

# **REQUEST FOR PROPOSALS**

## **Defense Counsel for the Treatment Courts**

### **Second Judicial District**

The Second Judicial District, Criminal Division, is seeking proposals from a qualified person, organization, or law firm to contract for the position of legal counsel as Defense Counsel to participants in the district's four Treatment Court programs. The proposal shall be submitted for an 18-month period of time, from July 1, 2024 through December 31, 2025, with the option to extend for up to a total of 5 years, contingent on State Court Administration treatment court and grant funding.

Following is a description of the work and listing of the proposal requirements. This is not a bid but a request for a proposal that could become the basis for negotiations leading to a contract for Defense Counsel to serve as an independent contractor, and not as an employee of the State of Minnesota.

- I. RIGHT TO CANCEL. THE STATE IS NOT OBLIGATED TO RESPOND TO ANY PROPOSAL SUBMITTED NOR IS IT LEGALLY BOUND IN ANY MANNER WHATSOEVER BY THE SUBMISSION OF A PROPOSAL. THE STATE RESERVES THE RIGHT TO CANCEL OR WITHDRAW THE REQUEST FOR PROPOSAL AT ANY TIME IF IT IS CONSIDERED TO BE IN ITS BEST INTEREST. IN THE EVENT THE REQUEST FOR PROPOSALS IS CANCELLED OR WITHDRAWN FOR ANY REASON, THE STATE SHALL HAVE NO LIABILITY TO ANY PROPOSER FOR ANY COSTS OR EXPENSES INCURRED IN CONNECTION WITH THIS REQUEST FOR PROPOSALS OR OTHERWISE. THE STATE ALSO RESERVES THE RIGHT TO REJECT ANY OR ALL PROPOSALS, OR PARTS OF PROPOSALS, TO WAIVE ANY INFORMALITIES THEREIN, AND TO EXTEND PROPOSAL DUE DATES.
  
- II. OBJECTIVE. The goal of this request for proposal is to enable the Second Judicial District Court to secure Defense Counsel, in an efficient and cost-effective manner, to ensure on-going counsel to participants who are currently in the four Treatment Court programs and ensure defense counsel presence at all team staffing and court sessions. The Defense Counsel explains the benefits and disadvantages of the program to potential Treatment Court participants, including sanctions that could be incurred by participants once in the program. Participants who have yet to plea or be sentenced in Treatment Court may have the use of their own private attorney or a public defender. Once the participant has been accepted in Treatment Court, the Defense Counsel that this proposal is seeking would become the attorney of record for the participants. Representation will end upon the participant's graduation or termination from Treatment Court. The Defense Counsel is also responsible for advising a participant related to his or her compliance with program requirements and engagement in the program. The Defense Counsel participates in the team staffing and court sessions as a team member, operating in a non-adversarial manner during court, and protects the constitutional rights of the participants while promoting recovery.

III. DEFINITION/QUALIFICATIONS. For the purpose of this Request for Proposal, Defense Counsel must be licensed to practice law in Minnesota and in good standing. There is a preference for individuals or organizations that have experience working with a diverse population of people as well as people who have mental health or chemical health issues. Experience with a Treatment Court is also preferred. In addition, the Defense Counsel must have the ability to understand the dynamic of human behavior in individuals and groups and be knowledgeable of ancillary services appropriate for program participants.

