

1 MARYLAND DEPARTMENT OF SOCIAL SERVICES
2 DEPARTMENT OF HUMAN RESOURCES PROCUREMENT DIVISION

3 PRE-PROPOSAL CONFERENCE
4 REQUEST FOR PROPOSALS
5 LEGAL SERVICES FOR THE CALVERT COUNT DEPARTMENT
6 OF SOCIAL SERVICES
7 RFP #CALDS/SSA/12-008-S

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11 200 Duke Street
12 Prince Frederick, Maryland

13 May 30, 2012

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17 REBECCA GRAY, Assistant Director for Administration
18 ALTHEA BERRY, Management Associate
19 KATHLEEN ARBAN, Adoption/Foster Care Supervisor
20 JAMES REDDITT, Maryland Department of Human Resources
21 Procurement Division

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1 P R O C E E D I N G S

2 (10:00 a.m.)

3 MS. GRAY: Well, I just want to say welcome to
4 everybody. My name is Rebecca Gray and I'm here to
5 welcome you to the Calvert County Department of Social
6 Services. Today we will share information with you
7 concerning a Request for Proposal, RFP, entitled Legal
8 Services for Calvert County Department of Social
9 Services. The Agency Control Number for this RFP is
10 CALDS/SSA/12-008-S.

11 If you have not already done so, please make
12 sure that you sign in at the table here in the front.
13 When you sign in, please indicate your organization is
14 certified MBE or SBR. The Department likes to track
15 participation in these companies and any procurement
16 opportunity. If you have a business card, please provide
17 that; that will satisfy as your sign-in requirement.

18 Please note that Free State Reporting is
19 transcribing this conference. When asking questions,
20 please state your name and the name of your company for
21 the record. A transcript of this conference will be made

1 available on EMaryland Marketplace and the DHR website.

2 For introductions, representatives from the
3 State, myself, Rebecca Gray, the Assistant Director for
4 Administration.

5 MS. BERRY: Althea Berry, Management Associate.

6 MS. ARBAN: Kathleen Arban, Adoption/Foster
7 Care Supervisor.

8 MS. GRAY: And then our vendors that are here,
9 if you would introduce yourselves.

10 MS. BERRY: Start here, why don't we start
11 here.

12 MR. WILCOX: Ken Wilcox from the LaFayette Law
13 Office.

14 MS. LORENZINI: Amy Lorenzini, Nathan
15 Cumberland & Erly.

16 MS. DILL: Jennifer Dill from Ferrante & Dill.

17 MS. SAGLIMBENE: Andrea Saglimbene from
18 Cumberland & Harris.

19 MS. SANDERS: Lisa Sanders from Sanders and
20 Sanders.

21 MS. KEFFLER: Rosemary Keffler from Delaney and

1 Keffler.

2 MS. DELANEY: Tracy Delaney from Delaney and
3 Keffler.

4 MS. BERRY: And we have via phone. James?

5 MR. REDDITT: Good morning. I am James
6 Redditt. I am from the Maryland Department of Human
7 Resources Procurement Division.

8 MS. GRAY: The objective of request for
9 proposal. The Department of Human Resources for Calvert
10 County Department of Social Services intends to acquire
11 the legal services of a practicing attorney licensed in
12 the State of Maryland for the purpose of representing the
13 Calvert County DSS before the Calvert County Courts for
14 matters of child welfare, adult protective services,
15 adult services, foster care, childcare and services to
16 families with children as required by the Maryland
17 Annotated Code Human Services Article Subsection 3-601,
18 Attachment K and as outlined in Section 3 of this Request
19 for Proposal. This will be a three year contract
20 beginning on or about December the 1st, 2012 and ending
21 November 31st, 2015.

1 Section 1.2, Issuing Office. For purposes of
2 this RFP the Procurement Officer, Rebecca Gray, is the
3 sole point of contact between the State and the vendor
4 community. Please do not contact other State
5 Representatives regarding questions about this RFP.
6 Please direct all inquiries to my attention. Questions
7 and responses, we can respond to some of the questions
8 that have been received prior to this conference, now.
9 However, time will not permit us to respond to all of
10 them at this time. However, responses to all questions
11 will be posted on the EMaryland Marketplace and DHR's
12 website with sufficient time to allow offerers to review
13 them to assist with formulating their proposal
14 submissions.

