

REQUEST FOR PROPOSALS

By

**South Central Alabama Development Commission
Area Agency on Aging**

Offeror: _____

Address: _____

Contact person: _____

Telephone: _____

Days of operation: _____

Hours of operation: _____

Does the offeror have a minimum of \$500,000 in malpractice insurance?

Yes No

A copy of the offeror's current certificate of insurance is included in this proposal:

Yes No

All attorneys who would be working on the proposed project are licensed to practice law in the state of Alabama:

Yes No

The offeror agrees to adhere to and comply with all the terms, rules, conditions, laws and policies applicable to this proposal and has submitted the required attachments.

Offeror: _____

By: _____

Deadline to submit a proposal is July 17, 2013

BACKGROUND

Legal problems facing Alabama's elderly population are often more critical than those problems facing any other segment of our population. The elderly in poverty are less likely to seek the assistance of an attorney. Often, it is either because they do not have cash resources to pay for services or they do not realize that they have a "legal problem."

The overall educational level of many seniors is low, especially in the older age groups, making it difficult for them to understand letters regarding benefits termination or changes and outlining their due process rights to appeal. The Older Americans Act of 1965 (hereafter, OAA) as amended, which primarily funds the Legal Assistance Program, requires that states have the capacity to improve the quality and quantity of legal programs for older individuals. The Alabama Legal Assistance Program are providers of Title IIIB OAA legal assistance across Alabama.

The Alabama legal assistance program is not a legal program for all older persons at all times for all issues, rather it is a targeted approach to ensure that those seniors who are the most vulnerable and who are at risk of losing their autonomy, dignity or independence have access to critical legal assistance.

The broad purposes of the legal assistance program in Alabama are:

- To protect the autonomy, dignity and independence of vulnerable older persons.
- To focus outreach and services particularly directed toward the most socially or economically needy older persons—those least able to advocate on their own behalf—to assist them to:
 - understand their rights;
 - exercise choice;
 - benefit from services, opportunities and entitlements;
 - meet essential needs of income, shelter, health care and nutrition; and
 - maintain rights promised and protected by law.
- To assist Area Agencies on Aging in developing and maximizing resources including new or additional resources to meet the legal needs of vulnerable older persons.
- To foster cost-effective, high quality services, having maximum impact on the neediest older persons and their most critical legal needs, and which are integrated in the Aging Services Network.
- To assist vulnerable older persons in preventing legal problems through education and outreach.
- To be accessible in each county throughout each planning and service area.

Recognizing that the resources of the OAA are inadequate to meet the legal needs of all elders, legal assistance services must be targeted to particularly needy populations of elders. The OAA specifies particularly needy elders, with particular emphasis on older persons who are low-income, low-income minorities, persons with limited English proficiency, and persons residing in rural areas.

The Area Agencies and legal assistance providers, in consultation with the Legal Services Developer, jointly develop plans to target legal assistance services to the particularly needy older persons. Due to limited resources, the AAAs, providers and developer also establish priority issue areas in which Title IIIB services are to be provided in order to help assure that the most critical needs of the target populations are met with those limited resources. It is important to note, that while the OAA calls for targeting of legal assistance services, means testing for service eligibility is prohibited.

Older persons who are to be specially targeted to receive priority for legal assistance services include:

- Institutionalized (such as the developmentally disabled, mentally ill, and those in long-term care facilities)
- De-institutionalized mentally ill or developmentally disabled
- At risk of institutionalization
- Low education
- Frail
- Isolated
- Homebound
- Illiterate/Low Literacy
- Disabled
- Minority
- Poverty or Low Income
- Limited English proficient

Please note that pursuant to the OAA regulations (45 CFR 1321.71(g)), a fee-generating case may not be accepted by a Legal Assistance provider under the program unless there is an emergency requiring immediate action. A fee-generating case means any case which reasonably may be expected to result in a fee for legal services from an award to a client from public funds or the opposing party with several limited exceptions.

