

**NYS Department of State
NY State Office for New Americans
Upstate Immigration Court**

Request for Applications # 21-ONA-10

The responses to questions included herein are the official responses by the State to questions submitted by potential applicants and are hereby incorporated into RFA # 21-ONA-10 issued on June 9, 2021. In the event of any conflict between the RFA and these responses, the requirements or information contained in these responses will prevail.

1. Important Dates is hereby amended to read:

RFA Release Date:	06/09/2021
Questions Due:	06/28/2021
RFA Updates Posted:	07/08/2021
Application Due Date:	07/23/2021

2. Section I, paragraph 3 is amended to read:

The Upstate Immigration Court RFA will fund three grants to hire and retain immigration attorneys and Department of Justice (DOJ) Accredited Representatives to provide free and expert legal assistance in the Upstate Immigration Courts, as well as funding one grant to coordinate the services provided under this grant. Legal providers funded under this grant will use a “universal representation” model to service any detained immigrant with a hearing at any of the Upstate Immigration Courts of Batavia, Bedford Hills, Fishkill, or Ulster. Representation will also be provided for clients who change venue from one of the Upstate Immigration Courts to New York City Immigration Court. In addition to representing detained individuals with immigration court hearings, the Upstate Immigration Court legal providers will assist detained individuals with a “prior order” of removal for individuals with an old deportation order.

3. Section V. General Program Services, Part B is amended to read:

Will fund one qualified not-for-profit organization to act as the Coordinator for the Upstate Immigration Court legal providers.

Services will include:

- Management and tracking of referrals
- Training of attorneys/DOJ Accredited Representatives and technical assistance
- Data collection and reporting
- Coordination with other ONA programs

4. Section VI. Required Activities - Part A, paragraph 2 is amended to read:

Each grantee organization will be required to provide and/or procure language translation/interpretation services for non-English proficient immigrant clients. Legal providers funded under this grant should have language ability or access to a confidential, language access service when assisting clients. It is expected that

every client who receives assistance from [a legal provider](#) funded under this grant does so in the language of the client's choice.

5. Section VI. Required Activities – Part A, 1. Deportation Defense Representation is hereby amended to read:

[Legal providers](#) will provide deportation defense representation to any detained immigrant with a hearing at any of the Upstate Immigration Courts. [Legal providers](#) should use a “universal representation” model that services any immigrant in need of immigration related legal representation. Legal services may include, but are not limited to:

- Deferred Action for Childhood Arrivals (DACA)
- Asylum
- U visas
- T visas
- Temporary Protected Status (TPS)
- Special Immigrant Juvenile Status (SIJS)
- Unaccompanied/separated minors
- Violence Against Women Act (VAWA)
- Convention Against Torture (CAT)
- Withholding of removal
- Removal proceedings, for those currently detained or not, including those with a prior order of removal
- Work permits
- Bond hearings
- Board of Immigration Appeals (BIA)
- ICE Case Review Process
- Federal litigation (e.g. habeas corpus petitions)¹
- Advanced parole
- Guardianship/custody issues for minors in the face of potential deportation of parents or guardians
- Family reunification
- Family-based immigration
- Complex naturalization

Deportation defense representation will be provided to any detained immigrant with a hearing at the immigration courts of Batavia, Bedford Hills, Fishkill, and Ulster. Representation will also be provided to immigrants who were formerly represented by the legal provider(s) in Region 1 and Region 2 and who changed venue to New York

¹ In certain circumstances, the final agency decision of the BIA can be further litigated in a U.S. Circuit Court of Appeals. Thus, the allowed Federal litigation will apply to challenging the following: U.S. Citizenship and Immigration Services' (USCIS) unreasonable delay in adjudicating an application or petition; USCIS' denial of an application for naturalization; the unlawful detention of someone in immigration custody; a removal order on legal or constitutional grounds.

City Immigration Court. Clients with a “prior order” of removal will also be eligible for assistance.

After an individual is released from detention, the grantee will ensure continued legal assistance and representation for the individual’s immigration case for the duration of this grant. All grantees are obligated to comply with all ethical obligations of attorneys in New York State as prescribed in the NY Rules of Professional Conduct regarding terminating representation.

