

New York State Office of Indigent Legal Services

Funding Announcement

Third Regional Immigration Assistance Centers

NYS Office of Indigent Legal Services Request for Proposals

The New York State Office of Indigent Legal Services (“ILS”) and its 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 discretion 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 to support innovative and cost-effective initiatives to enhance the quality of representation provided to people entitled to counsel under County Law Article 18-B.

Timeline for This Request for Proposals

RFP Release Date	Tuesday, July 25, 2023
Questions Due By	Monday, August 14, 2023, 5 pm ET (Q & A period closed)
Questions & Answers Posted By	Monday, August 21, 2023
Proposal Due Date	Wednesday, September 5, 2023 at 5 pm ET
Award Announcement	October 2023
Tentative Contract Start Date	January 2024

Intent of this Request for Proposals

ILS is announcing the availability of funds and soliciting proposals from New York State counties to support an innovative network of Regional Immigration Assistance Centers (“Centers”). The intent of this Request for Proposals (“RFP”) is to support regional initiatives designed to improve the quality of legal services provided pursuant to County Law Article 18-B to noncitizen clients. Ensuring the right to effective representation of counsel is essential to a fair justice system. Under this RFP, each Center will be responsible for ensuring that all providers of

County Law Article 18-B representation in the region have access to the training and legal support necessary to provide effective advice to noncitizen clients as to potential immigration consequences of their involvement in criminal proceedings, Family Court matters, and appellate and post-conviction matters. “Providers” consist of public defenders, legal aid attorneys, conflict defenders, and private attorneys who serve on assigned counsel panels (“18-B counsel” or “18-B attorneys”) —all of whom provide representation mandated by County Law Article 18-B (“mandated representation”). Throughout this RFP, references to Centers’ support of providers of mandated representation encompass criminal, Family Court, appellate, and post-conviction matters.

Each Center is expected to serve the providers within each county in its designated region and to collaborate and consult with ILS and other Centers. Moreover, collaboration among counties to develop a Center within a designated region is strongly encouraged.

Background

Removal of noncitizens from the United States due to criminal convictions has significantly risen in recent years due to changes in U.S. immigration law and a substantial increase in immigration enforcement.¹ Under current laws, a person who is not a citizen may be deported for a wide array of offenses, including most drug offenses. Even violations can have disastrous consequences for noncitizen clients. Indeed, deportation and removal of noncitizen clients from the United States may be “practically inevitable” upon conviction of a particular offense.²

In 2010, the Supreme Court dramatically changed the landscape of criminal defense for noncitizen clients. In *Padilla v. Kentucky*, 559 U.S. 356 (2010), the Court concluded that the “particularly severe ‘penalty’” of deportation was so “intimately related to the criminal process” as to require defense counsel to advise noncitizen clients of the potential immigration consequences that may result from a criminal conviction.³ In so holding, the Court recognized that “deportation is an integral part—indeed sometimes the most important part—of the penalty that may be imposed on noncitizen defendants who plead guilty to specific crimes.”⁴ Because deportation is enmeshed in the criminal proceeding and carries such high stakes for noncitizen defendants, “the importance of accurate legal advice for noncitizens accused of crimes has never been more important” to providing effective representation.⁵

It is also imperative that counsel promptly provide advice on the potential impact of an appeal or post-conviction matter on a noncitizen client’s immigration status, particularly if the advice provided by trial counsel concerning immigration consequences was defective or plea negotiations failed to address immigration consequences.⁶ Further, a client’s immigration status may impact life-altering decisions affecting custody, visitation, adoption, and the termination of

¹ See Illegal Immigration Reform and Immigrant Responsibility Act, Pub. L. No. 104-208, 110 Stat. 3009 (1996).

² *Padilla v. Kentucky*, 559 U.S. 356, 364 (2010).

³ *Padilla v. Kentucky*, 559 U.S. at 367.

⁴ *Id.* at 364.

⁵ *Id.* at 364.

⁶ See ILS Appellate Standards and Best Practices, Representing Non-U.S. Citizen Clients, Standard XVII, Commentary, available at <https://www.ils.ny.gov/content/appellate-standards>,

parental rights. Thus, advising clients in family court matters about potential immigration consequences is an important component of parent representation.⁷

Section I: The Problem

New York is one of the four states where more than half of the country's immigrant population resides. Noncitizen residents make up an estimated 22% of the state's population—above the national average of 13%. New York is also home to the second highest percentage of lawful permanent residents in the country.⁸ The state ranks second in the nation in the total number of foreign-born workers and the share of all workers who are foreign-born. This population is spread throughout the state and includes recently resettled refugees who, once granted humanitarian protection within the United States, populate several rural upstate communities. These recently resettled refugees, along with longtime permanent residents, may be at risk of deportation following an encounter with the criminal or family court system.