15 If any questions that are asked during this
16 conference are responded to during the conference, please
17 be advised that the responses to these questions will
18 also be posted. If you have questions to ask after this
19 conference, please submit them electronically. Should
20 there be a discrepancy between responses given during the
21 conference and written responses provided subsequently,

1 the written responses shall prevail.

2 Section 1.6, Closing Date. An original and six
3 copies of the technical and financial proposal must
4 arrive at the issuing office by no later than 4:00 p.m.
5 on Monday, June 25th, 2012, in order to be considered.
6 Proposals arriving late cannot and will not be accepted.
7 If you are mailing your proposal, please allow sufficient
8 time for mailing to ensure that it is received by me
9 prior to the proposal due date and time. A postmark by
10 the due date and time is not acceptable. It must be
11 received by the Procurement Officer.

12 Under General Information, Bid Proposal
13 Affidavit, Attachment B, of the RFP -- this form must be
14 completely filled out and submitted with your technical
15 proposal. You only need to submit it with the original
16 of the technical proposal. Copies are not required.
17 This will be described in more detail when we discuss
18 proposal preparation.

19 (Off the record 10:08)

20 (On the record 10:09)

21 MS. GRAY: All right. We're in the -- let's

1 see, Section for General Information, Bid Proposal
2 Affidavit Attachment B, this form must be completely
3 filled out and submitted with your technical proposal.
4 You only need to submit one -- I'm repeating myself --
5 one copy. Additional copies are not required. This will
6 be described in detail when we discuss the proposal
7 preparation.

8 Section 2.15, Corporate Registration. Offerors
9 must be certain that they are registered with State
10 Department of Assessment and Taxation in order to do
11 business with the State of Maryland. There is a nominal
12 fee to register your company if you are not already
13 registered. In addition, all tax obligations with the
14 Department of Assessment and Taxation must be met.
15 Failure to do so may result in an otherwise successful
16 proposal bid being dropped from consideration for
17 contract award.

18 Section 2.17, Contract Affidavit, Attachment C.
19 This form is only to be submitted after notification of
20 contract award. Please do not include with the technical
21 proposal.

1 Section 2.24, Payment Terms and Billing.
2 Monthly invoice, which is Attachment L, is required by
3 the 15th of the month following the report month.
4 Payment will be made based upon 1/12th of the annual
5 contract amount each month. Please be advised that full
6 payment of any invoice is contingent upon the timely
7 receipt of all deliverables -- to be discussed later.
8 Failure to submit deliverables timely may result in
9 withholding of payment or a portion of payment until all
10 deliverables have been submitted.

11 Section 2.27, EMaryland Marketplace
12 registration. In order to receive a contract award the
13 vendor must be registered on EMaryland Marketplace. EMM
14 registration is only valid for one year. Please remember
15 to keep your registration up-to-date. If you are
16 uncertain as to the validity of your registration, please
17 contact the EMM Help Desk at 410-767-1492.

18 Section 2.29, Minority Business Enterprises.
19 Although no MBE subcontracting goal has been established
20 for this procurement, Minority Business Enterprises,
21 Enterprise vendors are encouraged to respond to this

1 solicitation.

2 Section 2.30, Prompt Payment Policy. It is
3 DHR's policy that if the subcontractor has performed
4 service under a State contract, they should be paid by
5 the prime contractor and paid promptly. The State allows
6 the Department several remedies withholding from paying
7 to a subcontractor, including withholding contract
8 payment to the prime contractor until the undisputed
9 amount has been paid or the disputed amount has been paid
10 -- looks like a correct there -- or the Department paying
11 the subcontractor and reducing the contract payment to
12 the prime by the amount of the payment made to the
13 subcontractor.

14 Section 2.36, Living Wage Requirements. See a
15 separate script regarding that.

16 Section 2.37 is Hiring Agreement. By
17 submitting a bid or proposal in response to this
18 solicitation, the offerer agrees to execute and comply
19 with the enclosed Maryland Department of Human Resources,
20 DHR, Hiring Agreement, Attachment H. The Hiring
21 Agreement is to be executed by the offerer and delivered

1 to the Procurement Officer within ten business days
2 following the receipt of notice of the offerer that it is
3 being recommended for contract award. The Hiring
4 Agreement will become effective concurrently with the
5 award of the contract.

