



County of Los Angeles
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

425 Shatto Place, Los Angeles, California 90020
(213) 351-5602

PHILIP L. BROWNING
Director

February 24, 2012

To: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Don Knabe
Supervisor Michael D. Antonovich

Board of Supervisors
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MARK RIDLEY-THOMAS
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Third District
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Fifth District

From: Philip L. Browning
Director

**NOTIFICATION OF EXECUTION OF SOLE SOURCE CONTRACTS FOR DILIGENT
RECRUITMENT OF FAMILIES FOR CHILDREN IN THE FOSTER CARE SYSTEM**

This letter is to notify your Board that I have used Board delegated authority to execute sole source contracts for the following Diligent Recruitment of Families for Children in the Foster Care System contractors: 1) Anne E. Nicoll, Ph.D.; 2) Five Acres – The Boys' and Girls' Aid Society of Los Angeles County; 3) Human Rights Campaign Foundation; 4) Kidsave International; and 5) The Regents of the University of California, as provided in the Board Letter adopted by your Board on February 7, 2012 (see attached).

The contracts will enable DCFS to: 1) increase resources to meet the needs of children that are deaf and hard of hearing; 2) increase the number of adoptive families and permanent adult connections for older African-American and Latino youth and other targeted groups; 3) increase cultural competency of staff and community partners, particularly regarding Lesbian, Gay, Bisexual, Transgender, Questioning youth and adults; and 4) increase retention of resource parents that have been involved in concurrent adoptive family planning.

If you have any questions or need additional information, please call me at (213) 351-5600, or your staff may contact Aldo Marin, Board Liaison, at (213) 351-5530.

PLB:CMM
DLM:RD:seg

c: Chief Executive Officer
County Counsel
Executive Office, Board of Supervisors

"To Enrich Lives Through Effective and Caring Service"



PHILIP L. BROWNING
Interim Director

County of Los Angeles
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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Board of Supervisors

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ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

February 07, 2012

21 February 7, 2012

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

Dear Supervisors:

**RECOMMENDATION TO AWARD CONTRACTS TO
PROVIDE DILIGENT RECRUITMENT OF FAMILIES
FOR CHILDREN IN THE FOSTER CARE AND PROBATION SYSTEMS¹⁾
(ALL DISTRICTS - 3 VOTES)**

SUBJECT

The Department of Children and Family Services (DCFS) seeks to execute five sole source contracts with five contractors to provide enhanced recruitment of families to adopt and foster children in the care of DCFS and the Probation Department (Probation). The contractors are The Regents of the University of California (Regents of the UC), Five Acres - The Boys' and Girls' Aid Society of Los Angeles County (Five Acres), Kidsave International (Kidsave), Human Rights Campaign Foundation (HRCF), and Anne E. Nicoll, Ph.D. (Dr. Nicoll).

IT IS RECOMMENDED THAT YOUR BOARD:

1. Delegate authority to the Interim Director of DCFS or his designee to prepare and execute the attached five sole source contracts with Regents of the UC (Attachment A), Five Acres (Attachment B), Kidsave (Attachment C), HRCF (Attachment D), and Dr. Nicoll (Attachment E), for the provision of recruiting, training, and counseling families for children that are deaf, hard of hearing, Lesbian, Gay, Bisexual, Transgender, Questioning (LGBTQ) youth and older African-American and Latino children, effective the date of execution by the Board through September 29, 2012, which include the County option to extend for three additional one-year periods through September 29, 2015. The aggregate four-year Maximum Contract Amount fully funded by a Federal grant (dependent on Federal approval of an annual award) is \$937,022 of which the contract with Regents of the UC is \$136,065, Five Acres is \$185,370, Kidsave is \$453,248, HRCF is \$101,139 and Dr. Nicoll is \$61,200. The annual Contract Amounts for each contract are indicated in Attachment G. Funding is

included in the Department's Fiscal Year 2011-12 Adopted Budget and will be included for subsequent fiscal years in the Department's budget requests. The Interim Director will notify the Board and the Chief Executive Office (CEO) in writing within ten business days after execution.

2. Delegate authority to the Interim Director of DCFS or his designee to submit the required annual Continuation Application to the U. S. Department of Health and Human Services (HHS) and to accept Federal funding awards for each of the three one-year options to extend the contracts through September 29, 2015 and to negotiate and execute amendments to the contracts or send written notices for any required term extensions. The approval of the CEO and County Counsel will be obtained prior to executing such amendments, and the Interim Director will notify the Board and the CEO in writing within ten business days after execution.

