



DEPARTMENT OF MENTAL HEALTH

REQUEST FOR PROPOSALS (RFP)

FOR

CRISIS RESIDENTIAL TREATMENT PROGRAMS (CRTPs)

Bid No. DMH#121720B1

December 17, 2020

**Prepared By
County of Los Angeles Department of Mental Health
Contracts Development & Administration Division**

TABLE OF CONTENTS

1	INTRODUCTION	1
2	PURPOSE-AGREEMENT FOR CRISIS RESIDENTIAL TREATMENT PROGRAMS	3
2.1	Statement of Work	3
2.2	Sample Agreement: County Terms and Conditions	3
3	PROPOSER’S MINIMUM QUALIFICATIONS	4
4	COUNTY’S RIGHTS AND RESPONSIBILITIES	5
4.1	Representations Made Prior to Contract Execution	5
4.2	Final Contract Award by the Board of Supervisors	5
4.3	County’s Option to Reject Proposals	5
4.4	County’s Right to Amend Request for Proposals	6
4.5	Background and Security Investigations	6
4.6	County’s Quality Assurance Plan	6
5	PROPOSER’S REQUIREMENTS AND CERTIFICATIONS	7
5.1	Notice to Proposers Concerning the Public Records Act	7
5.2	Contact with County Personnel	8
5.3	Mandatory Requirement to Register on County’s WebVen	8
5.4	Protest Policy Review Process	8
5.5	Injury and Illness Prevention Program	9
5.6	Confidentiality and Independent Contractor Status	9
5.7	Conflict of Interest	9
5.8	Determination of Proposer Responsibility	11
5.9	Proposer Debarment	12
5.10	Adherence to County’s Child Support Compliance Program	14
5.11	Gratuities	14
5.12	Notice to Proposers Regarding the County Lobbyist Ordinance	15
5.13	Federal Earned Income Credit	15
5.14	Consideration of GAIN-GROW Participants for Employment	16
5.15	Recycled Bond Paper	16
5.16	Safely Surrendered Baby Law	16
5.17	Jury Service Program	16
5.18	Intentionally Omitted	18
5.19	Notification to County of Pending Acquisitions/Mergers by Proposing Company	18
5.20	Proposer’s Charitable Contributions Compliance	18
5.21	Defaulted Property Tax Reduction Program	19

TABLE OF CONTENTS

5.22	Time Off for Voting	20
5.23	Proposer’s Acknowledgement of County’s Commitment to Zero Tolerance Policy on Human Trafficking.....	20
5.24	Intentionally Omitted.....	21
5.25	Default Method of Payment: Direct Deposit or Electronic Funds Transfer	21
5.26	Proposer’s Acknowledgement of County’s Commitment to Fair Chance Employment Hiring Practices	22
5.27	Prohibition from Participation in Future Solicitation(s).....	22
6	COUNTY’S PREFERENCE PROGRAMS	23
6.1	Overview of County’s Preference Programs	23
6.2	Local Small Business Enterprise (LSBE) Preference Program	23
6.3	Local Small Business Enterprise (LSBE) Prompt Payment Program	24
6.4	Social Enterprise (SE) Preference Program	24
6.5	Disabled Veteran Business Enterprise (DVBE) Preference Program.....	25
7	PROPOSAL SUBMISSION REQUIREMENTS.....	26
7.1	Proposal Submission Information	26
7.2	Truth and Accuracy of Representations.....	26
7.3	RFP Timetable	26
7.4	Solicitation Requirements Review	27
7.5	Intentionally Omitted	27
7.6	Intentionally Omitted.....	27
7.7	Mandatory Proposers’ Conference and Letter of Intent to Submit a Proposal	27
7.8	Preparation of the Proposal.....	28
7.9	Proposal Format.....	30
7.10	Firm Offer-Withdrawal of Proposal	37
7.11	Proposal Submission.....	38
8	SELECTION PROCESS AND EVALUATION CRITERIA.....	38
8.1	Selection Process	38
8.2	Adherence to Minimum Requirements (Pass-Fail)	39
8.3	Disqualification Review	39
8.4	Proposal Evaluation and Criteria (100%).....	40
8.5	Department’s Proposed Contractor Selection Review	41
8.6	County Independent Review Process.....	43

TABLE OF CONTENTS

APPENDICES:

- A Statement of Work:** Explains in detail the required services to be performed by the contractor.
- B Service Exhibits:** Attachments which accompany the Statement of Work.
- C Sample Contract:** Identifies the terms and conditions in the contract.
- D Required Forms:** Forms that must be completed and included in the proposal.
- E Transmittal Form to Request a Solicitation Requirements Review:** Transmittal sent to Department requesting a Solicitation Requirements Review.
- F County of Los Angeles Policy on Doing Business with Small Business:** County Policy.
- G Jury Service Ordinance:** County Code.
- H Intentionally Omitted**
- I IRS Notice 1015:** Provides information on Federal Earned Income Credit.
- J Intentionally Omitted**
- K Intentionally Omitted**
- K-1 Intentionally Omitted**
- L Determination of Contractor Non-Responsibility and Contractor Debarment:** County Code (include for Proposition A and Cafeteria Services Solicitations and Contracts).
- M Intentionally Omitted**
- N Background and Resources: California Charities Regulation:** An information sheet intended to assist nonprofit agencies with compliance with SB 1262 - the Nonprofit Integrity Act of 2004 and identify available resources.
- O Defaulted Property Tax Reduction Program:** County Code.

