

RFA #0812111016

Questions and Answers

Clarifications

Please note that applications to RFA #0812111016 are due June 19, 2009.

There was an error on the website listing when the announcement was originally posted stating that the due date is July 1, 2009. This was an error. The due date is June 19, 2009, as stated on the cover page of the RFA. Applications received after June 19, 2009 will not be accepted.

The responses to questions included herein are the official responses by the State to questions posted by potential bidders and are hereby incorporated into the RFA 0812111016 issued on April 15, 2009. In the event of any conflict between the RFA and these responses, the requirements or information contained in these responses will prevail.

General Questions

1. Who May Apply – May a hospital, clinic or practice that diagnoses or treats people with cancer establish linkages with more than one prospective applicant for this grant?

Yes. It is appropriate for applicants to establish linkages with multiple organizations. You are able to link to as many prospective applicants as you deem appropriate.

2. Support letters: May we submit letters of support from organizations with which we plan to collaborate on this project?

Yes.

3. Please provide a list of and contact information for Cancer Services Program (CSP) contractors providing screening, education, awareness or support services, as described in section II on p. 3 of the RFP

This information can be found at:

www.health.state.ny.us/nysdoh/cancer/center/partnerships/docs/contacts.pdf

4. In Section V.A.IV at page 13, the RFA states “THIS FUNDING MAY ONLY BE USED TO EXPAND EXISTING ACTIVITIES OR CREATE NEW ACTIVITIES PURSUANT TO THIS RFA. THESE FUNDS MAY NOT BE USED TO SUPPLANT FUNDS FOR CURRENTLY EXISTING STAFF ACTIVITIES.” We are assuming that this does not preclude applying for renewal funding for a project currently funded by this grant, which would necessarily end if the funding is not renewed. Are we correct?

The current grant cycle for the legal and supportive services contractors ends September 30, 2009 and those grants will not be renewed. New contracts will be awarded through this competitive procurement process for a new, five year grant cycle, estimated to begin October 1, 2009 and end March 31, 2014. Current contractors may apply for the new grant period in response to this RFA, should they meet the eligibility requirements stated in the RFA (pages 4-5). Awarding new contracts through this process is not considered a renewal, nor is it considered “supplanting”.

Questions Related to the Discounted/Sliding Fee Schedule

5. Since the demand for the services we provide far exceeds the capacity of our project to meet it, would it be acceptable to limit our services to those who cannot afford to pay, and refer others to the Bar Association?

Yes, this is acceptable. It is appropriate to utilize the fee schedule to identify a financial capacity eligibility limit and refer those whom exceed that limit to alternative legal services. Please see Attachment 2 in the RFA for information about the fee schedule. Arrangements for referrals should be included in the technical proposal.

6. In our judgment, the cost of living in our area is such that no one living below 200% of the federal poverty guidelines can afford an attorney. Would it be permissible to set up an income limit of 200% of the federal poverty guidelines for our services, making those services free for everyone who qualifies and without establishing a fee scale? Our experience in serving persons living with cancer has been that, apart from providing brief telephone advice, we have exceeded our goals for providing legal representation, even counting only those persons whose income does not exceed 200% of the federal poverty limit.

It is acceptable for an applicant to propose a fee scale that sets a threshold for free legal services at a percentage of the Federal Poverty Guidelines and/or a zero-based fee scale so that services are free to those clients whose income falls below a pre-determined threshold.

7. Attachment 2 – is a discounted/sliding fee schedule required? Is it permissible to set the threshold for free legal services at 125% of poverty? Or up to 200% of poverty if the client has certain expenses (e.g. related to work or education or medical care)?

Yes, a discounted/sliding fee schedule developed in accordance with guidelines provided in Attachment 2 of the RFA should be used. It is acceptable for an applicant to propose a fee scale that sets a threshold for free legal services at a percentage of the Federal Poverty Guidelines and/or a zero-based fee scale so that services are free to those clients whose income falls below a pre-determined threshold.

8. Sliding fee: On page 5 of the RFA, under Project Deliverables, there are references to financially assessing clients to determine their ability to pay a fee, and to appropriately billing clients who are found to be able to pay. As our target population is restricted to the poor, the near poor and the working poor, it is against our policy to charge fees of any kind. We do have assessment tools but they are not used to determine ability to pay a discounted fee. Would we be obligated under this contract to charge fees?

Applicants must establish a written policy, subject to NYSDOH CSP approval, to assess each client's financial capacity to pay for selected services. The method of reviewing client income should be determined by the individual contractors. A discounted/sliding fee schedule developed in accordance with guidelines provided in Attachment 2 of the RFA should be used for this purpose. It is acceptable for an applicant to propose a fee scale of their choosing, setting the threshold for free legal services at a percentage of the Federal Poverty Guidelines and/or a zero-based fee scale so that services are free to those clients whose income falls below a pre-determined threshold.

9. Instead of a required fee schedule, could we establish a schedule of suggested donations, which we would provide to each client whose income exceeds a certain percentage of the federal poverty guidelines?

A schedule of donations cannot replace the required discounted/sliding fee scale.

10. Is it permissible to choose to set a predetermined reduced “fee for service” for certain types of common legal services (e.g. a will, assistance to obtain Medicaid, etc.) as opposed to an hourly rate?

Yes, this is permissible. It is acceptable to determine fees based on distinct (“fee for services”) categories such as wills, brief legal consultation, court cases etc., as long as those fees are non-discriminatory, uniform and evenly applied to all clients

11. Ours is a not-for-profit organization which has never charged a fee for our services, has no existing billing system, and our services are not covered by health insurance. Much of the service provided by our project is conducted by our attorney at the client's home or in the client's hospital room, often when the client is near death. How is it contemplated that collection of fees would occur in these circumstances?

It is acceptable for an applicant to propose a fee scale of their choosing, setting the threshold for free legal services at a percentage of the Federal Poverty Guidelines and/or a zero-based fee scale so that services are free to those clients whose income falls below a pre-determined threshold. Organizations should establish mechanisms to collect fees from those clients who, upon assessment, have the capacity to pay for services according to the established sliding fee scale. Because a client's circumstances can change dramatically, an organization may need to reassess a client's ability to pay on an ongoing basis.

12. Is financial ability to pay to be determined by income alone, without reference to financial obligations? Where, for example, a household has had two wage earners and one becomes unable to work, the income of the spouse who is not ill may still be significant, but the financial burden of handling obligations which were incurred as a two-income household may be great. Also, even if income is well over the poverty level, if the person with cancer is uninsured, the burden of medical debt can be overwhelming. One of the primary functions of our project is to help families deal with these issues, and we would be highly reluctant to charge these financially stressed families a fee.

Yes, financial ability to pay should be determined by income alone. The method of reviewing client income and capacity to pay for services should be determined by the individual contractors, addressing the issues listed on Attachment 2 for the development of the discounted/sliding fee schedule.

13. We are concerned that implementing a fee schedule for our services would lead to a requirement that we pursue collection activities against clients who fail to pay. To what extent would we be required to demonstrate attempts to collect on delinquent accounts? Would such attempts be subject to audit?

Contractors awarded funds through this RFA will be required to develop and implement a discounted/sliding fee schedule, as per Attachment 2, p. 18 in the RFA. As part of contract monitoring, contractors will be required to demonstrate that they have implemented the fee schedule in good faith. The extent to which the fee schedule is observed by the contractor will be reviewed during contract monitoring. Reasonable attempts to collect fees are expected, and collection activities may be appropriate depending on individual circumstances.