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October 26, 2018

## **ADDENDUM #1**

### **#18-155 INDIGENT MISDEMEANOR LEGAL REPRESENTATION #18-151 WEEKEND ARRAIGNMENT TEAM**

1. The due date has been extended to **Thursday, November 8, 2018 at 3:00 p.m.** for both offerings RFP #18-151 and RFP 18-155
2. Add to **SECTION 8 - INFORMATION REQUIRED FROM PROPOSERS** item 5.c. **Schedule of Hours**, see attachment.
3. Minutes INFORMATIONAL PRE-PROPOSAL MEETING: Wednesday, October 17, 2018 at 10:00 a.m.

The Informational Pre-Proposal meeting was held at the Genesee County Administration Building in room #301. Cindy Carnes, Genesee County Purchasing Manager, called the meeting to order at 10:01 a.m. and reminded everyone to sign-in.

#### Attendance:

Cindy Carnes, Purchasing Manager  
Barbara Menear, Court Administrator  
Sarah Santini, Director Court Administrator  
Mitchell Manwell  
Kevin Rush  
Tiffany Hughes  
Maureen Caster  
Phil Beauvais  
Diana Olesko  
Kraig Sippell  
Jeff Childers  
Trachelle Young  
Erwin Meiers  
K. C. Baran  
Paul Scott

Cindy Carnes stated there are two RFP's to review today. RFP #18-155 for Indigent Misdemeanor Legal Representation for 67<sup>th</sup> District Court and #18-151 for Weekend Arraignment Team 67<sup>th</sup> District Court. Proposal #18-155 is due at 3:00 p.m. November 1, 2018 and #18-151 is due 3:00 p.m. on October 30, 2018. Make sure you have the proposals here before that time because we will not accept the proposal after that time.

There will also be a third proposal #18-156 that will be due after these proposals. This meeting is not mandatory to attend, it is just an informational meeting to answer questions. Everything for the bid will be published on the Genesee County website. Be sure to check the website for Addendums.

#18-155 Indigent Misdemeanor Legal Representation will be reviewed first. Cindy reviewed the information on how to submit a responsive proposal. This proposal is due at 3:00 p.m. on November 1, 2018. It must be in our office and time stamped by 3:00 p.m. If you show up at 3:01 p.m. we will not accept your proposal. You may turn your proposal in early. It is kept sealed until the opening time. If you get it done early, turn it in early. The first page is an introductory page telling when the proposal is due and the date of the pre-proposal meeting so that you could come with questions. I did not receive any questions via email prior to this meeting.

Instructions for Proposal. This page tells you when the proposal is due. The envelope has to be sealed. It has to have label the envelope with your company's name on the outside, have it here by 3:00 p.m. on the day it is due. Make sure you read this. You need to submit an original, a copy and an electronic copy of your proposal. It is extremely important that you do not talk to staff regarding these RFPs. Cindy Carnes or Derrick Jones of the Purchasing Department are the contact people regarding questions on these proposals or you can send an email to [geneseecountypurchasing@co.genesee.mi.us](mailto:geneseecountypurchasing@co.genesee.mi.us). If it gets back to Purchasing that you are talking to staff regarding this offering your bid will not be accepted or will be disqualified. When Purchasing is contracted the questions and answers are compiled and published as an addendum for everyone. That is how we provide a fair and open process to everyone is by giving everyone the same information. Please do not discuss the offerings with staff other than the Purchasing Department. The contract is attached at the end of the proposal for you to review. The Insurance Checklist is showing you what insurance you will need to have if you are awarded the contract. If you don't have something you will have to add it to your insurance and if there is an additional cost you can take that into your account with your planning. Our Standard Terms and Conditions are at the Genesee County website along with the Purchasing Regulations. There are a few additional Terms and Conditions listed in the RFP. Addendums will be posted to the Genesee County website. You must sign the Signature Page. If you have not signed the Signature Page you are non-responsive and your proposal cannot be considered. We are a Governmental Entity and everything on file is available to FOIA request. If you have something that you feel is proprietary and should not be disclosed you have to request exception prior to the bid being turned in. That deadline for FOIA exception is October 17<sup>th</sup>. Genesee County has to have a published procedure for exceptions to exclude you from FOIA material and this is our process. That submission must be in writing to Genesee County prior to October 17<sup>th</sup>. If you have any exception to anything in the proposal, put it in writing on your letterhead and include it with the proposal. There is a spot on the Signature Page to check that tells us you have included an exception page.

