

# Request for Proposals: SOUTH DAKOTA STATEWIDE LEGAL NEEDS ASSESSMENT Issued: November 2, 2021

## **1. INTRODUCTION**

In an effort to increase access to justice throughout the State of South Dakota, the state civil legal services programs seek an experienced program evaluator or comparably skilled professional to conduct a statewide civil legal needs assessment of the State of South Dakota and the Indian Reservations located within the state. Dakota Plains Legal Services (“DPLS”) and East River Legal Services (“ERLS”) are not-for-profit law firms and grantees of the Legal Services Corporation (LSC). Access to Justice, Inc. (“A2J”) is a statewide not-for-profit legal services program and its primary function is to administer the State Bar of South Dakota’s pro bono and modest means programs. ***The three legal services organizations will collectively be referred to as “the partners” throughout the remainder of this request.***

### **Purpose of Needs Assessment:**

As a key strategic planning tool, the needs assessment will be used to assist the partners in better understanding how to best allocate resources, track and improve client/case outcomes, and identify the state’s most pressing needs in providing civil legal services for its low-income client-eligible population.

The assessment will also be used to educate the partners and other key stakeholders on the issues and legal needs of low-income residents of South Dakota, including the state legislature, relevant professionals, pro-bono attorneys, the media, donors, and funders.

### **Results of the completed needs assessment will help identify:**

- Predominant civil legal issues currently facing South Dakota’s client-eligible low-income population and whether those issues are being adequately addressed;
- Demographic and other relevant trends likely to affect the legal needs of low-income communities in the reasonably foreseeable future;
- Populations (demographic and geographic) considered over-served, well-served, moderately served, and underserved;
- Barriers to access that eligible clients currently face when seeking civil legal services, either when accessing a civil legal services attorney or navigating the court system on a pro-se (self-represented) basis;
- How future funding, programming, and staff might be best allocated across the State to better serve eligible populations;
- Whether technology should play a greater role in civil legal service delivery and if so, how;
- What constitutes effective consumer/client/stakeholder outreach in South Dakota’s civil legal services community;
- What particular standardized data sets statewide civil legal aid providers, and the courts, could collect in order to benchmark collective progress moving forward.

**Defining the Project:** The partners seek a final report, plus any data used to produce the report, to guide their work for at least the next five-plus years, and to help with strategic planning. The report must categorize the prominent legal needs of the relevant populations and include descriptions of the households identified and affected, with such information as gender identification, race/ethnicity, and age of heads of household, household compositions, and other major characteristics such as the presence of veterans, senior citizens, persons with disabilities, the presence of children (biological and other), non-biological household members, etc. Additionally, the assessment should be built around “Performance Area One” of the Legal Services Corporation’s performance criteria that incorporates its grant oversight experience with the ABA standards for the provision of civil legal aid.

Importantly, the report must differentiate between legal needs that may arise to prominence due to the existence of the COVID-19 pandemic, and those which exist apart from the pandemic. Legal issues caused by the pandemic may linger for years and rise in importance because of their duration. It is also possible that the legal needs will not differentiate, or not differentiate greatly, between pandemic caused and those that exist apart from the pandemic. To the extent possible, this assessment must identify and emphasize legal needs that exist regardless of the pandemic.

## **2. REQUEST FOR PROPOSAL (RFP)**

The partners have issued this Request for Proposals (RFP) from qualified companies, nonprofits, academic institutions, and independent consultants (Respondent/Contractor) to conduct a statewide needs assessment. The goal is to select the most capable contractor offering the most competitive price.

## **3. TIMELINE/DUE DATES**

1	RFP Release Date	November 2, 2021
2	RFP Letter of Interest (LOI) Deadline	December 1, 2021
3	RFP Questions Deadline	December 1, 2021
4	Response to Questions Provided to LOI Respondents	December 15, 2021
5	Proposals Due to the partners	January 15, 2022
6	Notice of Award Released (on or before)	February 15, 2022
7	Draft Document Submitted to the partners	July 30, 2022
8	Final Documents Submitted to the partners	August 30, 2022
9	Contractor Presentation to the partners	September 15, 2022

Notes:

As part of the selection process, the partners may conduct interviews with a shortlist of RFP respondents being considered for this contract. The partners must proceed through a fiscal process prior to the award. Should announcements of the award be delayed due to this process, all respondents will be advised as to the delay and anticipated release of Notice of Award.

The above-listed deadlines are an estimate. Actual deliverable deadlines will be negotiated with the Respondent/Contractor.