IV. DESCRIPTION OF WORK. The Defense Counsel's responsibilities for Treatment Courts include:

- a. Advises the defendant as to the nature and purpose of the Treatment Court, the rules governing participation, the consequences of abiding or failing to abide by the rules, and how participating or not participating in Treatment Court will affect their interests.
- b. Explains all of the rights that the defendant will temporarily or permanently relinquish while participating in a Treatment Court.
- c. Explains that criminal prosecution for admitting to alcohol or other drug use in open court will not be invoked, the defendant is encouraged to be truthful with the judge, the case manager and the treatment staff, and informs the participant that they will be expected to speak directly to the judge and not through an attorney.
- d. Not be deemed the attorney of record until after the defendant is accepted into the Treatment Court but shall assist in pending defendants' program on-boarding and assist pre-acceptance participants and attorneys with programmatic questions prior to being assigned the attorney of record. Defendants will maintain previous defense attorneys appointed until accepted into Treatment Court.
- e. Participates as an active member of staffing, court, and attends various meetings relating to Treatment Courts. The following is the current court and meeting schedule, which is subject to change as operations change. Additionally, calendars and meetings may run late or finish early.
  - i. Monday: Mental Health Court Staffing 10:00am to 12:00pm and Court: 1:30pm to 4:30 pm, 3 weeks per month.
  - ii. Tuesday: DWI Court Staffing 10:30am to 12:00pm and Court 1:30pm to 4:30pm.
  - iii. Wednesday: Veteran's Treatment Court Staffing 8:30am to 10:00am and Court 10:00am to 12:00pm, 3 weeks per month.
  - iv. Thursday: Adult Substance Abuse Court (ASAC) Staffing 10:00am to 12:00pm and Court 1:30pm to 4:30pm.
  - v. Attend Partner Meetings and Team Alignment Meetings approximately 2 hours per month.
  - vi. Attend Steering Committee Meeting approximately 1.5 hours quarterly.
- f. Reviews the defendant's progress in the program and advocates appropriately for effective sanctions and incentives for program compliance or lack thereof.
- g. Contributes to the education of peers, colleagues, and judiciary in the efficacy of Treatment Courts.
- h. Assists with gathering data for use in evaluations.
- i. Participates in trainings identified as required or recommended by Treatment Courts. Trainings may be both in state and out of state.

- j. Tracks time spent working in certain courts, as needed, for reporting, if requested.
- V. BASIS FOR PAYMENT. Bid should include cost for initial 18 months and the remaining 3 1/2 years of the potential contract, if extended. The contract Defense Counsel will be paid a stipend; the amount of which will be determined based on funding and negotiation.
- VI. CONTRACTOR REQUIREMENTS. A criminal background check may be required of all contractors. An attorney awarded a contract under this Request for Proposal must:
- a. provide a current attorney's license
  - b. have a means to contact and consult with program participants
  - c. attend meetings and trainings
  - d. attend staffing meetings and court sessions
  - e. confirm that you have adequate malpractice insurance and must maintain it through the term of the contract
  - f. sign any necessary authorization(s) for search and release of attorney(s) disciplinary history

In addition, the contractor and staff working under this contract will be required to sign:

- a. Affidavit of Non-Collusion indicating contractor has submitted the proposal without collusion.
  - b. Certification regarding debarment certifying contractor has not been disqualified from federal funding.
  - c. Drug Free workplace form.
  - d. Confidentiality and Disclosure of Interest
- VII. PROPOSAL CONTENTS. Each submission in response to this request for proposal must contain:
- A. RESUME. Your proposal must include the resume of the individual or individuals who would perform the services of a Defense Counsel in this request for proposal. The resume must be up to date, include the names and telephone numbers of at least three references, and demonstrate the individual's knowledge and expertise as a Defense Attorney, and ability to work with a team in a non-adversarial manner.
  - B. OTHER CONDITIONS. Your proposal must indicate relevant experience, the financial parameters within which you are willing to perform, and your availability to the court. Please be as specific as possible, including details such as to:
    - your proposal for a voluntary, hourly, weekly, or monthly rate for the initial 18 months and up to 3 1/2 additional years should the contract be amended to continue;
    - the maximum time per week that you can commit;
    - adult criminal court experience;
    - experience with Treatment Courts; and
    - any other information deemed relevant.
  - C. CERTIFICATE OF INSURANCE. Minnesota Statutes § 176.182 requires that the State shall not enter into any contract before receiving from all other contracting

parties acceptable evidence of compliance with the workers' compensation coverage requirements of § 176.181, subd. 2. Your proposal must include one of the following: (1) a certificate of insurance, (2) a written order from the Commissioner of Insurance exempting you from insuring your liability for compensation and permitting him to self-insure the liability, or (3) an affidavit certifying that you do not have employees and therefore are exempt pursuant to Minn. Stat. §§ 176.011, subd. 10; 176.031; and 176.041.

