

**New York State  
Office of Indigent Legal Services**

***Funding Announcement***

**Fourth Family Defense (Child Welfare)  
Quality Improvement & Caseload Reduction Grant**

**NYS Office of Indigent Legal Services  
Request for Proposals**

The New York State Office of Indigent Legal Services (“ILS”) and nine-member Indigent Legal Services Board (“Board”) were created in 2010 pursuant to Executive Law §§ 832 and 833. ILS’ statutory mission is “to monitor, study and make efforts to improve the quality of services provided pursuant to Article 18-B of the county law.” Under the direction of and pursuant to the policies established by the Board, ILS assists county governments in the exercise of their responsibility to provide quality representation of persons who are legally entitled to counsel but cannot afford to hire an attorney. The assistance provided by ILS includes distributing State funds and targeting grants to counties and New York City in support of innovative and cost- effective initiatives to enhance the quality of representation provided to people entitled to counsel under County Law Article 18-B.

**Timelines for This Request for Proposals**

<b>RFP Release Date</b>	<b>Wednesday, August 21, 2024</b>
<b>Questions Due By</b>	<b>Friday, September 6, 2024, 5:00 p.m. ET</b>
<b>Answers Posted By</b>	<b>Friday, September 13, 2024</b>
<b>Proposal Due Date</b>	<b>Friday, October 18, 2024, 5:00 p.m. ET</b>
<b>Award Announcement</b>	<b>December 2024</b>
<b>Tentative Contract Start Date</b>	<b>January 2025</b>

## Intent of this Request for Proposals

ILS announces the availability of funds and is soliciting proposals from New York State counties to develop new, innovative programs or practices to improve the quality of representation provided to parents<sup>1</sup> accused of child maltreatment who cannot afford to retain counsel, including reduced attorney caseloads, access to counsel during the child welfare investigation, utilization of an interdisciplinary approach to representation, and high-quality training opportunities.

The intent of this Request for Proposals (RFP) is to support local initiatives aimed at improving the quality of legal representation provided to parents in child protective matters as defined in Family Court Act Article 10.<sup>2</sup> Quality legal representation for parents in these proceedings is of heightened importance since the individuals targeted are disproportionately poor, Black and Indigenous, and typically lack the information, resources, and social capital necessary to respond effectively to government action which often includes temporary or permanent family separation. Improvements in this area of practice will also promote better Family Court decision-making, reduce needless separation of children from their families, save foster care costs, diminish disparate racial impacts of this system on families, and reduce long-term costs to the state and to counties.

*PLEASE NOTE: Counties that were awarded any previous ILS Family Defense (Child Welfare) Quality Improvement and Caseload Reduction Grant are NOT eligible to apply for this grant.*<sup>3</sup>

### Section I: Background

Parents' interest in their children's care and custody is a fundamental liberty interest.<sup>4</sup> Depriving a parent of the right to raise a child is "often ... the more grievous" compared to a prison sentence.<sup>5</sup> The United States Supreme Court has emphasized that parents' fundamental liberty interest in associating with and raising their children "does not evaporate simply because they have not been model parents or have lost temporary custody of their child to the State. Even when blood relationships are strained, parents retain a vital interest in preventing the irretrievable destruction of their family life."<sup>6</sup> Moreover, children have their own legal interest and right to be raised by

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<sup>1</sup> Please note that for purposes of this Request for Proposals, the term "counties" includes the City of New York.

<sup>2</sup> In this RFP, the terms "child welfare," "child protective" and "State intervention" are used interchangeably and refer generally to abuse and/or neglect proceedings pursuant to Article 10 of the Family Court Act, as well as foster care placement, termination of parental rights, surrender, destitute minor, and permanency planning proceedings. Child protective services agencies are referred to as "CPS" or "DSS" agencies.