Section 4 – these are your qualifications. Make sure you have these qualifications. The people within your organization that will be working on this project meet these qualifications and you must prove it to us that they do. In your submission make sure you address all of this information and you are capable of meeting these requirements. You must also have email address, cell phone, telephone, fax machine and internet access. Technology will be used in the communication part of this proposal.

This is a proposal because we want your ideas of how you are going to approach this and what services you are going to provide. Genesee County is not dictating every single way that you need to be doing this. We are looking for what you are going to bring to this service for the county. Payment will be done on a monthly basis, based on the annual rate that you quote in your proposal. There are some security requirements for you to be entering the Court House, which is likely not an issue for you and your staff, but we do want to state what is necessary for us to have on file.

Section 8 - Information Required from Proposers. It talks about how many copies you need to submit of the proposal. Your statement of understanding, tell us how you interpret this program, how you are going to tackle it, your organizational background and what experience are you bringing to this. We don't want resumes, we want to know what your qualifications and experience are and how you are going to apply that to this service. Compliance narrative – how you are keeping up to date with the laws and court rules etc. Staff Qualifications – tell what their qualifications are, what their education is and why they are qualified to do this. Also any experience that they will be bringing to this project that is going to make you a better candidate than someone else to do this service for us. Three Client References – Your references should be work similar to this or current clients.

Section 9 – Evaluation Criteria. When the proposals come in this is what we are basing out selection on. You will be scored on: Does your proposal provide for the delivery of legal services in a reasoned and comprehensive manner. Make sure that the information you submitted to us answers these questions.

Signature Page – Make sure you review this page. There will be an Addenda, because we will have minutes from this meeting and any additional questions that we receive. This is where your Conflict of Interest is. Read through this and respond. If you feel there is a conflict you need to explain it. It is unidentified conflicts of interest that we are going to have trouble with. If you have a conflict of interest and we can address it and determine what level it is that may not automatically exclude you, but we need to know about it. If the conflict is discovered later you will immediately be excluded. If you have exception this is where they will be noted. If you answer yes an additional statement will need to be attached. Make sure you sign this page. If this page is not signed it is not a responsive proposal and will not be considered. The proposal cost is the annual amount and the monthly rate will just be divided by 12. That will be the amount paid out monthly.

Insurance Checklist – This is the insurance that you will need to have on file. You will have to submit a Certificate of Insurance to the county when you are awarded the contract. Discuss this with your insurance agent and it must be signed.

References – Your references need to be professional references based on your work in the community.

Contract – Read through the contract and make sure you do not have any exceptions. This is a draft and only for information. This is what the contract will be based on. This contract would go into effect on February 1, 2019, because we need time to review the

information submitted. If we need to interview any of the candidates there will be time. This also has to have time to progress through the different County Board meetings.

- Q1. Do you need to have professional references and client references?  
A1. References on the work you provide.
- Q2. A DUNS number?  
A2. If you have one. It is not required. It is a business tracking number that businesses typically have.
- Q3. Federal identification?  
A3. Yes, that will be enough.
- Q4. Is the information required on the Indigent Legal Representation, is that for the managing attorney or for every attorneys in your group?  
A4. Everyone that is going to be working with the clients we want information on.
- Q5. If you have 10 attorney's you want 30 references etc.?  
A5. No the references is on your firm. **Correction** the references should be provided for each of the lawyers for the proposal. They are mostly separate and coming together to form a group to submit one proposal. References should be provided for each of the lawyers that is involved with the proposal. With respect to the rest of it, the business side, the managing attorney will be responsible for compliance with the contract.
- Q6. Are we going to need to have a single entity, like a PLC or a LLC, to submit a proposal or can we submit it with these people are working under this group under a managing partner? How do you want that to be done? Everyone here is a individual and it will be 6 or more of us coming together to form a group.  
A6. We all understand that we are in somewhat uncharted waters with what we are doing, but not so uncharted that we don't have some experience. Example: on the family side we have a contract with a group of lawyers who do father representation. We have a contract with a group of lawyers who do mother representation and one that represents the children. They are not all the same. Those contract are a matter of record so if you want to look at them, it's possible, because they have been through this process before. The main thing we are trying to establish is there has to be accountability between Genesee County and the person that submits that contract to deliver that scope of work.
- Q7. Do we have to have an entity such as a PC or PLLC, which everyone works for or can it be some other arrangement?  
A7. I can tell you that on the family side that is what they did. It isn't mandatory, it is a way. It is a way that has been accepted in the past. If you don't do that and you are the managing partner the contract is going to be with just you. We will not be able to do a contract with 30 people so it might be better to be an entity of some kind.
- Q8. I am a PC and I am wondering if I can do it through the PC?  
A8. If I were in your situation I would consult with someone that does business work to determine what relationship you want to have and could have with the members of your team. Some of those relationships you might not want to have.

