

**City of New York  
Human Resources Administration  
Concept Paper**

**Maximizing Access to Federal Disability Benefits Program**

**Purpose**

This Concept Paper is for the forthcoming Increased Access to Federal Disability Benefits Project (the Project) Request for Proposals (RFP) to be released by the New York City Human Resources Administration's (HRA) as part of an enhancement of HRA's Customized Assistance Services (CAS) program. Customized Assistance Services (CAS) is a highly specialized division that helps HRA clients with health and/or mental health or substance use challenges reach their highest attainable level of functioning and self-sufficiency by providing comprehensive, integrated, individualized clinical and support services. As part of the WeCARE program, clients receive a continuum of services, including assistance with applications for Federal disability benefits. For those applications that are denied, CAS's Disability Service Program files initial appeals. In the event those appeals are unsuccessful, applicants may request review by the Social Security Administration (SSA) by obtaining legal representatives to pursue an Appeals Council Review (ACR); however, due to insufficient resources and expertise within HRA, representation during the ACR process is currently not provided.

HRA also has a population of clients who have been determined by HRA to have significant clinical conditions and functional limitations that prevent them from traveling to and/or participating in HRA related appointments for the duration of their Cash Assistance case and determine these clients as Home Visits Needed/Homebound (HVN/HB). Considering the severity of their conditions and functional limitations, many may qualify for Federal disability benefits, but at this time HRA has no way in which to assist these clients with the Federal disability application process. HRA intends to concentrate efforts on these clients to ensure that their inability to participate in HRA appointments is not a barrier to obtaining assistance to maximize the benefits for which they may be entitled. By securing the services of community-based experts, the Project will strengthen HRA's ability to obtain Federal disability benefits for those clients within these particularly vulnerable populations.

Obtaining Supplemental Security Income (SSI) benefits can be an extended, multi-year process if an application is denied at any point. Until a client is awarded Federal disability benefits, which will replace Cash Assistance, there is little to no change in resources. Therefore, HRA proposes to support the SSI needs of two categories of clients: those whose have unsuccessfully appealed the initial SSA denial of benefits and therefore are now seeking to appeal to the Appeals Council for administrative review; and those clients who are determined to be HVN/HB

for more than one year and may qualify for Federal disability benefits in accordance with the SSA grid rules.

By focusing efforts on these clients, HRA will be assisting these clients to improve their quality life while providing them with greater self-sufficiency through a higher income source via Federal disability benefits. In addition, HRA will benefit from the ability to recover public assistance benefits paid to clients since their respective SSI application date.

The Project consists of two program components: the Appeals Council Review and Federal Court Services (ACRS) and the Home-based Application Support Services (HASS). In the first component, HRA is seeking one or more qualified legal services providers with the relevant experience and expertise to effectively represent a high volume of clients who have been denied Federal disability benefits. In the second component, HRA is seeking one or more qualified services providers with experience and expertise in preparing successful SSI applications. Each component will have up to five providers to ensure that clients in each of the five boroughs are adequately served.

The RFP will have two competitions: ACRS and HASS components. Proposers may propose to either or both. A separate and complete proposal should be submitted for each competition proposed. Within each competition, proposers will have the opportunity to submit proposals to provide services in one or more borough(s) (up to five).

#### Appeals Council Review Services and Federal Court Services (ACRS)

Through ACRS, HRA is seeking to establish a new service to assist these clients when their SSI applications reach Appeals Council Review.

If a client does not receive an award of Federal disability benefits on his or her initial application, it can be years before benefits are finally received. CAS's Disability Services Program (DSP) will first request reconsideration on behalf of the client within 60 days of the denial. Thereafter, if the client disagrees with the reconsideration determination, DSP will assist the client in filing a request, within 60 days of the determination, for a hearing in front of an Administrative Law Judge (ALJ). If the ALJ upholds the prior determination, the client may still request, within another 60-day period, an administrative review by the Appeals Council. The Appeals Council Review (ACR) process itself takes an average of 364 days to complete<sup>1</sup>.

Under the current WeCARE contracts, the vendors that have filed Federal disability applications on behalf of WeCARE clients have up to two years to obtain an award on that application in order to earn a milestone payment; once an appeal is filed, milestone payment rates are reduced significantly.

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<sup>1</sup> See [http://www.socialsecurity.gov/appeals/appeals\\_process.html#a0=6](http://www.socialsecurity.gov/appeals/appeals_process.html#a0=6).

Each month, DSP files approximately 232 appeals on behalf of Cash Assistance participants whose initial applications for Federal disability benefits (filed by the WeCARE vendors) have been denied.<sup>2</sup> Nearly 47% of these cases are unsuccessful and, therefore, entitled to review by the Appeals Council.

