



**SEDGWICK COUNTY, KANSAS
DIVISION OF FINANCE**

Purchasing Department

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www.sedgwickcounty.org/finance/purchasing.asp

ADDENDUM #2

RFP #21-0080

ALTERNATIVE DISPUTE RESOLUTION – DOMESTIC CONCILIATION SERVICES

February 4, 2022

The following is to ensure that proposers have complete information prior to submitting a proposal response. Here are clarifications regarding our request.

Questions and/or statements of clarification are in **bold** font and answers to specific questions are *italicized*.

1. I would be willing to charge a flat fee for five (5) hours and a fee per hour if it goes over. I would be willing to charge an hourly fee and turn in my hours. Your suggestions?

Answer: Applicants should submit an hourly rate proposal. Income based sliding scale fees should be included. In the event that a domestic conciliation is expected to exceed the \$4,000.00 maximum allowed rate, the domestic conciliator should notify the Judge and make a request for additional funds. Requests should include an estimated amount of additional time or funding needed to complete the service. The Judge will have the final say if additional funding will be approved.

2. Is this an annual proposal? For one (1) or more years?

Answer: Funding availability will determine the length of the proposal.

3. Sedgwick County has several avenues to cancel the contract but I am not sure whether I could cancel the contract. Could you point me to the provision that would allow me to do the same should that become necessary?

Answer: Motion to Withdraw by DC and Motion to Terminate DC by a litigant are familiar to this department. Cancelling the DC contract during those proceedings would be in keeping with regular procedures.

4. I will submit invoices each month but I'm not sure how I would get paid. Typically, its net 30 but I would be willing to give a 2% discount for payment in 10 days. Also, I currently charge 12% interest if no payment is received in 90 days.

Answer: Sedgwick County's payment term is Net 30.

5. The proposal requires that all documentation belongs to the county. Is there a storage system that will contain my documents? Does that include my personal work product (case notes)? I usually keep all documentation for 10 years. How would that work with the county? Would others have access to my work product? I turn it over by subpoena but I'm uncomfortable with other practitioners and attorneys able to walk into the courthouse and access my work product.

*Answer: **Supreme Court Rule 106***

(a) Court Files and Records. Except as otherwise provided in subsection (b), court files and records must remain in the court's physical possession and control. – This would include items filed in the court.

Domestic Conciliator notes would remain the property of the Domestic Conciliator unless otherwise legally obtained.

5-512. Confidentiality of proceedings. (a) All verbal or written information transmitted between any party to a dispute and a neutral person conducting a proceeding under the dispute resolution act or the staff of an approved program shall be confidential communications. No admission, representation or statement made in the proceeding shall be admissible as evidence or subject to discovery. A neutral person conducting a proceeding under the dispute resolution act shall not be subject to process requiring the disclosure of any matter discussed during the proceedings unless all the parties consent to a waiver. Any party and the neutral person conducting the proceeding, participating in the proceeding has a privilege in any action to refuse to disclose, and to prevent a witness from disclosing, any communication made in the course of the proceeding. The privilege may be claimed by the party or the neutral person or anyone the party or the neutral person authorized to claim the privilege.

(b) The confidentiality and privilege requirements of this section shall not apply to:

(1) Information that is reasonably necessary to allow investigation of or action for ethical violations against the neutral person conducting the proceeding or for the defense of the neutral person or staff of an approved program conducting the proceeding in an action against the neutral person or staff of an approved program if the action is filed by a party to the proceeding;

(2) any information that the neutral person conducting the proceeding is required to report under K.S.A. 2021 Supp. 38-2223, and amendments thereto;

(3) any information that is reasonably necessary to stop the commission of an ongoing crime or fraud or to prevent the commission of a crime or fraud in the future for which there was an expressed intent to commit such crime or fraud;

6. Licensed attorneys need not be certified to do DC. Please note the following statute:

STATUTE 5-509. *Same; cases accepted. (a) Upon finding that alternatives to litigation may provide a more appropriate means to resolve the issues in a case and that the costs of the dispute resolution process are justified relative to the parties' ability to pay such costs, a judge may order the parties to the case to participate in a settlement conference or a non-binding dispute resolution process conducted by: (1) A program or individual approved pursuant to rules of the supreme court adopted pursuant to the dispute resolution act; or (2) an individual licensed to practice law in the state of Kansas.*

** This statute allows an attorney appointed by a Judge to be a Domestic Conciliator.*

7. Does the insurance requirement need to be in effect at the time of proposal submission or when the proposal is accepted?

Answer: If selected, insurance will need to be in effect prior to case assignment.

8. If I were accepted to this program, would I still be able to provide ADR services as I have been on cases outside this program?

Answer: Being selected for ARPA funded Domestic Conciliation does not preclude anyone from doing similar work for other agencies or individuals.

9. If I were accepted for this program, would I still be able to represent clients in Family Law cases?

Answer: Standard conflict of interest requirements would be in effect. So as long as there is no conflict or perceived conflict, selected applicants may continue in their normal law practices.

10. Will there be DCs that don't go through the county Purchasing Department? In other words, will there be any DCs that aren't paid for with ARPA money?

Answer: Individuals may still pay out of pocket for domestic conciliation services.

11. I have read the proposal and conditions. It appears each case is paid up to \$4,000.00 and you can bid the number of cases you want or does this mean all cases will be sent to that person? It did not seem to state to qualify for this money that parents have to be low income. What is your understanding of which cases would be sent to this vendor?

Answer: Judges will have discretion to appoint a DC that will be ARPA funded. Selected applicants will be placed on a list that the Judges can select from.

12. Can we still provide DC services if we do not bid on this ARPA program?

Answer: Any domestic conciliator may continue with their normal practices and are not required to bid on this RFP to stay a domestic conciliator in Sedgwick County. This RFP utilizes ARPA funding for payment and is disbursed by Sedgwick County.

13. Am I required to have insurance to apply as a Domestic Conciliator? If so, can you clarify what type?

Answer: If selected, insurance will need to be in effect prior to case assignment. Please refer to page 8 of the original RFP to clarify what insurance is required.

14. Are you looking for a per hour rate for services provided? Or are you looking for a fixed average amount per DC case that then would be used to pay the total number of cases managed? Or are you looking for an annual amount for a set number of cases? Or are you looking for an annual bid that includes any number of cases?

Answer: Please see answer to Question #1.

15. Hourly rate for all services rendered in a DC with the maximum no more than \$4,000.00 per case. Per case average rate per DC? A fixed annual amount for a specific number of DCs regardless whether they end in Phase 1 or Phase 3? An annual fixed amount for any (unknown number of) DCs?

Answer: Please see answer to Question #1.

16. We do not currently have Workers' Compensation Insurance. We have three (3) team members, two (2) other mediators (who are also DM, DC, and PC certified) and a bookkeeper, who are all under contractor status with each of them having their own small business. Would you be requesting for any of us to have Workers' Compensation? Would you require for the same to have Employer's Liability Insurance?

Answer: Please see answer to Question #13. However, in regards to Workers' Comp and Employers' Liability, if you are all true independent contractors (1099 Independent Contractors) then this coverage can be waived.

Firms interested in submitting a proposal, must respond with complete information and **send on or before 1:45 pm on Tuesday, February 22, 2022**. Late proposals will not be accepted and will not receive consideration for final award.

PLEASE ACKNOWLEDGE RECEIPT OF THIS ADDENDUM ON THE PROPOSAL RESPONSE PAGE.

Joseph Thomas

Joseph Thomas, CPSM, CPSD, C.P.M.
Purchasing Director

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