Q9. As the managing attorney on this, and it is submitted in your own name, are you saying you also want background information on anybody that may be associated with you?

A9. You have to provide that information.

Q10. But it doesn't necessarily have to be an entity it could be the attorney and anybody else that is working with you has to supply all of the information?

A10. Yes, we would look at them as a subcontractor and you would have to provide all of that information to us. Section 17.2 of the contract in No Assignment. The county requires written permission between the managing attorney and the county board of commissioners to make any changes to the attorneys.

Q11. If we are on a defenders list does that present a conflict? Would we have to do one and not the other?

A11. You could still stay on the list but it is subject to some refinement, but we won't know what that refinement is until we get the proposal. One of the evaluation questions is what percentage of your practice do you intend to dedicate to the Misdemeanor program. This is important to include in your proposal so we know that you thought about it and how you think it might work.

Q12. You are talking about these being in election division or for individual judges?

A12. Election Divisions.

Q13. Are you looking for a proposal that encompasses a team to take over the entire 1, 2, 3, 4?

A13. No.

Q14. Are you looking for these proposals to be for individual election divisions?

A14. It says in here, it is the intention of the county is to let one contract per election division. Two of the election divisions have two courts.

Q15. You don't necessarily have to pick one election division do you?

A15. Yes. How would you know how to submit a proposal because the work is different? You can put them in the alternative.

Q16. Are we going to be running out to the satellite courts?

A16. Yes.

Barbara Menear stated it is a new day on legal defense for the indigent population, because the indigent defense commission is requiring every county to submit proposals that guarantee there is counsel at the first appearance (arraignment). The satellite district courts have ordinance cases where the first arraignment, is a walk-in appearance, in a satellite courts. We have to push counsel out to the satellite courts for representation at the inception of the case. The indigent client will no longer be required to determine if the case can be resolved, before counsel is available. The current practice of not receiving legal advice until the case is transferred to Central Court will be discontinued. Those days are over when this contract comes into effect. The lawyers are going out to the clients. They will follow those clients should they be required to have a case come to Central Court. I would anticipate that fewer will have to come down to the District Court. You can

figure out why, because you are meeting with the Township/Village/City Prosecutor in the satellite court. To that extent it is revolutionary, and in my opinion it is the right thing.

Q17. With this contract representation starts out in the satellite courts?

A17. Yes. It remains with them if they have to come down here.

Q18. Everyone gets a lawyer at the arraignment?

A18. We are still figuring that out too. That is the consensus of interpretation when we met with the district judges. Can you have an informed waiver? Yes. If you have retained counsel you are out of it.

Q19. What if you do an arraignment with somebody that makes a ton of money, is there going to be something that they have to keep their appointed lawyer or pay for this lawyer?

A19. We don't know yet, but something is going to be worked out. We have to remember that it is the indigent people that should get these services, but everyone should receive minimal representation. Whoever is the successful proposer on this will have to work through those issues with the judges, Sarah Santini from 67<sup>th</sup> and Barbara Menear.

Q20. There are four contracts under the 67<sup>th</sup> District Court, is that for one or all?

A20. You can bid on one or in the alternative, on as many as you want.

Q21. Based upon what Phil had suggested under the proposed entities that could be created workers comp might not be a required viable insurance.

A21. Right, you would have to talk to the Risk Manager and confirm what would be acceptable. If you are your own person and you are just doing yourself and there are no other employees there is a different statement that he will accept instead of workman's compensation. Stephen Cooperrider is our Risk Manager that you would need to talk too. See attachments to the addendum for Worker's Compensation Release Form.

Q22. There are the four election divisions, if you are interested in all of them you have to submit four proposals, correct?

A22. You mean if you want to be considered for any one of the four?

Q23. If you put together a group to work all of them?

A23. That is unlikely.

Q24. You have to submit a proposal for each election division, correct?

A24. Yes.

Q25. If you have four election divisions and you have Friday's twice a month is it possible that the Fridays are the same Friday of the Month?