RFP STATEMENT OF PURPOSE:

In an effort to further the goals of the Older Americans Act of 1965, as amended, with respect to provision of legal assistance to older persons, *the South Central Alabama Development Commission - Area Agency on Aging wishes to contract for a project that will provide legal advice, counseling and representation for older individuals (age 60+) in social or economic need and that will provide broad community education and outreach to inform the targeted groups of older persons of their legal rights who reside in the following Alabama counties: Bullock, Butler, Crenshaw, Lowndes, Macon and Pike.*

Under the Older Americans Act Regulations, (45 CFR 1321.71) the area agency shall award funds to the legal assistance provider(s) that, in the Area Agency on Aging's determination, most fully meet the following five standards:

(1) Have staff with expertise in specific areas of law affecting older persons in economic or social need, for example, public benefits, institutionalization and alternatives to institutionalization;

(2) Demonstrate the capacity to provide effective administrative and judicial representation in the areas of law affecting older persons with economic or social need;

(3) Demonstrate the capacity to provide support to other advocacy efforts, for example, the long-term care ombudsman program;

(4) Demonstrate the capacity to provide legal services to institutionalized, isolated, and homebound older individuals effectively; and

(5) Demonstrate the capacity to provide legal assistance in the principal language spoken by clients in areas where a significant number of clients do not speak English as their principal language.

The primary purpose of the Alabama Legal Assistance Program is to provide individual representation in administrative and court proceedings of clients 60 years of age and older who are in the greatest need of assistance. Representation of individual clients will be the major focus of funding legal services. These services include, but are not limited to: income issues; long term care; nutrition, representation of older persons in involuntary guardianship proceedings; housing problems; problems of the institutionalized; abuse, neglect and exploitation; and age discrimination. This does not include representation in areas where other resources exist to meet the needs of older persons or areas that are unlikely to target those in the greatest economic and social need—such as estate planning or spend-down for Medicaid eligibility for nursing home care.

The legal assistance provider awarded funds under this procurement will also be expected to provide: (1) creative outreach efforts to serve older persons who have limited access to legal assistance and to reach those in greatest social and economic need, particularly low income minority individuals; persons with limited English proficiency; and persons in rural areas; and (2) community education at sites commonly used by and easily accessible to the target groups of older persons.

The Area Agency on Aging may, at its discretion, make this Request for Proposal more stringent than the basic Request for Proposal established by the Alabama Department of Senior Services. It is incumbent upon the potential offeror to follow the specific Area Agency on Aging's Request for Proposal.

FUNDING AMOUNT

Contract awards of up to \$ 25,200.00 per year are available for services provided in response to this RFP so long as funding is available. The initial contract period will begin October 1, 2013 and end September 30, 2014.

PROGRAM LEGISLATION, REGULATIONS AND PROGRAM GUIDELINES

- Administration on Aging web page for Older Americans Act, 42 USCA Section 3058(j); 45 CFR Section 1321.51(c) and Section 1321.71 (<http://www.aoa.gov/about/legbudg/oa/OAA-compilation-unofficial.pdf>).
- Alabama Department of Senior Services (ADSS) Legal Assistance Program Guidelines (also known as Alabama Legal Assistance Program Guidelines), as of 2008, and other rules, regulations, standards and transmittals promulgated by the State of Alabama and the Area Agency on Aging program directives.
- Rules of Professional Conduct of the Alabama State Bar.

CAPACITY OF OFFEROR

1. Background:

A. Briefly describe what qualifies this offeror to be the entity best able to provide legal assistance to the seniors in this planning and service area. Your response should be more specific than the history of your office, practice or organization. Include in your response a brief narrative description of the legal assistance program (e.g., a legal service corporation grantee, non-profit agency or private lawyer). Discuss who among attorneys, legal assistants, paralegal, interns, clerical support, students, etc. will provide the services and whether these persons will be full-time or part-time.

As noted above, in order to be considered as a provider of Title III Legal Assistance, the offeror must demonstrate its ability to meet the standards enumerated in 45 CFR 1321.71 (c)(1)-(5). These include:

- Expertise in specific areas of law affecting older persons in economic or social need (for example: income issues; long term care; nutrition, representation of older persons in involuntary guardianship proceedings; housing problems; problems of the institutionalized; abuse, neglect and exploitation; and age discrimination).
- Effective administrative and judicial representation in the areas of law affecting older persons.
- Support to other advocacy efforts (for example, long-term care ombudsman program).
- Assistance to institutionalized, isolated and homebound older persons.
- Capacity to provide legal assistance in the principal language spoken by clients in areas where a significant number of clients do not speak English as their principal language.

B. Describe how the offeror will interface with the Area Agency on Aging and/or ADSS to resolve issues effectively related to service delivery and clients.

C. Discuss the offeror's qualifications and capability to provide effective services that will meet the ADSS Legal Assistance Program Guidelines.