<sup>3</sup> Counties that were awarded a previous ILS Family Defense (Child Welfare) Quality Improvement and Caseload Reduction Grant and are therefore not eligible to apply for this grant are: Albany, Allegany, Cattaraugus, Chautauqua, Chemung, Cortland, Dutchess, Erie, Genesee, Greene, Livingston, Madison, Monroe, New York City, Onondaga, Ontario, Putnam, Rensselaer, Saratoga, Schenectady, Schuyler, Steuben, Suffolk, Sullivan, Tompkins, Ulster, Washington, and Westchester.

<sup>4</sup> *Troxel v. Granville*, 530 U.S. 57, 65 (2000).

<sup>5</sup> *Lassiter v. Department of Social Services*, 452 U.S. 18, 59 (1981) (Stevens, J., dissenting).

<sup>6</sup> *Santosky v. Kramer*, 455 U.S. 745, 753 (1982).

their parent.<sup>7</sup>

Recognizing this fundamental liberty interest, in 1972 the New York State Court of Appeals held that poor parents accused by the government of child maltreatment under Family Court Act Article 10 have a constitutional right to publicly-funded legal representation.<sup>8</sup> Citing the “gross inherent imbalance of experience and expertise” between the State and an unrepresented parent, the Court of Appeals reasoned that “[a] parent’s concern for the liberty of the child, as well as for his care and control, involves too fundamental an interest and right to be relinquished to the State without the opportunity for a hearing, with assigned counsel if the parent lacks the means to retain a lawyer.”<sup>9</sup> In 1975, this decision was codified in §§ 261 and 262 of the New York Family Court Act. Since then, New York courts have made it clear that the constitutional standard of effective assistance of counsel afforded defendants in criminal proceedings under the New York State Constitution is equally applicable in state intervention cases.<sup>10</sup>

Despite these well-established legal mandates, attorneys representing parents in Article 10 matters face multiple challenges in providing quality representation. These challenges are detailed in the February 2019 INTERIM REPORT OF THE COMMISSION ON PARENTAL REPRESENTATION (“2019 Interim Report”). Convened by then-Chief Judge Janet DiFiore, the Commission’s mandate is “to examine the current state of representation for indigent parents in constitutionally and statutorily mandated family-related matters, and to develop a plan to ensure the future delivery of quality, cost-effective parental representation across the state.”<sup>11</sup> The Commission found that the most prominent challenges parent representation providers face are overwhelming attorney caseloads, insufficient access to essential supports and resources, and failure to provide parents with timely access to counsel.

ILS’ STANDARDS FOR PARENTAL REPRESENTATION IN STATE INTERVENTION MATTERS call for, “...sufficient time and resources necessary to provide high quality representation to each client.”<sup>12</sup> Establishment of and compliance with caseload standards is an effective means of ensuring sufficient time and resources, and in fact, there are existing caseload caps for attorneys

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<sup>7</sup> Assessing the private interests at stake in the fact-finding stage of a child protective case, the *Santosky* Court observed that “the State cannot presume that a child and his parents are adversaries,” and that, until the State proves parental unfitness, “the child and his parents share a vital interest in preventing erroneous termination of their natural relationship.” *Id.* at 760.

<sup>8</sup> *Matter of Ella B.*, 30 N.Y.2d 352 (1972).

<sup>9</sup> *Id.* at 356-357 (cites omitted).

<sup>10</sup> *Brown v. Gandy*, 3 N.Y.S.3d 486 (4<sup>th</sup> Dept. 2015) (“... because the potential consequences are so drastic, the Family Court Act affords protections equivalent to the constitutional standard of effective assistance of counsel afforded defendants in criminal proceedings;” previous decisions requiring a showing of “actual prejudice to prevail on a claim of ineffective assistance of counsel under the New York Constitution” are no longer to be followed); *see also Matter of Jaikob O.*, 931 N.Y.S.2d 156 (3rd Dept. 2011); *Matter of Eileen R.*, 912 N.Y.S.2d 350 (3rd Dep’t 2010); *Matter of Alfred C.*, 655 N.Y.S.2d 589 (2d Dept. 1997).