ILS recognizes that most providers lack the immigration expertise, resources, specialized training, access to language services, and legal support necessary to adequately serve the needs of noncitizen clients—a fact earlier recognized by the Commission on the Future of Indigent Defense Services.⁹ Challenges facing providers also stem from the myriad of complex and ever-changing immigration laws and enforcement policies that can impact noncitizen clients. Aggressive efforts by the U.S. Department of Homeland Security (“DHS”) to identify noncitizens upon arrest may impact the defense strategy. Identifying noncitizen clients' immigration status as soon as possible is critical to effective representation at every stage of the court proceeding.

A provider's inability to provide effective assistance of counsel harms not only noncitizen clients, but also their family members. The impact of immigration enforcement consequences often falls hardest on the children of noncitizen clients.¹⁰ Ensuring timely and effective assignment of competent counsel for noncitizen clients in criminal and Family Court proceedings could help to protect against any unnecessary separation of family members.¹¹

The complexity of immigration challenges that face noncitizen clients enhances the need for providers of mandated representation to address the complicated interplay of immigration status,

⁷ See ILS Standards on Parental Representation in State Intervention Matters, Standard H-1.

<https://www.ils.ny.gov/node/210/parental-representation-standards>. Other New York and national standards are in accord as to counsel's obligations as to noncitizen clients in family court matters.

⁸ American Community Survey Reports: *The Foreign-Born Population in the United States: 2010*; U.S. Census Bureau (2012) available at <https://www2.census.gov/library/publications/2012/acs/acs-19.pdf>.

⁹ See Final Report of the Commission on the Future of Indigent Defense Services (2006) at 24-25 available at <https://www.ils.ny.gov/files/Kaye%20Commission%20Report%202006.pdf>.

¹⁰ Almost one third of children and youth in the United States are either immigrants or children of immigrants. In New York, almost one in every three children of immigrant families lives with one or more undocumented parent. Eight out of 10 of these children have noncitizen parents. See Capps, R., Passel, J.S., *Describing Immigrant Communities*, The Urban Institute (2004). “Overall costs of foster care (\$1,376,000,000) divided by the total number of children in foster care (24,541) = 55,060 per year.” Kinship Care in New York: Keeping Families Together New York State,” Kinship Coalition March 2011 available at http://www.nysnavigator.org/documents/AARP_KitcareKeepingFamilies10.pdf.

¹¹ See note 8, *supra*.

culture, language, and the need to provide effective mandated representation. This RFP is intended to assist mandated representation providers in shouldering that burden.

Section II: The Solution - Developing Regional Immigration Assistance Centers

Currently, there are more than 140 providers of mandated representation throughout New York. Considering the size of the state and the diversity of the public defense system, this RFP will allow for a variety of methods to implement immigration service plans that include legal support, training, and assistance in the development of attorney protocols. The goal is to ensure that providers of mandated representation have easy access to expert immigration advice that enables them to fulfill their obligation under *Padilla*.

With this RFP, ILS is seeking proposals for regional Centers to provide trainings and legal support to improve mandated representation to noncitizen clients. In addition, this RFP is intended to support efforts to utilize in-house expertise and develop best practices and protocols that will ensure *Padilla*-compliant representation. County governments are encouraged to consult with other county governments and providers within their region in submitting proposals.

This RFP aims to ensure that providers of mandated representation implement a systematic approach to representing noncitizen clients. An immigration service plan “must provide, at minimum, for the timely delivery of accurate advice regarding the immigration consequences of contemplated dispositions in ongoing criminal cases.”¹² Such plans should tailor protocols tailored to the unique needs of the region.¹³ Components of successful plans will include advisals, data-gathering, staff development, and language access.¹⁴

Section III: The Role and Required Activities of the Regional Immigration Assistance Center

Funds from this grant may be used to enhance and/or expand existing programs that provide legal support to providers within the applicant’s region, including programs currently funded by ILS. A critical feature of this grant is that each Center’s services should be available to every provider within the region. To that end, each Center should:

- facilitate periodic needs assessments of providers of mandated representation within the specific region to assess their capability to provide competent legal advice regarding the immigration consequences of criminal, family, appellate, and post-conviction matters;
- assist in the development of legal strategies for such proceedings that reduce or alleviate the threat of removal of a noncitizen client; and

¹² Peter L. Markowitz, *Protocol for the Development of a Public Defender Immigration Service Plan*, 6, (2009), available at <https://www.immigrantdefenseproject.org/wp-content/uploads/2011/03/Protocol.pdf>.