D. State when (days and hours of operation) and where services will be provided, and if alternate delivery sites are used, identify each site and days and hours of operation.

E. Describe the capacity of the offeror to provide services to Limited English Proficiency/Non-English Speaking/Sensory Impaired clients.

F. Describe the capacity of the offeror in conducting intake and providing services in each county of the planning and service area.

G. Describe any factors, which may limit the ability of the offeror to fully serve clients in every county, such as geographic location, subject matter of the case, etc.

2. Relationships and Mechanisms for Referral

Describe the capacity of the offeror to interface with the Area Agency on Aging, specifically the information and referral program. Describe the mechanism by which the offeror will make and receive referrals from the information and referral program, the Elder Law Helpline or other (preferred) intake mechanism the offeror has in place or will have in place for potential clients seeking legal assistance. Indicate offeror's website, phone numbers (including toll free), focal points for intake, satellite offices, etc.

3. Outreach

Outreach, particularly to target groups and community education on the legal rights of older persons are also offered as part of the Legal Assistance Program in Alabama. Describe the capacity of the offeror in providing outreach to targeted groups of older persons in the community including minorities, homebound or otherwise isolated individuals, such as those in Long Term Care facilities.

4. Client Confidentiality and Conflicts of Interest

Describe policy or procedures concerning client confidentiality and conflicts of interest.

5. Training of Staff, Social Service Providers in Legal Rights, Legal Resources and Recognizing Legal Issues

Describe the capacity of the offeror to provide education to Area Agency staff or other social service providers as requested by the Area Agency in legal rights, legal resources and recognizing legal issues of older persons.

6. Coordination with the Long-term Care Ombudsman Program

Providers of legal assistance provide limited legal advice and representation to clients of the Long-Term Care Ombudsman Program who are 60 years of age or older and coordinate with the Long-Term Care Ombudsman while maintaining client confidentiality with both programs. Describe the capacity for providing legal assistance to older clients of the Long-Term Care Ombudsman in the planning and service area of the Area Agency.

7. Technology and Ability to Meet Reporting Requirements

Describe offeror's capacity for and use of technology, both in agency administration and delivering services. Describe offeror's capacity or plan to interface or incorporate the ADSS Legal Assistance Program Reporting in AIMS (Aging Information Management System) for reporting.

LEGAL ASSISTANCE PROGRAM NARRATIVE/METHODOLOGY

A. DESCRIPTION OF SERVICE DELIVERY MODEL

1. **CLIENT INTAKE METHODS** - Briefly describe the client intake process at the legal service office and at the outreach sites. Address whether standardized intake forms will be used and if the intake process is done on a "face-to-face" basis. Please describe how and who conducts the intake interview. Include in the description, the hours of intake and how potential clients are made aware of the specialized hours. How will potential clients be notified of the availability of legal assistance? This description should include all target populations. What is the specific plan for reaching the potentially eligible homebound?
2. **COORDINATION & COUNTY COVERAGE** - Describe how you will coordinate your efforts with other legal service programs in your area should you operate this Legal Assistance Program. Discuss your coordination and referral procedures with other legal service programs/providers/attorneys if your client should have a legal problem outside of your planning and service area or outside the scope of Title III legal assistance. Describe any factors, which limit the ability of this offeror to fully serve clients in every county, such as geographic location, subject matter of the case or lack of access to an attorney.
3. **METHOD OF CASE ACCEPTANCE** - Describe the method by which the offeror's Legal Assistance Program decides which cases to accept and which to reject. If a case acceptance meeting method is used, describe how often the meetings are held, with whom, and who makes the ultimate decision as to whether a case should be handled. Discuss how the case acceptance for Title IIIB cases is or would be different or similar to case acceptance for non-Title IIIB cases normally addressed by your office, organization or practice.
4. **METHOD OF ATTORNEY SUPERVISION** - Describe whether the offeror's supervising attorneys for staff attorneys, legal assistance and paralegals are available on a regular or as-needed basis. Discuss whether contact between the supervising attorney and supervisees is made in person or by phone; whether and how often the supervising attorney is present during the client intake process; and, whether the supervising attorney reviews all legal assistance given to a client or just the advice about which the offeror thinks supervising attorney review is necessary. Discuss the situations that are normally subject to supervisory review

and any specific time parameters. Please provide the name and business address of the attorney who is responsible for supervision.