<sup>11</sup> *Commission on Parental Legal Representation: Interim Report to Chief Judge DiFiore*, at 4. This report is available at: [http://ww2.nycourts.gov/sites/default/files/document/files/2019-02/PLR\\_Commission-Report.pdf](http://ww2.nycourts.gov/sites/default/files/document/files/2019-02/PLR_Commission-Report.pdf).

<sup>12</sup> New York State Office of Indigent Legal Services *Standards for Parental Representation in State Intervention Matters*, See D-2. <https://www.ils.ny.gov/files/Parental%20Representation%20Standards%20Final%20110615.pdf>

representing children<sup>13</sup> and for attorneys providing public criminal defense representation.<sup>14</sup> In June 2021, the ILS Board approved CASELOAD STANDARDS FOR PARENTS' ATTORNEYS IN NEW YORK STATE FAMILY COURT MANDATED REPRESENTATION CASES ("ILS caseload standards").<sup>15</sup> The ILS Board approval of these standards was made contingent on the availability of state funding to enforce them.

State funding has been made available to effectuate caseload standards in criminal cases. But while New York has "made significant strides in improving the representation of indigent criminal defendants in recent years"<sup>16</sup> as a result of the *Hurrell-Harring v. The State of New York* settlement and subsequent state funding to expand those improvements statewide, mandated representation of parents in Article 10 matters continues to be under-funded and under-resourced.<sup>17</sup> Notably, the federal government has stepped in to assist states and local municipalities in their efforts to improve the quality of family defense: in 2019 the federal Children's Bureau issued revised and new policies that allow state Title IV-E agencies (the Office of Children and Family Services (OCFS) in New York) to obtain federal subsidy for certain expenses related to representation of parents in all stages of child protective matters, from CPS investigations through terminations of parental rights and appeal proceedings.<sup>18</sup> For these reasons, this RFP is targeted specifically for caseload reduction and quality improvement initiatives for the representation of assigned counsel eligible parents in child welfare/family defense matters. Section II: Project Description – What This RFP Is Seeking to Achieve

ILS has established this RFP to assist counties in implementing initiatives that improve the quality of legal representation provided to parents in child protective matters as defined in Family Court Act Article 10. Please note:

- Proposals must be developed in consultation with representatives of each County Law Article 18-B Family Court mandated representation provider in the applicant's county, including the person with responsibility for overseeing the county's Assigned Counsel

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<sup>13</sup> 22 NYCRR § 127.5.

<sup>14</sup> Executive Law § 832 (4); ILS, A Determination of Caseload Standards, ILS, A Determination of Caseload Standards pursuant to § IV of the *Hurrell-Harring v State of New York Settlement* (Dec. 2016), available at <https://www.ils.ny.gov/files/Caseload%20Standards%20Report%20Final%20120816.pdf>.

<sup>15</sup> This document is available at: [Caseload Standards Parents Attorneys NYS Family Court.pdf](#).

<sup>16</sup> *Commission on Parental Legal Representation: Interim Report to Chief Judge DiFiore*, at 9. [http://ww2.nycourts.gov/sites/default/files/document/files/2019-02/PLR\\_Commission-Report.pdf](http://ww2.nycourts.gov/sites/default/files/document/files/2019-02/PLR_Commission-Report.pdf)

<sup>17</sup> *Memorandum in Support of State Funding for Mandated Parental Representation*, New York State Bar Association, Committee on Families and the Law (January 2018), <https://nysba.org/app/uploads/2020/02/CORRECTED-FINAL-4-17-2018.pdf>

<sup>18</sup> *Utilizing Title IV-E Funding to Support High-Quality Legal Representation and Promote Child and Family Well-Being*, ACYF-CB-IM-21-06, U.S. Dep't of Health and Human Services, Administration for Children and Families, Children's Bureau, (January 14, 2021), <https://www.acf.hhs.gov/cb/policy-guidance/im-21-06>; see also Mark Hardin, *Claiming Title IV-E Funds to Pay for Parents' and Children's Attorneys: A Brief Technical Overview*, Child Law Practice Today, American Bar Association (February 2019), [https://www.americanbar.org/groups/public\\_interest/child\\_law/resources/child\\_law\\_practiceonline/january---december-2019/claiming-title-iv-e-funds-to-pay-for-parents-and-childrens-attor/](https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/january---december-2019/claiming-title-iv-e-funds-to-pay-for-parents-and-childrens-attor/)

Plan.