¹³ *Id.* at 6.

¹⁴ *Id.* at 7.

- work closely with providers, bar associations, nonprofits, and other entities to develop trainings and resource materials regarding the intersection of criminal, family, and immigration law.

Centers may be required to provide language translation or interpretation services when working with providers and non-English speaking clients. Centers should also ensure that each attorney is securing confidential, language access services when necessary to communicate with clients.

Centers must collaborate with ILS and other Centers in the analysis of regional trends, collection of data, and identification of promising practices and strategies that should be considered for possible replication throughout the state.

Centers must consult with ILS when hiring professional staff. Each Center will also be required to have at least two or more qualified attorney positions serving as Center attorneys. These attorneys must dedicate 100% of their time to grant activities throughout the entirety of the grant. Each attorney should meet the following minimum qualifications:

- Be a member in good standing of the New York State Bar; and
- Have three or more years of experience as an attorney, including at least three years of immigration law experience or work under the supervision of a senior attorney with three or more years of immigration law experience.

In addition, at least one of the attorneys must be responsible for supervising and managing the Center. The awardee will be required to consult with ILS *before* the appointment of the supervising attorney. Supervising attorneys will be expected to meet with ILS on a periodic basis.

Applicants for this grant should demonstrate an organizational ability to implement the following activities:

- Provide Legal Assistance and Support: Proposals should demonstrate how Centers will ensure that legal assistance and support will be made available to every provider of mandated representation in the region. Critical elements of the proposal include supervision and training of the Center's legal and nonlegal staff; suitable office space equipped to receive requests for legal assistance; and a case management system to record, track, and monitor required data.
- Provide Continuing Legal Education ("CLE") and other Trainings: Proposals should also demonstrate the capacity to design trainings for providers of mandated representation and others on representing noncitizen clients. Centers should plan to provide a minimum of five trainings annually for providers.
- Development of Immigration Service Plans, Protocols, and Procedures: Proposals should demonstrate the capacity to assess the needs of counties and providers and to assist in developing immigration service plans. Each Center should work with providers to develop

an intake screening process to ensure that cases are identified for referral for assistance to the Center.

- **Collaboration:** Proposals should detail the plan for fostering collaboration among providers, other legal service providers, community-based organizations, law schools, bar associations, and other entities.
- **Compliance with ILS standards:** Proposals should include ways for providers to achieve greater compliance with ILS standards.

Section IV: Funding and Contract Period

ILS plans to disburse a total amount of \$8,271,300 by awarding up to five grants to counties for the purposes of establishing and operating a Center in their region (described below). Each grant will be operationalized by a three-year contract between ILS and the county, with an award amount of up to \$551,420 per year for each of the three years (for a contract total of up to \$1,654,260). Counties may submit proposals either at or less than the maximum amount.

Section V: Who is Eligible to Apply for this Request for Proposals

Only New York State counties, other than counties wholly encompassed within New York City, are eligible to apply. Proposals must be submitted by an authorized county official or designated employee of the governing body of the applicant county. No county may submit more than one proposal. There is no funding match or any other cost to the county to participate in this project.

ILS plans to award up to five grants to counties that will establish a Center in their region. The awards will be distributed on a competitive basis in the regions listed below. Awards will be made to the applicant with the highest score for that geographic region. The regions are:

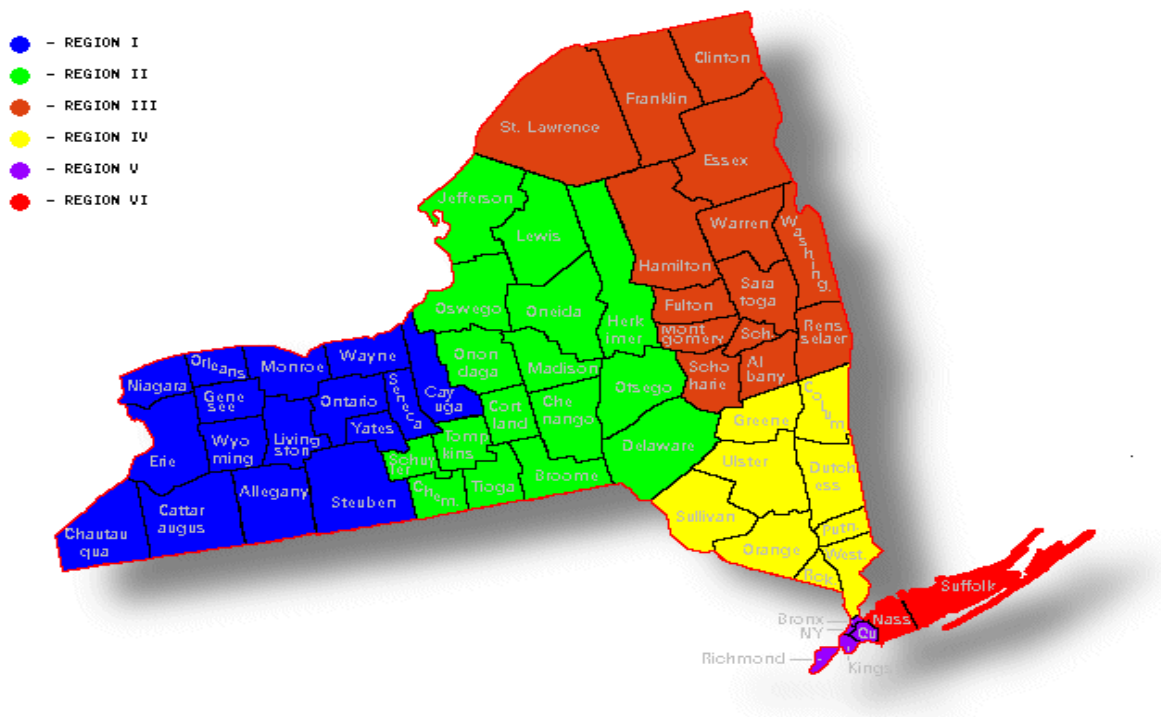
Region 1: Western New York Region: Allegany, Cattaraugus, Cayuga, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Seneca, Steuben, Wayne, Wyoming, and Yates.

Region 2: Central New York Region: Broome, Chemung, Chenango, Cortland, Delaware, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, Oswego, Otsego, Schuyler, Tioga, and Tompkins.

Region 3: Northern New York Region: Albany, Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Rensselaer, Saint Lawrence, Saratoga, Schenectady, Schoharie, Warren, and Washington.

Region 4: Hudson Valley Region: Columbia, Dutchess, Greene, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester.

Region 6: Long Island: Nassau and Suffolk.



Section VI: 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 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 Updates

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 August 14, 2023 to QA@ils.ny.gov. Questions received orally, to an email other than QA@ils.ny.gov, or after the deadline will not be answered.

When corresponding by email, please use the subject line: **Third Regional Immigration Assistance Center RFP**.

Questions and answers will be posted online by August 21, 2023 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 September 5, 2023. 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: Jennifer Colvin, Grants Manager
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. All required documents or attachments must be included in the electronic submission. When corresponding by email, please use the subject line: **Third Regional Immigration Assistance Center RFP**.

After you submit your application electronically you will receive an automatically generated email confirming receipt by ILS. If you do not receive an email confirming receipt, please contact Jennifer Colvin at (518) 486-9713.

Application Format

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

- Project Summary (not more than two (2) pages in length)
- Proposal Narrative (not more than 25 pages in length)
- Budget and Justification
 - Budget (See Attachment A of this RFP)
 - Justification (not more than four (4) pages in length)

Section VII: Proposal Application

I. PROPOSAL SUMMARY (not scored):

Please provide a proposal summary which includes the information listed below. **To ensure uniformity, please limit the length of this summary to no more than two (2) double-spaced pages, with margins of 1” on all sides, using no less than a 12-point font.**

The proposal summary should include the following information:

- Identification of the county or counties requesting funding to host a Center. If more than one county intends to collaborate on hosting a Center, please identify the lead county responsible for oversight of the administration of the grant and its reporting requirements.
- 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.
- Fiscal intermediary name and address (i.e., please identify the department and/or individual responsible for fiscal reporting for this project).
- The name, title, phone number, address, and email address for the lead county representative who will be responsible for overseeing the administration of the grant and its reporting requirements.
- The amount of funding requested.
- A concise summary describing the proposed project—i.e., goals, objectives, overall approach, significant partnerships, anticipated outcomes, etc.