1 INTRODUCTION

1.1 Crisis Residential Treatment Programs

Crisis Residential Treatment Programs (CRTPs) are short-term, intensive residential programs that provide recovery-oriented, intensive and supportive services to individuals 18 years of age and older, in a safe and therapeutic, home-like setting. CRTPs serve as an alternative to hospitalization, reduce the psychiatric inpatient days of individuals, and may serve as a resource for individuals who might otherwise be incarcerated without the appropriate community services.

In Los Angeles County (LAC or County), CRTPs are centrally accessed through the Department of Mental Health (DMH or Department) Intensive Care Division (ICD). County Hospital Psychiatric Emergency Services (PES) and inpatient treatment teams work collaboratively with DMH ICD liaisons to identify potential referrals to CRTPs. Urgent Care Centers (UCCs) refer individuals directly to DMH's ICD for authorization.

1.2 Request for Proposals

The LAC DMH is issuing this Request for Proposals (RFP) to solicit proposals from qualified agencies interested and capable of providing CRTP services at the following four hospital campus sites:

Hospital Site Name and Address	Number of CRTP Contract Awards (One CRTP Award=16 beds)	Number of Beds
Martin Luther King, Jr., Community Hospital Mark Ridley-Thomas (MRT) Behavioral Health Center (BHC) 1680 E. 120 th Street Los Angeles CA, 90059	1	16

LAC+USC Medical Center 2051 Marengo Street Los Angeles, CA 90033	4	64
Olive View-UCLA Medical Center 14445 Olive View Drive Sylmar, CA 91342	5	80
Rancho Los Amigos National Rehabilitation Center 7601 E. Imperial Hwy, Downey, CA 90242	5	80
TOTAL	15	240

Prospective Proposers can submit a proposal for one or more hospital site location(s). A separate proposal shall be submitted for each hospital site location. Prospective proposers MAY NOT submit more than one proposal for each of the hospital site locations.

1.3 Hospital Campus Sites

The four hospital campus sites are fully owned by LAC and shall be separately leased to the Contractor(s) selected through this RFP. Selected Contractor(s) shall then provide CRTP services at the site(s). A separate and distinct lease agreement shall be executed for each site upon CRTP services contract execution. The lease agreement term shall run concurrent with the CRTP services contract and shall be administered by the LAC Chief Executive Office (CEO) Real Estate Division (RED).

1.3.1 Construction and furnishing of each site remains underway and rent, utilities, and building maintenance shall be determined upon completion.

1.3.2 The addresses above are the hospital campus addresses. CRTP sites will be located within the hospital campus sites. Each CRTP site will have its own distinct address within each hospital campus.

1.3.3 The MRT BHC on the Martin Luther King, Jr. Community Hospital campus will house clinical and behavioral staff from DMH and the LAC departments of Public Health and Health Services. The LAC

departments of Probation and Workforce Development, Aging and Community Services will sponsor rehabilitative, vocational and training opportunities to give CRTP clients the skills they need to reintegrate into society. This is the first time all of these County services will be available in one distinct location.

- 1.4 Titles, captions and headings contained in this solicitation are inserted as a matter of convenience and/or reference and are not intended, and shall not be deemed or construed to define, limit, extend or otherwise describe the scope or any provision of this solicitation.

2 PURPOSE - CRISIS RESIDENTIAL TREATMENT PROGRAM SERVICES

2.1 Statement of Work

- 2.1.1 Selected contractor(s) shall implement the requirements outlined in Appendix A (Statement of Work) of this RFP.

2.2 Sample Agreement: County Terms and Conditions

- 2.2.1 Selected contractor shall implement the requirements outlined in Appendix C (Sample Contract) of this RFP.

2.2.2 Anticipated Contract Term

The Contract term is anticipated to be for three fiscal years (FY) with two optional one-year extensions, unless County terminates the Contract at its sole discretion in accordance with provision 8.42 of the Contract (Termination for Convenience).

2.2.3 Contract Rates

Selected contractor's rates shall remain firm and fixed for the term of the Contract. Selected Contractor(s) shall satisfactorily perform all services set forth in the Statement of Work (SOW), Appendix A.

2.2.4 Days of Operation

CRTP services shall be provided 24 hours per day, seven days per week, and 365 days per year (24/7/365).