- D. WORKFORCE AND EQUAL PAY CERTIFICATION. If your proposal exceeds \$100,000.00, your proposal must include a completed Workforce and Equal Pay Declaration Page (Appendix I).
- E. NONCOLLUSION. You must complete the Affidavit of Noncollusion (Appendix II) and include it with your proposal.
- F. CERTIFICATION OF DEBARMENT. You must complete the Certification of Debarment (Appendix III) and include with your proposal.
- G. DRUG FREE WORKPLACE. The court has a Drug Free Workplace policy and form that you and your employees who work the positions, if applicable, will be required to review and sign the Drug Free Workplace if offered a contract for services with the Court.
- H. CONFIDENTIALITY AND DISCLOSURE OF INTEREST. Contractor staff providing services will be required to sign a Confidentiality and Disclosure of Interest Form to be signed if offered a contract for services with the Court.

All reasonable proposals will be considered.

VIII. SUBMISSION OF PROPOSALS. Your proposal must include two (2) paper copies in a sealed envelope to:

**A. Proposal Timeline.**

1. Posting Date on State Minnesota Judicial Branch (“MJB”) Website [MJB Court Public Website - Public Notice](#): Tuesday, May 7, 2024
2. Questions Due: Monday, May 13, 2024, by 4:30PM CST
3. Answers Posted: Friday, May 17, 2024, by 4:30PM CST
- 4. Proposal Submission Deadline: Friday, May 31, 2024, by 4:30PM CST**
5. Vendor conferences will be scheduled if needed.
6. Subsequent selection as soon thereafter as possible.

- B. **Amendments.** Any amendments to this RFP will be posted on the MJB website.
- C. **Questions.** All questions about this RFP must be submitted in writing via email to the State's sole point of contact identified in this paragraph no later than Monday, May 13, 2024, by 4:30PM CST. Other court personnel are not allowed to discuss the Request for Proposals with anyone, including responders, before the proposal submission deadline.  
Tracey Ames  
Subject: Defense Counsel RFP  
Questions  
[Theresa.ames@courts.state.mn.us](mailto:Theresa.ames@courts.state.mn.us)
- D. **Answers to Questions.** Timely submitted questions and answers will be posted on the MJB website by the end of the day on Friday, May 17, 2024, by 4:30PM CST and will be accessible to the public and other proposers.
- E. **Sealed Proposal and Submittal Address.** Your proposal must be submitted in writing by 4:30PM CST, on Friday, May 31, 2024 in a sealed envelope to:  
Second Judicial District – Criminal Division  
Attention: Tracey Ames  
RE: Defense Counsel RFP  
15 West Kellogg Boulevard W. #130  
St. Paul, MN 55102  
The submission must include two (2) paper copies. No facsimile submissions will be accepted. Submissions can be received via mail or dropped off. Late proposals will not be accepted.
- F. **Signatures.** Your proposal must be signed by, in the case of an individual, by that individual, and in the case of an individual employed by a firm, by the individual and an individual authorized to bind the firm.
- G. **Ink.** Prices and notations must be typed or printed in ink; No erasures are permitted. Mistakes may be crossed out and corrections must be initialed in ink by the person signing the proposal. No additional offers will be entertained after the initial proposal.
- H. **Deadline; Opening; Public Access.** Proposals must be received no later than Friday, May 31, 2024, 4:30PM CST. Proposals will be opened the following business day and once opened become accessible to the public. Do not place any information in your proposal that you do not want revealed to the public. All documentation shipped with the proposal, including the proposal, will become the property of the State.

- I. **Selection Timeline.** Vendor selection will be as soon as possible after the proposal submission deadline.

**LATE PROPOSALS WILL NOT BE ACCEPTED**

- IX. **EVALUATION.** The Second Judicial District will review the information submitted and may conduct interviews or meetings with selected potential contractors. Cost of service will not be the only criterion used in the selection process. Selected contractors must agree to the Minnesota Judicial Branch terms and conditions and sign a professional services contract and provide additional documentation outlined in RFP. The professional services contract will contain a contract termination clause if the work product of the examiner is not satisfactorily performed in the judgment of the Minnesota Judicial Branch.