- No county may submit more than one proposal.
- Proposals that rely on statutory changes for their implementation will not be funded.
- Funding of proposals is limited to the representation of clients pursuant to County Law Article 18-B in Family Court Act Article 10 matters, and all other Family Court petition types that occur during the representation of the client at all stages of the Article 10 matter, including during a CPS investigation before court action is initiated.<sup>19</sup>

While no one specific basis is required to secure an award, nor do the bases noted here constitute an exclusive list, proposals are sought for the provision of legal representation in such matters that would enhance existing services, create new and innovative approaches which address the quality of representation, or both, including:

- Reduced caseloads: Proposals that seek to reduce attorney caseloads to enhance the quality of representation in Family Court Act Article 10 proceedings are strongly encouraged. Such proposals should identify protocols that will be implemented, explain how the protocols will reduce caseloads, and, if relevant, describe how a caseload-reducing protocol will be implemented in relation to other quality enhancement measures.
- Increased access to and use of specialized services: As set forth in the ILS STANDARDS FOR PARENTAL REPRESENTATION IN STATE INTERVENTION MATTERS, an inter multi-disciplinary approach is foundational to quality representation in Family Court Act Article 10 cases. Proposals that involve new or increased access to and utilization of specialized resources including social workers, parent advocates, expert witnesses, or administrative supports are also encouraged.
- Child welfare investigation representation. Proposals that seek to connect parents with timely legal representation during the Child Protective Services (CPS) investigation, prior to the filing of any court petition, are strongly encouraged. As noted in the COMMISSION ON PARENTAL LEGAL REPRESENTATION: INTERIM REPORT TO CHIEF JUDGE DiFIORE, such investigation representation in child welfare proceedings can “contribute to more expeditious provision of appropriate, individualized services to families; assist in placing children with relatives, rather than in foster care with strangers; prevent unnecessary removals of children; and avoid unnecessary court proceedings.”<sup>20</sup> Community outreach, a proactive approach for ensuring that parents know their rights if CPS initiates an investigation, may be a component of this quality initiative. This can include budgeting for a “Know Your Rights” campaign and reach-out to community-based organizations that serve low-income populations.

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<sup>19</sup> ILS understands that clients facing Family Court Article 10 matters often face other Family Court petition types during the pendency of the Article 10 matter. To promote comprehensive and holistic representation of clients, the funding from this RFP can be used for representation on these other petition types that arise during the representation of a client on an Article 10 matter.

<sup>20</sup> *Commission on Parental Legal Representation: Interim Report to Chief Judge DiFiore*, at 22.

When developing proposals, counties are also encouraged to:

- Propose plans that address obstacles to quality representation faced by **all** the county's providers of mandated representation in Family Court matters (primary provider and conflict provider[s]).
- Incorporate access to high-caliber trainings, including legal content and skills- based training.
- Include initiatives that promote compliance with ILS' STANDARDS FOR PARENTAL REPRESENTATION IN STATE INTERVENTION MATTERS.<sup>21</sup>
- Consider initiatives to attract potential candidates for a career in parent representation through supervised, paid internship programs for college, law, and graduate students.

## **Section II: Funding and Contract Period**

ILS plans to disburse a total amount of \$13,620,140 by awarding grants to counties. Each grant will be operationalized by a three-year contract between ILS and the county, with an award of up to \$250,000 per year for each of three years (for a contract total of up to \$750,000). Counties may submit proposals either at or less than the maximum amount.

