

**DEPARTMENTAL INPUT**  
**CONTRACT/PROJECT MEASURE ANALYSIS AND RECOMMENDATION**

Rev 1

<input checked="" type="checkbox"/>	<u>New contract</u>	<input type="checkbox"/>	<u>OTR</u>	<input type="checkbox"/>	<u>CO</u>	<input type="checkbox"/>	<u>SS</u>	<input type="checkbox"/>	<u>BW</u>	<input type="checkbox"/>	<u>Emergency</u>	Previous Contract/Project No. 9672-0/17
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<input type="checkbox"/>	<u>Re-Bid</u>	<input type="checkbox"/>	<u>Other</u>
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LIVING WAGE APPLIES: \_\_YES XNO

Requisition/Project No: FB-00625

TERM OF CONTRACT: 2 year with 3 one-year options-to-renew

Requisition/Project Title:- Legal Research Services for Inmates

Description: Legal Research Services for Inmates

User Department(s): Miami-Dade County Corrections and Rehabilitation

Issuing Department: Procurement      Contact Person: Sophia Cunningham      Phone: 305-375-2179

Estimated Cost: \$750,000.00      Funding Source: General Fund      REVENUE GENERATING: N/A

**ANALYSIS**

Commodity/Service No: <u>918-74, 956-70, 961-49, 961-50</u>	SIC: _____	
<b>Trade/Commodity/Service Opportunities</b>		
Contract/Project History of Previous Purchases For Previous Three (3) Years Check Here <span style="background-color: yellow; padding: 0 5px;">  </span> if this is a New Contract/Purchase with no Previous History		
EXISTING	2 <sup>ND</sup> YEAR	3 <sup>RD</sup> YEAR
Contractor:	Prison Solutions Inc	
Small Business Enterprise:		
Contract Value:	\$900,000	
Comments:		
Continued on another page (s): _____ Yes <u>X</u> No		

**RECOMMENDATIONS**

SBE	Set-Aside	Sub-Contractor Goal	Bid Preference	Selection Factor
		%		
		%		
		%		
		%		

Basis of Recommendation:

Signed: Sophia Cunningham

Date to SBD: 06-19-2017

Date Returned to PM: \_\_\_\_\_

**SECTION 2 - SPECIAL TERMS AND CONDITIONS****2.1 PURPOSE**

The purpose of this solicitation is to establish a contract for the purchase of legal research services by the Miami-Dade Correction and Rehabilitation Department (MDCR). The selected bidder will be required to provide access to the courts by conducting legal research for inmates incarcerated in the County's correctional facilities. The County intends to make a single award as a result of this solicitation.

**2.2 TERM OF CONTRACT**

This contract shall commence on the first calendar day of the month succeeding approval of the contract by the Board of County Commissioners, or designee, unless otherwise stipulated in the Notice of Award Letter which is distributed by the County's Procurement Management Division, and contingent upon the completion and submittal of all required bid documents. The contract shall remain in effect for two (2) years. The contract shall expire on the last day of the last month of the contract term.

**2.3 OPTION TO RENEW**

The initial contract prices resultant from this solicitation shall remain fixed and firm for no less than two (2) years from the contract's initial effective date. Prior to, or upon completion, of that initial term, the County shall have the option to renew this contract for an additional three (3), one (1) year periods.

The County reserves the right to negotiate lower pricing for the additional term(s) based on market research information or other factors that influence price.

The County reserves the right to reject any price adjustments submitted by the selected bidder and/or to not exercise any otherwise available option period based on such price adjustments. Continuation of the contract beyond the initial period, and any option subsequently exercised, is a County prerogative, and not a right of the selected bidder. This prerogative will be exercised only when such continuation is clearly in the best interest of the County.

Should the selected bidder decline the County's right to exercise the option period, the County may consider the selected bidder in default which decision may impact that bidder's eligibility for future contracts.

