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**VIA EMAIL to [hnvf@sanjoseca.gov](mailto:hnvf@sanjoseca.gov)**

City of San Jose PRNS/Grants Program  
200 E. Santa Clara Street, 9th Floor  
San Jose, CA 95113

**Re: 2009-2010 HNVF Proposal Appeal by Senior Adults Legal Assistance (Agency Name)  
For Legal Assistance to Elders Expansion (Project Name) Requesting \$60,000**

Dear HNVF Appeals Panel,

Senior Adults Legal Assistance (SALA) is appealing (1) our **rating/score** of 12 points on the on the Skills and Competencies Capacity Criterion for the above-referenced proposal and (2) our overall **ranking** for our proposal if we continue to share the same aggregate score after the appeal process with other proposals that are ranked higher than ours.

**I. Why We Are Appealing**

While we appreciate the hard work of the HNVF staff and External Review Panel in arriving at proposal scores and rankings, there are two reasons why we are submitting this appeal.

The 2009-2010 HNVF application process has been very competitive, where fractions of a point made a difference in a proposal's ranking in the list that was approved on April 16. As a result, SALA expects that many agencies will be appealing their scores and/or rankings. To preserve our high ranking in the Senior Services Proposal category in the event that many appellant's scores are adjusted upward, we are submitting an appeal to ensure that we received the maximum number of points that we should have for the Skills and Competencies Capacity Criterion.

We are also appealing because we were not given the rationale for our score of 12 points for the above referenced criterion, which is inconsistent with our much higher scores for the three other criteria, nor were we given the rationale for the lower ranking of our proposal which received the same score (83 aggregate points) as two other proposals. We feel that understanding the basis for these two decisions will help us to improve our proposal submissions in the future.

**II. SALA's Score of 12 Points for the "Skills and Competencies Capacity" Criterion**

SALA was pleased to learn that we received a high score (83 points) overall on our above-referenced HNVF proposal. According to the Evaluation Rating Tool posted on the HNVF website, we received scores in the "EXCELLENT" rating range on three of the four criteria (Needs, Program Design, and Service Capacity). However, we received a lower score of 12 points, which is in the "GOOD" rating range, for the fourth criterion, Skills and Competencies Capacity, which seems to be inconsistent with the much higher scores we received for the three criteria noted above.

Accordingly we are appealing our rating on the Skills and Competencies Capacity because we believe we should have received a higher score based upon the Evaluation Criteria in the proposal, the information in the HNVF Technical Assistance FAQ's #2 dated December 22, and the HNVF Evaluation Rating Tool.

As noted in Section I above, we are also appealing because we were not given the reasons for our score on this criterion. If the Appeals Panel decides to affirm our score on this criterion, we request an explanation as to the rationale for our score so that we can improve upon our proposal in the future.

**A. Evaluating Skills and Competencies Consistent with the Context and Professional Protocols of the Service Provided**

As noted throughout our HNVF proposal, SALA is a non-profit law office and is the only agency designated by Council on Aging to provide free legal assistance (Legal Services and Community Education) exclusively to elders under the Older Americans Act. For our current and proposed HNVF project, we deliver our legal services (our primary activity) mainly at senior centers or through our telephone Hotline for emergencies or elder abuse/domestic violence intake. As attorneys our relationship with clients that receive our legal services is confidential and attorney-client privileged. In our proposal we also detailed our community education activities that are provided in group settings, which include a quarterly "anti-tobacco education" component and a quarterly "health" component. We note that our program design received an EXCELLENT rating under the HNVF Program Design proposal criterion.

Consistent with the above-described program design, SALA does not provide legal services to any age groups other than seniors, nor do we directly provide exercise, nutrition, or recreational services. We also have to adhere to service delivery protocols (including preserving the attorney-client privilege) that prohibit us from involving family members or outside parties (regardless of how supportive or caring they might be) unless authorized by our clients and from providing confidential legal services in group settings. Moreover, to protect the confidences of our clients and to preserve the attorney client privilege, we do not allow the staff or volunteers of senior centers to screen SALA clients when scheduling our appointments at their sites, nor do we discuss our clients' legal problems with representatives of senior centers.

In light of these unique aspects of our Program Design described above, as part of the HNVF application process we inquired about how the Skills and Competencies Capacity Criterion would be evaluated for programs such as SALA's that provide services of a confidential nature where clients have an expectation of privacy. The HNVF program's response to our question (see Question #21 for Form C) in the HNVF Technical Assistance FAQ's #2 from December 22 was: ***"Skills and Competencies will be evaluated within the context and professional protocols of the service or activity that is provided. Staff assisting senior clients can be considered other caring and supportive adults"*** (see page 9 of 11 of HNVF FAQ's #2).