## **Section III: Who is Eligible to Apply for This Request for Proposals**

Only New York State counties are eligible to apply. *Counties that were awarded any previous ILS Family Defense (Child Welfare) Quality Improvement and Caseload Reduction Grant are NOT eligible to apply for this grant.*<sup>22</sup> Proposals must be submitted by an authorized county official or designated employee of the governing body of the applicant county. There is no funding match or any other cost to the county necessary to participate in this project.

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<sup>21</sup> *Standards for Parental Representation in State Intervention Matters*, New York State Office of Indigent Legal Services (2015), <https://www.ils.ny.gov/files/Parental%20Representation%20Standards%20Final%20110615.pdf>.

<sup>22</sup> Counties that were awarded a previous ILS Family Defense (Child Welfare) Quality Improvement and Caseload Reduction Grant and are therefore not eligible to apply for this grant are: Albany, Allegany, Cattaraugus, Chautauqua, Chemung, Cortland, Dutchess, Erie, Genesee, Greene, Livingston, Madison, Monroe, New York City, Onondaga, Ontario, Putnam, Rensselaer, Saratoga, Schenectady, Schuyler, Steuben, Suffolk, Sullivan, Tompkins, Ulster, Washington, and Westchester.

## **Section IV: Instructions for Completing This Request for Proposals**

The RFP is available online at <https://www.ils.ny.gov/node/224/pending-rfps>. Requests for the RFP may be made by email to [RFP@ils.ny.gov](mailto:RFP@ils.ny.gov) or by telephone by calling Liah Darlington at (518) 486-2028 or (518) 691-7518. No responses will be provided to inquiries made by telephone other than to request a copy of this RFP.

### **RFP Questions and Answers**

Questions or requests for clarification regarding the RFP should be submitted via email **only**, citing the RFP page and section, by 5:00 p.m. Eastern Time on September 6, 2024 to [QA@ils.ny.gov](mailto:QA@ils.ny.gov). When corresponding by email, please use the subject line: **Fourth Family Defense RFP**. Questions received orally, to an email other than [QA@ils.ny.gov](mailto:QA@ils.ny.gov), or after the deadline will not be answered.

Questions and answers will be announced and posted online by September 13, 2024 at: <https://www.ils.ny.gov/node/224/pending-rfps>. The name of the party submitting the question will not be posted.

### **Application Submission**

Applications may be submitted via mail, email, or hand delivery. All submissions must contain the complete application. Only complete applications will be reviewed and evaluated.

**All applications must be received by 5:00 p.m. Eastern Time on October 18, 2024. Late applications will not be considered.**

If submitting an application by mail or hand delivery, this RFP requires the submission of five (5) copies.

**By mail:** Jami Blair, Assistant Counsel  
Office of Indigent Legal Services  
Alfred E. Smith Bldg., Suite 1147  
80 South Swan Street  
Albany, NY 12210

**Hand delivery:** Please call the Office of Indigent Legal Services at 518-486-2028 in advance to arrange for building security clearance.

Office of Indigent Legal Services  
Alfred E. Smith Building, Suite 1147  
80 South Swan Street  
Albany, NY 12210

**By email:** Electronically submitted proposal applications must be emailed to [RFP@ils.ny.gov](mailto:RFP@ils.ny.gov). All required documents or attachments must be included in the electronic submission. When corresponding by email, please use the subject line: **Fourth Family Defense RFP**.

If you submit your application electronically successfully, you will receive an automatically generated email confirming receipt by ILS. If you do not receive an email confirming receipt, please contact Jami Blair at (518) 486-5457 or by email at [jami.blair@ils.ny.gov](mailto:jami.blair@ils.ny.gov).