6 Requirements for Proposal Preparation. A
7 proposal contains two volumes -- a technical volume and a
8 financial volume. Accompanying those two volumes is a
9 transmittal letter. This letter should be on company
10 letterhead and contain the title of your company, the
11 title of the solicitation, your Federal Tax ID number or
12 Social Security number and be signed by an individual who
13 is authorized to bind the company to the information
14 contained in the proposal. The transmittal letter should
15 also acknowledge receipt of any amendments or addenda to
16 the RFP that have been issued. Please refer to Section
17 4.2.C for the format for your technical proposal. Please
18 also insure that your discussion of proposed services,
19 Section 4.2.E, follow the format as listed in that
20 Section. The Financial Proposal, Attachment A, contains
21 all cost information for all products and services

1 proposed. Financial information should not be presented
2 in any portion of the technical proposal.

3 Section 5, Evaluation Procedures. An
4 evaluation committee established by the Department will
5 evaluate all proposals received by the closing deadline.
6 The evaluation committee will rank the proposals
7 according to evaluation criteria listed in Section 5.5 of
8 the RFP. The evaluation committee will evaluate your
9 proposal according to the following criteria which is
10 listed in descending order of importance, qualifications,
11 key personnel, proposed services, understanding the
12 problem, references, financial responsibility and
13 stability, economic benefit to the State. If necessary,
14 the committee may request clarification for any
15 information in your proposal. In addition, offerers may
16 be required to give oral presentations of their technical
17 proposals in order to further clarify the information
18 included in the proposal -- possibly on a short notice.
19 Oral discussions may also be used in order to answer any
20 questions not resolved with clarification. The technical
21 proposals will then be ranked based upon evaluation

1 criteria stated previously. Proposals will be determined
2 to either be reasonable -- reasonably susceptible for
3 award or not reasonably susceptible for award. Technical
4 proposals deemed to be reasonably susceptible for award
5 will continue in the evaluation process. Any technical
6 proposal found to be not reasonably susceptible for
7 contract award will be dropped from further consideration
8 and the financial proposal will be returned unopened.
9 Following the technical evaluation the financial
10 proposals will be opened and evaluated. If necessary and
11 if determined to be in the best interest of the State,
12 best and final offers of the financial proposals may be
13 requested for the Offerers. After review of all
14 financial proposals and/or BAFO's the financial proposals
15 will be evaluated and ranked based upon price. The
16 recommendation for award will be made based upon which
17 proposal represents the best value to the State
18 considering price and technical factors. In the overall
19 evaluation, the technical proposal is given equal weight
20 to the financial proposal. Okay.

21 Maryland's Living Wage, I have a copy here.

1 The Living Wage Law requires that certain contractors and
2 subcontractors to be paid minimum wage rates to employees
3 working under certain State's service contracts. A
4 solicitation for services under a State contract valued
5 at \$100,000 or more may be subject to Title 18 State
6 Finance and Procurement Article of the Annotated Code of
7 Maryland.

8 Effective September 27, 2011, contractors and
9 subcontractors subject to the Living Wage Law shall pay
10 each covered employee at least \$12.49 per hour. If State
11 contract service valued at 50 percent or more of the
12 total value of the contract are performed in a Tier One
13 area. If State contract services valued at 50 percent or
14 more of the total contract value are performed in the
15 Tier Two area, an Offerer shall pay each covered employee
16 at least \$9.30 per hour. The specific Living Wage rate
17 is determined by whether a majority of service take place
18 in Tier One or Tier Two area of the State. Tier One area
19 includes Montgomery, Prince George's, Howard, Anne
20 Arundel and Baltimore Counties and Baltimore City. Tier
21 Two areas include any county in the State not included in

1 Tier Area I. If a business has operations in areas with
2 two different wage tiers, the rates you pay is determined
3 by the area where 50 percent or more of the total
4 contract value is performed. If the employees who
5 perform the services are not located in either Tier One
6 or Tier Two, the Living Wage rate will be based upon
7 where the majority of the recipients of the services are
8 located.