II. PROPOSAL NARRATIVE (200 Points)

A maximum of 200 points may be awarded to an RFP application based on the proposal narrative. Points will be applied as follows:

- Part A (Plan of Action): 140 points (70% of maximum points available)
- Part B (Data Collection, Performance Measurement, and Evaluation): 20 points (10% of maximum points available)
- Part C (Budget and Cost): 40 points (20% of maximum points available)

Please address the questions below in the order and format in which they are presented. Each response should be numbered and identify the specific question being addressed. Applications 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 25 pages in length, double-spaced, with margins of 1” on all sides, using no less than a 12-point font.**

Part A: Plan of Action

Organizational Experience and Infrastructure (18 points)

1. State the name of the proposed Center and provide a description of the office(s) and/or entity(s) that will be responsible for providing the Center’s services described in this RFP. **(1 point)**
2. State the location(s) of the daily operations of the Center. If a site or sites for the Center is/are not yet secured, specifically address how space for the Center will be secured prior to the contract start date. **(1 point)**
3. Describe the needs of providers of mandated representation within your region to provide immigration support and what immigration defense resources, if any, are currently available in the region. **(3 points)**
4. Describe how the Center will structure its attorney and non-attorney professional staffing to implement its plan, including new staff to be hired and any partnerships and other collaborations necessary to support the efforts of the Center. **(5 points)**
5. Describe the process the Center will utilize to identify obstacles to plan implementation and the steps the Center will use to make necessary adjustments. **(5 points)**
6. Describe experience the applicant has in supporting mandated representation in criminal, Family Court, appellate, and post-conviction matters, including any experience conducting trainings in these areas of representation. **(3 points)**

Plan Implementation (18 points)

7. Describe the personnel needed to fulfill the activities and services defined within Section III of this RFP regarding the Role and Required Activities of the Regional Immigration Assistance Center. **(2 points)**
8. For each personnel position, state the anticipated minimum qualifications and the process that will be followed to recruit, hire, and supervise attorney and non-attorney professional staff capable of providing the services described in this RFP. Please also describe how the Center will ensure that ILS is consulted in the hiring of the professional staff funded by this grant. **(3 points)**
9. Explain how the Center will ensure that all staff members will possess the requisite knowledge, experience, and training necessary to provide the services

described in this RFP with respect to criminal, Family Court, appellate, post-conviction, and immigration law. Include any supervision, training, and oversight protocols that will be utilized. **(5 points)**

10. Describe any partnerships with organizations with whom the Center proposes to partner on law-related support. **(3 points)**
11. Describe how the proposed Center intends to develop a deeper understanding of the infrastructure, practices, policies, and challenges facing providers of mandated representation within its region. **(5 points)**

Outreach to Providers (15 points)

12. Set forth the Center's plan for conducting ongoing outreach to counties and providers within the region to inform them of the services offered by the Center. The plan should include initial and ongoing outreach efforts and details about how the Center will measure outreach efforts and their effectiveness. **(15 points)**

Periodic Needs Assessments (10 points)

13. Describe the Center's plan for periodically conducting needs assessments of providers in the region, which may include the need for immigration expertise and services; specialized immigration trainings; language and cultural support services; and legal support to address immigration issues arising in specialty courts, such as in drug, mental health, domestic violence, and human trafficking courts. **(10 points)**

Enhancing Provider Capacity to Deliver Quality Services (37 points)

14. Explain how the Center will ensure that staff are available to provide legal assistance in a timely manner to all attorneys in the region providing mandated representation to noncitizen clients. **(5 points)**
15. Describe the steps the Center will take (including in-house expertise and collaboration with other entities) to ensure that legal support is offered to attorneys providing mandated representation to noncitizen clients:
 - a. during the *arraignment* process **(2 points)**
 - b. in *criminal proceedings*, including advising on immigration consequences that may arise during motion practice, trial preparation, and sentencing **(5 points)**
 - c. in *Family Court proceedings*, during proceedings involving support, custody, abuse and neglect, and other Family Court matters **(5 points)**
 - d. in *appellate and post-conviction matters* **(5 points)**
16. Describe how the Center will support access to and utilization of non-attorney professional services (e.g., interpreters, investigators, social workers, and

mitigation specialists) to improve representation of noncitizen clients. **(15 points)**