While there is no income eligibility requirement for immigrants to be served by the Upstate Immigration Court legal providers, grantees will be required to record the income of each client served.

For Region 1 and Region 2, the grantees will be required to assist 500 - 650 immigration cases per contract year under this grant in the Upstate Immigration Court(s) in their service region. The legal providers in Region 1 and Region 2 will also be required to assist with 25 - 50 “prior order” cases per contract year in each service region.

For Region 3, the grantee will be required to assist 60 - 75 immigration cases per contract year under this grant.

All attorneys funded under this grant should meet the following minimum qualifications:

- (1) Be a member in good standing of the bar of the highest court of any state in the country or U.S. territory; and
- (2) Have three or more years of experience as an attorney, including at least two years of immigration law experience OR work under the supervision of a senior attorney with three or more years of immigration law experience.

All attorneys that will practice in New York State Family Court must be admitted to the bar of the State of New York.

All DOJ Accredited Representatives funded under this grant should meet the standards for Recognized Organizations and Accredited Representatives, including the qualifications and application processes, found in in the Code of Federal Regulations at 8 C.F.R. § 1292.11–1292.20.

All attorneys and DOJ Accredited Representatives funded under this grant must participate in the annual training provided by the Coordinator of the Upstate Immigration Court legal providers (the Part B Grantee).

6. Section VII. Required Activities – Part B, 2. Training of Attorneys and Technical Assistance, paragraph 2 is hereby amended to read:

At a minimum, all attorneys/[DOJ Accredited Representatives](#) funded under Part A of this grant will receive an annual training on immigration matters. This may be provided by the Coordinator grantee or through a subcontractor.

7. Section X. Completing the Application – Part A, C. Organizational experience/capacity, #3. is hereby amended to read:

3. Describe applicant’s experience in providing direct representation to clients on immigration matters including, but not limited to: Deferred Action for Childhood Arrival (DACA); asylum; U visas; T visas; Temporary Protected Status (TPS); Special Immigrant Juvenile Status (SIJS); Unaccompanied/separated minors; Violence Against Women Act (VAWA); Convention Against Torture (CAT); withholding of removal; removal proceedings, for those currently detained or not, including those with a prior order of removal; work permits; bond hearings; Board of Immigration Appeals (BIA); ICE Case Review Process; federal litigation (e.g. habeas corpus petitions); advanced parole; guardianship/custody issues for minors in the face of potential deportation of parents or guardians; family reunification; family-based immigration; complex naturalization. Include data for the last two years on the number and types of these cases annually that are served by applicant and the average caseload per attorney/[DOJ Accredited Representative](#).

8. Section X. Completing the Application – Part A, D. Program Proposal #1. & #2. are hereby amended to read:

1. Describe plans to recruit and hire or repurpose qualified attorneys/[DOJ Accredited Representatives](#) to provide legal assistance in the selected service region and demonstrate how these attorneys/[DOJ Accredited Representatives](#) meet the basic requirements of the [legal providers](#) to be funded under this grant as detailed in Section VI. 1. or will be overseen by a supervising attorney with these qualifications.

2. Describe the process [legal providers](#) will use to select cases for direct representation to detained immigrants under this grant. Include data on the number and types of these cases annually that are served by applicant and the average caseload per attorney/[DOJ Accredited Representative](#).

9. Section XI. Completing the Application – Part B, C. Organizational experience/capacity, #4. is hereby amended to read:

4. Describe applicant’s experience providing training and technical assistance to attorneys/[DOJ Accredited Representatives](#) on immigration matters. Include data on the number and types of trainings and technical assistance provided annually, and any partnerships with community organizations to procure these services.

10. Section XI. Completing the Application – Part B, D. Program Proposal, #3. is hereby amended to read:

3. Describe how applicant will provide training to attorneys/[DOJ Accredited Representatives](#) on immigration matters and technical assistance.