A25. Yes, it is possible.

Q26. If you get four bid on one elections, there will be four different prices, are you going to take the price or will there be some type of negotiation because you want a certain team but they are a little high or do you have to pick from those four what they proposed?

A26. Typically when we do a request for proposal we have to pick from the price you provide and if it is too high we will go to the next person that is more affordable. There are circumstances that if everybody is too high than maybe there is something we didn't consider than we would have to redo the project. It is being done as a proposal to make it competitive. This is why we have the evaluation criteria because it is based on more than just the price. This does have to be within our budget, because there is a limited amount of funds.

Q27. Is there going to be Wi-Fi in the out county courts?

A27. There has been conversation with our IT department regarding what the cost is to get Wi-Fi in the out county courts. It was stated that it had to happen by January 1<sup>st</sup> as this is a deal breaker for the program. I have not heard back on a price. It is important and essential in all of the District Courts.

Q28. Is the county going to supply iPads or is that part of the proposal?

A28. It states that if you want those items to make it part of your proposal. There has been no decision made.

Q29. We will not have a county computer?

A29. You will not have a county computer. You will not be considered a county employee. The best we can do is set it up for Wi-Fi and you tell us what you need.

Q30. When bidding as a team on four election divisions, if a team put it out there correctly to be able to work with the standards appropriately and provide the services as required could a team put this together?

A30. Could you submit it? Yes. Would it be subject to heightened scrutiny? Yes.

Q31. Are the other standards in place yet?

A31. There are four standards in place. They are listed in the proposal.

Q32. The other 5, 6, 7 and 8 are not in place yet?

A32. They are not passed yet. They are adopted by MIDC and have been forwarded to LARA and they will hold public hearings.

If I was looking at this, I would want to know how much time I have to put in, how many places I have to be and am I going to have the time to talk to my clients before we have to talk to a judge. These are legitimate questions. I have to have time to talk to the City Attorney and Prosecutor, how am I going to methodically think this through. This is supposed to be meaningful conversation with a client with the intent to resolve the case if you can at the first opportunity at the satellite courts. At this time you don't see those clients until they are down here and you get numerous cases and you do the best you can.

None of them get to see you long enough. This is an effort across the state to get meaningful representation at the first time you are in jeopardy in front of a Judge.

Q33. With Davison you have five ordinance prosecutors being there on first appearance in state cases. Are they going to be available on phone or by person?

A33. Walk me through that again.

- Q34. Arraignment pre-trial, meaningful first appearance, police report, conversation and offer. Is the prosecutor for the jurisdictions going to be present?
- A34. Yes. One of the biggest changes is arraignment and pre-trial the same day. There will be more staggered times and it will be more manageable.
- Q35. Are you going to have all of the entities in the out county courts will you be staggering one day will be the State of Michigan and City of Davison with Davison Township and another day might be Forest Township with whatever, so it is not going to be all of them in one day?
- A35. Correct. We are looking at volume and have broken it up based if you have lower volume, ordinance prosecutor we might be able to schedule two. One would start a 9:00 and the other at 10:00 or 10:30 just so that you are not all trying to work this out.
- Q36. Is there any way to provide a list of the offenses or case numbers prior to the arraignment? I like to talk with the people prior to arraignment/pre-trial and that doesn't give me a lot of time to read the police report. Is there a way I am going to be able to read the police report prior to the arraignment?
- A36. The biggest difference now is that the court has to send a notice, so there should be time in there to do something like that.
- Q37. Can the reports be sent to me by email? Instead of having to go to Davison, Fenton and Grand Blanc can I go online and read the reports?
- A37. Maybe they can be put on a server.
- Q38. It sounds like there will not be any or many walk-in arraignments. The arraignments are all going to be scheduled?
- A38. Yes.
- Q39. When are we going to have to use the video conferencing with what? County Jail?
- A39. County Jail. That is going to be more the weekend.
- Q40. On any of the dates that are calendared up for arraignments/pre-trials in any of the courts is my worst case scenario a half day?
- A40. Yes.
- Q41. It is really just a long half day? If they start at 8:30, depending on what agencies, prosecutors, city police and what court some of those days could possibly be a 10:30 day.
- A41. Yes.
- Q42. If you have a no show at the satellite court, they get the warrant, it goes to central and the arraignment team at central does it, does it then become ours to take the case on for the rest?
- A42. If there is a no-show at the satellite court – the case will be sent to McCree to be entered into Warrants (Satellite Courts Bid 18-155 would not handle the case if it goes into warrant status).
- If the person is arrested on that warrant over a weekend the “weekend team” would handle the arraignment only. It would then go to McCree where the “Weekday Team” would handle pre-trial through disposition on the case.