In the question that immediately follows the question above in FAQ's #2, we also asked for a clarification of the definition of "promote exercise, good nutrition, and recreational activities" and if "promote" would include the indirect impact of our services. The HNVF program's response was: ***"It is correct to conclude that "promote" does not necessarily imply providing direct services for exercise, nutrition, or recreation"***. This response did not indicate that agencies would receive lower scores if they demonstrated that their activities indirectly promoted "healthy lifestyles".

In the FAQ's posted on December 22, we also asked if evaluators would be looking at the "Health Component" within the context and relevance of the primary activities we proposed and noted that some of the eligible activities in the Allocations Plan could not easily incorporate an exercise program or direct nutrition services into their service protocols. The HNVF Program responded: ***"Proposal evaluators will be looking at the "Health Component" within the context and relevance of the primary activities. Agencies can determine the best way to incorporate the Health Component into their existing service."*** (See question #3 at the top of page 10 of 11 for HNVF FAQ's #2 dated December 22). This response did not indicate that agencies would

receive lower scores for their approach regarding the “Health Component” if providing direct exercise, nutrition, or recreation services was not *within the context and relevance of the primary activities*. In fact, it states that agencies can determine the *best way* to incorporate this into their existing service.” [Emphasis added].

When evaluated within the context and professional protocols of the primary activities SALA provides (legal services), we believe that our response to Section 4 (Skills and Competencies Capacity) was much stronger than our score of 12 points reflected and that it should have received a higher score. We also note that our lower rating in this criterion is inconsistent with the EXCELLENT ratings that we received in all three of the preceding criteria (including Program Design and Service Capacity). Nothing in the HNVF Program’s responses to the FAQ’s above led us to believe that we would be penalized or lose points under this criterion because of the professional services we deliver (legal services) to a targeted clientele (seniors exclusively) and due to the confidential aspects of our program design that prohibit unauthorized disclosure or involvement of outside parties, except in the delivery of our community education presentations (which are the focus of our anti-tobacco and health components).

Our proposal response to the Skills and Competencies Capacity criterion details how we address “building social connections” and “building cross-cultural and intergenerational connections” in a manner consistent within the context and confidential protocols of the primary activity we deliver. It also describes our approach to providing tobacco education (a current activity of SALA) and to “promoting” exercise, good nutrition, and recreational opportunities (some of which are indirect but nonetheless valid); as noted in the FAQ response above, “promote” does not necessarily imply providing direct services for exercise, nutrition, or recreation”. We also detail how the activities and deliverables of our program help clients develop self-reliance and independence, an essential component of the asset based model advanced by HNVF, by using their strengths and assets within the context of the services we provide.

We note that Legal Services are identified as an eligible activity in the HNVF Allocation Plan, and as such are presumed to be in alignment with the HNVF Work Plan (see FAQ #6, page 6 of 11, from December 22), so the evaluation of this criterion should begin with a baseline that takes into account the unique aspects of this professional activity and the manner in which it is delivered. Therefore, a legal services applicant should not be penalized for determining “the best way” to promote healthy lifestyles and encourage HNVF Allocation Plan values if their delivery model begins with a baseline that ensures that their legal staff can meet their clients’ needs and fulfill their professional obligations.

As mentioned previously, we were not given the specific reasons for our score of 12 points under this criterion. As such, we have no choice but to highlight in Sections II D and II E below aspects of our proposal response from Form C and how it strongly addresses the questions in Section 4 (Skills and Competencies Capacity) and the RFP Evaluation Criteria for this criterion in a manner consistent with the context and professional protocols of the service SALA provides. While we provide highlights from our proposal response to Section 4 below, these are not intended to be all inclusive, nor should they be construed as any waiver for the Appeals Panel to review our proposal in its entirety. We also reference in Section II B and II C below the questions for Section 4 from the RFP and the RFP Evaluation Criteria for Skills and Competencies from page 6 that we refer to throughout our appeal.