## **Section V: Proposal Application**

### **Application Format**

The following components must be included in the application for the submission to be complete:

- Project Summary (not more than 2 pages in length)
- Proposal Narrative (not more than 10 pages in length)
- Budget and Justification
  - Budget (See Attachment A of this RFP)
  - Justification (not more than 2 pages in length)

#### **I. PROJECT SUMMARY (not scored)**

Provide a project summary of your proposal which includes the information listed below. **To ensure uniformity, please limit the length of the project summary to no more than two pages (double-spaced, with margins of 1 inch on all sides, using no less than a 12-point font).**

The project summary should include the following information:

1. Identification of the county requesting funds;
2. The authorized county official or designated employee of the applicant county's governing body to whom notification of a grant award shall be sent. Please include contact information: name, title, phone number, address, and email address.
3. Fiscal intermediary name and address (identify the department and/or individual responsible for fiscal reporting for this project);
4. Amount of funding requested; and
5. A concise description of the proposed project, no more than four sentences long.



## II. PROPOSAL NARRATIVE (90 points)

A maximum of 90 points may be awarded to an RFP application based on the proposal narrative. Points will be applied as follows:

- Part A (Plan of Action): 70 points (58% of maximum points available)
- Part B (Data Collection, Performance Measurement, and Evaluation): 20 points (17% of maximum points available)

Please address the questions listed below in the order and format in which they are presented. Each response should be numbered and identify the specific item being addressed. Applicants will be evaluated on the information they provide. Please do not submit information that is not specifically requested. **The Proposal Narrative should not be more than ten (10) pages in length (double-spaced, with margins of 1 inch on all sides, using no less than a 12-point font).**

### **Part A: Plan of Action**

1. Describe the obstacles to providing quality representation in Family Court Act Article 10 matters that your county's providers of mandated representation confront and that your plan is intended to address. The obstacles identified should be ones that can be addressed by this funding, which may include, but not be limited to, the impact of excessive caseloads, lack of early intervention/services, insufficient access to specialized services that allow for an interdisciplinary approach to representation, insufficient access to training, etc. **(10 Points)**
2. Describe the plan you will implement to address the obstacles to providing quality representation you identified in Question #1 (e.g., excessive caseloads, lack of early intervention/pre-petition services, insufficient access to specialized services that allow for a multi-disciplinary approach to representation, insufficient access to training, etc.). In your response, please do not describe plans for training; if training is part of your plan, please address it in Question #4 below. **(20 Points)**
3. Describe the specific roles all of the providers of mandated Family Court representation in your county will have in your plan. **(10 Points)**
4. Identify any training or mentoring that will be provided to meet your plan objectives, and which positions, including supervisory staff, will receive the training/mentoring. **(10 Points)**
5. Describe the current Family Court staffing structure for all of the providers of Family Court representation in your county, and any anticipated changes required to implement your plan, including whether existing staff will perform tasks, or if new staff will need to be hired. **(5 Points)**

6. Describe how you will assure your plan is feasible and how you will monitor the plan such that obstacles to implementation can be identified and necessary adjustments made. **(5 Points)**
7. Specify how your plan is expected to achieve greater compliance with ILS standards, particularly ILS STANDARDS FOR PARENTAL REPRESENTATION IN STATE INTERVENTION MATTERS. Specific standards should be referenced. **(5 Points)**
8. Identify who will be the lead person(s) responsible for plan implementation, and their qualifications. If the plan includes more than one provider of mandated representation, please specify the lead person(s) for each provider. **(2 Points)**
9. Describe how and to what extent you consulted with the leader of each provider of Family Court representation under Article 18-B of the County Law and, if applicable, the willingness of any other agencies to cooperate in the implementation of your plan. **(3 Points)**

### **Part B: Data Collection, Performance Measurement, and Evaluation**

1. Describe the metrics that will be used to demonstrate that your plan has been successfully implemented, i.e. how will you measure changes while your plan is implemented. For example, if your plan is to reduce caseloads, specify how you will measure caseloads in a way that is appropriate to gauge implementation of your plan.<sup>23</sup> If your plan will increase access to specialized services, specify how you will show that these resources, or attorney access to them, was increased. **(5 Points)**
2. Describe the specific improvements in the quality of representation that you anticipate resulting from your plan, and how these will be measured. For example, if your plan is to reduce caseloads, specify the attorney behavior you expect to see as a result of reduced caseloads. If your plan is to increase access to specialized services, specify how you will measure utilization of these services and the impact on the quality of representation. Where possible, also provide ‘baseline’ figures for the measures you will use which reflect the situation in your program as it stands at present if such measures are available. **(10 Points)**
3. Describe how you will collect the data necessary for Questions #1 and #2. Indicate whether you will use your current case management system or whether staffing, programmatic, or technological changes need to be made to track required data and how these would be accomplished, including implementation of office protocols for collecting information or changes to your case management system or other systems for maintaining and reporting data. **(5 Points)**