9 This contract has been determined to be a Tier
10 Two contract. Additional information regarding the
11 State's Living Wage requirement is contained in
12 Attachment G entitled, Living Wage Requirements for
13 Service Contracts and Affidavit of Agreement. The
14 Affidavit of Agreement must be completed and submitted
15 with the original copy of the technical proposal.
16 Failure to complete and submit the Living Wage Affidavit
17 of Agreement will result in a determination that the
18 offerer is not responsible. In Maryland Living Wage law
19 is administered by the Department of Labor Licensing and
20 Regulation. Additional Living Wage information
21 pertaining to reporting obligations may be found by going

1 to the Maryland State Department of Labor License
2 Regulation or DLLR website, <http://www.dllr.state.md.us>
3 and clicking on Living Wage. Note, Living Wage rates are
4 subject to annual adjustment by dollar, however, the
5 contractor's price under the contract may not change
6 because of any Living Wage adjustments. Offerers must
7 factor this into their pricing proposal submissions.

8 MS. GRAY: Now we're down to this section.

9 MS. ARBAN: I'm going to go over a little bit
10 of the specifications. I'm not going to read all of this
11 because most of it is contained in the packet. But just
12 to give you a little background, last year the attorney
13 for Calvert DSS represented the Agency in approximately
14 362 proceedings. There were 115 adjudications, 29 orders
15 of protective supervision and motions for protective
16 orders, 45 shelter hearings, 30 guardianships, 20
17 mediations, 1 adoption, 7 contested TPRs, 2 uncontested
18 TPRs and 260 permanency planning and review hearings. So
19 you see the bulk was permanency planning and review
20 hearings. In addition, Calvert DSS requested two adult
21 guardianship hearings.

1 As Rebecca stated, the overall objective is to
2 provide legal representation to the Agency in the areas
3 of child welfare, services to families with children,
4 adult protective services and adult services. The
5 contractor is responsible for storage of his or her
6 records and files for all the activities related to this
7 contract. The offerors should be in good standing with
8 the Maryland Court of Appeals and possess at least three
9 years of recent, meaning within the last five years,
10 experience in legal representation in child welfare,
11 child disability, family law and/or related legal fields.
12 A lot of what the attorney does for the Department is
13 attend prehearing conferences.

14 We have settlement conferences that are usually
15 held the Friday prior to the SINNA days -- and that's an
16 opportunity for the attorneys to get together and talk
17 about issues -- obviously, representing us in Court,
18 analyzing and interpreting all written materials
19 regarding to the laws and policies governing child
20 welfare. Attending seminars and in-services on subjects
21 that bear upon the Agency's scope, role, mission,

1 function or goals. Conduct in-service training for the
2 Agency as needed. Represent the interests and
3 recommendations of Calvert DSS in all matters as we
4 discussed in child welfare, child protective services,
5 foster care, adoptions, services to families with
6 children, protective child care, adult services and adult
7 protective services, coming before the Courts for Calvert
8 County. File Calvert County cases in a timely manner
9 consistent with State and Federal laws regulations and
10 rules. Provide to the Calvert DSS project manager a
11 monthly activity report, that's Attachment M. That
12 includes, at a minimum, the client's name, case number,
13 case worker's name and the nature of the legal activity.
14 Provide a monthly report documenting the use and the
15 activity of the conflict attorney during the month.

16 I forgot to mention that the contractor shall
17 provide a qualified contract attorney who's willing to
18 accept cases from the contractor when conflicts of
19 interest preclude involvement of the contractor and/or
20 when the contractor's on vacation. So the project
21 manager will get a monthly report on the use of the

1 conflict attorney which is Attachment N. Provide to the
2 project manager written documentation regarding any
3 postponements, provide an invoice to the project manager.
4 Sorry, am I going too fast?

