

Public Defense 2011 RFP Questions from 2/22/11 Bidder's Conference

Question 1: Under 'Proposed Delivery of Services' a question from 2008 RFP regarding what caseload standards an agency would proposed was deleted?

Answer: Yes. The City of Seattle's caseload standard remains at 380 assigned case credits per attorney annually. Proposals should be based on this standard.

Question 2: Is there a page limit?

Answer: No.

Question 3: How were the caseload projections estimated?

Answer: CBO staff looked at historical data, and took into account changes in the Law Department related to cases they decline to file.

Question 4: Regarding the 3rd agency: how was the 133 case credit estimated and how will the 3rd agency be compensated is the caseload exceeds the 133 case credit estimate?

Answer: The 133 caseload is based on .35 FTE attorney working on caseload with the remaining .15 FTE administering the Conflict Attorney Panel (CAP) and the Oversight Committee. If the caseload is higher than expected, the Third Agency may be assigned more cases beyond the current 133 case credit estimate and compensated accordingly. The protocol to implement this will be discussed in contract negotiations.

Question 5: The Primary agency absorbs the variance in cases. Will this continue? Is there a possibility of the other agencies absorbing this variance.

Answer: No. The Primary agency will continue to absorb the variance in caseload. The minimum 12 attorneys specified in the ordinance for the Primary was low enough that caseloads are not expected to drop below this level.

Question 6: What is included in the staff analysis provided to the RFP Panel? Concern that these summaries may have subjective comments.

Answer: Through public disclosure requests, agencies received copies of the staff analysis of the 2008 RFP process. An electronic copy is attached for your convenience. There are 3 Excel workbooks (note there may be multiple sheets in each workbook), and one Word document.

Question 7: Once complete, can this analysis be run by the agencies for them to add context or direct Panel members to other information in the proposal?

Answer: The analysis draws data from the agency proposal. If Panel members have questions for the agencies, CBO will facilitate this communication.

Question 8: How will questions from the Panel be communicated to the agencies?

Answer: Questions will be facilitated by CBO. Please also refer to Page 10 of the RFP:

- “Clarification of responses: As part of the evaluation process, and at the discretion of CBO staff and/or the review panel, firms may be asked to clarify specific points in their respective responses. The City reserves the right to request oral presentations from applicants. The City’s requests for a clarification of a firm’s response shall not be construed as giving that firm the right to amend its response or to provide additional written materials, unless expressly requested by the City and/or the review panel.”

Question 9: Will the Panel read the full proposals?

Answer: Panel members are directed to read the entire proposal.

Question 10: Can a PDF be submitted as the electronic copy of the proposal?

Answer: Yes

Question 11: Is there expected to be any changes from the RFP to the contracts?

Answer: CBO staff is exploring a proposal to amend current legislation to allow a longer term than the current 3 year contract maximum. Otherwise there are no changes anticipated at this time.

Question 12: What is the scope of work for the third agency intended to encompass? Would a bid that assumes a caseload and staff demand above that set out in the RFP (and consequent cost for those) be disqualified?

Answer: The general scope of work for all three agencies begins on Page 16 of the RFP. Specifics related to the third agency begin on Page 23. Last, note on Page 6 of the RFP, “Firms may submit proposals either at or less than the amount of funding available. Proposals that exceed the available funding limits will not be considered.”

Question 13: How should confidential/proprietary materials be noted in the electronic version and in the original plus copy?

Answer: Information regarding confidential/proprietary documents is mentioned on Page 11 and also Page 51. Below is the excerpt from page 51:

- “All proposals and materials submitted under this RFP shall be considered public documents at the time of the proposal deadline and may be reviewed by appointment by anyone requesting to do so. *If a Proposer considers any portion of their Proposal to be protected under Washington State law, the Proposer shall separately bind and clearly mark any proposal or proposal records they believe are exempt from disclosure with words such as “CONFIDENTIAL,” “PROPRIETARY” or “BUSINESS SECRET.”* Proposers should mark as

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CONFIDENTIAL” “PROPRIETARY” or “BUSINESS SECRET” only that information they believe legitimately fits within a public-disclosure exemption. The City may reject solicitation responses that are marked proprietary in their entirety.”

On electronic copies, please save the documents which are exempt from disclosure with a file name stating “CONFIDENTIAL,” PROPRIETARY” or BUSINESS SECRET”. Also have this noted on at least the first page of the document.