#### **4. DESCRIPTION OF SERVICES**

The selected Respondent/Contractor will be responsible for:

***A. Coordination of a fully-completed written Statewide Needs Assessment, following, at minimum, the below outline:***

- An Executive Summary
- Description of Design and Methods Used
- Results of quantitative and qualitative data collection from: surveys, interviews, focus groups, relevant datasets, etc.
- Analysis of civil legal services needs and strengths
- Project findings
- Recommendations
- Supporting Appendices

***B. Data Collection, Design, and Analysis:***

Respondent/Contractor shall design all relevant surveys, interview questionnaires, and facilitation guides necessary to collect and analyze data regarding the civil legal service needs within the State of South Dakota and the Indian Reservations located within the State.

Respondent/Contractor will also be expected to administer all interviews, surveys, and facilitation groups.

Upon reviewing several other civil legal needs assessments that include rural populations, the partners tentatively prefer a “mixed-methods” approach. Ideally, the needs assessment will incorporate the below-listed data sources (but we remain open to the contracted expert’s guidance).

- *Surveys, interviews, or facilitated meetings (whichever is most effective) of the following:*
  - Executive leadership, attorneys, and paralegals from the partners;
  - Judges, court clerks, administrators, and other relevant court staff/officials;
  - Members of local bar associations;

- Existing/recent civil legal services clients;
- Existing/recent low-income civil court consumers (those who have represented themselves in court without seeking out free advice/services from civil legal services organizations - “pro se”);
- Potential clients (e.g., those eligible, but not yet using free civil legal services for whatever reason);
- Staff and students from local law school clinical programs engaged in serving the potential client populations;
- Staff from non-legal, complimentary organizations serving our same eligible client population (e.g., homeless shelters, victim service providers, Department of Social Services caseworkers, and other social service providers).
- *Trend Analysis of Open and Closed Cases at Civil Legal Service Providers.* Review of a random selection of civil cases opened between 2018-2021 by client legal issue and geographic distribution; and review of cases closed by legal issue, level of service provided, and geographic distribution. (Note: the partners can pull and categorize the types of cases for the Respondent/Contractor, so that the Respondent/Contractor can focus on identifying trends.)
- *Trend Analysis of Civil Law Court Cases by Client Eligible Population:* Some Eligible clients choose to represent themselves, rather than seek free legal counsel. An analysis of pro-se court cases (2018-2021) will help identify how the collaborative team can better educate and prepare low-income South Dakota residents who wish to self-represent.
- *Demographic Analysis (using existing publicly available data sources).* Review of the South Dakota’s eligible client population, including estimated number, geographic location, and racial, gender, age, disability, and ethnic composition mapped in relation to availability of existing civil legal services for this area.

**C. Respondent/Contractor Presentation:** Respondent/Contractor shall provide at least one (1) in-person presentation to the partners at the end of the engagement highlighting the needs assessment process, finding, recommendations, and answering questions.

## **5. PROPOSAL CONTENTS AND SUBMISSION INSTRUCTIONS:**

Respondent/Contractor proposals should include:

1. A written narrative answering the following:
  - a. With the information provided in this RFP (especially Section 4, A, B, & C), how does the RFP respondent propose implementing the needs assessment? (Where possible, RFP respondent should quantify how many interviews, surveys, or facilitated meetings they propose doing during the data collection stage.)
  - b. What additional analysis or processes does the RFP respondent suggest be undertaken as part of this needs assessment, if any, and why?
  - c. What cost or efficiency suggestions does the RFP respondent have for our proposed needs assessment project, if any?

- d. How will the RFP respondent commit to meeting the deadlines listed in Section 3 (Timeline/Due Dates), if awarded this Contract?
    - e. Price for the project.
  2. A bio, resume and/or other items outlining RFP respondent's experience with legal needs assessments and similar projects, and facility with skill sets commonly used in legal needs assessments (e.g., statistical analysis, data visualization, survey design, project management, community outreach and technical writing, etc.).
  3. A list of other personnel/subcontractors that will work on the project (please provide resumes or bios).
  4. Samples or case studies of similar work projects that the RFP respondent has successfully completed.
  5. Contact name, title, affiliated organization, phone number and e-mail of three contacts for whom the RFP respondent has conducted similar work in the past five years.

All final proposals and supplementary attachments must be emailed to the three individual directors of each of the partners by 5:00 p.m. Central Time on January 15, 2022 (subject line: "South Dakota Legal Needs Assessment Proposal"): [brent@erlservices.org](mailto:brent@erlservices.org), [tmortland@dpls.org](mailto:tmortland@dpls.org), and [access.to.justice@sdbar.net](mailto:access.to.justice@sdbar.net). **All three directors are to be included in the email.**

RFP respondents shall bear all costs associated with the proposal meeting(s), interview(s), preparing, and submitting their bids. The partners shall in no event be responsible or liable for those costs.