5 MS. BERRY: No. This thing is very -- it's a
6 very, very old laptop. I apologize for that.

7 MS. ARBAN: Don't. As well as representing
8 Calvert DSS in Senate petitions, including the emergency
9 shelter hearings, adjudications and dispositions. There
10 is a possibility of the shelter once a week. Normally we
11 have a SINNA date three days a month. And regarding
12 adult services, there is occasionally a time when adult
13 protective service staff needs to have a client
14 represented and there are services such as emergency
15 protection services and guardianship of the person. The
16 contractors responsible for docket cases after filing by
17 the attorney, review cases with adult protective staff
18 and other witnesses involved at least one week prior to
19 the hearing, consult with the supervisors and the adult
20 services workers, prepare for and attend court hearings
21 in the matters of shelter care, adjudication,

1 disposition, contempt and child and adult guardianship
2 and provide legal assistance to insure client's income
3 and assets are used for their benefit in the case of
4 guardianship.

5 The other parts deal with the reports and the
6 post award orientation conference. Okay, that pretty
7 much summarizes that section.

8 MS. GRAY: Okay. Any questions, you know, at
9 this stage of the game? I know it's a lot of reading to
10 you. I can't read the screen, but if you have any
11 questions, please state your name and the company that
12 you're with for, just for the record. No?

13 MS. BERRY: James, is there anything you need
14 to add?

15 MR. REDDITT: Let me touch on a couple of
16 things in particular with regard to your proposal
17 preparation and that is a couple of the new attachments
18 that are different from the previous solicitation. The
19 first one is in regard to the minimum Offerer requirement
20 and that is Attachment P. That is a form where the
21 Offerers are to list the previous experience that they

1 have, the requirement that they have to have three years
2 within the past five years of experience in providing the
3 legal services. It's a form which basically states that
4 you meet the minimum offerer requirement that we have in
5 this solicitation and that's really a pass-fail type of
6 thing. In other words if your organization does not meet
7 those minimum qualifications then your proposal will be
8 dropped from any further consideration for contract
9 award. So it is essential that that form is completed
10 and included in your proposal. Also included is a
11 Attachment J which is the checklist for proposal
12 submission. As you're preparing the information in your
13 proposal, please go down that checklist and make sure
14 that every area that is listed on that checklist is
15 addressed in your proposal and there's an area on there
16 for you to initial as the offerer saying that yes this
17 information is included in the proposal. So I just
18 wanted to make sure that you were aware of those two
19 forms which are new forms from the previous solicitation
20 that we had put out a year ago.

21 MS. GRAY: Okay. Everybody all right with

1 that? Okay. Well seeing no other additional questions,
2 any other comments, James, at all that you think we need
3 to touch on or?

4 MR. REDDITT: No, it looks like you, we've
5 pretty much covered everything that should be covered I
6 just wish everybody the best in submitting their
7 proposals and again if you have any questions following
8 the conference you can submit them electronically to
9 Ms. Gray and we will definitely be able to answer those
10 and provide responses on EMaryland Marketplace and the
11 DHR website before the proposal due date of June 25th.

12 MS. GRAY: Right. Okay. Well I want to thank
13 everybody for coming. Like James said, you know, any
14 additional questions, please don't hesitate to submit
15 them electronically. I should have brought my card.
16 I'll give you business cards that has the email address
17 on it and again the proposal due date is Monday, June
18 25th by 4 o'clock p.m. It has to be in here. And just
19 one other point, just be sure that it is submitted in two
20 parts. The financial has to be separate from the
21 technical. So, I know there was some confusion last time

1 about that. Okay? Well thank you all very much. James,
2 thank you once again.

3 MR. REDDITT: Yes, ma'am.

4 MS. GRAY: And good luck to everybody. Thank
5 you James, we'll talk again. Bye-bye.

6 MR. REDDITT: Take care.

7 (Whereupon, the pre-proposal concluded on May
8 30, 2012 at 10:32 a.m.)

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C E R T I F I C A T E

This is to certify that the attached proceedings before the Maryland Department of Social Services in the matter of:

PRE-PROPOSAL CONFERENCE
REQUEST FOR PROPOSALS
LEGAL SERVICES FOR THE CALVERT COUNT DEPARTMENT
OF SOCIAL SERVICES
RFP#CALDS/SSA/12-008-S

PLACE: Prince Frederick, Maryland

DATE: May 30, 2012

were held as herein appears, and that this is the original transcript thereof for the file of the Department.



Timothy Atkinson, Reporter
FREE STATE REPORTING, INC.