

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK
PROBATION AND PRETRIAL SERVICES**

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Minutes from
FY 2024 Offeror's Conference

Date: July 20, 2023

Time: 1:00 PM – 1:34 PM

Attendees: Matt Gilchrist & Karlie Hall (Sr. USPOS); NuStep Professional Counseling (Cathy Diana, Ryan Diana, Mackenzie Alberici); Family and Children Services (Carole Tytler); Helio Health (Phuong Kripalani & Rozanna Sohan)

- We are seeking one or two qualified vendors for the following services in the designated catchment areas:
 - Outpatient Mental Health Treatment in Onondaga County
 - Outpatient Sex Offender Treatment in Onondaga County
 - Outpatient Sex Offender Treatment in Broome County
 - Polygraph Examination Services in Broome County

- Vendors must be located in the catchment area (with the exception of polygraph services).

- Each RFP/CPO is due on August 4, 2023 - no later than 4:30 p.m. Delivered to the U.S. Probation Office via email (Matthew_Gilchrist@nynp.uscourts.gov).

- Blanket Purchase Agreement (BPA): Not a grant or a lump sum of money, it is fee-for-services agreement calculated in Estimated Monthly Quantities (EMQs).

- Competitive Purchase Offer (CPO): Award for services estimated to cost above \$10,000, but less than \$25,000 for any given fiscal year. Orders are valid for a specific period of time, not to extend beyond the 12-month fiscal year.

- EMQs are:
 - Not Binding.
 - Half-hour units for individual session, group sessions, and family counseling.
 - One fee per report intake assessments and reports.

- Instructions for the preparation of the RFP are contained in Sections B and L.
- Specific services solicited begin on page B-2 in each of the RFPs.
- If there is an asterisk (*) next to the service, this means there is a local need and you will need to make a plan to meet that need.
 - Local Needs for Mental Health Treatment RFP:
 - For counseling identified under project codes 5011, 6015, 6010, and 6028, the vendor must have the ability to provide services from 5:00 p.m. until 7:00 p.m., one time per week.
 - Local Needs for Sex Offender Treatment RFP:
 - For counseling identified under project codes 5012, 6012, and 6022, the vendor must have the ability to provide services from 5:00 p.m. until 7:00 p.m., one time per week.
 - Local Needs for Polygraph Examination RFP
 - Provide requested services (5022 & 5023) within the space and facilities provided by the USPO. There is no longer a catchment area requirement.
- The BPA is awarded based on the lowest price, technically acceptable, and responsible standards.
- Vendor is technically acceptable if they can fulfill the requirements of Sections C, E, F, and G of the RFP.
- The evaluation criteria is outlined in Section M.
- The prices for services should account for:
 - the time your staff will spend providing services
 - monthly USPO contacts
 - writing case notes
 - providing completed monthly supervision reports
 - workbook or materials used
 - processing billing
 - a “no-show” factor; only face-to-face contacts are billable (unless authorized for telehealth).
- Possibility of a split BPA; referrals are rotated based on the cost, not the number of clients.
- Responsibility is determined by various factors and past performance is taken into consideration.

- Once the BPA is awarded, there are monitoring procedures to ensure the provider is responsible and the services are provided as listed in the statement of work.
- If any of the services solicited are left blank, the RFP is deemed unacceptable.
 - Therefore, even if the price is \$0, enter the number.
- Please pay attention to the difference between units and per report when calculating EMQ cost.
 - It is in your best interest to give a best offer now since vendor is chosen if technically acceptable and lowest price.
- Offeror must meet all of the mandatory requirements of the RFP.
- The Offeror is not required to provide documentation of the education, credentials, licenses, and certification of staff members; however, the Offeror shall verify the information is accurate and that any required licenses are current.
- If a proposal has been found technically acceptable, a site visit will be completed by the Probation Office.
- All vendors found technically acceptable will receive a visit. A visit is not an indication the BPA was awarded.
- Potentially a three-year agreement (BPA Only).
 - One year, plus two 12-month option years depending on performance.
 - Fiscal Year runs October 1st – September 30th.
- If the vendor(s) who is/are awarded the BPA maintain a satisfactory rating during the cycle, the next solicitation process will not be conducted again until FY 2026, to begin FY 2027.
- Monitoring Reports:
 - Conducted within the first 120 days and four months thereafter.
 - We reserve the right to see files at any time and participate in research with the AO.
 - The report will be sent to the vendor and the government will maintain a copy for the review at any time by the AO.
- If the RFP is awarded, this is what to expect:
 - You will be contacted in writing to notify you if your agency was selected or not.
 - The contracting officer will reach out to you to discuss the cases that need to be transferred to your agency from other providers.
 - A USPO will reach out to your point of contact to schedule an intake for any new clients.
 - In accordance with the RFP, federal clients are to be placed immediately without regard to backlog or wait lists.
 - The USPO will then send a release of information along with a referral letter.

