

INTERAGENCY COOPERATION CONTRACT
between
THE OFFICE OF THE ATTORNEY GENERAL
and
THE SUPREME COURT OF TEXAS

State of Texas §

§

County of Travis §

OAG Contract Number:

This contract is entered into by the Office of the Attorney General of Texas (“OAG”) and the Supreme Court of Texas (“Supreme Court”), pursuant to the provisions of the “Interagency Cooperation Act,” Texas Government Code chapter 771, Texas Government Code chapter 783, Texas Code of Criminal Procedure chapter 56, and the General Appropriations Act, S.B. 1, Article I, Strategy C.1.3, Victims Assistance, 77th Leg. Reg. Sess. (2001).

INDUCEMENTS

Whereas, the 77th Legislature appropriated funds to the OAG for the creation of a program that would provide civil legal representation of victims of crime, immediate family members of victims, or authorized claimants in civil legal matters that are directly related to the criminal victimization.

Whereas, the Supreme Court has implemented and is currently managing the funding of a state-wide system for delivery of civil legal services to low income Texans.

Whereas, the OAG and the Supreme Court agree that the most cost effective and efficient means of delivering legal services to victims of crimes is to utilize the Supreme Court’s management and oversight infrastructure.

Whereas, the OAG will provide funding to the Supreme Court to provide state-wide victim-related civil legal services directly to victims of crime, immediate family members of victims, or authorized claimants.

SECTION 1. STATEMENT OF SERVICES TO BE PERFORMED.

1.1 Purpose. The purpose of this Interagency Contract (“IAC”) is to use the compensation to victims of crime fund (“Fund”) to provide victim-related civil legal services directly to victims, immediate family members, or claimants.

1.2 OAG Responsibilities. The OAG will:

1.2.1 provide funding on a reimbursement basis, not to exceed the maximum amount stated hereinafter, to the Supreme Court; and

1.2.2 have the right to receive information, status reports, financial information and programmatic reports arising out of this IAC.

1.3 Supreme Court Responsibilities. The Supreme Court will:

1.3.1 identify and contract with appropriate entities to deliver state-wide crime victim-related legal services;

1.3.2 plan, develop and implement financial and management controls to effectively manage the delivery of legal services and to reimburse entities for crime victim-related legal services;

1.3.3 maintain, or cause to be maintained, detailed programmatic and financial records and permit the OAG or the Office of the State Auditor to evaluate the appropriateness and accuracy of the financial and management controls;

1.3.4 collect data and deliver reports to the OAG to permit the OAG to report the status and success of this effort to the Legislature or other interested individuals;

1.3.5 have the sole right and responsibility to manage, control and make all decisions regarding planning, implementation, operation, and procurement and contracting for services, made the subject matter of this IAC; and

1.3.6 fully comply with Article I, Section 31 of the Texas Constitution, and with Texas Code of Criminal Procedure chapter 56 in implementing this IAC

1.3.7 establish and communicate to each entity receiving contract funds the eligibility requirements that will be used to conduct eligibility screening for each individual seeking victim-related civil legal services;

1.3.8 obtain audits in accordance with the State of Texas Single Audit Circular. The audits shall be made by an independent auditor in accordance with generally accepted government auditing standards covering financial and compliance audits.

1.4 Reports. The Supreme Court shall maintain and deliver to the OAG reports as requested by the OAG and in the format required by the OAG.

1.4.1 Financial Reports.

1.4.1.1 Financial Status Report Detail. The Supreme Court shall submit to the OAG a quarterly Financial Status Report Detail, regardless of whether or not expenses have been paid during the quarter covered by the Financial Status Report Detail. The Financial Status Report Detail must be accompanied by supporting documentation for each quarterly report. The first Financial Status Report Detail must be received by the OAG not later than the 20th day of the month, beginning on March 20, 2002, and on the 20th day of the month following the last month of each quarter thereafter for the term of this contract.

1.4.1.2 Final Financial Status Report. A Final Status Report must be received by the OAG no later than thirty (30) calendar days following the end of each fiscal year during the Contract Period. The first fiscal year shall begin January 1, 2002 and end August 31, 2002. The first Final Financial Status Report must be received by the OAG no later than September 30, 2002. The second fiscal year shall begin September 1, 2002 and end August 31, 2003, and therefore, the second Final Financial Status Report must be received by the OAG no

later than September 30, 2003.

1.4.2 Programmatic Statistical Reports.

1.4.2.1 Programmatic Statistical Reports. The Supreme Court shall submit to the OAG a quarterly Program Statistical Report. The report shall contain information detailing the guidelines used to select programs that receive subcontracts, detailing the amount of subcontracts awarded to each subrecipient, the amount of expenditures for administration, detailing audit and oversight activities conducted relating to the subcontracts, and other information deemed necessary by the OAG (data that must be included in the report is attached hereto and incorporated herein by reference). The first Program Statistical Report must be received by the OAG not later than the 20th day of the month, beginning on March 20, 2002, and on the 20th day of the month following the last month of each quarter for each quarter thereafter for the term of this contract.