11. Section XII. Evaluating the Application – Part A, A. Organizational experience/capacity, #3. is hereby amended to read:

3. Applicant successfully demonstrated experience providing direct representation to clients on immigration matters including, but not limited to: Deferred Action for Childhood Arrival (DACA); asylum; U visas; T visas; Temporary Protected Status (TPS); Special Immigrant Juvenile Status (SIJS); Unaccompanied/separated minors; Violence Against Women Act (VAWA); Convention Against Torture (CAT); withholding of removal; removal proceedings, for those currently detained or not, including those with a prior order of removal; work permits; bond hearings; Board of Immigration Appeals (BIA); ICE Case Review Process; federal litigation (e.g. habeas corpus petitions); advanced parole; guardianship/custody issues for minors in the face of potential deportation of parents or guardians; family reunification; family-based immigration; complex naturalization. Applicant included data for the last two years on the number and types of these cases annually that were served by the applicant and the average caseload per attorney/[DOJ Accredited Representative](#).

12. Section XII. Evaluating the Application – Part A, B. Program Proposal, #1. & #2. are hereby amended to read:

1. Applicant fully described the plans to recruit and hire or repurpose qualified attorneys/[DOJ Accredited Representatives](#) to provide legal assistance in the selected service region and demonstrated how these attorneys/[DOJ Accredited Representatives](#) meet the basic requirements of the [legal providers](#) to be funded under this grant as detailed in Section VI. 1. or will be overseen by a supervising attorney with these qualifications.
2. Applicant fully described the process [legal providers](#) will use to select cases for direct representation to detained immigrants under this grant. The applicant included data on the number and types of these cases annually that are served by applicant and the average caseload per attorney/[DOJ Accredited Representative](#).

13. Section XIII. Evaluating the Application – Part B. A. Organizational experience/capacity, #4. is hereby amended to read:

4. Applicant fully described experience providing training and technical assistance to attorneys/[DOJ Accredited Representatives](#) on immigration matters. Applicant included data on the number and types of trainings and technical assistance provided annually, and any partnerships with community organizations to procure these services.

14. Section XIII. Evaluating the Application – Part B. B. Program Proposal, #3. is hereby amended to read:

3. Applicant fully described how applicant will provide training to attorneys/[DOJ Accredited Representatives](#) on immigration matters and technical assistance.

15. Section XIV. Review and Selection Process is hereby amended to read:

Awards: Under this RFA, approximately 4 grants, 3 for Part A and 1 for Part B up to the amounts indicated in Section II will be made based on rank order of final scores for each Part until allocated funds are fully distributed. Awardees should be prepared to negotiate and execute subject contracts quickly. Work related expenses incurred prior to contract execution are not authorized and may not be reimbursed if the awardee fails to negotiate a contract in good faith.

Questions and Answers

Q1: If an individual's case is transferred from an Immigration Court at Bedford Hills, Fishkill or Ulster to a New York City Immigration Court before a Region 1 or Region 2 legal service provider has entered an appearance to represent the individual, would the individual be eligible for services from attorney in Region 3 under this contract?

A1: Representation by the Region 3 provider is intended for immigrants who were formerly represented by the legal provider(s) in Region 1 and Region 2 and who changed venue to New York City Immigration Court. However, an attorney from Region 3 may choose to take this type of case under this grant if they have the capacity to do so.

Q2: If federal litigation is commenced that will benefit more than the client named in the litigation, would the legal service provider count all of the detainees who are benefited as being assisted as a result of the litigation?

A2: If the individuals are being directly served under the grant, they may be counted towards the deliverables under this grant.

Q3: Does the phrase that the "grantee will be required to assist 60-75 cases per contract year" (for Region 3) require that the provider have the capacity to assist that number of cases or is that a minimum number of cases?

A3: That is the minimum number of cases to be assisted by the grantee.

Q4: Does the phrase that the "grantee will be required to assist 500-650 cases per contract year" in Section 1 "Deportation Defense Representation" require that the provider have the capacity to assist that number of cases or is that a minimum number of cases?

A4: That is the minimum number of cases to be assisted by the grantee.

Q5: Will funding be decreased if the number of cases per year is not achieved?

A5: No, as long as the grantee has demonstrated a good faith effort to meet the deliverables under this grant.

