

RFA #36-21

Statewide Civil Legal Services Program

Questions & Answers

	RFA Section	Question	Answer
1		RFA 36-21 is for civil legal aid in all 67 counties in PA. Will there be a separate RFA for the Disability Advocacy Program?	This information is not needed to prepare a response to this RFA. Please monitor www.emarketplace.state.pa.us for solicitations issued by the Department.
2		RFA 36-21 requests services for civil legal aid in all 67 counties in PA. But does it include all the other federal and state funding administered by the Department of Human Services currently granted for legal aid services in PA?	This information is not needed to prepare a response to this RFA.
3		The RFA doesn't include a funding amount or the specific source of the funding. Should the proposal be written to encompass the full amount needed to provide services?	An Applicant's Cost Submittal should be based upon the funding needed to perform the scope of work as outlined in the RFA. In preparing their applications, potential Applicants should consider that cost is being evaluated separately from the technical submittal in accordance with Section II-4.B.
4	Part I, Section I-4	Part I, Section I-4 references Title XX and 5 Title XX goals. No other funding sources are mentioned. Is this the only source of funding available?	This information is not needed to prepare a response to this RFA.
5		<p>Page 5 of the RFA says individuals are financially eligible for civil legal services if they are "Current recipients of Medical Assistance ("MA")."</p> <ul style="list-style-type: none"> a. Does the state have any further guidance about the rule that current recipients of Medical Assistance are always eligible? b. Are there any exceptions? 	<p>Individuals are financially eligible for services if they are current recipients of Medical Assistance.</p> <p>Individuals must also meet one of the two categories of need: (1) emergency situations, and (2) termination of employment and unemployment compensation; custody and other family law matters; health care or</p>

RFA #36-21

Statewide Civil Legal Services Program

Questions & Answers

		<p>c. Does it apply to individuals in the following categories of Medical Assistance: PH-95, Medical Assistance for Workers with Disabilities (MAWD)?</p>	<p>health insurance; income and income supports; discrimination due to age, race, sex, gender, sexual orientation, or disability; wage and pension claims; housing; wills and estates; social security benefit; disability; and debtor-creditor issues. (See Section I-3).</p>
	RFA Section	Question	Answer
6	Section III-5	<p>Section III-5 of RFA 36-21. Work Plan (specifically subsection B describing Milestones and Deliverables) (at pages 23 and 24 of the PDF) says the “selected Applicant must also provide civil legal services to include, but not limited to, these core areas ... Health care/insurance”.</p> <p>a. Can the Department share additional guidance about the type of representation it expects in this core area?</p> <p>b. Is it different from the representation currently provided by PLAN, Inc and its subcontractors, e.g., the PA Health Law Project?</p> <p>c. Does it include providing legal services to individuals in the areas of Medicaid eligibility, Medicaid adverse benefit determinations, and Medicaid complaints about quality of care?</p> <p>d. Will the Department continue its practice of listing the contract information for the selected applicant on written notices mailed to Medicaid applicants and Medicaid enrollees?</p> <p>e. As with Medicaid, does the Department expect the applicant to represent individuals either applying to or enrolled in the Children’s Health Insurance Program (CHIP)?</p>	<p>a. Guidance on representation expectations can be found in Sections I-3 and III-5 of the RFA. Legal Services are not provided in fee-generating cases or in cases in which the Commonwealth of Pennsylvania or political subdivisions of the Commonwealth have an obligation to provide counsel to low-income individuals. Legal Services are not provided in criminal matters or in matters which, in the professional judgment of an attorney, are of little merit or which, under all circumstances presented by the person, are of no benefit to the person. The term “fee generating case” does not include cases in which representation is permitted by 45 CFR §1609.3.</p> <p>b. The health care/insurance representation services indicated in the RFA are consistent with and a continuation of current services being provided for health</p>

RFA #36-21

Statewide Civil Legal Services Program

Questions & Answers

			<p>care/insurance. The selected Applicant shall be responsible for representing and protecting the rights of low-income clients in Pennsylvania in healthcare issues, acting as a major resource for health advocates and Legal Services attorneys statewide; effecting changes in policies and regulations; identifying areas of concern and disseminating information on health issues that impact clients' lives.</p> <ul style="list-style-type: none"> c. Individuals are financially eligible for services if they are current recipients of Medical Assistance. d. Yes. e. Yes, the selected Applicant is expected to represent individuals who qualify financially and also meet the indicated categories of need.
	RFA Section	Question	Answer
7	Part V	Part V of the RFA references the SDB and VBE Participation Goals. Does the use of DGS certified vendors count in the calculation of SDB and VBE percentage commitments? For example, cleaning services or contracted services not providing direct legal services but utilized in the day to day processes of the applicant and subgrantees.	Prospective Applicants must demonstrate the use of DGS certified SDB and VBE vendors to meet the SDB and VBE Participation goals for this procurement. Subcontracted SDB/VBE vendors must be used to provide commercially useful functions related to the solicitation. The Commonwealth prefers the use of professional and para-professional services related to the solicitation. Only services directly related to the material needs of the Commonwealth shall be

