by narrative to justify each line item, for years 1 and 2 of contractor's operation for conflict cases in the format prescribed in the Price Proposal form attached as Attachment B2.

4. Acknowledgment of Addenda

The Acknowledgment of Addenda form (Attachment C) serves as the proposer's acknowledgment of the receipt of addenda to this RFP which may have been issued by the Agency prior to the Proposal Due Date and Time, as set forth in Section I C, above. The proposer should complete this form as instructed on the form.

B. Proposal Package Contents ("Checklist")

The Proposal Package should contain the following materials. Proposers should utilize this section as a "checklist" to assure completeness prior to submitting their proposal to the Agency.

1. A sealed inner envelope labeled "Program Proposal," containing one original set and 5 duplicate sets of the documents listed below in the following order:
 - Proposal Cover Letter Form (Attachment A)
 - Program Proposal



- Narrative
 - Five (5) References for the Proposer
 - Resumes and/or Description of Qualifications for Key Staff Positions
 - Organizational Chart
 - Most recent audit report or certified financial statement or statement as to why no report or statement is available.
 - Acknowledgment of Addenda Form (Attachment C)
2. A sealed inner envelope labeled “Price Proposal,” containing one original set and five (5) duplicate sets of the documents listed below in the following order:
- Budget narrative (Refer to Attachment B1 for instructions)
 - Completed Price Proposal form (Attachment B2 for trial-level and conflict caseloads)
3. A third sealed inner envelope labeled “Doing Business Data Form” containing an original, completed Doing Business Data Form (Attachment D1).
4. A sealed outer envelope, enclosing the three sealed inner envelopes. The sealed outer envelope should have two labels containing:
- The proposer’s name and address, the Title and PIN # of this RFP and the name and telephone number of the Proposer’s Contact Person.
 - The name, title and address of the Authorized Agency Contact Person.

SECTION V - PROPOSAL EVALUATION AND CONTRACT AWARD PROCEDURES

A. Evaluation Procedures.

All proposals accepted by the agency will be reviewed to determine whether they are responsive or non-responsive to the requisites of the RFP. Proposals that are determined by the agency to be non-responsive will be rejected. The agency’s Evaluation Committee will evaluate and rate all remaining proposals based on the Evaluation Criteria set forth below. Proposals to provide services for a particular county will compete against other proposals submitted for that jurisdiction. The Agency reserves the right to conduct site visits and/or interviews and/or to request that proposers make presentations and/or demonstrations, as the Agency deems applicable and appropriate. Although discussions may be conducted with proposers submitting acceptable proposals, the Agency reserves the right to award contracts on the basis of initial proposals received, without discussions; therefore, the proposer’s initial proposal are expected to contain its best programmatic technical and price terms.

B. Evaluation Criteria

- | | |
|---|-----|
| • Demonstrated quantity and quality of successful relevant experience | 40% |
| • Demonstrated level of organizational capability | 10% |
| • Quality of proposed approach | 50% |



C. Basis for Contract Award

Awards will be made to the highest technically-rated proposers, consistent with the agency's need for programmatic and geographic distribution, including the City's interest in having multiple providers in Bronx, Kings (Brooklyn), New York and Queens counties, subject to the determination, in each case, that the price is fair and reasonable. Additionally, when issuing awards, the City will consider:

- whether the proposer seeks to provide specialized services to a particular catchment area and fulfill needs endemic to a specific population,
- whether the proposer seeks to handle conflict cases,
Note: Proposals for representation in conflict cases will only be considered in conjunction with a proposal for trial-level services within a county or catchment area. The City will not award a contract to proposers seeking to provide representation for conflict cases only.
- economies of scale for proposers who propose greater/higher trial level caseloads and when making a fair and reasonable determination of cost,
- the levels of attorney staff who are felony or appeals certified, as appropriate, for 18-B work in the jurisdiction in the work would be done or have sufficient criminal defense experience to qualify for such certification.

The City reserves the right to determine, based on the proposer's demonstrated organizational capability and the best interests of the City, how many and for which proposed jurisdictions and at what level of services a contract will be awarded, as well as the dollar value of each such contract. A separate and complete proposal must be submitted for each county proposed or catchment area proposed. Each county will be considered a separate competition; therefore, proposals for each county will be compared. Proposals within a county will be compared with one another. All catchment areas will be considered a competition; therefore, proposals for catchment areas, despite the county in which they are proposed, will be compared with one another. CJC will award contracts based upon the need, programmatic and geographic distribution. Contract award shall be subject to the timely completion of contract negotiations between CJC and selected proposers as well as a positive responsibility determination. Negotiations may include capacity reductions or increases as compared to the proposed capacity (all competitions).



SECTION VI - GENERAL INFORMATION TO PROPOSERS

A. Complaints. The New York City Comptroller is charged with the audit of contracts in New York City. Any proposer who believes that there has been unfairness, favoritism or impropriety in the proposal process should inform the Comptroller, Office of Contract Administration, 1 Centre Street, Room 835, New York, NY 10007; the telephone number is (212) 669-3000. In addition, the New York City Department of Investigation should be informed of such complaints at its Investigations Division, 80 Maiden Lane, New York, NY 10038; the telephone number is (212) 825-5959.