Q6:

- (a) How is a “case” defined? If an attorney represents an individual at an Individual Removal hearing, loses and appeals to the BIA, losses and appeals to the 2nd Circuit, all of which can take up to two or three years to complete, is this counted as one, two or three cases?**
- (b) Most funders count each distinct legal matter for a client as a “case”. For example, representation in an immigration court hearing would be 1 case, appealing to the BIA would be a case, bringing a Habeas petition would be a case. Is this the definition of a “case” for this RFP?**
- (c) Typically, each legal matter is defined as a case. For instance, if an attorney represents an individual at an Individual Removal hearing, appeals the case to the BIA, appeals to the 2nd Circuit, and appeals to the U.S. Supreme Court, this would be considered four individual cases. How is a “case” defined for this RFA?**

A6: A case for this RFA is defined as each distinct legal matter. The example would be counted as four separate cases or matters.

Q7:

- (a) In the RFA it states that “The Upstate Immigration Court RFA will fund three grants to hire and retain immigration attorneys to provide free and expert legal assistance in the Upstate Immigration Courts.” Please define what is encompassed by “legal assistance.”**
- (b) Under Section I – INTRODUCTION, it states that “The Upstate Immigration Court RFA will fund three grants to hire and retain immigration attorneys to provide free and expert legal assistance in the Upstate Immigration Courts.” Under Section IV (1) Deportation Defense Representation, it states that: “After an individual is released from detention, the grantee will ensure continued legal assistance and representation for the individual’s immigration case for the duration of this grant.” Please define what is encompassed by the term “legal assistance.”**

A7: See the RFA, pages 5-7, Section VI. Required Activities Part A for a description of legal assistance services required under this grant.

Q8:

- (a) Federal regulations at 8 C.F.R. § 1292.1(a)(4) allow non-attorney “Accredited Representatives” to represent aliens before the Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR), which includes the immigration courts and the Board of Immigration Appeals (BIA). These representatives are accredited through the Recognition and Accreditation (R&A) Program, which aims to increase the availability of competent immigration legal representation for low-income and indigent persons, thereby promoting the effective and efficient administration of justice. Accredited Representatives may only provide immigration**

legal services through Recognized Organizations. Only non-profit, federally tax-exempt entities may apply to be recognized. The standards for Recognized Organizations and Accredited Representatives, including the qualifications and application processes, are found in the Code of Federal Regulations at 8 C.F.R. § 1292.11–1292.20. The Office of Policy, through the Office of Legal Access Programs, adjudicates applications submitted by qualified organizations for recognition and for accreditation of qualified staff. Organizations must be request recertification after two years and then every six years. In light of the strict accreditation process and the oversight provided by the Office of Policy through the Office of Legal Access Programs, will accredited representatives be allowed to provide representation in Immigration Court under this grant?

- (b) Under Section 1 “Deportation Defense” the minimum requirements for attorneys funded under this grant. Will this grant also fund non-attorneys who have received full accreditation from DOJ to represent immigrants before the Immigration Courts?**
- (c) Section I (p. 2) indicates that the grant authorizes the hiring of “attorneys” to provide legal assistance. Will accredited representatives, authorized by the Department of Justice to practice in immigration court, also be authorized to perform the services under this grant?**

A8: Yes.

Q9: If a client is released from detention, has his case transferred to another state and another legal service provider is not found, would the New York legal service provider be required to continue the representation at an immigration court in another state?

A9: No, however, grantees must comply with all ethical obligations of attorneys in New York State as prescribed in the NY Rules of Professional Conduct. Grantees may also choose to continue representation for such cases under this grant if they have the capacity to do so.

Q10: Should the grantee count the law related support provided to families of clients as immigration cases for the purposes of calculating the number of immigration cases handled per year?

A10: No.

Q11:

- (a) If an applicant is currently providing deportation defense representation, via a universal representation model, to detained or previously detained immigrants with hearings at any of the New York City Immigration Courts and is awarded this contract, will the applicant be allowed to carry those cases that are still active over into this contract and count them toward the required “60-75 cases per contract year.”**
- (b) When grants are awarded will the cases the awardees have open that are currently assisting detained immigrants “count” toward this grant?**

A11: Yes, for those cases represented by attorneys currently funded by ONA under the upstate NYIFUP program.

