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**Trial-Level Indigent Criminal Defense Services:
Concept Paper**

I. Background

The City invests significant resources in providing high-quality indigent defense services. In Fiscal Year 2015, New York City spent more than \$225 million on indigent representation. The City takes this investment seriously and is committed to effectively implementing a robust system of indigent defense services.

The upcoming RFP is being issued pursuant to the United States Constitution *Gideon v. Wainwright* and Section 722 of the County Law of the State of New York, the City has an obligation to provide representation for indigent criminal defendants at the trial-level. In 1965, the City established, by Executive Order No. 178, a plan pursuant to Section 722 of the County Law naming the Legal Aid Society as the primary defender of persons charged with a crime who are financially unable to obtain counsel. In 2010, the City promulgated the current Indigent Defense Plan codified at Title 43, Chapter 13, Section 3 of the Rules of the City of New York, which provides in pertinent part:

[I]n any criminal matter[] in which an indigent person is entitled to counsel pursuant to Article 18-B of the County Law, CJC shall select Providers in each of the City's five counties to provide representation at the trial level. In any case where, due to a conflict of interest or other appropriate reason, Providers decline or are unable to represent an indigent person at the trial or on appeal in a criminal matter, counsel shall be furnished by attorneys assigned by the ACP...

This RFP is being issued to seek proposals from the trial-level indigent defense service provider community and the general public to provide representation to indigent criminal defendants at the trial-level in accordance with the City's Indigent Defense Plan. Trial-level representation may include primary, conflict, and homicide cases. The Mayor's Office of Criminal Justice (MOCJ) expects to award caseloads to multiple providers in each of the five counties within the City of New York.

II. Purpose

This concept paper is being offered to New York City's trial-level indigent defense service provider community and the general public in order to help frame the Request for Proposal, which MOCJ expects to release in September 2016, for the implementation trial-level indigent criminal defense services in all five counties.

III. Proposed Program Model

The Mayor's Office of Criminal Justice is seeking appropriately qualified vendors to provide trial-level indigent criminal defense representation in each of the five counties within the City of New York. MOCJ intends to award multiple contracts to serve each jurisdiction. Vendors may propose to serve as a provider for as many counties as they choose and each vendor is eligible for contract awards in more than one county.

Following intake, the attorney will be required to represent a client until the final resolution of their case. The City is interested in proposers who will provide City-wide collateral consequence services in such areas as immigration, housing, and other situations arising from a criminal case.

Each vendor selected will be expected to maintain an array of resources in addition to legal staff, which may include social workers, paralegals, investigators, and experts and have the capacity to serve non-English speaking clients. Providers will establish reliable methods of contact so that client-attorney communication is maintained outside of court appearances. Additionally, providers will be required to maintain a central office in each contracted county which operates during regular business hours, is accessible by public transportation, and in is located near that county's criminal court.

IV. Jurisdictions/Estimated Annual Case Loads

Based upon FY 2015 city-wide Criminal Court statistics, there were approximately 278,600 arraigned arrests and desk appearance tickets. Listed below are the approximate numbers by county:

Manhattan:	76,200
Brooklyn:	78,400
Bronx:	57,600
Queens:	57,200
Staten Island:	9,200

The Mayor's Office of Criminal Justice expects to award caseloads to multiple providers in each of the five counties within the City of New York.

V. Anticipated Contract Term

It is anticipated that the contracts awarded from this RFP will begin on July 1, 2017 to June 30, 2019. The Agency reserves the right, prior to contract award, to determine the length of the initial contract term and each option to renew, if any.

VI. Anticipated Available (Annual Funding)

The Agency anticipates that the total available funding for the program citywide will be approximately \$150,000,000¹ annually for all five counties.

Contracts may be awarded to multiple vendors, and annual funding will be distributed according to the negotiated caseload for each provider. There are no funding match requirements.

VII. Planned Method of Evaluating Proposals

Proposals will be evaluated pursuant to the criteria set forth in the RFP as follows: demonstrated quantity and quality of relevant experience; demonstrated level of organizational capability; and quality of proposed approach. The contract will be awarded to the responsible vendor(s) whose proposal(s) is/are determined to be the most advantageous to the City, taking into consideration the price and such other factors or criteria which are set forth in the RFP.

VIII. Procurement Timeline

It is anticipated that the RFP will be released by *September 2016* and that the deadline for receipt of proposals will be approximately 30 days thereafter. A recommended, though non-mandatory, pre-proposal conference will be held approximately 2 weeks following the RFP release date. It is anticipated that the contractor(s) will be selected by *December 2016*.

XI. Use of HHS Accelerator

To respond to the Trial-Level Indigent Criminal Defense Services RFP and all other client and community services (CCS) Requests for Proposals (RFPs), vendors must first complete and submit an electronic prequalification application using the City's Health and Human Services (HHS) Accelerator System. The HHS Accelerator System is a web-based system maintained by the City of New York for use by its human services Agencies to manage procurement.

XII. Required Service Prequalification

The Trial-Level Indigent Criminal Defense Services RFP will be released exclusively through the HHS Accelerator system. Only organizations with approved HHS Accelerator Business Application and Services Applications for one or more of the following will be able to propose:

- Legal Services

¹ The total funding excludes 18-b expenditures and City Council funding for indigent representation.

Once a provider is prequalified in a service area, it will then be prequalified to submit proposals to procurement opportunities in that service area from the 11 above-listed CCS City Agencies. HHS Accelerator will also allow providers to manage CCS budgeting and invoicing through this common user interface. To submit a prequalification application to become eligible to apply for this and other CCS RFPs, please visit <http://www.nyc.gov/hhsaccelerator>.

XIII. Comments

Written comments to the Mayor's Office of Criminal Justice at the address below must be post marked no later than September 2, 2016 and must be directed to:

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