- A typed intake assessment report shall be sent to USPO within 30 business days after receiving the referral. The report cannot be billed if it has not been submitted.
- When applicable, the case staffing may include the vendor, the defendant/person under supervision, and the officer to clearly define expectations and clinical treatment goals. Communication with the officer should be driven by risk, needs, and responsivity specific to the defendant/person under supervision.
- A Probation Form 45 will be completed. This is the authorization to perform services.
- The vendor may not digress from the type of services or increase the frequency without permission from the USPO. If the vendor does such, the vendor will not be paid.
- (A copy of the forms mentioned are included in the RFP.)
- Vendor needs to document all case contacts, including those with collaterals.
- Files are kept separately and are to be viewed by Chief USPO or designee only.
- Vendor needs to contact USPO within 24 hours of any missed sessions or any other violation behavior.
- USPOs are responsible for contacting vendor regarding any positive or negative behaviors/drug tests.
- Monthly Sign-in Logs (MSL's) must be completed for each month that services are rendered.
 - MSL's must be legible and provide the specific information requested on the form.
 - We reserve the right to require the document be typed if a handwritten one is not legible.
 - MSL's will be returned if the information provided is deemed not sufficient.
 - MSL's must be submitted with the invoice by the 10th of every month.
- RFP provides an outline of how invoice is to be formatted.
- If you are a new vendor, we can provide training to your billing administrator.
- Clients are to sign in & out for every session in the Monthly Sign-in Log.
 - Vendor needs to note:
 - Date
 - Type of Service (e.g., Individual Counseling) or Project Code (2010)
 - Any co-pay collected
 - Time in & time out
 - Both the client and the counselor must sign or initial each time
 - MSL's are sent with the invoice.
 - A copy of the Monthly Sign-in Log is in the RFP.

- Treatment plans must be sent to the USPO initially and after every update, at least every 90 days (quarterly), attached to the monthly treatment report, and should include defendant/person under supervision input.
- Treatment plans should also include the risk levels determined by our Post Conviction Risk Assessment (PCRA) instrument (provided to you at referral).
- Typed Transitional Care Plan (previously known as discharge summaries) must be submitted within 15 calendar days after treatment is terminated, and shall include:
 - Reasons for concluding treatment.
 - Supportive Social Networks
 - Medication Management Plan
 - Collaboration and Coordination for Community-Based Services
 - Acquired Skills and Adaptable Skills for self-management.
 - The most recent diagnosis is also helpful for the continuation of supervision.
 - Signatures of both clinician and client
- Be sure to be mindful of the requirements in relation to confidentiality.
- CO-PAYS
 - Will be part of this solicitation cycle.
 - Paid to vendor directly, who then deducts from the bill.
 - If counselor has an issue with collection the co-pays, notify the USPO who will address the issue.

Overview of Changes

- **Sections C - G**
 - Removed Monthly Treatment Log and replaced with Monthly Sign In Log.
 - Removed wording for discharge summary, and replaced with specific requirements for a transitional care plan.
 - Added telemedicine as a General Requirement available on all agreements on a case-by-case basis.
 - 2011 Substance Use Intake Assessment Report – to be performed by clinician who meets the standards of practice established by state’s regulatory board.
 - 2022 Manualized Cognitive Behavioral Group – removed treatment plan requirement, but require a program completion summary.
 - Many project codes have additional topics that must be included in reports.
 - Project codes: 6012, 6022, 6032 – updates to primary and maintenance treatment phases, to include explanation of assessments required for different phases, as well as different treatment plans.
 - Staff Requirements and Restrictions – added requirement for notification in writing within **3 business days** of staff changes, and submission of Attachment C
 - Language change: “Offender” is now “Person Under Supervision (PUS)”

- **Section I**
 - Added Clause 3-300 – requiring registration in sam.gov.
 - Added required clauses for agreements exceeding \$100,000.

- **Sections L – M**
 - L.1.A – allow electronic signature
 - L.1.B – removed estimated percentage of no-shows
 - Proposal Submission – require electronic submission to designated e-mail address
 - Section I - require registration in sam.gov
 - Attachment A – Certification of Compliance Statement signed by offeror, with a separate certification signed by offeror for each subcontractor
 - Attachment B – now called Background Disclosure
 - Monitoring reports for 24 months (instead of 18) for similar services within same catchment area. Included providing that report needs to be satisfactory or higher, or provided documentation of remedied deficiencies
 - No monitoring reports required from incumbent vendor unless they have other federal, state, or local monitoring reports for past 24 months for similar services. Removed requirement for vendor to resubmit our own monitoring reports back
 - Removed requirement to provide copies of applicable business and/or operating license and replaced with a compliance statement/signature.
 - Removed requirement to provide copies of compliance with federal, state, and local fire, safety and health codes and replaced with a compliance statement/signature.
 - Attachment C – required for staff providing direct delivery of services. No documentation required other than completed Staff Qualification Form. Added certification statement/signature attesting all staff have relevant experience and current licenses/credentials.
 - References – no longer required for incumbent vendors.
 - New Pass/Fail checklist and on-site checklist to match adjustments made to Section L

- No changes were made to Section D, E, H, or K

- Questions need to be submitted in writing to the probation website (“Vendor Resources” tab, “Submit Question” dropdown). All questions and responses will be posted on our website, so check it regularly.

- The deadline to submit questions is August 2, 2023.

Questions:

- Is this the first time the RFP can be submitted by email?
 - Answer: Yes; one copy of the RFP should be submitted by email by the due date/time.

- Will the PowerPoint slides be posted?

- Answer: No; the meeting minutes will be posted on the public probation website under Vendor Resources.
- Regarding the three-day notification requirement for change of staff, does this mean notification if a client is being transferred from one clinician to another?
 - Answer: No; this requirement is only for any new staff a vendor may hire. The vendor must notify US Probation within three days of the change in staff and provide a signed Attachment C.
- Is there a separate cost for no call, no shows?
 - Answer: No; the U.S. Probation Office does not pay for no call, no shows and this cost should be considered when calculating the unit cost for EMQs.