RFA #36-21

Statewide Civil Legal Services Program

Questions & Answers

			counted for SDB/VBE participation goals. Services must be directly related to the scope of the needs of the specific procurement or contract. As such, cleaning services for a site that exclusively supports this specific contract needs could be counted towards SDB/VBE goals. Alternatively, cleaning services of a site which conducts additional work NOT RELATED to the bid or contact cannot be counted towards SDB/VBE goals. Please review SDB-1 and VBE-1 "Instructions". Also review SDB-4 and VBE-4 "Guidance for Good Faith Efforts".
	RFA Section	Question	Answer
8		It is our understanding that nonprofit entities cannot be certified as SDB or VBE by the department of general services. If an applicant and its subgrantees are all nonprofit entities, are there any suggestions for meeting the % commitments if all subgrantees are not SBD or VBE certified?	Correct, nonprofits entities are not eligible to participate in the PA DGS Small, Small Diverse and Veteran Business Programs. The Commonwealth requirement is to use DGS verified SDB and VBE vendors to meet the stated goals. Prospective Applicants should utilize the DGS Supplier Database to find DGS verified SDB/VBE vendors to meet the SDB and VBE goals applied to this solicitation. Please review SDB-1 and VBE-1 "Instructions".
	RFA Section	Question	Answer
9		Does the calculation for the CCP hiring goal include only <i>applicant</i> hiring over the past three years or should the calculation also include <i>subgrantees</i> hiring numbers? Also, does the calculation take into consideration the type of positions hired?	The CCP calculation should include the grantee and all subgrantee hires over the last 3 years. All hires, regardless of position should be used in the calculation. Because the CCP requirement is only 10% of that

RFA #36-21

Statewide Civil Legal Services Program

Questions & Answers

			total, it takes into consideration that not all positions would be a good fit.
	RFA Section	Question	Answer
10		Page 6 of RFA 36-21 says “Civil legal services [must] meet one or more of the following five Title XX goals”. This is the first time Title XX funding is referenced in the RFA. No other federal funding sources are listed. Does RFA 36-21 apply to other federal and state funding administered by the Department of Human Services?	Refer to the response to Q4.
	RFA Section	Question	Answer
11		Part I, Section I-3 (Overview of Project) of the Legal Services RFA (page 5 of the RFA) says “the selected Applicant shall provide individualized civil legal services to an estimated minimum of 16,500 individuals per State Fiscal Year”. <ul style="list-style-type: none"> a. How was the minimum threshold of 16,500 established? b. Does the state have any further guidance for potential applicants about geographic or subject matter distribution for civil legal service representation? c. Is the Department expecting the successful applicant to ensure that every county receives representation that is proportional to that county’s eligible population? 	<ul style="list-style-type: none"> a. The threshold number included in the RFA is based on historical data. b. The selected Applicant should be prepared to handle all included practice areas throughout the Commonwealth. c. The selected Applicant should be prepared to handle all eligible cases.
	RFA Section	Question	Answer
12		Section III-5 of RFA 36-21. Work Plan (specifically subsection B describing Milestones and Deliverables) (pages 23 and 24 of the PDF) says the “selected Applicant must also provide civil legal services to include, but not limited to, these core areas ... Health care/insurance”. <ul style="list-style-type: none"> a. Can the Department share additional guidance about the type and amount of representation it expects in this core area? b. Is it different from the representation currently provided by PLAN, Inc and its subcontractors, e.g., the PA Health Law Project? 	Refer to the response to Q6.

RFA #36-21

Statewide Civil Legal Services Program

Questions & Answers

		<ul style="list-style-type: none"> c. Does it include providing legal services to individuals in the areas of Medicaid eligibility, Medicaid adverse benefit determinations, and Medicaid complaints about quality of care? d. Will the Department continue its practice of listing the contact information for the selected applicant on written notices mailed to Medicaid applicants and Medicaid enrollees? e. Does the Department expect the successful applicant to represent individuals either applying to or enrolled in other health insurance programs operated by the Department—e.g., the Children’s Health Insurance Program (CHIP), Act 150? 	
	RFA Section	Question	Answer
13		Can the Department share the list of all attendees at the Pre-Application Conference held on December 13, 2022?	Yes. Please refer to Addendum 1.
	RFA Section	Question	Answer
14		<p>If the Department selects an applicant other than the Pennsylvania Legal Aid Network Inc (PLAN Inc), the current holder of contract for statewide civil legal services, does the Department have any guidance about how the transition from one legal aid provider to another should be handled? According to the ethical standards promulgated and enforced by the Supreme Court of Pennsylvania, all lawyers are expected to see each matter through to its conclusion. See Rule of Professional 1.16 (outlining the circumstances for terminating client representation). Under Pennsylvania’s rules governing minimal ethical standards for the practice of law, while a client can fire a lawyer at any time, for any or no reason, the inverse is not true. The transition section of RFA 36-21 does not ADDRESS this situation. Changing legal aid vendors is far more complicated than changing vendors for other health and human services (e.g., changing a health insurer for Pennsylvanians in Medicaid/Medical Assistance). Again, does the Department have any additional guidance?</p>	<p>Prospective Applicants should include a proposal for accomplishing the Transition tasks within their response to the RFA. For additional guidance, please refer to Part III, Section III-5.A, Transition Plan, within the RFA.</p>