2.2.5 Indemnification and Insurance

Selected contractor(s) shall be required to comply with the provisions contained in Paragraph 8.23 (Indemnification) of Appendix C (Sample Contract). Selected contractor(s) shall

procure, maintain, and provide to the County proof of insurance coverage for all the programs of insurance along with associated amounts specified in Paragraph 8.24, (General Provisions for all Insurance Coverage), and Paragraph 8.25 (Insurance Coverage) of Appendix C (Sample Contract).

2.2.6 Health Insurance Portability and Accountability Act of 1996 (if applicable)

Selected contractor(s) shall be required to comply with the administrative simplification requirements of the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) as in effect and as may be amended, as contained in Exhibit N (Business Associate Agreement under the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”)) of Appendix C (Sample Contract).

3 PROPOSER’S MINIMUM QUALIFICATIONS

3.1 Interested and qualified proposers that can demonstrate their ability and qualifications to successfully provide the required services outlined in Appendix A (Statement of Work) are invited to submit their proposal(s), provided they meet all of the following mandatory requirements:

3.1.1 As of the date of release of this RFP, Proposer must be a current, licensed CRTP provider in the State of California (State).

3.1.1.1 Proposer must submit current CRTP license and include the name and site address of each licensed CRTP.

3.1.2 As of the date of release of this RFP, Proposer must have three years, within the last five years, of experience providing CRTP services.

3.1.2.1 Proposer must provide any agency documentation that substantiates this experience and number of years.

3.1.3 Proposer must be in “good standing” with California Department of Social Services (CDSS).

3.1.3.1 Proposer must provide any corrective action/remedy for any findings by CDSS within the last 12 months (as of the date of release of this RFP). DMH will verify.

- 3.1.4 As of the date of release of this RFP, Proposer must have an electronic health record (eHR) system in place.
 - 3.1.4.1 Proposer must submit a copy of its eHR contract with the information technology vendor providing the service.
- 3.1.5 Proposer must have attended the Virtual Mandatory Proposers' Conference referenced in Section 7.7 of this RFP. DMH will verify.
- 3.1.6 Proposer must submit a Mandatory Letter of Intent to Submit a Proposal per Section 7.7 of this RFP. DMH will verify.
- 3.1.7 If Proposer's compliance with a County contract has been reviewed by the Department of the Auditor-Controller within the last 10 years, Proposer must not have unresolved questioned costs identified by the Auditor-Controller, in an amount over \$100,000.00, that are confirmed to be disallowed costs by the contracting County department, and remain unpaid for six months or more from the date of disallowance, unless such disallowed costs are the subject of current good faith negotiations to resolve the disallowed costs, in the opinion of the County. DMH will verify.

4 COUNTY'S RIGHTS AND RESPONSIBILITIES

4.1 Representations Made Prior to Contract Execution

- 4.1.1 The County is not responsible for representations made by any of its officers or employees prior to the execution of the contract unless such understanding or representation is included in the contract.

4.2 Final Contract Award by the Board of Supervisors

- 4.2.1 Notwithstanding a recommendation of a department, agency, individual, or other, the Board of Supervisors retains the right to exercise its judgment concerning the selection of a proposal and the terms of any resultant agreement, and to determine which proposal best serves the interests of the County. The Board is the ultimate decision making body and makes the final determinations necessary to arrive at a decision to award, or not award, a contract.

4.3 County's Option to Reject Proposals

- 4.3.1 Proposers are hereby advised that this RFP is a solicitation for proposals only, and is not intended, and is not to be construed as, an offer to enter into a contract or as a promise to engage in any

formal competitive bidding or negotiations pursuant to any statute, ordinance, rule, or regulation. The County may, at its sole discretion, reject any or all proposals submitted in response to this RFP or may, in its sole discretion, reject all proposals and cancel this RFP in its entirety. The County shall not be liable for any costs incurred by the proposer in connection with the preparation and submission of any proposal. The County reserves the right to waive inconsequential disparities in a submitted proposal.

4.4 County's Right to Amend Request for Proposals

4.4.1 The County has the right to amend the RFP by written addendum. The County is responsible only for that which is expressly stated in the solicitation document and any authorized written addenda thereto. Such addendum shall be made available to each person or organization which County records indicate has received this RFP. Should such addendum require additional information not previously requested, failure to address the requirements of such addendum may result in the proposal being found non-responsive and not being considered, as determined in the sole discretion of the County. The County is not responsible for, and shall not be bound by, any representations otherwise made by any individual acting or purporting to act on its behalf.

4.5 Background and Security Investigations

4.5.1 Background and security investigations of selected contractor's staff shall be required as a condition of beginning and continuing work under any resulting contract. The cost of background checks is the responsibility of the contractor.