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<sup>23</sup> ILS recognizes that for many counties, the funding made available in this RFP will not be sufficient for compliance with the ILS *Caseload Standards for Parents’ Attorneys in New York State Family Court Mandated Representation Cases*. Nonetheless, applicants seeking to reduce attorney caseloads should refer to these standards both for a sense of the optimum attorney caseloads in Family Court matters and for information about measuring caseloads.

### III. BUDGET AND COST (30 points)

Successful applications will include budget plans that are consistent with the proposal action plan, administrative costs, justification for each requested budget line, cost benefits, and highest potential for successful outcomes in assisting providers. Complete the attached Budget Form and return with the proposal. Please address the following:

1. Budget: **Using the attached Budget Form (Attachment A)**, provide a detailed, **annualized three-year budget** containing reasonable and necessary costs. The budget for the proposed project must be consistent with the terms of the RFP. **(15 points)**
2. Budget Justification: **The Budget Justification document may not be more than two (2) pages in length (double-spaced, with margins of 1 inch on all sides, using no less than a 12-point font)**. Include a separate document containing the narrative for each budget line included in the Budget Form, explaining how the proposed expense relates to the implementation of the overall proposal, and why the amount budgeted is necessary to implement the plan described in the proposal. Each budget line item should have its own concise explanation. If the proposal includes subcontracting with other entities, provide a brief explanation of the purpose of the subcontracting relationship. Please also describe how the county will monitor expenditures during the life of the grant to ensure that the project stays within the budget. **(15 points)**

### Section VI: Review and Selection Process

ILS will conduct a two-level review process for all submitted proposals:

The first level entails a Pass/Fail review, conducted by ILS staff, to ensure that the application is responsive to the conditions set forth in the RFP. ILS will reject any applications that do not clearly and specifically address the purposes of this funding opportunity and/or fail to meet any of the following criteria:

1. The RFP was submitted within the designated time frame.
2. The RFP was submitted consistent with the format requested by the Office.
3. The applicant is an eligible entity as specified within the RFP.
4. The proposal purpose is for that intended by the RFP.
5. The proposal included a budget and budget justification.

The second level consists of a scored comprehensive proposal review that involves a thorough evaluation of the submitted proposal specifically related to the project work plan, performance measurement and evaluation, organizational capability, overall strength of plan, and the budget and corresponding budget justification. The proposal review and rating will be conducted using the criteria stated in this Funding Announcement. ILS will typically use staff, and others with expertise in the RFP topic area, to comprise the proposal review team. Each reviewer will assign a score up to a maximum of 120 points to each application; individual scores will be averaged to determine the applicant's final score. Applicants' scores will be ranked in order. ILS reserves

the right to conduct follow-up discussions with applicants to clarify information in the submitted proposal. In the event of a tie (identical scores), ILS will look at the highest scores of these sections of the proposals to determine an award: first, the “Plan of Action” portion of the proposal, and if these scores are the same, next the “Budget and Cost” portion of the proposal. In addition, in the event there are any remaining funds after making awards in accordance with the Review and Selection Process, ILS reserves the right to allocate the grant funds in a manner that best suits program needs as determined by ILS. Such a plan will be subject to review and approval by the Office of the State Comptroller.

## **Section VII: Awarding of Grants**

### **Contract Development Process**

It is anticipated that applications will be reviewed and that successful applicants will be notified of funding decisions in December 2024. All commitments are subject to the availability of state funds. The proposal review team will recommend to ILS the highest ranked proposals that fully meet the terms of the RFP. The funds will be awarded in rank order from the highest to the lowest proposal scores. The final total applicant score will be the cumulative total of the second level review.