Delivery of Culturally Sensitive Services (15 points)

18. State how the Center will support the defender community in addressing issues of cultural sensitivity and cultivating an understanding of the unique experiences and needs of noncitizen clients to support quality representation. **(15 points)**

Specialized Trainings (10 points)

19. Describe the Center’s plan for developing and presenting CLEs and other trainings designed to promote compliance with *Padilla* and improve the quality of representation for noncitizen clients in criminal, Family Court, appellate, and post-conviction matters. **(5 points)**
20. Explain how the Center will provide, collaborate, or both with other entities to provide training and support in specialized areas of representation, which may include assisting clients identified as victims of human trafficking, victims of crime, and persons who may be eligible for consideration pursuant to “Raise the Age” legislation. **(5 points)**

Collaboration (12 points)

21. Describe how the Center will develop relationships and collaborate with other entities, organizations, and attorneys to support referrals of noncitizen clients. **(3 points)**
22. Explain how the Center proposes to collaborate with ILS and other Centers in the analysis of regional trends, collection of data, and development of best practices and attorney protocols. **(3 points)**
23. Describe how the Center may utilize the assistance of other stakeholders, nonprofit organizations, bar associations, law school clinics, and law school pro bono programs or volunteer law students and other entities. **(3 points)**
24. State how the Center may utilize any existing national and/or statewide organization relationships to improve mandated representation. **(3 points)**

Plan Objectives (5 points)

25. Describe how the Center will support provider of mandated representation compliance with ILS performance standards, which are available at: <https://www.ils.ny.gov/node/223/overview-standards-and-performance-criteria> **(5 points)**

Part B: Data Collection, Performance Measurement, and Evaluation

Each Center is to track and measure the progress of providers of mandated representation in the region achieving better compliance with *Padilla* in criminal, Family Court, appellate, and post-conviction matters. Additionally, Centers will be expected to track and record solicitations for legal assistance from providers and other seeking advice on behalf of noncitizen clients as well as trainings the Center conducts.

Part B assesses how the Center will collect the data necessary to measure the impact of the project. A description of the quantitative and qualitative data to be collected and reported to ILS is provided below. For each set of data described below applicants must describe how the data will be collected and recorded in ways that are valid, accurate, and reliable. Applicants must also identify who will be responsible for gathering and recording the requested data.

1. The number of requests for legal assistance received and addressed by the Center. A request for legal assistance (which includes requests for written or verbal assistance) is defined as all communication, in whatever form and from whatever party in relation to a single case or matter. Cases in criminal, family, appellate, post-conviction, or other matters should be counted separately. Report the following data as specified above: **(5 points)**
 - a. The number of requests for legal assistance categorized by county;
 - b. For each county:
 - i. the number of requests for legal assistance categorized by affiliation of the attorney requesting legal assistance (e.g., public defender, conflict defender, legal aid attorney, or assigned counsel attorney);
 - ii. the number of requests for legal assistance categorized by the type of representation provided (e.g., criminal, family, appellate, post-conviction, immigration-related or other matter);
 - iii. the number and type of advisory opinion letters or other form of written communication generated in response to requests for legal assistance;
 - iv. the number of times the Center has provided assistance in the development of an immigration-related protocol (including streamlined procedures for client screening and/or immigration-related referrals for assistance) and the county, type of provider, and specific assistance provided; and
 - v. any other type of assistance provided by the Center to support mandated representation.

2. A summary of the type of assistance rendered by the Center to improve the overall quality of mandated representation in criminal defense, Family Court, appellate and post-conviction representation. The summary should include the number and type of provider meetings conducted and/or attended by the Center. **(10 points)**
3. A list of training, workshops, and presentations (“training event”) conducted by the Center, which should include the following information: **(5 points)**
 - a. For training participants, the provider with which the participant is associated (e.g., public defender, conflict defender, legal aid attorney or assigned counsel attorney), the type of mandated practice (e.g., criminal, Family Court, and appellate or post-conviction); and whether the participant is an attorney or non-attorney professional.
 - b. The role played by the Center in developing, planning, or coordinating the training event, if any.
 - c. The total number of training programs conducted categorized by topic (i.e., criminal, Family Court, appellate, and post-conviction representation), as well as the total number of attorneys attending each training event.
 - d. A description of training materials provided at each training event. The Center is also expected to develop training materials that it may be asked to share with ILS and the other Centers, upon request.
 - e. The total number of participants categorized by training event.
 - f. A description of any collaborations with providers, organizations, agencies, institutions, and any other entities in the development of each training event.