# APPENDIX I

## Workforce and Equal Pay Declaration Page

This form is required for all businesses executing government contracts under the following:

### Select one:

- Businesses executing a contract with State or Metropolitan agencies in excess of \$100,000 ([Workforce Certificate](#)) and, if applicable, \$500,000 ([Equal Pay Certificate](#))
- Businesses executing a contract with University of Minnesota for general obligation bond funded capital projects in excess of \$100,000 ([Workforce Certificate](#)) and, if applicable, \$500,000 ([Equal Pay Certificate](#))
- Businesses executing a contract with Political Subdivisions for general obligation bond funded capital projects in excess of \$250,000 ([Workforce Certificate](#)) and, if applicable, \$1,000,000 ([Equal Pay Certificate](#))

### Select all that apply:

#### We are a certificate holder:

- Workforce Certificate under the name:
- Equal Pay Certificate under the name:

#### We are applying/have applied for the following certificate(s):

- Workforce Certificate Application date (MM/DD/YYYY):
- Equal Pay Certificate Application date (MM/DD/YYYY):

#### We have not applied for one or both certificates:

- Our company does not yet have a Workforce Certificate or Equal Pay Certificate. We acknowledge that a Workforce Certificate and, if applicable, Equal Pay Certificate, or approved exemption by the Minnesota Department of Human Rights is required before a contract can be executed.

#### We are Exempt:

- We attest to the Minnesota Department of Human Rights that we have not employed 40 or more employees on a single day during the prior 12 months in Minnesota or the state in which we have our primary place of business. The Minnesota Department of Human Rights may request the names of our employees during the previous 12 months, the date of separation, if applicable, and the current employment status and count.
- We believe our company is exempt because .  
The Minnesota Department of Human Rights will review and determine if your company is exempt.

### Business Information

<input type="text"/>		
Vendor/Supplier ID	Vendor Email	
<input type="text"/>	<input type="text"/>	
Business Name	Name of Contracting Agency	
<input type="text"/>	<input type="text"/>	<input type="text"/>
Authorized Signatory Name	Title	Date
<input type="text"/>	<input type="text"/>	<input type="text"/>
Signature	Email	Phone
<input type="text"/>	<input type="text"/>	<input type="text"/>

For assistance with this form, email the Minnesota Department of Human Rights [Compliance.MDHR@state.mn.us](mailto:Compliance.MDHR@state.mn.us)

**APPENDIX II**  
**STATE OF MINNESOTA**  
**AFFIDAVIT OF NONCOLLUSION**  
**(Must be submitted with Response)**

I swear (or affirm) under the penalty of perjury:

1. That I am the Proposer (if the Proposer is an individual), a partner in the company (if the Proposer is a partnership), or an officer or employee of the responding corporation having authority to sign on its behalf (if the Proposer is a corporation);
2. That the attached proposal submitted in response to the \_\_\_\_\_ Request for Proposals has been arrived at by the Proposer independently and has been submitted without collusion with and without any agreement, understanding or planned common course of action with, any other Proposer of materials, supplies, equipment or services described in the Request for Proposal, designed to limit fair and open competition;
3. That the contents of the proposal have not been communicated by the Proposer or its employees or agents to any person not an employee or agent (including a partner) of the Proposer and will not be communicated to any such persons prior to the official opening of the proposals; and
4. That I am fully informed regarding the accuracy of the statements made in this affidavit.

Proposer's Firm Name: \_\_\_\_\_

Authorized Signature: \_\_\_\_\_

Date: \_\_\_\_\_



**APPENDIX III**

(Must be submitted with response)

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION,  
INELIGIBILITY AND VOLUNTARY EXCLUSION – LOWER TIER  
COVERED TRANSACTION**

**The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently disbarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department agency.**

Dated: \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_

Proposer's Signature