

Questions & Answers

August 4, 2011

TO FUND:

DISABILITY ADVOCACY PROGRAM (DAP): LEGAL REPRESENTATION OF, AND STATEWIDE LEGAL SUPPORT FOR, INDIVIDUALS WHOSE FEDERAL DISABILITY BENEFITS HAVE BEEN DENIED OR MAY BE DISCONTINUED.

Questions and Answers

1. Q. On page 65 of the RFP it says that “a minimum of 80% of contract funds must support personal services that are directly related to the provision of legal representation services for the disabled” We assume that if a provider contracts with one or more subcontractors to provide such direct legal assistance that such costs would be considered part of the 80%. If so, shall we present proposed subcontractors’ costs as line items in the PS budget rather than as single amounts in the “contractual” services section of the budget? This is consistent with the way that we presented the budget in response to the last RFP. We ask the question because in the last few years OTDA has asked us to put subcontractor costs in the contractual services section of the budget.

A. Correction has been posted on OTDA’s website:

Important Notice: The DAP RFP inadvertently restricted Non-Personal Services costs to no more than 20% of the grant award. Please disregard the 20% limitation stated in Appendix B - Budget on pages 64 & 67 of the RFP and pages 14 & 17 of the Sample Contract. There is no limit on Non-Personal Services cost in this RFP.

(07/14/2011)

2. Q. Are Non-Personal Services costs limited to 20% of the grant award?

A. Correction has been posted on OTDA’s website:

Important Notice: The DAP RFP inadvertently restricted Non-Personal Services costs to no more than 20% of the grant award. Please disregard the 20% limitation stated in Appendix B - Budget on pages 64 & 67 of the RFP and pages 14 & 17 of the Sample Contract. There is no limit on Non-Personal Services cost in this RFP.

(07/14/2011)

3. Q. Where would OTDA like to see subcontractor costs, in the contracted services section or interspersed through the budget (PS in PS, etc.)?

A. Under contracted services

4. Q. Page 77 defines a “case” – “A case includes any application for or attempt to retain Title II or Title XVI disability benefits

On page 8 (first full paragraph), it says: “Expenditures associated with the initial application forms for Social Security Disability are not a reimbursable expense nor should they be counted as a unit of service.” These two statements appear contradictory. Please clarify.

A. These two statements are not contradictory. APPENDIX D2, Service Goals for Program Work Plan, provides that the definitions apply for purposes of this form. Page 77 defines a “case” – to include “any application for or attempt to retain Title II or Title XVI disability benefits . . . as to which a Contractor provides analysis, assessment, advice, counsel, representation or other service.” The form identifies various categories of services and the unit of measurement for each type of service that a contractor may provide with DAP funds to assist clients who have applied for and are attempting to retain disability benefits.

Subdivision two of Section 35 of the Social Services Law authorizes OTDA to make grants, within the amounts appropriated to provide for representation of persons whose federal disability benefits including supplemental security income and social security disability insurance have been denied or may be discontinued for the purpose of representing these persons in appropriate proceedings. The first full paragraph on page 8 is consistent with SSL Section 35 in that: “Expenditures associated with the initial application forms for Social Security Disability are not a reimbursable expense nor should they be counted as a unit of service.” This is because disability benefits have neither been denied nor may they be discontinued at the application stage.

5. Q. Page 64, please explain “indicate funding formula that corresponds to your agency’s proposed DAP annual budget” is this referring to a specific methodology?

A. No. This simply means show us how you intend to use your award by listing your anticipated expenses on the appropriate line(s) on the provided budget spreadsheet.

6. Q. What is an acceptable methodology for space and utility allocations?

A. The methodology is left to the contract but is expected to be fair and reasonable. Some contractors calculate what percentage of space and utilities their contract requires, in proportion to the overall cost for space and utilities for the office. Others

base it on the percentage of FTE's required to perform the contract, proportionate to the total number of employees in the office. Whatever method is used, we do request the total square footage be included in the narrative. **Please include space and utilities under "Other Operating Expenses" and be sure to list them separately on that category's detailed budget page.**

7. Q. Page 64, there is a reference to Section XI, Funding Formula. Please advise where this can be found in the RFP?

A. This is an error in the RFP. The referenced section does not exist.

8. Q. Page 64, there is no budget line for space, should this be included in B8, other expenses of budget spreadsheet?

A. Yes. Please include space and utilities under "Other Operating Expenses" and be sure to list them separately on that category's detailed budget page.

9. Q. Although the RFP encourages for the continued provision of services within existing county configurations and geographic regions, the RFP also proposes to limit awards upstate to no more than 25% of the total available rest of state funds. The Western Region, as identified in Appendix D1, consists of 19 counties comprised of between 10,000 – 15,000 square miles with two large urban centers in Buffalo and Rochester, and more than 33% of the SSI recipients in the rest of the state. Will OTDA consider awarding more than 25% of the total available rest of state funds to a contractor who proposes to provide services to this large, multi-county Western region?

A. No. Offerors are bound by the terms of the RFP.

10. Q. If OTDA will not award more than 25% of the total rest of state funds to one contractor for the Western Region, will an offeror have its proposal downgraded if it proposes to serve multiple counties in the region, but not all of the counties in that region as listed in Appendix D1?

A. No. Part of the proposals rating will be based on cost effectiveness of the proposal in relation to other proposals received, the geographic area to be served, and OTDA's experience funding the Offeror's existing or similar DAP program.

11. Q. What is the definition of the Mental Hygiene number used in Appendix D1?

A. The Mental Hygiene number represents the number of SSI recipients in NYS Office for People with Developmental Disabilities (OPWDD) and/or NYS Office of Mental Health (OMH) facilities that are assigned a county code of 990 or 991, respectively for Medicaid billing purposes.

12. Q. In Appendix D1, Erie County is identified as providing its own services. However, Neighborhood Legal Services in Buffalo also provides DAP services in Erie County. Will OTDA again entertain proposals for provision of services in a county by more than one provider?

A. Awards will be made as specified on pages 12 and 13 of the RFP. Awards which may overlap counties covered by higher scored awards may be awarded, depending on funding available and the number and quality of bids received. There is no limitation of one award per county.

13. Q. What is the funding anticipated to be allocated to the Statewide Legal Support and Administrative Services component?

A. Please refer to page 5, section VI-A. The Administrative contract will be limited to no more than 15% of the total anticipated State funding.

14. Q. Will the Statewide Legal Support and Administrative Services funding come from the total annual funding amount or is there a proportional amount to be taken from the NYC and Rest of State funding?

A. The Statewide Legal Support and Administrative Services funding will come from the total State funds.

15. Q. Are there any guidelines as to how much money we should ask for? Or can you specify generally how many individuals you expect a New York City offeror to provide services to?

A. No. Please refer to Section XI, Selection Process, and particularly pages 12 and 13 of the RFP and Appendix D1 which provides the current number of SSI recipients by county and arranged by region served by current DAP providers.

16. Q. Correction on page 11.

A. The Proposal Check List is on page 92 not page 88.

17. Q. Correction on page 45.

A. The "Travel Expense" example should be $\$0.51 \times 100 \text{ miles} = \51.00 not $\$0.50 \times 100 = \50.00 .