5. **ATTORNEY AND NON-ATTORNEY SERVICE DELIVERY** –Discuss the timeframes for the client actually having access to the attorney(s) and the extent to which information, legal advice and assistance would be provided by the non-attorney(s). In what instances or under what circumstances would a non-attorney provide assistance to clients without first discussing the issue with the supervising attorney(s)?
6. **METHOD OF CASE REFERRAL** - Discuss how offeror’s clients are referred to pro bono or reduced fee assistance programs, or the Elder Law Helpline, if appropriate, and whether Legal Assistance Program staff perform follow-up. Detail the follow-up process utilized.
7. **METHOD FOR IDENTIFYING AND RESOLVING CONFLICTS OF INTEREST**
Describe systems in place or under development to identify and resolve conflicts of interest (e.g., adverse party files, review of outside employment by Legal Assistance Program staff, possibility of opposing counsel in the same office, etc.). Describe systems in place to maintain client confidentiality.
8. **DESCRIPTION OF QUALITY ASSURANCE SYSTEMS** - Describe any office or organizational quality control systems in place or under development. This discussion should include details of case reviews, case limitations, internal monitoring, programmatic and/or fiscal audits or other systems in place to ensure quality services are being provided. Describe how offeror will determine the clients’ satisfaction with services.

B. TARGET POPULATIONS AND CASE PRIORITIES

1. **OUTREACH** - Describe the method for effective outreach and assistance to target populations, e.g. institutionalized, isolated and homebound individuals. Describe any special materials or techniques the offeror has developed, or will develop, to reach special populations. Describe specific populations the offeror will target. (For Incumbent Providers Only) Discuss previously used methods of outreach and provide an assessment of their utility, benefit and an indication of whether any of the methods used are recommended for replication by other providers in other planning and service areas. Discuss any coalitions, Task Forces, community groups or other entities with whom the provider has partnered and relate any beneficial experience realized. Discuss in detail any method of outreach that the provider would like to utilize but is unable to for some reason.
2. **METHOD OF SERVING CLIENTS IN THE TARGET POPULATIONS: GREATEST SOCIAL OR ECONOMIC NEED, RURAL AND LOW INCOME**

MINORITIES - Describe systems for reaching and meeting needs of clients in the target population(s). Include in the discussion, how your office, practice or organization would factor in a client's lack of social and/or economical need as consideration to provide services to them.

3. RANKING OF CASE PRIORITIES - Describe any particular system of ranking that you may have prescribed or plan to prescribe to the mandated priorities in the ADSS Legal Assistance Program Guidelines. If you have no such system, indicate whether or not you have elected to handle all cases on a first come, first served basis without regard to any particular level of ranking of their priority status. Discuss any system of preferences utilized that would have a direct relationship to the type of cases or potential clients or other factors.
4. PROCEDURE FOR TREATMENT OF POTENTIAL CLIENTS WHOSE CASES FALL OUTSIDE OF THE ADSS LEGAL ASSISTANCE PROGRAM GUIDELINES' CASE PRIORITIES LISTING - Describe how potential clients are to be handled if their case falls outside of priority guidelines or cannot be handled under the Title IIIB program. Include in this discussion, how individuals are or will be informed of this determination and what, if any, advice or assistance is or will be provided.
5. PROCEDURES FOR CLIENTS WITH CASE PRIORITIES WHICH OFFEROR IS UNABLE TO HANDLE - Discuss any inability of your office, program, organizations or practice to handle certain case priorities and/or to handle certain case priorities in the manner prescribed by the ADSS Legal Assistance Program Guidelines. Indicate upon what your inability is based (i.e. inexperience, lack of staff, disagreement that the case type should be handled by the Legal Assistance Program, conflict with other funding sources, etc.). Discuss what provisions you will implement or have in place that will assure potential clients still have access to legal assistance.

C. **DESCRIPTION OF TRAINING OF THE LEGAL ASSISTANCE OFFEROR STAFF**

1. (For all offerors) Are any of the offeror's attorneys members of the Elder Law Section of the Alabama State Bar? What trainings, meetings and conferences of the Elder Law Section have the offeror's attorneys attended? Be specific as to the subject matter of the training, date and name of attorney(s) who attended. (For Incumbent Providers Only) Indicate the last year that the provider's staff attended a training/conference provided by ADSS for the Legal Assistance Program. Which of the provider's Legal Assistance Program staff have not attended a conference/training within the past State Fiscal Year?
2. TRAINING - Briefly describe any anticipated legal training needs of the offeror's staff for the coming year. Discuss why training in this particular area is needed or

desired and how it will enable the offeror to serve Title IIIB clients better.