3. Delegate authority to the Interim Director of DCFS or his designee to negotiate and execute amendments to reallocate funding among the contracts, including carry-overs of unspent funds (as approved by HHS), to meet unanticipated demands, or to increase or decrease the Maximum Contract Amounts not to exceed 10 percent when such a change is necessitated by additional and necessary services provided that there is sufficient funding available. The Interim Director will notify the Board and the CEO in writing within ten business days after execution.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The recommended action to contract with Regents of the UC, Five Acres, Kidsave, HRCF, and Dr. Nicoll will allow DCFS to increase the pool of foster and adoptive resource families and enhance adoption and foster care resources for children in foster care and in the Probation system.

Pursuant to the provisions of the Adoption Opportunities Program, Section 203 of 1978, (Public Law (P.L.) 95-266), as amended by the Keeping Children and Families Safe Act of 2003 (P.L. 108-36), DCFS will provide recruitment and related services funded by a Federal grant awarded to the County.

On June 1, 2010, HHS released a Request for Proposals (RFP) for a Federal demonstration grant offering Federal funding to extend over a five-year period to facilitate "Diligent Recruitment of Families for Children in the Foster Care System," a program designed to demonstrate innovative ways to recruit resource families for foster youth. DCFS developed a grant proposal entitled "Collaborative Strategies for Diligent Recruitment" (Diligent Recruitment). The proposal identified a multifaceted effort relying heavily on contracting with community partners to maximize permanency of DCFS and Probation youth, with special emphasis on older youth, deaf youth, and LGBTQ youth. These five contractors were identified as service providers in the grant proposal as having unique recruitment capabilities related to specific target populations.

Although five contracts are mentioned in this Board letter, the County's Diligent Recruitment program will also include a sixth contract funded through the same Federal grant. This contract will be for a faith-based agency, community organization or individual selected through a solicitation process, which is currently under development. Once the solicitation process is completed and a contractor is identified, DCFS will return to the Board with a recommended contractor for approval.

Implementation of Strategic Plan Goals

The contracts are consistent with the principles of the Countywide Strategic Plan's Goals #1, Operational Effectiveness: Strategy 2 – Service Excellence and Organizational Effectiveness; Goal #2, Children, Family, and Adult Well-Being: Strategy 5 – Maximize Resources; and Goal #3, Community and Municipal Services: Strategy 4 – Housing Opportunities. The recommended actions also support the Department goals of permanency and self-sufficiency.

FISCAL IMPACT/FINANCING

The estimated aggregate Maximum Contract Amount for these contracts is \$937,022 of which the contract with Regents of the UC is \$136,065, Five Acres is \$185,370, Kidsave is \$453,248, HRCF is \$101,139, and Dr. Nicoll is \$61,200. The annual Contract Amounts for each contract are indicated in Attachment G. Funding is included in the Department's Fiscal Year 2011-12 Adopted Budget and will be included for subsequent fiscal years in the Department's budget requests.

The total potential four-year grant fund is \$1.82 million, of which the total contracted cost for the Diligent Recruitment sole source contracts is \$937,022. The remaining \$882,487 of the grant will be used to cover the costs of DCFS staff in the Family Finding and Engagement Program, DCFS administrative expenses, the initial cost for the grant evaluator's services, the cost of the faith-based agency, and other related services to the program. DCFS administrative expenses are limited to \$45,450 for the four-year grant period. The Chief Administrative Office Management Statement for Grants is included in Attachment H.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The contracts are authorized under California Government Code Section 26227, 31000 and 53703. In late September 2010, DCFS was notified by HHS that its proposal had been awarded a first year grant amount of \$223,890 and was given instructions to submit an annual Continuation Application for each of the remaining years to continue the grant funding. The initial contract term for the five contracts is the date of execution by the Board through September 29, 2012. Due to start-up issues, the first grant period has passed; however, DCFS will be applying for carry-over funds from the first year to the remaining four-year grant period. Approval of those funds will not be known until mid 2012.

Each of the five contracts has a specific focus. The Regents of the UC operates the Loss Intervention for Families in Transition (LIFT) Program designed to retain resource families through therapeutic grief counseling sessions for families whose initial placement did not lead to adoption due to family reunification. Five Acres will provide a recruiter with American Sign Language (ASL) skills to recruit families for deaf children. Kidsave has an innovative "Weekend Miracles" intervention that provides expanded opportunities for families to interact with and mentor foster and Probation youth. HRCF will provide training to trainers and DCFS employees to break down cultural barriers and facilitate more family and staff interaction with LGBTQ youth. Dr. Nicoll will act as a consultant and evaluator, tracking and interpreting performance problems and program results for the benefit of both the County and HHS. The Probation Department plans to refer youth to the Diligent Recruitment program through coordination with DCFS on an as-needed basis.

The Department evaluated and determined that the Living Wage Program (County Code Chapter 2.201) does not apply as the contracts were not awarded under the provisions of County Code Chapter 2.121. These services cannot be effectively performed by County employees because they require the development and utilization of resources that are not available in the County system.