**2.4 METHOD OF AWARD**

Award of this contract will be made to the lowest responsive, responsible bidder. A selected bidder that fails to perform in accordance with the requirements of the Contract may be terminated in accordance with Sections 1.25 and/or 1.26 of the General Terms and Conditions and/or charged re-procurement costs. If the selected bidder defaults, the County shall have the right to negotiate with the next lowest responsive, responsible bidder.

**2.5 SUBMITTAL REQUIREMENTS**

To be considered for award of a contract under this solicitation, the bidder must submit the requirements stipulated herein:

- 2.5.1 Three (3) references that demonstrate the bidder is engaged in the business of providing legal research services for inmates. The references must be from customers that have received the services described in this solicitation within the last five (5) years. The County shall ascertain from these references to its satisfaction the bidder has sufficient experience and expertise providing legal

research services for inmates.

2.5.2 A list of key personnel that will be assigned to conduct the services specified in the solicitation and furnish a brief description of their level of expertise. In the event the selected bidder wishes to substitute or replace key personnel after contract award, the selected bidder must notify the County in writing, request written approval, provide name and description of expertise for substitution/replacement staff, at least ten (10) business days prior to effecting such substitution.

2.5.3 Documentation that the key personnel are licensed members in good standing with the Florida Bar.

## **2.6 PRICES**

Price shall remain fixed and firm for the term of the contract.

## **2.7 ADDITIONAL FACILITIES**

Although this solicitation and resultant contract identify facilities to be serviced as specified in Section 3, Paragraph 3.5, it is hereby agreed and understood that any County department or agency facility may be added to this contract at the option of the County.

**The price offered for the facilities specified herein will be utilized for any additional facilities.**

## **2.8 DELETION OF FACILITIES**

Although this solicitation identifies specific facilities to be serviced, it is hereby agreed and understood that any County department or agency may delete service for any facility(ies) when such service is no longer required during the contract period; upon fourteen (14) calendar days written notice to the selected bidder.

## **SECTION 3 – TECHNICAL SPECIFICATIONS**

### **3.1 BACKGROUND**

The fundamental constitutional right of access to the courts requires prison authorities to assist inmates in the preparation and filing of meaningful legal documents by providing them with adequate law libraries or assistance from persons trained in law. Miami-Dade Corrections and Rehabilitation (MDCR) requires the services of a legal service provider to provide access to the courts by conducting legal research for inmates incarcerated in its correctional facilities.

Pursuant to Section 9.09 of the Florida Model Jail Standards (2017), Pro se inmates are to be provided reasonable access to legal materials to assist them in filing any type of action cognizable in Florida courts. Therefore, these services shall be afforded to the inmate population to allow inmates to have legal research access on a continuous basis. Currently, MDCR has an inmate population of approximately 5,000 inmates.

MDCR requires services from a company which can offer legal research findings pursuant to inmates' requests. The selected bidder must have the qualifications and capacity to provide comprehensive research findings to a high volume of requests. The County reserves the right to hold pre-award qualification hearings to determine the bidders' capability of performance, as required by MDCR.

### **3.2 SCOPE OF SERVICES**

A) The following services are required of the selected bidder :

1. Provide legal research services to inmates incarcerated at MDCR's correctional facilities on an "as needed" basis. Research must be conducted by staff with expertise in legal and criminal matters.
2. Provide the MDCR with an original form to be copied and used by inmates when they seek to request legal assistance ("Legal Assistance Request Form" or "Form"). This form will be two-sided and copies will be provided to the inmates by MDCR's staff. The Form should request, at a minimum, the following information from inmates:
  - a. Inmate Name
  - b. Inmate Number
  - c. Housing Unit/ Correctional Facility
  - d. Information/ Research Requested

The front page will contain space for the inmates to provide the aforementioned required information and the reverse side will comprise instructions to help inmates complete the Form (see Attachment A, Legal Request Form, for sample form).