Q12:

(a) Can you provide the RFA, or at least the part of the RFA that lists the questions we must answer, in Word Format?

(b) Can you provide the RFA in Word Format to assist with formatting?

A12: A Word document with those changes has been posted to the DOS website at <https://dos.ny.gov/upstate-immigration-court-rfa>.

Q13:

(a) Under required activities Part A indicates that the Region 1 award will cover Batavia Immigration Court. Often litigants whose cases are heard in Batavia are detained in one of several County Jails all over the state (such as Clinton County or Rensselaer County). These Clients have been previously represented by another NYIFUP provider. Additionally, there have been times where the Batavia immigration court is hearing cases for detainees who are housed out of state. This happened most recently with cases out of Louisiana and representation was left to Louisiana providers. NYIFUP resources were not used for these distant clients. The detainees in distant states do not seem to be New York's responsibility and attempting to represent them from here would present additional logistic and ethical issues. Does this mean that the Region 1 grantee will have to provide legal representation to all pro se litigants in the Batavia Immigration Court, regardless of where they are detained, even if it may be out of state or alternatively in a County Jail far from Batavia? Or would it work as under previous NYIFUP contracts?

(b) Under Section VI, Required Activities – Part A, (pages 5-6): There have recently been people detained outside of New York whose cases are venued in Batavia or Buffalo. Will the Part A legal service providers be authorized or required to provide remote representation to people detained in other states whose cases are venued at either the Buffalo Immigration Court or the Batavia Immigration court?

(c) Under Section VI, Required Activities, (pages 5-6) will the Part A legal service providers for Region 1 (Batavia) be responsible for representation of people detained in any upstate New York county jail whose cases are venued at the Batavia immigration court or will representation of people in some county jails also be provided by the Region 2 provider?

A13: The purpose of this RFA is to establish an agreement with qualified not-for-profit organizations to provide immigration legal services for detained immigrants with their immigration hearings in Upstate New York. Prioritization for representation should be given to individuals detained in New York State with an immigration court hearing in Upstate New York, or for individuals with a change of venue to New York City. If an

individual with an immigration court hearing in New York State is detained in another state, grantees may choose to provide assistance to these individuals, however any out-of-state travel must receive prior approval from ONA. Grantees may provide assistance to individuals detained in County Jails in their service region. For individuals detained outside of their service region, grantees are not required to provide assistance, however they may choose to provide assistance to these individuals if they have the capacity to do so.

Q14: Under Section 1, “Deportation Defense Representation”, The application includes “family reunification”. Does this grant envision that grantees will represent detainees family members in an effort to bring them to the United States or continue to represent detainees who have been removed in an effort to bring them back to the United States. This has not been done in the past and would add serious logistical and ethical issues.

A14: No.

Q15: Under Section1 “Deportation Defense Representation” the application states “After and individual is released from detention, the grantee will ensure continued legal assistance and representation for the individual’s immigration case for the duration of this grant.” Often times when detainees “bond out” of detention they relocate outside the State of New York. Forcing these clients to return to Buffalo for Court would be a hardship. In the past, NYIFUP providers have helped the client change venue to where they relocate to , provide them with referrals to programs near their new location, and withdraw from the case. Would this satisfy the requirement in the current RFP?

A15: Yes.

Q16:

(a) Under Section1 “Deportation Defense Representation” the application states that the Region 1 and Region 2 providers will be required to assist 500-650 immigration cases per contract year. Does this number take into consideration the recent steep decline in detention for immigrants facing removal proceedings? Will this number be adjusted if the number of detainees in the facilities remains in decline? What will happen if there are simply not that number of cases but the program staff are still busy representing the clients they have?

(b) Under Section VI, Required Activities – Part A, subsection 1, Deportation Defense Representation (p. 5): The detention landscape and number of people needing representation shift as federal, state and local policies shift. Case numbers will fluctuate over the contract period. For example, immigration detention in New York has decreased in recent months but this will likely shift again. As policies and practices impacting immigration enforcement and detention continue to shift, will there be flexibility in the ranges of case numbers (500-650 deportation defense cases in Regions 1 & 2; 60-70 in Region 3; 25-50 post order cases in Regions 1 & 2) to ensure that legal service providers have the capacity to build upon existing infrastructure to

adapt to ongoing changes to account for things including (but not limited to) a lower or higher number of people detained and in deportation proceedings; a lower or higher number of people detained with prior orders of removal; resource-intensive challenges in providing representation/legal assistance; and increasing demand for federal litigation, particularly if immigration court demands decrease?