The contract process and final contracts are subject to the approval of the State Attorney General and the Office of State Comptroller (OSC). Upon such approvals, the grant process will begin, and all terms of the contract become public information.

As part of the grant award process, the grantee and ILS will establish a mutually agreed upon final budget and work plan, which become the contract deliverables.

Grantees will be required to submit both an implementation narrative that details the particularities of implementation and bi-annual progress reports to ILS. These reports should include a narrative of obstacles encountered during implementation, and efforts to overcome these obstacles. Additionally, applicants should anticipate that data collected by the program in accordance with Section II(B) of this RFP will be required to be reported in aggregate form to ILS as a means of understanding the impact of the program, its successes, and the challenges that remain. ILS staff are available to assist grant recipients with how to best collect data in ways that are convenient to the county’s/program’s capabilities, clearly assess the goals of the project, and assure the collection of information that is of the highest possible quality. ILS may suggest the use of a specific data collection protocol, or work with programs to employ existing, in-house case tracking software to produce data.

ILS reserves the right to:

- Negotiate with applicants, prior to award, regarding work plans, budget line levels, and other issues raised within the RFP review to achieve maximum impact

from the grant award, and serve the best interests of New York State and ensure that budgets are consistent with proposed action plans; and

- If unable to negotiate the contract with the selected applicants within 60 days, ILS may withdraw the award and begin contract negotiations with the next highest scoring qualified applicant(s).

### **Debriefings**

Unsuccessful applicants may, within ten (10) business days of notification of non-selection, request a debriefing with ILS to discuss the evaluation of their proposal. Such request may be submitted in writing to [QA@ils.ny.gov](mailto:QA@ils.ny.gov).

### **Payment**

Each county will be reimbursed for expenses incurred pursuant to grant related activities including salary, benefits, travel, and related expenses. No payments will be made until the contract is fully executed and approved by the State Attorney General and the State Comptroller.

## **Section VII: Funding Requirements**

Funding for this RFP has been appropriated to improve the quality of mandated parental representation and is intended to supplement (add to, not replace) county resources for delivering such representation.

***Supplanting is prohibited:*** Any funds awarded to a county pursuant to this RFP shall be used to supplement and not supplant any local funds, as defined in paragraph (c) of subdivision 2 of section 98-b of the State Finance Law, or state funds, including any funds distributed by the Office of Indigent Legal Services, which such County would otherwise have had to expend for the provision of counsel and expert, investigative and other services pursuant to Article 18-B of the County Law.

The issuance of this request for proposals does not obligate the Office of Indigent Legal Services to award grants.

## ATTACHMENT A BUDGET FORM

<b>County</b>	
<b>Budget Contact Person's Name</b>	
<b>Phone</b>	
<b>Email Address</b>	

### Budget Detail Section:

<b>1. Personnel:</b>				
	FTE	Year 1	Year 2	Year 3
(Example)	100%			
0. Title: Project Coordinator				
Annual Salary		\$45,000	\$45,000	\$45,000
Annual Fringe		\$12,600	\$12,600	\$12,600
1. Title:				
Annual Salary				
Annual Fringe				
2. Title:				
Annual Salary				
Annual Fringe				
<b>Subtotal Personnel</b>				

<b>2. Contractual/Consultant:</b>			
Service	Year 1	Year 2	Year 3
<b>Subtotal Contractual/Consultant</b>			

<b>3. OTPS:</b>			
<b>Item</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>
<b>Subtotal OTPS</b>			

<b>Cost Categories</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>
1. Personnel Services			
2. Contractual/Consultant Services			
3. Non-Personnel Services/OTPS			
<b>Total</b>			
<b>Three Year Total</b>			

**An authorized officer of the county must sign the budget form.**

**County:** \_\_\_\_\_

**County Authorized Officer (please print):** \_\_\_\_\_