Finally, as part of its data-collection duties, each Center shall report on its efforts to assist providers in developing immigration service plans and protocols that will ensure early intervention and quality representation to noncitizen clients and on the successful plans and protocols implemented in the region.

Part C: Budget and Cost (See also Attachment A -- Budget Form)

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 and provide a justification for all expenses. **(15 points)**
2. Budget Justification: Include a narrative for each budget line 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, and for each line item, the amount allocated in the Budget Form must match the amount described in the explanation. If the proposal includes subcontracting with other entities, provide a brief explanation of the purpose of the subcontracting relationship. **(20 points)**
4. As part of the Budget Justification, describe how the county will monitor expenditures during the life of the grant to ensure that the project stays within the budget. **(5 points)**

Section VIII: Review and Selection Process

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

The first level entails a Pass/Fail review of proposals 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 that 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 submission.

The second level consists of a scored review of the submitted proposal specifically related to the work plan, performance measurement and evaluation, organizational capability, overall strength of plan, and the budget and corresponding budget narrative. 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 200 points to each proposal; individual scores will be averaged to determine the 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 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 ("OSC").

Section IX: Awarding Grants

Contract Development Process

It is anticipated that applications will be reviewed, and successful applicants notified of funding decisions in October 2023. All commitments are subject to the availability of State funds. The proposal review team will recommend to the ILS Director the highest ranked proposals that fully meet the terms of the RFP. 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 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.

As part of the contract with ILS, grantees will be required to submit annual progress reports. These reports should include narrative descriptions of successes achieved, obstacles encountered during implementation, and efforts to overcome these obstacles. Additionally, applicants should anticipate that data collected by the program in accordance with the requirements of section B of the proposal will be required to be reported in aggregate form to reflect the impact of the program, its successes, and the challenges that remain. ILS staff will be available to assist grant recipients with how to best collect these data. 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, 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 begin contract negotiations with the next highest scoring applicant(s).

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 X: Funding Requirements

Funds distributed by ILS are intended to supplement county resources for supplying indigent defense services and to ensure proper legal representation for indigent defendants pursuant to Article 18-B of the County Law.

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 ILS, 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 ILS to award grants.

**ATTACHMENT A
BUDGET FORM
THIRD REGIONAL IMMIGRATION ASSISTANCE CENTERS**

County	
Budget Contact Person's Name	
Phone	
Email Address	

Include all anticipated costs in the Budget Detail below.

Proceed to Budget Detail section, next 2 pages.

Budget Detail Section:

1. Personal Services

List each position by title and name of employee, if available. Show the annual salary rate and the percentage of time to be devoted to the project. Compensation paid for employees engaged in grant activities must be consistent with that paid for similar work within the applicant organization.

Fringe benefits should be based on actual known costs or an established formula. Fringe benefits are for the personnel listed below and only for the percentage of time devoted to the project.

Position	FTE	Year 1	Year 2	Year 3	Total
(Example)	100%				
0. Title: Project Coordinator					
Annual Salary		\$45,000	\$45,000	\$45,000	\$135,000
Annual Fringe		\$12,600	\$12,600	\$12,600	\$37,800
1. Title:					
Annual Salary					
Annual Fringe					
2. Title:					
Annual Salary					
Annual Fringe					
3. Title:					
Annual Salary					
Annual Fringe					
Total					

2. Contractual/Consultant Services

Service	Year 1	Year 2	Year 3	Total
Total:				

3. Non-Personal Service

Item	Year 1	Year 2	Year 3	Total
Training/CLE (in-house staff and regional training)				
Travel				
Office Supplies				
Space/Rent				
Case Management System				
Legal Resources				
Equipment				
Technology				
Other (specify):				
				Total:

Cost Categories		Total 3-Year Project Cost by Category
1.	Personal Services	
2.	Contractual/Consultant Services	
3.	Non-Personal Services/OTPS	
Total 3-Year Project Cost		

An authorized officer of the lead county (see page 10) must sign the budget form.

Lead County: _____

Lead County Authorized Officer (please print): _____

Signature: _____ Date: _____