A16: Yes, there will be flexibility allowed in response to changing immigration trends.

Q17: Under Section X “Completing the Application” “Program Proposal” , the application asks applicants to describe their plans to provide law related support to the families of those who have been deported. What types of support does this grant envision in those circumstances? When would such cases be considered closed?

A17: Law related support services include, but are not limited to, those specific services listed in the work plan for Part A of the RFA. Those services are to be provided on an as needed basis and would be considered closed once the service is provided.

Q18: Under Section III, Applicant Eligibility and under VIII, Eligible Costs (pages 3 and 9): what constitutes “direct programming”?

A18: Direct programming is the specific activities and deliverables that are detailed in the work plan for Part A in the RFA.

Q19: Under Section III, Applicant Eligibility and under VIII, Eligible Costs (pages 3 and 9): how is a “majority” of direct programming measured? For example, does the “majority” of “direct programming” requirement apply to each individual contract year or across the entire 4 year period where the average over the entire period constitutes a “majority” ?

A19: More than 50% of direct programming and related expenditures must be performed by the successful applicant.

Q20: Under Section III, Applicant Eligibility and under VIII, Eligible Costs (pages 3 and 9): What would the process be for the prime contractor to change subcontractors or add new subcontractors in subsequent years of the contract?

A20: Changes to subcontracts may be allowed but must be pre-approved in advance by ONA.

Q21: Under Section VI, Required Activities – Part A, subsection 1, Deportation Defense Representation (pages 5-6): will representation in a New York State family court be required for all clients with a viable application for Special Immigrant Juvenile Status?

A21: No, however, grantees must comply with all ethical obligations of attorneys in New York State as prescribed in the NY Rules of Professional Conduct. Grantees may also choose to

provide representation to this type of case under this grant if they have the capacity to do so.

Q22: Under Section VI, Required Activities – Part A, subsection 1, Deportation Defense Representation (pages 5-6): Will additional funding be available to support post-conviction relief services?

A22: No.

Q23: Under Section VI, Required Activities – Part A, (pages 5-6): If cases of people in detention in New York are venued at the Buffalo Immigration Court, will a Part A legal service provider be required to provide representation?

A23: No.

Q24:

(a) Under Section VI, Required Activities – Part A, (pages 5-6): Will the Region 1 grantee or the Region 2 grantee be required to provide representation to people whose cases change venue from Region 2 (Bedford Hills, Ulster, and Fishkill) to Region 1 (Batavia)?

(b) With respect to Section VI, Required Activities – Part A, (pages 5-6): If a client's case is transferred from an Immigration Court at Bedford Hills, Fishkill or Ulster to the Batavia Immigration Court, would the attorney from Region 2 continue the representation of the client or would the attorney in Region 1 be substituted as new counsel?

A24: Region 1 grantees will not be required to provide representation to individuals whose case changes venue from Region 2. The Region 2 attorney may continue to provide representation to these individuals under this grant. However, the Region 1 grantee may choose to provide representation to this type of case under this grant if they have the capacity to do so.

Q25: Under Section VI, Required Activities – Part A, (pages 5-6): As policies and practices impacting enforcement and detention shift, will there be flexibility to represent people in out-of-state venues if immigrants are detained in other states and/or have their cases venued in other states?

A25: Prioritization for representation should be given to individuals detained in New York State with an immigration court hearing in Upstate New York, or for individuals with a change of venue to New York City who may be detained in New Jersey. However, there may be some flexibility allowed under this grant to represent individuals in out of state venues, or to represent individuals who are detained in other states, as long as those individuals have a direct connection to New York State such as residency or family in New York State, and the grantee has the capacity to provide such assistance. Additionally, any out-of-state travel must receive prior approval from ONA.