1.4.2.2 Final Programmatic Statistical Report. A Final Programmatic Statistical Report must be received by the OAG no later than thirty (30) calendar days following the end of each fiscal year during the Contract Period. The first fiscal year shall begin January 1, 2002 and end August 31, 2002. The first Final Programmatic Statistical Report must be received by the OAG no later than September 30, 2002. The second fiscal year shall begin September 1, 2002 and end August 31, 2003, and therefore, the second Final Programmatic Statistical Report must be received by the OAG no later than September 30, 2003.

1.4.3 Annual Closed Case Summary Report. An Annual closed Case Summary Report must be received by the OAG no later than thirty (30) calendar days following the end of the fiscal year during the Contract Period. The first fiscal year shall begin January 1, 2002 and end August 31, 2002. The first Annual Closed Case Summary Report must be received by the OAG no later than September 30, 2002. The second fiscal year shall begin September 1, 2002 and end August 31, 2003, and therefore, the second Annual Closed Case Summary Report must be received by the OAG no later than September 30, 2003.

1.4.4 Intake Screening for Victim-related Civil Legal Services. The Supreme Court or its designee shall conduct eligibility screening for each individual seeking victim-related civil legal services. The Court agrees to use the intake screening form supplied by the OAG (a copy of the intake screening form is attached hereto and incorporated herein by reference). A copy of all intake screening forms and supporting documentation for each shall be maintained by the Supreme Court in a location as designated by the Supreme Court and shall be made available to the OAG or any party the OAG determines should have access to the documents at any reasonable time.

1.5 Audits and Monitoring of Recipients. For each entity that receives funding pursuant to this IAC the Supreme Court shall:

1.5.1 Identify state awards made, by informing each recipient of: the state program name, state program number, award name and number, and award year;

1.5.2 Advise recipients of requirements imposed on them by state laws, regulations, and the provisions of contracts or grant agreements. The requirements shall either be stated in the contracts or grant agreements, or be included by specific reference in the contracts or grant agreements;

1.5.3 Establish procedures to ensure that audits are completed and reports are received in a timely manner and in accordance with the requirements of the State of Texas Single Audit Circular;

1.5.4 Provide technical advice and counsel to auditees and auditors as requested;

1.5.5 Issue a management decision on audit findings within six months after receipt of the audit report and ensure that the recipient takes appropriate and timely corrective action;

1.5.6 Notify the Office of the Attorney General of audit resolutions; and

1.5.7 Monitor the activities of recipients as necessary to ensure that state awards are used for authorized purposes in compliance with laws, regulations, and the provisions of contracts or grant agreements, and that performance goals are achieved.

SECTION 2. TERM OF CONTRACT.

The term of this IAC shall commence on January 1, 2002 and shall terminate on August 31, 2003.

SECTION 3. CONTRACT AMOUNT.

The total amount of this contract shall not exceed TWO MILLION FIVE HUNDRED THOUSAND AND NO/100 (\$2,500,000.00) DOLLARS during fiscal year 2002. The total amount of this contract shall not exceed TWO MILLION FIVE HUNDRED THOUSAND AND NO/100 (\$2,500,000.00) DOLLARS during fiscal year 2003.

SECTION 4. BASIS FOR CALCULATING REIMBURSABLE COSTS.

4.1 At the request of the Supreme Court the OAG will advance funds to the Supreme Court to enable the Supreme Court to provide the services or resources. If an advance is made under this section, the agencies shall ensure after the services or resources are provided, that the Supreme Court has received only sufficient funds to reimburse its total costs. If the funds advanced to the Supreme Court are in excess of the Supreme Court's actual costs, then the Supreme Court shall promptly refund the excess payment. An advance of funds shall be deemed a reimbursement for the purpose of Texas Government Code section 771.008.

4.2 The OAG shall reimburse the Supreme Court the actual costs of providing the services or resources, or the nearest practicable estimate of that cost, up to the total contract amount as stated herein.

SECTION 5. PAYMENT OF THE CONTRACT AMOUNT.

5.1 For the purposes set out in the IAC, the Supreme Court may submit to the OAG a monthly invoice requesting the reimbursement of its actual costs or the Supreme Court may submit to the OAG an invoice requesting an advance payment of reimbursable costs to the Supreme Court. If the Supreme Court requests an advance of reimbursable costs, the invoice must be accompanied with a statement and explanation that an advance is necessary to enable the Supreme Court to provide the services or resources that are the subject matter of this contract.

5.2 The OAG shall timely reimburse the Supreme Court for all billings in accordance with Texas

Government Code chapter 771. Reimbursements with funds held by the State Comptroller of Public Accounts shall be made via USAS fund transfers and the OAG will initiate the transfers. The Supreme Court shall provide the OAG with all necessary USAS coding elements. In no event will reimbursements exceed the amounts provided for in Section 3. Contract Amount.

SECTION 6. CERTIFICATIONS AND ACKNOWLEDGMENT.