4.6 County's Quality Assurance Plan

4.6.1 After contract award, the County or its agent will monitor the contractor's performance under the contract on a periodic basis. Such monitoring will include assessing contractor's compliance with all terms and conditions in the contract and performance standards identified in Appendix A (Statement of Work). Contractor's deficiencies which the County determines are significant or continuing and that may jeopardize performance of the contract will be reported to the County's Board of Supervisors. The report will include improvement/corrective action measures taken by the County and contractor. If improvement does not occur consistent with the corrective action measures, the County may terminate the contract in whole or in part, or impose other penalties as specified in the contract.

5 PROPOSER'S REQUIREMENTS AND CERTIFICATIONS

5.1 Notice to Proposers Concerning the Public Records Act

5.1.1 Responses to this solicitation shall become the exclusive property of the County. Absent extraordinary circumstances, the recommended proposer's proposal will become a matter of public record when: 1) contract negotiations are complete; 2) the Department of Mental Health receives a letter from the recommended proposer's authorized officer that the negotiated contract is the firm offer of the recommended proposer; and 3) Department of Mental Health releases a copy of the recommended proposer's proposal in response to a Notice of Intent to Request a Proposed Contractor Selection Review under Board Policy No. 5.055 (Services Contract Solicitation Protest).

Notwithstanding the above, absent extraordinary circumstances, all proposals will become a matter of public record when the Department's proposer recommendation appears on the Board agenda.

Exceptions to disclosure are those parts or portions of all proposals that are justifiably defined as business or trade secrets, and plainly marked by the proposer as "Trade Secret," "Confidential," or "Proprietary".

5.1.2 The County shall not, in any way, be liable or responsible for the disclosure of any such record or any parts thereof, if disclosure is required or permitted under the California Public Records Act, or otherwise by law. A blanket statement of confidentiality or the marking of each page of the proposal as confidential shall not be deemed sufficient notice of exception. The proposers must specifically label only those provisions of their respective proposal which are "Trade Secrets," "Confidential," or "Proprietary," in nature.

5.1.3 In the event the County is required to defend an action on a Public Records Act request for any of the aforementioned documents, information, books, records, and/or contents of a proposal marked "Confidential," "Trade Secrets," or "Proprietary," proposer agrees to defend and indemnify County from all costs and expenses, including reasonable attorneys' fees, incurred in connection with any action, proceedings, or liability arising in connection with the Public Records Act request.

5.2 Contact with County Personnel

- 5.2.1 All contact regarding this RFP or any matter relating thereto must be in writing, via e-mail, as follows:

Attn: Beatriz Mejia, ASMII
DMH-Contracts Development and Administration Division (CDAD)
550 S. Vermont Ave., 5th Floor, Suite 500
Los Angeles, California 90020
SolicitationsTeam@dmh.lacounty.gov

If it is discovered that a proposer contacted and received information from any County personnel, other than the person specified above, regarding this solicitation, County, in its sole determination, may disqualify their proposal from further consideration.

5.3 Mandatory Requirement to Register on County's WebVen

- 5.3.1 Prior to a contract award, all potential contractors must register in the County's WebVen. WebVen contains the vendor's business profile and identifies the goods/services the business provides. Registration can be accomplished online via the Internet by accessing the County's home page at:

<http://camisvr.co.la.ca.us/webven/>

5.4 Protest Policy Review Process

- 5.4.1 Under Board Policy No. 5.055 (Services Contract Solicitation Protest), any prospective proposer may request a review of the requirements under a solicitation for a Board-approved services contract, as described in Paragraph 5.4.3 (Grounds for Review) below. Additionally, any actual proposer may request a review of a disqualification or of a proposed contract award under such a solicitation, as described respectively in the paragraphs below. It is the responsibility of the proposer challenging the decision of a County Department to demonstrate that the Department committed a sufficiently material error in the solicitation process to justify invalidation of a proposed contract award.
- 5.4.2 Throughout the review process, the County has no obligation to delay or otherwise postpone an award of contract based on a proposer's protest. In all cases, the County reserves the right to make an award when it is determined to be in the best interest of the County of Los Angeles to do so.

5.4.3 Grounds for Review

Unless State or federal statutes or regulations otherwise provide, the grounds for review of a solicitation for a Board-approved services contract provided for under Board Policy No. 5.055 (Services Contract Solicitation Protest) are limited to the following:

5.4.3.1 Review of Solicitation Requirements (reference Paragraph 7.4 Proposal Submission Requirements Section)

5.4.3.2 Review of Disqualified Proposal (reference Paragraph 8.3 Selection Process and Evaluation Criteria Section)

5.4.3.3 Review of Proposed Contractor Selection (reference Paragraph 8.7 Selection Process and Evaluation Criteria Section)

5.5 Injury and Illness Prevention Program

5.5.1 Selected contractor(s) shall be required to comply with the State of California's Cal OSHA's regulations. California Code of Regulations Title 8 Section 3203 requires all California employers to have a written, effective Injury and Illness Prevention Program (IIPP) that addresses hazards pertaining to the particular workplace covered by the program.