- If the person turns themselves in during the week on that warrant, the “Weekday Team” would handle arraignment through disposition.

## **RFP #18-151 – WEEKEND ARRAIGNMENT TEAM**

Cindy Carnes, Purchasing Manager, the requirements are the same as for qualifications. The submittal of the proposal is the same. The proposal is available on our website.

Q1. To have a mix of older and more experienced attorneys with younger less experienced attorneys as being mentors, the CLE requirements of the prior three years, do you have that on file for us?

A1. I am sure we do. If you need that we can get that for you.

Q2. Is it required to have the prior three years or just the one year for 18?

A2. You know to stay on the defenders program you have to have 12 hours in any given calendar year. One of the evaluation criteria is 16, 17 and 18 so anybody that did it was on the defenders program for 16, 17 and 18. If you weren't on the defenders program and you went you will want to tell us that. Maybe you haven't gone to any of those because you are not on the defenders program and where you do practice, because you don't have to be from Genesee County to submit a proposal, you don't have to do that. You aren't getting points if you didn't go.

Q3. If you go in, you are putting in an appearance with that client, at what point are we going to be assigned as their attorney?

A3. You are not really putting in a formal appearance. You are done after the arraignment.

Q4. I talked to Huron County and Chippewa County to the attorneys there and they said the primary function is more over whelming is the data collection. We only have a sentence of data collection. Do you have a feel for what that data collection?

A4. No. We are hoping the court will be able to extract most of the data collection that is going to be required, but I don't have the answer yet.

Q5. Is this going to be every weekend?

A5. Yes. Saturday, Sunday and court closed days.

Q6. Every single weekend and holidays?

A6. Yes. There are 4 Holidays this next year that are on Monday or Friday and there will be a furlough day added to the holiday to make it a four day weekend.

All arraignments from the county jail will stay downtown.

## **ADDITIONAL QUESTIONS RECEIVED**

Q1. Can a proposal be considered as follows: There will be one managing attorney with 4 lead attorneys for each election division. Each lead attorney shall have 2 attorneys assigned to them. These 4 groups will then be assigned to a election division. This proposal will also include the weekend and holiday bid. The assigned

attorneys to the election divisions shall follow their judges to the weekend or holiday arraignments.

A1: No. The scope of work and proposal contemplates one successful proposal per election division for the satellite courts indigent misdemeanor legal services. The weekend arraignment scope of work is separate and distinct, with the expectation that there would be one successful proposer for these services.

Q2. Three other attorneys and I plan on submitting a bid for one of the election divisions. The three attorneys have over ten years of practice and wanted me to reach out to make sure I meet the requirements to submit a bid.

I have 2 years practicing law and 3 years interning/externing with Genesee County. 2 years with the Referees office and 1 year under Judge Farah. They wanted me to seek approval that my experience meets the requirements.

A2: To accept for consideration a 1 year deficiency in terms of admittance to the bar, I would want to know what duties or activities the externship/internship consisted of performing, how many hours per week and for how many weeks?

Q3. I am referring to as the Out-County misdemeanor bid, but my assumption is, these are two are mutually exclusive? As in, an attorney cannot do both? An attorney stated his desire is to do rotating days with older and newer attorneys in McCree and my schedule could be worked around - but I do not know what rules you have laid out for this.

If I cannot earn by way into both contracts, with the Out-County one due first - would I know whether my group is successful or not before having to bid on the other? Or if I bid on the Out-County arraignments am I precluded from bidding on the McCree arraignments.

A3. Mutually exclusive? No

Can an attorney do both? Possibly, the county is looking for best value that includes adequate coverage in the courts and sufficient time provided to the clients. The proposals presented need to show that the work the attorney(s) is requesting to take on has enough time and resources dedicated to the scope of work and the calendar of the courts.

**Indicate on the Signature Page item #6 and on the exterior of the envelope containing your proposal:**

**ADDENDUM #1 RECEIVED**

**ALL PROPOSALS MUST BE RECEIVED AT:  
GENESEE COUNTY PURCHASING DEPARTMENT  
1101 BEACH STREET, ROOM 361  
FLINT, MI 48502**

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Cindy Carnes, Purchasing Manager

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