6.1 The undersigned contracting parties do hereby certify that (1) the matters specified above are necessary and essential for activities that are properly within the statutory functions and programs of the affected agencies of state government; (2) the proposed arrangements serve the interest of efficient and economical administration of state government; (3) this contract is not prohibited by Texas Government Code section 771.003, subsection (b) or (c); (4) the services, the subject of this IAC, are not required by Article XVI, Section 21 of the Constitution of Texas to be supplied under contract given to the lowest responsible bidder; (5) the services provided herein do not constitute information resources technologies and are not subject to Texas Government Code chapter 2054; and (6) the services, duties or responsibilities arising out of this agreement are not intended to be a joint enterprise.

6.2 The OAG further certifies that it has authority to contract for the services pursuant to this IAC by authority granted in Texas Government Code chapter 402, Texas Code of Criminal Procedure section 56.541 (e), and the General Appropriations Act, S.B. 1, Article I, Strategy C.1.3, Victims Assistance, 77th Leg. Reg. Sess. (2001).

6.3 The Supreme Court further certifies that it has authority to contract for and perform the services pursuant to this IAC and Texas Code of Criminal Procedure section 56.541 (e).

IN WITNESS WHEREOF, the parties have executed this contract in multiple originals.

The Office of the Attorney General of Texas

The Supreme Court of Texas

Howard G. Baldwin, Jr.
First Assistant Attorney General

Date:

Date:

INTAKE SCREENING FOR VICTIM RELATED CIVIL LEGAL SERVICES

For all crime victim related legal services provided, the following information must be provided and retained by the service provider for audit purposes. A completed checklist showing that the recipient of legal services is a victim, claimant or immediate family member of a victim. Services provided must be to persons eligible under Article I, Section 31 of the Texas Constitution, and Texas Code of Criminal Procedure, Chapter 56, Subchapter B.

CHECKLIST

I. In order to be eligible as a **victim** under article 56.32 of the Texas Code of Criminal Procedure, an individual must qualify under one of the three situations listed below an individual must:

- A. be a resident of this state, another state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a possession or territory of the United States; and
 suffer personal injury or death as a result of criminally injurious conduct, or as a result of actions taken by the individual as an intervener, if the conduct or actions occurred in this state.
- B. be a resident of this state; and
 suffer personal injury or death as a result of criminally injurious conduct or as a result of actions taken by the individual as an intervener, if the conduct or actions occurred in a state or country that does not have a crime victims' compensation program that meets the requirements of Section 1403(b), Crime Victims Compensation Act of 1984 (42 U.S.C. Section 10602(b)); and
 would be entitled to compensation under this subchapter if the criminally injurious conduct or actions had occurred in this state.
- C. be a resident of this state; and
 suffers personal injury or death as a result of criminally injurious conduct caused by an act of international terrorism as defined by 18 U.S.C. Section 2331 committed outside of the United States.

II. In order to be eligible as a **claimant** under article 56.32, an individual must be;

- an authorized individual acting on behalf of a victim, or
- an individual who legally assumes the obligation or who voluntarily pays medical or burial expenses of a victim incurred as a result of the criminally injurious conduct of another; or
- a dependent of a victim who died as a result of criminally injurious conduct; or
- an immediate family member or household member of a victim who requires psychiatric care or counseling as a result of the criminally injurious conduct; or
- an authorized individual acting on behalf of an individual who is a child and who is also either a dependent of a victim who died as a result of criminally injurious conduct or an immediate family member or household member of a victim who requires psychiatric care or counseling as a result of the criminally injurious conduct.

III. In order to be eligible as an **immediate family member of a victim** under article 56.32, an individual

must be related to a victim (as defined above) within the second degree by affinity or consanguinity.

INTAKE SCREENING FOR VICTIM RELATED CIVIL LEGAL SERVICES

III. In order to be eligible for legal services, there must be a relationship between the type of criminal activity involved, the specific injury suffered by the victim, and the legal service to be rendered.

Please complete the following and attach any documentation which verifies that the injury was the result of criminally injurious conduct.

Criminally Injurious Conduct: _____

Injury: _____

Connection of legal services to the criminal injury:

Program Statistical Report

The Supreme Court shall provide a report of expenditures of Crime Victim Compensation funds received from the Office of the Attorney General. For each entities receiving funds under the contract, the report shall contain:

- 1) A list of all entities receiving contract funds.
- 2) The guidelines used to select entities that receive contract funds.
- 3) The total amount given to each entity receiving contract funds.
- 4) The amount of expenditures for administration by each entity receiving contract funds.
- 5) The amount spent on audit, and oversight activities by each entity receiving contract funds.
- 6) A personnel section reporting :
 - A) the title of each salaried individual paid with contract funds;
 - B) the total amount paid in direct salaries with contract funds;
 - C) the total amount paid in fringe benefits with contract funds; and
 - D) the total amount paid in both direct salaries and fringe benefits with contract funds.
- 7) The total amount paid for professional and contractual services.
- 8) The total amount paid for indirect costs.
- 9) The total amount paid for litigation costs including but not limited to filing fees, court costs, depositions, and subpoenas.
- 10) The total amount paid for travel costs.
- 11) The total amount of direct dollar benefits achieved for clients.
- 12) The total number of persons who benefitted from the legal services.
- 13) A breakdown of the number of cases per county of client residence.
- 14) The total number of rejected applicants.