5.6 Confidentiality and Independent Contractor Status

5.6.1 As appropriate, selected contractor(s) shall be required to comply with Paragraph 7.6 (Confidentiality) and Paragraph 8.22 (Independent Contractor Status), contained in Appendix C (Sample Contract).

5.7 Conflict of Interest

5.7.1 Per Los Angeles County Code, Section 2.180.010, listed below, no County employee shall be employed in any capacity by this Contractor.

Chapter 2.180 –CONTRACTING WITH CURRENT OR FORMER COUNTY EMPLOYEES

2.180.010-Certain contracts prohibited

A. Notwithstanding any other section of this code, the county shall not contract with, and shall reject any bid or proposal

submitted by, the persons or entities specified below, unless the board of supervisors finds that special circumstances exist which justify the approval of such contract:

1. Employees of the county or of public agencies for which the board of supervisors is the governing body;
 2. Profit-making firms or businesses in which employees described in subdivision 1 of subsection A serve as officers, principals, partners or major shareholders;
 3. Persons who, within the immediately preceding 12 months, came within the provisions of subdivision 1 of subsection A, and who:
 - a. Were employed in positions of substantial responsibility in the area of service to be performed by the contract; or
 - b. Participated in any way in developing the contract or its service specifications; and
 4. Profit-making firms or businesses in which the former employees, described in subdivision 3 of subsection A, serve as officers, principals, partners or major shareholders.
- B. The prohibition of this section 2.180.010 shall not apply to a contract with an individual who was formerly employed by the county as a physician resident or fellow.
- C. Contracts submitted to the board of supervisors for approval or ratification shall be accompanied by written assurance by the department submitting, district or agency, that the provisions of this section have not been violated.
- 5.7.1.1 Contractor shall certify that he/she is aware of and has read Section 2.180.010 of the Los Angeles County Code by signing Exhibit 5 (certification of No Conflict of Interest) of Appendix D (Required Forms).
- 5.7.1.2 https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances

5.7.2 The selected contractor(s) shall comply with all conflict of interest laws, ordinances, and regulations now in effect or hereafter to be enacted during the term of the Contract. The selected contractor(s) warrants that it is not now aware of any facts that create a conflict of interest. If the selected contractor(s) hereafter becomes aware of any facts that might reasonably be expected to create a conflict of interest, it shall immediately make full written disclosure of such facts to the County. Full written disclosure shall include, but is not limited to, identification of all persons implicated and a complete description of all relevant circumstances. Failure to comply with the provisions of this paragraph shall be a material breach of the Contract.

5.8 Determination of Proposer Responsibility

5.8.1 A responsible proposer is a proposer who has demonstrated the attribute of trustworthiness, quality, fitness, capacity and experience to satisfactorily perform the contract. It is the County's policy to conduct business only with responsible proposers.

5.8.2 Proposers are hereby notified that, in accordance with Chapter 2.202 of the County Code, the County may determine whether the proposer is responsible based on a review of the proposer's performance on any contracts. This includes, but is not limited to, County contracts. Particular attention will be given to violations of labor laws related to employee compensation and benefits, and evidence of false claims made by the proposer against public entities. Labor law violations which are the fault of the subcontractors and of which the proposer had no knowledge shall not be the basis of a determination that the proposer is not responsible.

5.8.3 The County may declare a proposer to be non-responsible for purposes of this solicitation if the Board of Supervisors, in its discretion, finds that the proposer has done any of the following: 1) violated a term of a contract with the County or a nonprofit corporation created by the County; 2) committed an act or omission which negatively reflects on the proposer's quality, fitness or capacity to perform a contract with the County, any other public entity, or a nonprofit corporation created by the County, or engaged in a pattern or practice which negatively reflects on same; 3) committed an act or omission which indicates a lack of business integrity or business honesty; or 4) made or submitted a false claim against the County or any other public entity.

5.8.4 If there is evidence that the apparent highest ranked proposer may not be responsible, the Department shall notify the proposer in writing of the evidence relating to the proposer's responsibility, and

its intention to recommend to the Board of Supervisors that the proposer be found not responsible. The Department shall provide the proposer and/or the proposer's representative with an opportunity to present evidence as to why the proposer should be found to be responsible and to rebut evidence which is the basis for the Department's recommendation.

5.8.5 If the proposer presents evidence in rebuttal to the Department, the Department shall evaluate the merits of such evidence, and based on that evaluation, make a recommendation to the Board of Supervisors. The final decision concerning the responsibility of the proposer shall reside with the Board of Supervisors.