## **6. INQUIRIES**

Questions regarding this RFP are to be submitted to the three individual directors of each of the partners by 5:00 p.m. Central Time (subject line: "South Dakota Legal Needs Assessment Questions"): [brent@erlservices.org](mailto:brent@erlservices.org), [tmortland@dpls.org](mailto:tmortland@dpls.org), and [access.to.justice@sdbar.net](mailto:access.to.justice@sdbar.net). **All three directors must be included in the email.** A consolidated list of questions and their answers will then be posted on the South Dakota Law Help website ([sdlawhelp.org](http://sdlawhelp.org)). **Questions regarding this RFP will only be accepted by email at the email addresses provided.**

## **7. AWARD OF CONTRACT**

Award of the contract resulting from this RFP will be based on the RFP respondent whose offer will be most advantageous to the partners and the client population in terms of cost, functionality, experience, quality of past work, and other factors specified elsewhere in this RFP.

The partners reserve the right to: 1) Consider proposals based on their relative merit, risk, and values to the partners; 2) Negotiate with all service providers; 3) Reject any or all offers and discontinue this RFP process without obligation or liability to any potential contractor, when it is in the partners best interest; 4) Accept other than the lowest priced offer.

Proposals received will be evaluated by the partners on the following selection criteria:

1. RFP respondent's demonstrated experience with community needs assessments and similar projects, and facility with skill sets commonly used in community needs assessments.
2. Description of the approach the RFP respondent proposes in accordance with the questions asked in Section 5, # 1.
3. Results of communications with the RFP respondent's client references.
4. RFP respondent's familiarity with the legal aid and/or human services landscape.
5. Price, and the RFP respondent's willingness to help the partners find cost-effective solutions to complete the assessment.
6. Quality of RFP respondent's communications and responsiveness during the RFP process.

RFP respondents may be asked to revise their proposal based on further negotiations. This document represents an initial request for proposal only and in no way should be construed as a contract or letter of intent.

## **8. Terms and Conditions**

**Ownership of Materials and Confidentiality:** All work done for the project and content will be the property of the partners collectively and individually. They will have full access to and have the right to customize all outreach materials. The contractors will sign a confidentiality agreement before the engagement begins.

Unless otherwise required by law, all information disclosed by the partners during the proposal process shall be considered confidential and should not be released to outside parties.

Likewise, all proposals from RFP respondents may only be reviewed by the partners and their respective staff and/or Board, and the South Dakota Commission on Equal Access to Our Courts as necessary for the fair selection of the contractor and will not be shared with outside parties, unless otherwise required by law.

**Costs of Preparing Responses:** The partners are not responsible for, and will not pay for, any of the costs associated with the preparation of proposals submitted hereunder.

**Responses are the Property of the Partners:** All responses, accompanying documentation and other materials submitted in response to the RFP are the property of the partners and will not be returned.

**Proprietary Information/Public Disclosure:** All responses submitted to this RFP are and will remain confidential until the evaluation is complete, and the vendor selected and approved. Thereafter, responses shall be deemed a public record.

**RFP Amendments/Cancellation/Reissue/Reopen:** The partners reserve the right to change the RFP Schedule or issue amendments at any time. They also reserve the right to cancel or reissue the RFP.

**Minor Administrative Irregularities:** The partners reserve the right to waive minor administrative irregularities contained in any response.

**Inability to Enter Contract:** The partners reserve the right to eliminate from further consideration any vendor that, because of legal or other considerations, is unable to contract with the partners at the time responses are due.

**No Obligation to Execute a Contract:** The release of the RFP does not compel the partners to enter any contract.

- The partners reserve the right to refrain from contracting with any vendor that has responded to this RFP whether or not the vendor's response has been evaluated and whether or not the vendor has been determined to be qualified. Exercise of the reserved right does not affect the partners' right to contract with any other vendor.
- The partners reserve the right to request an interview with any vendor and/or a demonstration from any vendor before entering into a contract with that vendor. If a vendor declines the request for an interview or demonstration for any reason, the vendor may be eliminated from further consideration.

**Non-Endorsement:** The selection of a vendor pursuant to the RFP does not constitute an endorsement of the vendor's services. The vendor agrees to not refer to any of the partners in any literature, promotional material, brochures, sales presentation, or the like without their express written consent.

**Contract Payment Limitations:** Vendors should anticipate payment at the end rather than at the beginning of the invoice period in which they provide services, or after they submit any deliverable for which a payment is due.

## **9. PROJECT DELIVERABLES**

All recommendations identified during this engagement will be documented and reviewed with the partners and their respective staff and/or Board. All deliverables produced during the engagement are for the sole use of the partners and will remain the property of the partners.

## **10. SUPPLEMENTARY INFORMATION**

RFP respondents may find it useful to review the following links and documents before submitting a proposal. If there is additional, relevant information, RFP respondents would like to review prior to submission of a proposal, please notify the partners (see Section 6 for contact info).