3. Upon receipt of the Form, the selected bidder shall diligently process the request and shall respond within the time set forth herein with the information that best satisfies the request. Should the selected bidder require additional information or clarification from the inmate, the selected bidder must then respond to the inmate in the form of a letter within three (3) business days, as per Section 3, Paragraph 3.4. The letter must include the information or clarification required by the selected bidder, in order to adequately complete the research.
4. The selected bidder shall perform legal research on an as-needed basis at the selected bidder's location. The County will not allow the selected bidder to use the County's correctional facilities to render services.

5. The selected bidder must maintain and be able to perform up to date case law research.
6. The selected bidder shall ensure diligent and reasonable efforts in conducting the required research and providing the inmate with comprehensive research findings.
7. Responses shall be shipped (UPS, Fed Ex, U.S. Postal Services, etc.) by the selected bidder, at the bidder's expense, to the correctional facility at which the inmate seeking legal assistance resides. MDCR staff will distribute the responses accordingly.
8. The selected bidder shall submit a log to the County as to the services rendered to inmates. Report/ log must be provided when requested by MDCR or any authorized County representative. The report/ log shall consist of the inmate name, inmate number, date of request, date research provided and number of pages for the research findings. The report/ log shall be submitted to the County no later than fifteen (15) calendar days after written request by MDCR or any authorized County representative to the selected bidder. The selected bidder shall maintain a log tracking all inmates' legal requests for accountability and billing purposes.

B) The following services will be performed by the County:

1. Department officers and/ or counselors in the housing units will advise inmates requesting law library access of the availability of the selected bidder's services and will provide the Form to interested inmates.
2. Completed Forms will be time-date stamped and then sent by facsimile to the selected bidder by a MDCR representative.
3. Inmates will be allowed to include up to three (3) items to be researched ("Legal Assistance Request") in each Form (cases, statutes, packets, or any combination). It is MDCR's practice to allow inmates one Form (3 items) per month for non-pro se inmates and one Form (3 items) per week for pro se inmates.

### **3.3 ADDITIONAL RELATED SERVICES REQUIREMENTS**

1. The selected bidder shall perform the additional requirements stated below, as needed, at no additional cost to the County shall: (i) respond to all inmate grievances regarding their research, (ii) appear in court, and/ or (iii) attend meetings with MDCR staff or inmate, as needed, to explain and support their research findings.
2. Must provide and maintain all court-related forms required for inmate court access.

### **3.4 RESPONSE TIME**

1. The selected bidder must respond to each inmate with either the research findings pertaining to their Legal Assistance Request as set forth in the Form or a letter requesting additional information/clarification within three (3) business days, excluding weekends and County holidays, from the date the Form is submitted to the selected bidder ("Required Response Time").
2. Should the selected bidder expect to exceed the Required Response Time, the bidder shall provide a letter to the inmate within the Required Response Time explaining the need for a delayed response. The letter must also provide a reasonable estimate as to the date that the research findings will be provided to the inmate, and such time shall not exceed an additional three (3) business days beyond the Required

Response Time. The letter may be sent to MDCR electronically or via fax to County staff as designated by MDCR.

3. The selected bidder shall provide the legal research findings within the Required Response Time for at least 98% of the Legal Assistance Requests, for any one (1) month period. Failure to meet this percentage for any given month may result in the selected bidder being found in default of the contract, per Section 1, General Terms and Conditions, Paragraph 1.26, Termination for default.

### **3.5 CORRECTIONAL FACILITIES REQUIRING SERVICES**

The following list of facilities, located throughout Miami-Dade County, contain inmates that require legal research services:

1. Pre-Trial Detention Center  
1321 NW 13 St.  
Miami, FL 33125
2. Turner Guilford Knight Center  
7000 NW 41 St.  
Miami, FL 33166
3. Metro West Detention Center  
13850 NW 41 St.  
Miami, FL 33178

NOTE: Facilities house a combined average of 5,000 inmates on any given day.