5.8.6 These terms shall also apply to proposed subcontractors of proposers on County contracts.

5.9 Proposer Debarment

5.9.1 The proposer is hereby notified that, in accordance with Chapter 2.202 of the County Code, the County may debar the proposer from bidding or proposing on, being awarded, and/or performing work on other County contracts for a specified period of time, which generally will not exceed five years but may exceed five years, or be permanent if warranted by the circumstances., The County may terminate any or all of the proposer's existing contracts with County, if the Board of Supervisors finds, in its discretion, that the proposer has done any of the following: 1) violated a term of any contract with the County; or, a nonprofit corporation created by the County; 2) committed an act or omission which negatively reflects on the proposer's quality, fitness or capacity to perform a contract with the County, any other public entity, or a nonprofit corporation created by the County; or, engaged in a pattern or practice which negatively reflects on same; 3) committed an act or offense which indicates a lack of business integrity or business honesty; or 4) made or submitted a false claim against the County or any other public entity.

5.9.2 If there is evidence that the apparent highest ranked proposer may be subject to debarment, the Department shall notify the proposer in writing of the evidence which is the basis for the proposed debarment, and shall advise the proposer of the scheduled date for a debarment hearing before the Contractor Hearing Board.

5.9.3 The Contractor Hearing Board shall conduct a hearing where evidence on the proposed debarment is presented. The proposer and/or proposer's representative shall be given an opportunity to submit evidence at that hearing. After the hearing, the Contractor

Hearing Board shall prepare a proposed decision, which shall contain a recommendation regarding whether the proposer should be debarred, and, if so, the appropriate length of time of the debarment. The proposer and the Department shall be provided an opportunity to object to the proposed decision prior to its presentation to the Board of Supervisors.

- 5.9.4 After consideration of any objections, or if no objections are received, a record of the hearing, the proposed decision, and any other recommendation of the Contractor Hearing Board shall be presented to the Board of Supervisors. The Board of Supervisors shall have the right to modify, deny, or adopt the proposed decision and recommendation of the Contractor Hearing Board.
- 5.9.5 If a proposer has been debarred for a period longer than five years, that proposer may, after the debarment has been in effect for at least five years, submit a written request for review of the debarment determination to reduce the period of debarment or terminate the debarment. The County may, in its discretion, reduce the period of debarment or terminate the debarment if it finds that the proposer has adequately demonstrated one or more of the following: 1) elimination of the grounds for which the debarment was imposed; 2) a bona fide change in ownership or management; 3) material evidence discovered after debarment was imposed, if that material evidence could have changed the outcome of the debarment hearing, if known; or 4) any other reason that is in the best interests of the County.
- 5.9.6 The Contractor Hearing Board will consider requests for review of a debarment determination only where 1) the proposer has been debarred for a period longer than five years; 2) the debarment has been in effect for at least five years; and 3) the request is in writing, states one or more of the grounds for reduction of the debarment period or termination of the debarment, and includes supporting documentation. Upon receiving an appropriate request, the Contractor Hearing Board will provide written notice of the hearing on the request. At the hearing, the Contractor Hearing Board shall conduct a hearing where evidence on the proposed reduction of debarment period or termination of debarment is presented. This hearing shall be conducted and the request for review decided by the Contractor Hearing Board pursuant to the same procedures as for a debarment hearing.
- 5.9.7 The Contractor Hearing Board's proposed decision shall contain a recommendation on the request to reduce the period of debarment or terminate the debarment. The Contractor Hearing Board shall

present its proposed decision and recommendation to the Board of Supervisors, in writing. The Board of Supervisors shall have the right to modify, deny, or adopt the proposed decision and recommendation of the Contractor Hearing Board.

5.9.8 These terms shall also apply to proposed subcontractors of proposers on County contracts.

5.9.9 The following link provides a listing of contractors that are currently on the Debarment List for Los Angeles County:

<https://doingbusiness.lacounty.gov/listing-of-contractors-debarred-in-los-angeles-county/>

5.10 Adherence to County's Child Support Compliance Program

5.10.1 Proposers shall: 1) fully comply with all applicable State and federal reporting requirements relating to employment reporting for its employees; and 2) comply with all lawfully served Wage and Earnings Assignment Orders and/or Notice of Assignment, and continue to maintain compliance during the term of any contract that may be awarded pursuant to this solicitation. Failure to comply may be cause for termination of a contract, or initiation of debarment proceedings against the non-compliant contractor (County Code Chapter 2.202).

5.11 Gratuities

5.11.1 Attempt to Secure Favorable Treatment

It is improper for any County officer, employee, or agent to solicit consideration, in any form, from a proposer, with the implication, suggestion, or statement that the proposer's provision of the consideration may secure more favorable treatment for the proposer in the award of the contract; or that the proposer's failure to provide such consideration may negatively affect the County's consideration of the proposer's submission. A proposer shall not offer, or give either directly or through an intermediary, consideration, in any form, to a County officer, employee or agent for the purpose of securing favorable treatment with respect to the award of the contract.