- a) Legal Services Corporation's section on Comprehensive Needs Assessment & Priority Setting <https://www.lsc.gov/i-am-grantee/model-practices-innovations/plan-strategically/comprehensive-needs-assessment-priority>
- b) The Legal Services Corporation's performance criteria that incorporates its grant oversight experience with the ABA standards for the provision of civil legal aid is described under the "Performance Area One" section at the following link: <https://www.lsc.gov/media-center/publications/lsc-performance-criteria>.
- c) Common civil legal aid services (Attachment A)
- d) Information about the partners and their office locations in South Dakota (Attachment A)

## Attachment A.

- I. **List of Common Civil Legal Services Provided to Client-Eligible population (at or below 125% of the federal poverty guidelines or up to 200% with qualifying conditions; or, for certain Modest Means eligible clients, up to 300% with qualifying conditions).**
- II. **Additional information about each of the partners including office location information.**

- I. **List of Common Civil Legal Services Provided to Client-Eligible population.**

**Family Law:** This includes divorces, custody disputes, adult and minor guardianship cases, child support modifications, paternity actions, grandparent visitation and noncustodial parent visitation cases.

**Victim Services:** This includes Protection Orders and representation to adult and child victims of abuse, sexual assault, stalking, dating violence and human trafficking.

**Public Benefits:** DFS, Medicaid, SSA, and other welfare benefit denials, overpayments and underpayments.

**Consumer:** Defense in lawsuits brought by collection agencies, wrongful garnishments and/or seizures, small claims cases, and debt buyer cases. This also includes Chapter 7 Bankruptcies.

**Housing:** Forcible entry and detainer actions, landlord/tenant evictions, security deposit disputes, enforcement of habitability requirements, housing benefit issues, and utility cutoffs.

**Native American Rights:** This priority covers all Native Americans across the state as well as the Indian Reservations located in South Dakota. In addition to providing all other services this priority also allows Legal Aid to assist with criminal misdemeanor representation in Tribal Court and places a priority on children and victims in domestic violence situations.

**Senior Services:** This priority targets low-income seniors in the state by providing services such as powers of attorney, affidavit of survivorship, guardianship, conservatorship, grandparent visitation, and simple wills.

**Involuntary Commitment Defense:** Title 20 involuntary commitment defense to individuals detained under mental health holds.

**Taxpayer Assistance :** Representation of taxpayers before the IRS. Providing outreach and materials to communities to assist with understanding and resolving tax issues.

**Emergency Assistance:** There are times when a situation arises in which a person needs emergency services that do not fit within the Priorities or Case Acceptance Criteria of Legal Aid. These are situations where it is necessary to take immediate action to protect or eliminate a significant risk to the health or safety of an individual, secure or preserve the necessities of life, or address other significant legal issues that arise because of new and unforeseen circumstances.

## **II. Additional information about each of the partner organizations.**

### **A. Dakota Plains Legal Services (DPLS)**

DPLS is a legal aid program serving all low-income and elderly clients in western South Dakota, as well as continuing its mission to serve the Native American population in South Dakota. Legal services are provided from seven offices in South Dakota located in Eagle Butte, Ft. Thompson, Mission, Pine Ridge, Sioux Falls, Sisseton, and Rapid City. DPLS also has one office in Ft. Yates, North Dakota which serves the Standing Rock Reservation located in both North and South Dakota. In 2020, DPLS provided legal services to 1,762 clients in South Dakota and North Dakota.

### **B. East River Legal Services (ERLS)**

ERLS is a non-profit community law firm comprised of seven attorneys, two executive staff, and ten support staff. The program serves Veteran's, senior citizens, victims of crime and low-income individuals in South Dakota. ERLS utilizes a systemic delivery approach to legal assistance consisting of direct representation, brief service, advice, and advocacy. ERLS is located in the city of Sioux Falls, South Dakota and the office serves 33 counties in western South Dakota. In 2020, ERLS closed 986 cases assisting 2,665 clients in South Dakota.

### **C. Access to Justice, Inc. (A2J)**

A2J came about as the result of ten years of state planning for legal services in South Dakota and was incorporated by the State Bar of South Dakota as a 501(c)(3) organization in 2005. A2J is located in Pierre, South Dakota and is a statewide program. In 2020, the Access to Justice program recruited volunteer attorneys that provided over 1,000 hours of pro bono legal assistance to clients located all over the state. In 2020, A2J opened 73 new cases involving direct representation for individuals and closed a total of 68 cases that involved direct representation with a value of over \$200,000 in pro bono legal services. A2J also provides reduced-rate (low-bono) legal assistance to clients through the A2J Modest Means program in addition to low-bono service opportunities for attorney volunteers through the A2J Judicare program.

In addition to direct pro bono representation, A2J is the administrator for the statewide Free Legal Answers website and facilitates lawyers to answer civil legal questions on the website anonymously to income-qualifying South Dakota residents. In 2020, volunteer attorneys answered 282 legal questions through the website.