

Addendum No. 1 to RFP 23-71



CITY OF SOMERVILLE, MASSACHUSETTS
Department of Procurement and Contracting Services
KATJANA BALLANTYNE
MAYOR

To: All Parties on Record with the City of Somerville as Holding
RFP 23-71 Immigrant Legal Services

From: Thupten Chukhatsang

Date: 6/1/2023

Re: The City reserves the right to award multiple contracts
Questions and Answers

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Please acknowledge receipt of this Addendum by signing below and including this form in your proposal package. Failure to do so may subject the proposer to disqualification.

NAME OF COMPANY / INDIVIDUAL: _____

ADDRESS: _____

CITY/STATE/ZIP: _____

TELEPHONE/FAX/EMAIL: _____

SIGNATURE OF AUTHORIZED INDIVIDUAL: _____

ACKNOWLEDGEMENT OF ADDENDA:

Addendum #1 _____ **#2** _____ **#3** _____ **#4** _____

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The City reserves the right to award multiple contracts:

Recognizing that some providers may not handle the full range of potential immigration cases considered under this RFP, the City reserves the right to award multiple contracts to ensure the availability of representation meets the needs of the City's residents.

Questions and Answers:

1. The Scope of Work provides a somewhat broad description of the types of cases to be handled as "detention/removal defense." Are you able to provide more specifics on the types of cases SOIA expects to refer? For example, does this include representation in bond hearings?

Answer: In the previous contract, cases included but were not limited to AOS with USCIS, DACA renewals, Special Immigrant Juvenile, Motions to Reopen, Motions to Change Venue, U visa certifications, affirmative and defensive asylum, employment authorization document renewals, FOIA requests, ICE check-ins, temporary protected status application/renewals, and cancellation of removal. While we have not referred any bond hearing cases, they would fall under the "at risk of detention or deportation," so we likely would approve that type of case.

2. Does SOIA have a definition for what they mean by "full representation" or is this something the agency will work with SOIA to determine? For example, the average processing time for U-Visas is now more than 10 years. Will full representation include only the filing of the petition and request for work authorization or will the agency be obligated to represent the client for the duration of their case?

3.

Answer: Through a stabilization fund, we have taken into account the very likely scenario that cases extend beyond a particular fiscal year. Given the very lengthy timeline in your example, we would likely need to discuss cases that we envision taking longer than 5 years.

4. Does the 15-20 full representation cases per year include the ongoing caseload or is the agency expected to accept 15-20 new full representation cases each year under the contract?

Answer: We had envisioned the agency accepting 15-20 new cases each year, but understanding that certain cases require more time than others, can be flexible in adjusting those numbers if the need arises.

5. Are agencies permitted to set multiple rates in the pricing sheet if multiple staff who have different salaries will be supporting the project, or does it have to be a single rate?

Answer: Yes, that would be acceptable.

6. The deadline and anticipated contract award date are both listed as June 7, 2023. Can you clarify?

Addendum No. 1 to RFP 23-71

Answer: The submission deadline is 6/7/2023 and the plan is to award a contract as soon as possible. However, a more realistic contract award date would be 6/21/2023.

7. What will the “expedited intake” process you describe look like? Specifically, will the City be conducting this intake, or the agency that receives the proposal? If the City does the intake, will questions related to immigration status be asked, or will this be a quick intake that is used more to identify if the individual has immigration questions versus housing questions or health insurance questions, with the contracted provider completing a more complete immigration legal consultation? I am referring specifically to this comment on p. 11, which left me unsure as to which party is conducting intakes: “Cases will be referred to the agency through an expedited intake process, which shall allow the City to directly refer clients to the agency for services and/or to request that where necessary, the agency endeavor to make initial contact with the resident. If requested, SOIA will endeavor to provide or identify a suitable location where agency staff can meet with referred clients for intake and/or other purposes.”

Answer: With our current vendor, SOIA staff conduct a very brief intake with a form that was mutually agreed upon, in order to give the vendor a general sense of the type of assistance sought i.e. pending court hearing, asylum application, looking to see if they're eligible for any type of relief, etc. When requesting a consultation on behalf of a resident, SOIA staff send the intake form and photos of relevant documents. At that time the vendor conducts a detailed consultation to determine if the resident is eligible for relief.

8. The focus of the RFP is on full representation in cases, but normally our practice is to do a thorough consultation 1:1 with the client and then assess which legal options they may have. If we were to do a consultation and determine someone was not eligible for any immigration statuses, how would we report that or factor that type of situation into the RFP?

Answer: The current vendor provides consultations for free, and the City compensates only for cases that are approved for full representation. We are open to negotiating that process. The vendor keeps a list of all consultations including whether or not they are eligible for relief.

9. Can we subcontract with another organization? If so, would they also need to submit their own complete proposal package?

Answer: We would not be able to permit subcontracting. If one organization does not cover particular types of cases, another organization can submit a proposal for those types, but not through a subcontractor agreement.

10. We are a legal aid organization and do not have “hourly rates” for attorneys. We typically value our services in terms of how much of an attorney’s time would be dedicated to the needs of the project, and then do the math in terms of how much of one FTE’s salary that would typically represent. Would it be okay for us to do that here? If so, how do we complete the Price Sheet in Section 3 of the RFP?

Answer: In accordance with municipal finance laws, the City can only pay for services rendered, meaning that, after approving a case for full representation, the City will pay for each step of the

Addendum No. 1 to RFP 23-71

process as these steps are completed. To pay in this manner, the City must determine the value of the services provided. This determination is made by multiplying the attorney's hourly rate by the estimated number of hours that will be needed to carry the case to completion. If there is another workable solution to valuing those services that will still reflect the requirement of paying only for services rendered, you are welcome to submit a document that proposes that solution. Please also note that, if you are considered for an award of a contract, there may be additional negotiations and changes on how to value service in a way that allows the City to monitor and manage the performance and delivery of services. The City reserves the right to determine the most suitable form of agreement for all engagements resulting for this program.

11. The RFP states that the agency would "provide guidance to SOIA staff as they support resident navigation of the immigration system" - does that mean ongoing technical assistance as needed, whenever needed? Would there be one contact asking for this technical assistance, or different staff members?

Answer: SOIA has a legal services coordinator who could manage much of this guidance. For the agency's part, we envision 1- brief communication following a consultation as to whether a resident is eligible for immigration relief 2- possible training sessions/clinics on a particular immigration topics. The latter allows for our staff to be better equipped to refer cases to the appropriate vendor/non-profit partner as well as ensure residents have most of the necessary documents and information ready for their intake with the vendor(s).

12. What sort of spaces do you have access to in Somerville for in person clinics or appointments? We are very accessible by the green line and orange line and have some space to meet with folks in person, but we are wondering what spaces you have access to for people who need to meet in Somerville.

Answer: At the SOIA Office at 42 Cross Street, we have a community room that can be reserved for individual meetings or events with a capacity limit of 20. For larger events, we can reserve space at local schools, municipal buildings, or local houses of worship.

13. Would we be keeping track of hours spent on cases, or would we simply keep track of the numbers and types of cases for purposes of reporting?

Answer: Under municipal finance rules, we can only pay for services rendered, and those services are broken down by hours worked. That being said, with our current vendor, we approve case estimates for a particular set of hours, and they invoice us for hours worked on a case. For example, a SIJ case is estimated to be 50 hours. In a monthly invoice, the vendor says they spent 20 hours on the case, with 30 hours remaining. We don't require a detailed breakdown of those 20 hours worked.

-----End of Addendum#1-----