Q26: Under Section VI, Required Activities – Part A, (pages 5-6): Will the legal service providers be required to ensure continuous representation to people after release from detention if their case is venued at the Buffalo Immigration Court?

A26: No, however, grantees must comply with all ethical obligations of attorneys in New York State as prescribed in the NY Rules of Professional Conduct.

Q27: In the past, people have languished in detention for lengthy periods before being placed on the immigration court dockets, including many people who request assistance via the ONA hotline. Will the Part A legal service providers covering Regions 1 and 2 be authorized to enter into representation with people in detention who have not yet been placed on the immigration court docket to engage in advocacy for their release or otherwise provide them with services?

A27: Yes.

Q28: Will each of the items included in the Sample Work Plans (pp. 78-86) be required elements of the work plans of the selected applicants or are the listed items viewed as suggestions regarding what to include?

A28: The RFA details under VI. Required Activities – Part A and VII. Required Activities – Part B the required activities to be included in the work plan.

Q29: Is there a word or page limit or suggestion for the application responses described in Sections X and XI (pages 11-14)?

A29: There is no word or page limit.

Q30: Section XIV, Review and Selection Process (p. 19) states that “approximately 3 grants up to the amounts indicated in Section II will be made,” however Section II (p. 2) indicates that there will be a total of 4 grants, 3 for Part A and 1 for Part B. Could you please explain this discrepancy?

A30: Section XIV has been amended to correct this discrepancy. The grant will fund approximately 3 grants for Part A and 1 grant for Part B.

Q31: Upon submitting an RFA application, is the “MWBE Compliance Form” on p. 94 the only document from Appendix E required for inclusion in “Attachment 2: MWBE Compliance Form,” referenced under Sections X and XI, Completing the Application (pages 11 and 13)?

A31: Yes, the only MWBE form that must be submitted with the application is the MWBE Compliance Form. All other forms are provided for reference only.

Q32: If the applicant contemplates to filing a request for a waiver of MWBE requirements (Form E, p. 101-102) if awarded the contract, should that be submitted “within 10 days of receipt of the award notification from DOS” pursuant to the MWBE compliance form?

A32: Applicants can submit a waiver as soon as they are aware of their inability to meet the MWBE goals despite a demonstrated Good Faith Effort. It is not required to submit a waiver request within 10 days of the receipt of award notification.

Q33: The Legal Service Provider for Region 2 previously represented clients who were detained in the Albany, Rensselaer and Clinton County Jails. Will the Region 2 provider continue to represent clients at those jails?

A33: Yes.

Q34: Will the Part B Coordinator have access to the budgets and contracts of the service providers funded by Part A, for the purpose of evaluation, analysis, and making recommendations?

A34: No, it is not anticipated that this information is required to complete the Coordinator responsibilities. DOS will work with the successful applicant for Part B to ensure they have the information necessary from the Part A grantees to meet their deliverables as required under the grant.

Q35: If the bidder believes that the services required under Part B cannot be reasonably fulfilled within the \$250,000 budget, is there a mechanism to propose an expanded budget?

A35: No.

Q36: In what way, if at all, do you plan to collaborate with the former administrator of NYIFUP services to facilitate a smooth transition to administration by ONA, a retention of institutional knowledge, and the sharing of information about lessons learned? If that work is envisioned, will there be funding for that work?

A36: The Upstate Immigration Court RFA builds upon the work of the upstate NYIFUP providers. ONA will work closely with the current upstate NYIFUP providers to ensure a smooth transition. ONA also envisions that the Upstate Immigration Court Coordinator agency will play a key role in ensuring a retention of institutional knowledge and sharing of information about lessons learned. No additional funding will be made available.

Q37: Is this [RFA] intended to replace our current LDP funding since that’s more related to our current contracts?

A37: This RFA is not intended to replace current LDP contracts under the Regional Rapid Response program.

Q38: Is this [RFA] the continuation of NYIFUP but through an ONA RFA process, or is it separate funding in addition to the current NYIFUP program?

A38: This RFA is a competitive procurement to fund new contracts under the Upstate Immigration Court program, which builds upon the current upstate NYIFUP program.