The new Appeals Council Review Services program is to ensure that the estimated 1,308 annual cases receive timely and appropriate review by the Appeals Council. Paramount is the interest in ensuring that the maximum number of clients entitled to receive Federal disability benefits obtain them. However, secondary benefits are to HRA's advantage: any cash assistance paid to HRA while an application is pending is repaid by the SSA, and future payments of cash assistance are supplanted by the higher benefits afforded by the Federal disability payments. This represents a departure from HRA's prior approach as the current Administration is committed to ensuring that eligible clients obtain the maximum available Federal disability benefits supports.

HRA will expect the ACRS vendor(s) to prepare requests for Appeals Council review for a minimum percentage of the cases referred to it. If the Appeals Council agrees to review the case and makes a determination to return the case for a new hearing with an ALJ, then the ACRS vendor will maintain its representation of the client during that hearing process, and any subsequent request for Appeals Council review. If the Appeals Council denies a request for review, or the client disagrees with the Appeals Council decision, the ACRS vendor will be required to advise client of their right to file a lawsuit in Federal district court and offer its representation (with a written disclosure that the client may seek representation by other counsel). If the client agrees, the vendor will be required to provide representation to the client until there is a full disposition of the case, or until the client requests that representation is discontinued.

#### Home-based Application Support Services (HASS)

Through HASS, HRA is seeking to expand services provided to clients who have been determined as HVN/HB who may qualify for Federal disability benefits.

HRA believes that when a client's clinical conditions and functional limitations are severe enough to impair their ability to travel to and or/participate in HRA related appointments for more than one year, they are likely to also be eligible for Federal disability benefits due to these same limitations.

The CAS Office of Reasonable Accommodation (ORA) makes clinical determinations regarding clients' functional limitations, and recommends appropriate accommodations, including whether

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<sup>2</sup> ODRA August 2014 Disability Services Program reports 1,855 total appeals filed year-to-date.

a client should be HVN/HB, based on statutory and best practice guidelines, so they may maintain compliance with requirements for receiving public assistance. By implementing the Home-based Application Support Services program within HVN/HB HRA will be assisting clients, who do not currently have access to this service, to improve their life quality while also providing them with greater self-sufficiency through a higher income source via Federal disability benefits.

The services of the HASS vendor(s) will include dispatching representatives to the homes of HVN/HB clients to evaluate the client case and prepare their initial or supplementary applications for Federal disability benefits. If needed, the representative will determine whether additional documentation is required by the client. After obtaining the necessary permissions from the client, the representative will assist the client in obtaining any necessary documents from medical providers or other sources. The HASS vendor will ensure that representatives are provided with laptops, portable scanners, broadband internet access, and other resources to ensure that all functions necessary to submit an online application for Federal disability benefits may be performed in the field.

There are approximately 1,000 cases that were determined HVN/HB for more than 12 months since 2011. In year one, these cases will require an assessment to determine if they require assistance with completing an application for Federal disability benefits. An additional estimated 600 clients are determined HVN/HB for more than 12 months annually who may also need home-based assistance with Federal disability benefits.

## **Target Population**

### Appeals Council Review and Federal Court Services:

This program will target CAS clients whose initial applications for Federal disability benefits were denied and were unsuccessfully appealed to an Administrative Law Judge. Utilizing the Office of Temporary and Disability Assistance (OTDA) Disability Advocacy Program (DAP) as a basis, it is anticipated that the RFP and resultant contract(s) will require a contractor to maintain a minimum representation rate of 60-75% of the cases referred to it for SSA Appeals Council Review. In addition, it is expected that up to 100 cases may be entitled to Federal Court review on an annual basis and the contractor(s) will determine which cases may be eligible for Federal Court review and provide representation in all such cases. Contractor(s) will be required to maintain an annual success rate of 60% of the cases it represents at the Appeals Council or in Federal Court.

### Home-based Application Support Services:

This program will target CAS clients who have been determined by HRA to be HVN/HB for more than 12 months to ensure that applications for Federal disability benefits are submitted on

behalf of the maximum number of individuals. The contractor(s) will be required to submit applications for each client meeting established eligibility criteria, and maintain a 50% success rate on an annual basis.

## **Program Activities**

### Appeals Council Review and Federal Court Services:

- Review Federal disability application history
- Assess the client's clinical and other documentation to determine if ACR process should proceed
- File necessary ACR documents
- Follow-up on case while in ACR process, up to and including representing client, if necessary.
- Review cases denied at ACR level for possible filing with Federal Court and represent client through the federal process until final disposition.