All County standard terms and conditions are included in the contracts with the exception of the following:

1. The Grant Evaluator contract was modified to enable the contractor to retain program records at Dr. Nicoll's business site in Seattle, Washington. The Sexual Misconduct Liability insurance and the client complaint process were waived because Dr. Nicoll will have no contact with DCFS and Probation clients or children. Furthermore, the contractor has commercial liability insurance as required by the County to protect the County's interest. The annual financial audit requirements were waived due to the amount and size of Dr. Nicoll's funding and business.
2. The HRCF contract excludes three standard provisions: Professional Liability insurance, Sexual Misconduct Liability insurance, and Confidentiality Requirements for Probation Department. HRCF has commercial liability insurance as required by the County to protect the County's interest. The Proprietary Rights clause language was also modified to clarify that any materials, data and information developed prior to the contract remains the sole property of the Contractor. The Professional Liability insurance, Sexual Misconduct Liability insurance, and Confidentiality Requirements for Probation were waived because HRCF is a trainer and will have no contact with DCFS or Probation children.
3. The Kidsave contract contains one modified provision. Sexual Misconduct Liability insurance was reduced from \$2 million to \$1 million per claim. The standard \$2 million aggregate coverage remains the same.
4. The Regents of the UC contract excludes the Liquidated Damages provision, and a second, duplicative, confidentiality clause. The contractor has commercial liability insurance as required by the County to cover all of its activities under the contract. A confidentiality clause appearing in Part I, Section 7.0, was removed as it was duplicative of Part II, Indemnification, Section 33.0.

The Proprietary Rights provision in Part I, Section 10.1 was modified to grant a license for UCLA to use program data for research purposes. The revised clause reads as follows: "County and Contractor agree that all materials, data and information developed under and/or used in connection with this Contract shall become the sole property of the County, provided that Contractor may retain possession of all working papers prepared by Contractor. During and subsequent to the term of this Contract, County shall have the right to inspect any and all such working papers, make copies thereof, and use the working papers and the information contained therein. In return, the County grants to the Contractor a non-exclusive, transferable, royalty-free, world-wide license to use, reproduce, distribute copies, display publicly, and make derivative works, for research and educational purposes, except as prohibited by law".

The award of these contracts will not result in unauthorized disclosure of confidential information and will be in full compliance with Federal, State and County regulations.

The Probation Department has reviewed and approved this Board letter and the five sole source contracts. The CEO and County Counsel have reviewed the five contracts and Board letter. The attached contracts have been approved as to form by County Counsel. CEO Risk Management was consulted on all insurance questions.

CONTRACTING PROCESS

In response to the HHS Diligent Recruitment RFP released on June 1, 2010, DCFS submitted a proposal for the use of Federal grant funds for the Diligent Recruitment of foster and adoptive families. In the proposal, DCFS identified five contractors based on their appropriateness for the grant and their apparently unique ability to provide the services. HHS approved both the proposal and the identified contractors in the award of the grant funds. No other contracting process took place. All five contractors meet the Board's requirements for a sole source contract. The Sole Source Checklist for the five contracts is attached as Attachment F. Of the five contractors, only Kidsave received a sole source contract of more than \$250,000 and on April 26, 2011, your Board was notified by memorandum that DCFS intended to negotiate a sole source contract with Kidsave.

The sixth contractor, which can be a faith-based agency, community organization or individual, will be procured through a solicitation process. The services are not unique to any particular contractor. DCFS will return to the Board with a recommended contractor for approval after completion of the solicitation process.

CONTRACTOR PERFORMANCE

The contractors will be required to meet the performance standards as outlined in the contracts' Statement of Work. The monitoring of the services will be performed by DCFS' employees, which will include an evaluation of monthly invoices and onsite monitoring for fiscal, administrative and service delivery performance.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of the contracts will allow the Department to expand and enhance the methodologies used for recruiting resource parents and permanent connections for youth most in need of permanency, including older youth, Latino youth, African American youth, LGBTQ youth, deaf youth, and Probation foster care youth. This will be accomplished by funding the recruitment and retention approaches of the five contractors and evaluating the results to determine best recruitment practices.

The lessons learned by implementing these contracts, along with the experience of meeting other national grantees and gaining knowledge on similar programs nationwide, should provide additional insights and methodologies for maximizing the number of children who reach permanency and self-sufficiency in Los Angeles County.

CONCLUSION

Upon Board approval, the Executive Officer, Board of Supervisors, is requested to return one adopted stamped Board Letter to the Department of Children and Family Services.

The Honorable Board of Supervisors

2/7/2012

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Respectfully submitted,

A handwritten signature in cursive script that reads "Philip L. Browning".

PHILIP L. BROWNING

Interim Director

PLB:CMM:AM

RD:seg

Enclosures

Enclosures

c: Chief Executive Officer
County Counsel
Executive Officer, Board of Supervisors
Chief Probation Officer