**B. HNVF RFP Questions for Section 4, Skills and Competencies Capacity, from Form C (*in italics*)**

*1. Describe your agency’s approach in promoting healthy lifestyles in the following areas: a) educating SJ community about the harmful effects of tobacco use; b) promoting exercise, good nutrition, and recreational opportunities; and c) fostering independence by using the strengths and assets of senior customers.*

*2. Please describe how your program encourages one or more of the following HNVF Allocation Plan values:  
- building social connections*

- *building cross-cultural and intergenerational connections; and*
- *building resiliency assets (avoiding disease and disability, maintaining mental and physical functions, and continuing engagement with life).*

**C. HNVF RFP Evaluation Criteria for Skills and Competencies Capacity from Page 6** *(in italics)*

*Proposer's approach is strong in building the resiliency assets of seniors. Proposer shows capability in building competencies and skills in seniors. Activities align with the overall vision ("All San José neighborhoods will be healthy and safe with residents working together to build relationships and connections to insure the healthy neighborhoods.") Program connects seniors to other caring and supportive adults and caregivers. (Questions 1 & 2)*

**D. Highlights of SALA's Response to Question #1 in Section 4 – Agency Approach to Promoting Healthy Lifestyles**

With respect to Question #1 for Section 4 above, SALA provided the following information in our proposal response about our approach in **"promoting" healthy lifestyles**. First and foremost, we prefaced our response by noting that SALA's service approach and deliverables align with HNVF's vision and values "within the context of the legal assistance activities we provide." Our response discusses our current approach to tobacco education as an HNVF grantee (see Question #1 a above) and how we will expand this approach to "promote" exercise, good nutrition, and recreational activities by adding an education component focusing on Healthy Lifestyles, stressing the importance of optimum physical and mental health, as well as good legal health (Question #1 b). It also discusses how our service delivery through recreation programming at senior centers and education presentations at senior nutrition programs promotes healthy lifestyles and socialization, because senior centers are a primary outlet for elders' community engagement and our legal services and education presentations draw seniors to these sites and expose them to other activities there. Our response also notes that we staff tables with information about SALA at resource fairs that are a part of the Senior Walks (usually at Westfield shopping centers) organized and sponsored by City Councilmembers.

Our response also details how our services and deliverables **foster independence** by using the strengths and assets of clients (Question #1 c). It notes that the overarching goal of SALA's program is to give elders an increased capacity (building their strengths/assets) or self-sufficiency to provide for their essential needs, to maintain optimum health and well being, and to live safely, stably, and independently by: (1) ensuring elders' access to public benefits for their basic needs; (2) protecting their rights; (3) preventing their abuse, exploitation, or evictions; and (4) providing legal information or tools to avoid risks, make informed decisions, and control their lives. It also notes that some of our deliverables build elders' skills or competencies to (1) recognize and avoid problems before they start (e.g., information on how to avoid elder abuse) or (2) resolve their legal matters themselves (e.g., legal Self Help forms). It also notes that other SALA deliverables (such as estate planning documents) connect clients with supportive family or other adults and gives these supportive persons the legal authority to step in when help is needed. Our response also discusses the elective preventive screening done by our attorneys at intake on issues that could threaten some clients' independence (such as whether a client is at risk for elder abuse and predatory lending). All these activities and deliverables help clients develop self-reliance and self-determination, an essential component of the asset based model advanced by HNVF.

Based upon the HNVF Program's responses to the three questions in the FAQ's noted above, we feel that our approach in promoting healthy lifestyles is consistent within the "context and professional protocols of the service or activity" that we provide (Legal Assistance to Elders) and that SALA does not have to provide direct services for exercise, nutrition, or recreation to demonstrate an excellent or "strong approach" to healthy lifestyles in order to warrant additional points. Moreover, many of the services and deliverables that we summarize above and that are detailed in our complete response to Section 4, as well as our agency and staff's experience and proficiency in delivering them, received EXCELLENT ratings in the Needs, Program Design,

and Services Capacity criteria. For the foregoing reasons, we believe that we should have received a score higher than 12 points for this criterion. If the HNVF Appeals Panel decides to affirm our score of 12 points on the Skills and Competencies criterion, we request an explanation as to the rationale for this score so that we can improve upon our proposals in the future.

**E. Highlights of SALA's Response to Question #2 in Section 4 – How Program Encourages Allocation Plan Values**

With respect to Question #2 for Section 4 above, SALA provided the following information in our proposal response about our agency encourages the HNVF Allocation Plan values. Our response discusses how our program design encourages building “**social connections**” (an HNVF Value) by out stationing our Legal Services at senior centers and providing Community Education at these sites, which fosters seniors’ social connections, and in particular connections with supportive caring individuals (including senior center and SALA’s staff/volunteers) of different cultures and ages that provide services at these sites (“**encouraging intergenerational and cross-cultural connections**”, another HNVF Value). Although SALA’s services are targeted exclusively to seniors, our response also notes that some of our senior center intake sites or forums for education presentations also have youth programs (Almaden, Eastside, Gardner, Mayfair, Northside, Southside) or are co-located with a library (Almaden), further “**encouraging intergenerational and cross-cultural connections**” when seniors come to the site for a SALA activity. We also note that some of our intake sites, such as Eastside, St. James and Northside, target culturally-based programming (including nutrition) to a wide range of ethnic groups encouraging **cross-cultural connections** among seniors.