5.11.2 Proposer Notification to County

A proposer shall immediately report any attempt by a County officer, employee or agent to solicit such improper consideration.

The report shall be made either to the County manager charged with the supervision of the employee or to the County Auditor-Controller's Employee Fraud Hotline at (800) 544-6861. Failure to report such a solicitation may result in the proposer's submission being eliminated from consideration.

5.11.3 Form of Improper Consideration

Among other items, such improper consideration may take the form of cash, discounts, services, the provision of travel or entertainment, as well as tangible gifts.

5.12 Notice to Proposers Regarding the County Lobbyist Ordinance

5.12.1 The Board of Supervisors of the County of Los Angeles has enacted an ordinance regulating the activities of persons who lobby County officials. This ordinance, referred to as the "Lobbyist Ordinance," defines a County Lobbyist, and imposes certain registration requirements upon individuals meeting the definition. The complete text of the ordinance can be found in County Code Chapter 2.160. In effect, each person, corporation or other entity that seeks a County permit, license, franchise or contract must certify compliance with the ordinance. As part of this solicitation process, it will be the responsibility of each proposer to review the ordinance independently as the text of said ordinance is not contained within this RFP. Thereafter, each person, corporation or other entity submitting a response to this solicitation must certify that each County Lobbyist, (as defined by Los Angeles County Code Section 2.160.010), that has been retained by the proposer is in full compliance with Chapter 2.160 of the Los Angeles County Code; and, certifies that each such County Lobbyist is not on the Executive Office's List of Terminated Registered Lobbyists by completing and submitting Exhibit 6 (Familiarity with the County Lobbyist Ordinance Certification) of Appendix D (Required Forms), as part of their proposal.

5.13 Federal Earned Income Credit

The contractor shall notify its employees, and shall require each subcontractor to notify its employees, that they may be eligible for the Federal Earned Income Credit under the federal income tax laws. Such notice shall be provided in accordance with the requirements set forth in Appendix I (IRS Notice 1015).

5.14 Consideration of GAIN-GROW Participants for Employment

As a threshold requirement for consideration for contract award, proposers shall demonstrate a proven record of hiring participants in the County's Department of Public Social Services Greater Avenues for Independence (GAIN), or General Relief Opportunity for Work (GROW) Programs, or shall attest to a willingness to consider GAIN/GROW participants for any future employment openings if they meet the minimum qualifications for that opening. Proposers shall attest to a willingness to provide employed GAIN/GROW participants access to the proposers' employee mentoring program, if available, to assist these individuals in obtaining permanent employment and/or promotional opportunities.

Proposers who are unable to meet this requirement shall not be considered for contract award. Proposers shall submit a completed Exhibit 9 (Attestation of Willingness to Consider GAIN-GROW Participants) found within Appendix D (Required Forms), along with their proposal.

5.15 Recycled Bond Paper

5.15.1 Proposer shall be required to comply with the County's policy on recycled bond paper as specified in Paragraph 8.39 (Recycled Bond Paper) of Appendix C (Sample Contract).

5.16 Safely Surrendered Baby Law

5.16.1. The selected contractor(s) shall notify and provide to its employees, and shall require each subcontractor to notify and provide to its employees, information regarding the Safely Surrendered Baby Law, its implementation in Los Angeles County, and where and how to safely surrender a baby. Additional information is available at www.babysafela.org.

5.17 Jury Service Program

5.17.1 The prospective contract is subject to the requirements of the County's Contractor Employee Jury Service Ordinance ("Jury Service Program") (Los Angeles County Code, Chapter 2.203). Prospective contractors should carefully read Appendix G (Jury Service Ordinance) and Paragraph 8.8 (Compliance with the County's Jury Service Program) of Appendix C (Sample Contract), both of which are incorporated by reference into and made a part of this RFP. The Jury Service Program applies to both contractors and their subcontractors.

Proposals that fail to comply with the requirements of the Jury Service Program will be considered non-responsive and excluded from further consideration.

- 5.17.2 The Jury Service Program requires County contractors and their subcontractors to have and adhere to a written policy that provides that its employees shall receive from the contractor, on an annual basis, no less than five days of regular pay for actual jury service. The policy may provide that employees deposit any fees received for such jury service with the contractor or that the contractor deducts from the employee's regular pay the fees received for jury service. For purposes of the Jury Service Program, "employee" means any California resident who is a full-time employee of a contractor and "full-time" means 40 hours or more worked per week, or a lesser number of hours if: 1) the lesser number is a recognized industry standard as determined by the County, or 2) the contractor has a long-standing practice that defines the lesser number of hours as full-time. Therefore, the Jury Service Program applies to all of a contractor's full-time California employees, even those not working specifically on the County project. Full-time employees providing short-term, temporary services of 90 days or less within a 12-month period are not considered full-time for purposes of the Jury Service Program.
- 5.17.3 There are two ways in which a contractor might not be subject to the Jury Service Program. The first is if the contractor does not fall within the Jury Service Program's definition of "Contractor". The Jury Service Program defines "Contractor" to mean a person, partnership, corporation or other entity which has a contract with the County or a subcontract with a County contractor and has received or will receive an aggregate sum of fifty thousand dollars (\$50,000) or more in any 12-month period under one or more County contracts or subcontracts. The second is if the contractor meets one of the two exceptions to the Jury Service Program. The first exception concerns small businesses and applies to contractors that have: 1) 10 or fewer employees; and, 2) annual gross revenues in the preceding 12 months which, if added to the annual amount of this contract is less than five hundred thousand dollars (\$500,000); and, 3) is not an "affiliate or subsidiary of a business dominant in its field of operation". The second exception applies to contractors that possess a collective bargaining agreement that expressly supersedes the provisions of the Jury Service Program. The contractor is subject to any provision of the Jury Service Program not expressly superseded by the collective bargaining agreement.

