

Request for Proposal

Child and Adult Protective Services Attorney – Montgomery County Department of Social Services

1. PUBLIC NOTICE

Montgomery County Department of Social Services (MCDSS) is soliciting proposals from individuals or firms interested in providing legal services to Child and Adult Protective Services. Individuals or firms who possess the professional and administrative capabilities outlined in the scope and qualifications will be considered.

2. RFP COORDINATOR

Any proposals, questions, concerns, or requests for information regarding this RFP shall be directed in writing to the RFP Coordinator:

Caleb Hawkins, Administrative Officer
Montgomery County Department of Social Services
PO Box N
Troy, NC 27371
910-576-6531 x 1134
caleb.hawkins@montgomerycountync.com

All submissions must be received by 5:00pm on April 3rd, 2020.

3. BACKGROUND AND SCOPE OF WORK

County directors of social services are responsible for ensuring that child protective services are provided for all children who are abused, neglected, and dependent. In addition counties are required to protect disabled adults who are alleged to be abused, neglected, or exploited.

MCDSS budgets positions for 11 CPS staff and 5 APS staff. Each month the agency receives an average of 40 reports of child maltreatment and 12 reports of adult maltreatment, of which around half are screened in for investigation. In the current fiscal year (FY1920) the agency had an average of 39 foster children in care each month, a 52% increase of children in care since FY1718. The number of children discharged from foster care to permanency in less than 12 months has decreased in the last several years, from 30% in FY1718 to 10.5% in FY1819.

The main goal of the individual chosen for this proposal will be to expeditiously discharge foster children to permanency and safety while adhering to federal and state laws and regulations. The individual must work with MCDSS, the courts, law enforcement, guardians ad litem, mental health professionals, community organizations, and children's families to effectively accomplish this goal. In addition the individual must:

- Dedicate a sufficient number of hours per month dependent on the issues facing Child and Adult Protective Services.

- Provide legal advice to MCDSS in the areas of Child and Adult Protective Services.
- Prepare written legal opinions or documents.
- Attend both regular and emergency staffing in order to prepare MCDSS workers for court.
- Perform legal research; interpret federal and state laws, policy, and court orders; formulate official opinions and stances for the agency.
- Review all subpoenas, court orders, and public records requests including any document proposed to be provided in response.
- Represent MCDSS in lawsuits or appeals necessary to be instituted by the agency.

4. MINIMUM QUALIFICATIONS

- Graduation from recognized school of law and licensed to practice law in the State of North Carolina.
- Knowledge of principals and procedures of civil law, especially in the areas of family law, juvenile law, and elder law.
- Knowledge of case, statutory, and common law, especially in the areas of family law, juvenile law, and elder law.
- Knowledge of judicial and quasi-judicial rules of evidence.
- Ability to perform legal research. Understand and interpret statutes, constitutional provisions, statues, administrative regulations, and precedents.
- Ability to aggressively advocate for agency's legal positions and staff in court.

5. SELECTION PROCESS

From a review of the proposals received, MCDSS may invite several individuals or firms to be interviewed before making a final decision. If the agency desires to interview an individual, that individual will receive notification of the date and time of the interview.

The selected individual or firms will negotiate with MCDSS on fee and contract conditions. If in the sole opinion of the agency, an agreement cannot be achieved with the first respondent of choice, negotiations will proceed with the second or subsequent choice respondents until a mutually agreed contract can be negotiated.

6. SUBMITTAL REQUIREMENTS

Interested parties should submit the following items in packet form to MCDSS for consideration. Electronic submissions will be accepted, however, we ask that you provide this information in a single PDF file.

1. Statement of qualifications and resources of the individual or firm, including relevant experience or expertise in family, juvenile, or elder law.
2. Statement of Interest in providing services to MCDSS.
3. A minimum of at least three references for contact.

4. Identify any anticipated conflicts of interest in representing MCDSS. Provide an approach on avoiding potential conflicts of interest while representing the agency.
5. Indication of ability to provide timely and efficient service to MCDSS, including a specification of how many hours per week could be devoted solely to the agency.
6. Suggested contractual terms to include hourly rates for attorney and/or legal staff; charges for expenses, if any, such as legal research, copies, faxes, travel, etc.
7. Other factors or information thought to be important to the agency in considering the proposal.

7. GENERAL TERMS & CONDITIONS

- A. All costs associated with developing or submitting a qualifications statement in response to this Request, or to provide oral or written clarification of its contents shall be borne by the Respondent. The County assumes no responsibility for these costs whether or not an agreement or contract is awarded.
- B. All questions and requests for information shall be submitted in writing to the RFP Coordinator. Oral and other interpretations or clarifications will be without legal effect.
- C. All Respondents are prohibited from making any contact with members of the County other than in the manner and to the person designated herein. The County reserves the right to disqualify any Respondent found to have contacted the people listed above in any manner with regard to this RFP.
- D. The County reserves the right to waive informalities and irregularities, obtain clarification and/or additional information from any firm or individual in regard to its submission. The County also reserves the right to terminate this RFP, and reissue a subsequent solicitation, and/or remedy technical errors in the RFP process.
- E. The County reserves the right to negotiate terms with other respondents should negotiations be terminated with the first selected Respondent.
- F. Any agreements or contracts will be awarded to the Respondent(s) whose submittal(s) is deemed most advantageous to the stakeholders involved, as recommended by the evaluation committee, and approved by the Montgomery County Board of Commissioners.
- G. This RFP does not commit the County to make a recommendation of award or commit the County to enter into an agreement or contract. The County reserves the right to award one, more than one, or no contract(s) in response to this RFP.
- H. Submittals and any other documents received from a Respondent in response to this request are public records and subject to public inspection and copying. The Public Records law (N.C.G.S. 132-1 et seq.) authorizes the County to withhold from public inspection and copying legitimate and properly marked 'trade secrets'. If a record meets all of the following conditions:
 - a. It is a "trade secret" as defined in G.S. 66-152(3);
 - b. It is the property of a private "person" as defined in G.S. 66-152(2); and
 - c. It is disclosed or furnished to the County in connection with a bid or proposal;

- d. It is marked as "confidential" or as a "trade secret" at the time of its initial disclosure to the County