B. Applicable Laws. This Request for Proposals and the resulting contract award(s), if any, unless otherwise stated, are subject to all applicable provisions of New York State Law, the New York City Administrative Code, New York City Charter and New York City Procurement Policy Board (PPB) Rules. A copy of the PPB Rules may be obtained by contacting the PPB at (212) 788-7820.

C. General Contract Provisions. Contracts shall be subject to New York City's general contract provisions, in substantially the form that they appear in "Appendix A—General Provisions Governing Contracts for Consultants, Professional and Technical Services" or, if the Agency utilizes other than the formal Appendix A, in substantially the form that they appear in the Agency's general contract provisions. A copy of the applicable document is available through the Authorized Agency Contact Person.

D. Contract Award. Contract award is subject to each of the following applicable conditions and any others that may apply: New York City Fair Share Criteria; New York City MacBride Principles Law; submission by the proposer of the requisite New York City Department of Business Services/Division of Labor Services Employment Report and certification by that office; submission by the proposer of the requisite VENDEX Questionnaires/Affidavits of No Change and review of the information contained therein by the New York City Department of Investigation; all other required oversight approvals; applicable provisions of federal, state and local laws and executive orders requiring affirmative action and equal employment opportunity; and Section 6-108.1 of the New York City Administrative Code relating to the Local Based Enterprises program and its implementation rules.

E. Proposer Appeal Rights. Pursuant to New York City's Procurement Policy Board Rules, proposers have the right to appeal Agency non-responsiveness determinations and Agency non-responsibility determinations and to protest an Agency's determination regarding the solicitation or award of a contract.

F. Multi-Year Contracts. Multi-year contracts are subject to modification or cancellation if adequate funds are not appropriated to the Agency to support continuation of performance in any City fiscal year succeeding the first fiscal year and/or if the contractor's performance is not satisfactory. The Agency will notify the contractor as soon as is practicable that the funds are, or are not, available for the continuation of the multi-year contract for each succeeding City fiscal year. In the event of cancellation, the contractor will be reimbursed for those costs, if any, which are so provided for in the contract.

G. Prompt Payment Policy. Pursuant to the New York City's Procurement Policy Board Rules, it is the policy of the City to process contract payments efficiently and expeditiously.

H. Prices Irrevocable. Prices proposed by the proposer shall be irrevocable until contract award, unless the proposal is withdrawn. Proposals may only be withdrawn by submitting a written request to the Agency prior to contract award but after the expiration of 90 days after the opening of proposals. This shall not limit the discretion of the Agency to request proposers to revise proposed prices through the submission of best and final offers and/or the conduct of negotiations.

I. Confidential, Proprietary Information or Trade Secrets. Proposers should give specific attention to the identification of those portions of their proposals that they deem to be confidential, proprietary information or trade secrets and provide any justification of why such materials, upon request, should not be disclosed by the City. Such information must be easily separable from the non-confidential sections of the proposal. All information not so identified may be disclosed by the City.

J. RFP Postponement/Cancellation. The Agency reserves the right to postpone or cancel this RFP, in whole or in part, and to reject all proposals.

K. Proposer Costs. Proposers will not be reimbursed for any costs incurred to prepare proposals.

L. Charter Section 312(a) Certification.

The Agency has determined that the contract(s) to be awarded through this Request for Proposals will not directly result in the displacement of any New York City employee.



Agency Chief Contracting Officer

2/1/10
Date

Message from the New York City Vendor Enrollment Center
Get on mailing lists for New York City contract opportunities!
Submit a NYC-FMS Vendor Application - Call 212/857-1680



ATTACHMENT A
PROPOSAL COVER LETTER
RFP TITLE: REQUEST FOR PROPOSALS for INDIGENT CRIMINAL DEFENSE SERVICES
PIN # 00210DMPS413

Proposer:

Name: _____

Address: _____

Employer Identification #: _____

Proposer's Contact Person:

Name: _____

Title: _____

Telephone #: _____

Competition Proposed

County-wide (select one)

- Competition 1: Kings County (Brooklyn)
- Competition 2: Bronx County
- Competition 3: New York County (Manhattan)
- Competition 4: Queens County
- Competition 5: Richmond County (Staten Island)

Does proposal include conflict cases? YES NO

Note: The City will not award a contract to proposers seeking to provide representation for conflict cases only.

Catchment Areas

- Competition 6: New York County (Manhattan), Bronx County, Kings County (Brooklyn), Queens County and Richmond County (Staten Island) catchment areas

Proposed Catchment Area: _____

Does proposal include conflict cases? YES NO

Note: The City will not award a contract to proposers seeking to provide representation for conflict cases only.

Proposer's Authorized Representative:

Name: _____

Title: _____

Signature: _____

Date: _____