Our response also details how our legal assistance activities and deliverables encourage **socialization and connections** by giving seniors the capacity to live in an environment where their basic needs are met, where they are safe from abuse, and where they can live independently, thereby enabling them to better engage in the healthy behaviors embraced by HNVF, including socialization/recreation to reduce isolation. Our response also mentions how SALA’s work in the area of estate and incapacity planning promotes “**intergenerational connections**” with younger family or others because our clients often appoint younger persons to be their agents in powers of attorney/Advance Directives. We also note that our clients often bond with SALA staff or volunteers, who are of different ages and cultures, further promoting “intergenerational and cross-cultural connections”; this is also consistent with the FAQ response above that “*staff assisting senior clients can be considered other caring and supportive adults*”.

Our proposal response to this criterion also details how SALA’s services help build seniors’ **resiliency assets** by (1) reducing or eliminating legal issues that create stress in their lives, or teaching them how to do so, so they are not in crisis or at risk (thereby helping them **maintain optimum mental/physical functions, including good mental health**) and (2) by facilitating their access to public benefits/entitlements that provide for preventive and ongoing health care and good nutrition (**thereby helping them avoid disability or disease**). It also notes how our service delivery approach, including the preventive screenings at intake referred to in the section above, and our legal services/deliverables help build and support our clients’ independence, healthy functioning, and **continuing engagement in life**. It also discusses how we empower clients to take control and make decisions themselves by helping them to understand their legal matter and the options for addressing it, thereby enabling them to resolve the matter themselves, if appropriate, or to authorize us to undertake legal advocacy. Finally, it mentions how we try to educate clients to be legally healthy and give them the skills to identify and avoid pitfalls hereby preventing problems that threaten their independence, safety, or stability in the future.

Within the “context and professional protocols of the service or activity” that we provide (Legal Assistance to Elders), we believe that our proposal response demonstrates (1) that our program strongly aligns with the overall vision of HNVF and its Allocation Plan Values, (2) that we have a very strong approach in building the resiliency assets of seniors, and (3) that we connect seniors to other caring and supportive adults by virtue of

our staff assisting and connecting with them. Accordingly, we believe that our response warrants a score higher than 12 points. Moreover, many of the services and deliverables that we describe herein and in our response to Section 4 of Form C that build the competencies and skills of seniors, and our staff's experience and capability in implementing them, received EXCELLENT ratings in the Needs, Program Design, and Service Capacity criteria. As noted previously, if the HNVF Appeals Panel decides to affirm our score of 12 points on the Skills and Competencies criterion, we request an explanation as to the rationale for this score so that we can improve upon our proposals in the future.

### **III. SALA's Rating of #3 When Receiving the Same Score as Proposals Ranked #1 and #2**

In the ranking order for Senior Services Proposals approved on April 16, three proposals scored 83 points. Of these three proposals with the same score of 83 points, SALA's proposal ranked #3. The two other proposals, one from Catholic Charities (John XXIII Multi Service Center) and the other from Ethiopian Community Services (Senior Services Program), were ranked #1 and #2 respectively. No apparent reason for this difference in ranking was noted in the Updated Ranked List for Senior Services that was posted on the HNVF website on April 24.

SALA noted that some proposals with the same scores did not receive the same ranking in our email to the HNVF Program on April 14 and again in our comments before the HNVF Leadership Committee on April 16. In both communications we asked if HNVF could provide the reason for ranking decisions where programs receiving the same scores did not receive the same rankings, but we have yet to receive clarification as to our situation.

Therefore, SALA is also appealing our overall ranking for our proposal if we continue to share the same aggregate score with the two proposals identified above after the appeal process is completed and if they continue to be ranked higher. We are also appealing if, after the appeal process is completed, other proposals receiving the same aggregate score as SALA's are ranked higher than ours for no apparent reason or special circumstances. More specifically, we believe that absent any special circumstances or rationale articulated by HNVF staff or the External Review Panel, proposals receiving the same aggregate score should receive the same ranking.

If the HNVF Appeals Panel decides to affirm our score of 12 points on the Skills and Competencies criterion resulting in our having the same score as other proposals, and/or if our total score is the same as any other proposals after scoring adjustments, we request an explanation as to the rationale for our ranking if we do not receive the same rank as any other similarly scored proposals in the Senior Services category.

Thank you for the opportunity to submit this appeal. You can reach me at (408) 295-5991 (ext. 202) or at [gbacil@sala.org](mailto:gbacil@sala.org).

Very truly yours,

Georgia Bacil,  
Directing Attorney