D. TRAINING OF STAFF, SOCIAL SERVICE PROVIDERS IN LEGAL RIGHTS, LEGAL RESOURCES AND RECOGNIZING LEGAL ISSUES

Describe the method of the offeror to provide education to Area Agency staff or other social service providers as requested by the Area Agency in legal rights, legal resources and recognizing legal issues of older persons. Describe any special materials or techniques the offeror has developed, or will develop, to assist these populations.

E. DESCRIPTION OF COORDINATION WITH OTHER ELDER RIGHTS SYSTEM PROGRAMS

LTCO - Briefly describe the method for providing legal support to clients of the Long-Term Care Ombudsman program in your planning and service area.

F. DESCRIPTION OF ASSISTANCE TO LIMITED ENGLISH PROFICIENCY/SENSORY IMPAIRED/NON-ENGLISH SPEAKING SENIORS

Describe the method for providing legal assistance for clients in your service area who are Limited English Proficient, Sensory Impaired or Non-English Speaking. Include in this description the manner in which the public is made aware of this assistance.

G. VOLUNTARY CONTRIBUTIONS

Describe methods that will be used by the offeror to meet requirements of the Older Americans Act regarding Voluntary Contributions. The OAA requirements call for Area Agencies to ensure that each of their legal service providers --

- Provide each client an opportunity to voluntarily contribute to the cost of the service;
- Clearly inform each client that there is no obligation to contribute (methods of soliciting contributions must be non-coercive);
- Protect the privacy and confidentiality of each client with respect to contributions;
- Establish appropriate procedures to safeguard and account for all contributions; and

- Use all collected contributions to expand the service for which they were given and to supplement (not supplant) OAA funds received by the providers (OAA Sec. 315(b)(4)).

H. FEE GENERATING CASE

1. EMERGENCY SITUATION - Describe method for determining if and when the offeror might handle a fee-generating case as defined by 45 CFR Section 1321.71 (g)(1). That is, how would you determine whether adequate representation is unavailable or an emergency situation exists which requires immediate action? Describe screening and intake process with regard to this requirement.
2. REFERRAL - Describe how the offeror would make referrals for fee generating cases. List types and numbers of referral attorneys provided to clients. On what basis are the referrals selected to provide to persons presenting fee-generating cases? Are those persons to whom referrals are given invited or instructed to return to the offeror if their case is rejected by all of the referrals? Are referrals directed to other areas of offeror's program, organization or practice?

I. COMPLIANCE WITH ADSS LEGAL ASSISTANCE PROGRAM GUIDELINES

1. Discuss any inability of the offeror to comply with the ADSS Legal Assistance Program Guidelines. Cite the section and paragraph or specific requirement that cannot or will not be met. Discuss how this has been brought to the attention of the State Legal Services Developer and/or the Area Agency on Aging.
2. Discuss any inability of the offeror to meet or comply with the reporting requirements of the Alabama Legal Assistance Program. Identify who is responsible for completing the Quarterly Report, inputting data in AIMS and ensuring the accuracy of the data reported.
3. Discuss any subcontractor agreements the offeror has, or expects to put, in place for another entity to provide services to any counties or areas within the planning and service area that you are applying to serve. If you believe that you would only be able to serve a planning and service area with the assistance of another entity, detail that need.

J. STAFFING PATTERN

Include a staffing pattern for the proposed Legal Assistance Program. Complete a table that includes names, titles, and percentages of time devoted to the program.

Detail the roles and responsibilities of each staff member. This should include assignments to certain counties, case types or subject matter.

K. SAVINGS AND BENEFITS HISTORY

(For Incumbent Providers Only) What is the dollar amount of previous fiscal years savings and benefits to clients served by case representation? Include worksheet indicating how this figure was derived for specific case type categories.

L. CLIENT SATISFACTION/GRIEVANCE PROCEDURE

What method is used or do you plan to use to measure client satisfaction and what elements of legal services do you expect to measure? What method is used or do you plan to use to inform clients of the procedure for filing complaints or grievances about the operation of the legal assistance program?

M. UNMET NEED

To what extent is the offeror unable or will the offeror be unable to meet the needs of all of those seeking assistance from the Legal Assistance Program?