### Home-based Application Support Services:

- Interview client in his or her home
- Assist client in obtaining necessary documentation to file initial Federal disability application or supplement an existing application
- Electronically file SSA application with client at client's home
- With client's consent, act as the Authorized Representative during the application process

## **Program Outcomes for Each Competition**

Contractors will provide client-level demographic, service, and outcome data to HRA, including:

- Provide services as described above
- Ensuring applications for Federal disability benefits are submitted for the maximum number of clients that may be eligible
- Obtaining Federal disability benefits for the maximum number of clients

Proposers will need to demonstrate that they are able to collect and report not less than the precise demographic, process, and outcome data required by HRA. Proposers will not be required to use a data system created by HRA, but must be able to regularly submit required data in a format acceptable to HRA.

## **Funding and Payment Structure**

It is anticipated that the total funding for all contracts awarded under this RFP will not exceed \$12,533,762.

### Appeals Council Review and Federal Court Services:

It is anticipated that the total funds available under the Appeals Council Review Services portion of this RFP will not exceed \$6,107,562, with annual allocations to be determined in advance of the RFP and established therein. HRA expects that compensation under the resultant contract(s) is expected to be structured as a combination of performance-based and direct (line item) costs reimbursement, or fixed fees for services that are “fully loaded” and therefore incorporate direct costs. Services for which fixed fees may be offered are: timely submission of a comprehensively prepared request for Appeals Council Review, Appeals Council hearing appearances, and fees for successful determinations by the Appeals Council. Fees may also be established to be contingent on meeting certain performance metrics. Services provided during a Federal Court Appeal will be paid for similarly.

For representation services during Federal Court appeal, compensation will be a combination of line item reimbursement of filing and other out-of-pocket costs, plus a fee upon successful disposition (i.e.: a performance- or contingency-based fee), subject to the Social Security Act limitation of an amount not to exceed 25% of the value of the awarded past-due disability benefits.

The final total funding amount depends on the availability of funds and is subject to change.

### Home-based Application Support Services:

It is anticipated that the total funds available under the Home-based Application Support Services portion of this RFP will not exceed \$6,426,200, with annual allocations to be determined in advance of the RFP and established therein. HRA expects that the payment structure for this contract award will be line item and performance-based, and contingent on meeting certain performance metrics.

The final total funding amount depends on the availability of funds and is subject to change.

## **Anticipated Number of Contracts**

The RFP may result in up to ten individual contracts. For each program component, up to five contracts (one for each borough) may be awarded.

## **Planned Method of Evaluating Proposals**

Proposals will be evaluated pursuant to the criteria set forth in the RFP. This will include the quality of the proposer's approach and program design. In addition, the evaluation will assess the proposer's successful, relevant experience providing legal services or application assistance to obtain Federal disability benefits. Proposals will also be evaluated based on the organization's staffing model and organizational structure as it relates to capacity to deliver these services. Vendors may submit joint proposals, but vendors may not subcontract with additional vendors following selection.

It is expected that for each competition, HRA will award the contract to the vendor submitting the proposal that is determined to be the most advantageous to the City, taking into consideration the technical score received based on the factors and/or criteria set forth in the RFP and the proposed price, which must not exceed the available funding established for each contract. In the case that a proposer is eligible for more than one contract award, HRA reserves the right to determine, based on the proposer's demonstrated level of organizational capability, capacity and the best interests of the City, how many and for which program option(s) the proposer will receive an award. Similarly, HRA reserves the right to proceed with a proposer other than the highest technically ranked if it determines, in its sole opinion, that the proposer does not have the appropriate capacity to successfully complete the services.

Negotiations may include capacity reductions or increases as compared to the proposed capacity. HRA will also reserve the right to reallocate targets for that proposer due to service demand during the course of the contract. HRA reserves the right to award the highest technical proposal(s) an amount less than it has proposed, based on vendor's capacity.

### **Proposed Term of the Contracts**

It is anticipated that the term of each contract awarded from this RFP will be for three (3) years from January 1, 2016 to December 31, 2018. Each contract may include one (1) option to renew for up to three (3) additional years.

### **Use of HHS Accelerator**

To respond to the Requests for Proposals (RFP), 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.

### **Required Service Pre-qualifications**

The Increased Access to Federal Disability Benefits Program 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
- Entitlements Assistance

To submit a prequalification application to become eligible to apply for this and other CCS RFPs, please visit <http://www.nyc.gov/hhsaccelerator>.

### **Procurement Timeline**

Expected RFP Release:	September 1, 2015
Expected Proposal Submissions Due:	January 15, 2016
Expected Award Selection Announcement:	June 1, 2016
Expected Contract Start:	January 1, 2016 or earlier

### **Informational Session**

An informational session will be held at the date and time indicated below.

Wednesday, March 25, 2015  
2:00pm – 4:00pm  
150 Greenwich Street, 37<sup>th</sup> floor Bid Room  
New York, New York 10007

### **Feedback on Concept Paper**

Please submit all comments to this concept paper no later than April 22, 2015 to [accoprocurements@hra.nyc.gov](mailto:accoprocurements@hra.nyc.gov).