5.17.4 If a contractor does not fall within the Jury Service Program’s definition of “Contractor” or if it meets any of the exceptions to the Jury Service Program, then the contractor must so indicate in Exhibit 10 (Contractor Employee Jury Service Program Certification Form and Application for Exception) of Appendix D (Required Forms), and include with its submission all necessary documentation to support the claim such as tax returns or a collective bargaining agreement, if applicable. Upon reviewing the contractor’s application, the County will determine, in its sole discretion, whether the contractor falls within the definition of contractor or meets any of the exceptions to the Jury Service Program. The County’s decision will be final.

5.18 Intentionally Omitted

5.19 Notification to County of Pending Acquisitions/Mergers by Proposing Company

5.19.1 The proposer shall notify the County of any pending acquisitions/mergers of its company unless otherwise legally prohibited from doing so. If the proposer is restricted from legally notifying the County of pending acquisitions/mergers, then it should notify the County of the actual acquisitions/mergers as soon as the law allows, and provide to the County the legal framework that restricted it from notifying the County prior to the actual acquisitions/mergers. This information shall be provided by the proposer in Exhibit 1, (Proposer’s Organization Questionnaire/Affidavit and CBE Information) of Appendix D (Required Forms). Failure of the proposer to provide this information may eliminate its proposal from any further consideration. Proposer shall have a continuing obligation to notify County of changes to the information contained in Exhibit 1 (Proposer’s Organization Questionnaire/Affidavit and CBE Information) during the pendency of this RFP by providing a revised Exhibit 1 (Proposer’s Organization Questionnaire/ Affidavit and CBE Information) to the County upon the occurrence of any event giving rise to a change in its previously-reported information.

5.20 Proposer’s Charitable Contributions Compliance

5.20.1 California’s “Supervision of Trustees and Fundraisers for Charitable Purposes Act,” regulates receiving and raising charitable contributions. Among other requirements, those subject to the Charitable Purposes Act must register. The 2004 Nonprofit Integrity Act (SB 1262, Chapter 919) increased Charitable Purposes Act requirements. Prospective contractors

should carefully read Appendix N (Background and Resources: California Charities Regulation). New rules cover California public benefit corporations, unincorporated associations, and trustee entities and may include similar foreign corporations doing business or holding property in California. Key Nonprofit Integrity Act requirements affect executive compensation, fund-raising practices and documentation. Charities with over two million dollars (\$2,000,000) of revenues (excluding funds that must be accounted for to a governmental entity) have new audit requirements, which must be adhered to.

5.20.2 All prospective contractors must determine if they receive or raise charitable contributions which subject them to the Charitable Purposes Act, and complete the certification form attached as Exhibit 19 (Charitable Contributions Certification) in Appendix D (Required Forms). A completed Exhibit 19 (Charitable Contributions Certification) is a required part of any agreement with the County.

5.20.3 In Exhibit 19 (Charitable Contributions Certification), prospective contractors certify either that:

5.20.3.1 They have determined that they do not now receive or raise charitable contributions regulated under the California Charitable Purposes Act, (including the Nonprofit Integrity Act), but will comply if they become subject to coverage of those laws during the term of a County agreement.

- OR -

5.20.3.2 They are currently complying with their obligations under the Charitable Purposes Act, and shall thereby attach a copy of their most recent filing with the Registry of Charitable Trusts.

5.20.4 Prospective County contractors that do not complete Exhibit 19 (Charitable Contributions Certification) as part of the solicitation process may, in the County's sole discretion, be disqualified from contract award. A County contractor that fails to comply with its obligations under the Charitable Purposes Act is subject to either contract termination, or debarment proceedings, or both. (County Code Chapter 2.202)

5.21 Defaulted Property Tax Reduction Program

5.21.1 The prospective contract is subject to the requirements of the County's Defaulted Property Tax Reduction Program, ("Defaulted

Tax Program”), (Los Angeles County Code, Chapter 2.206). Prospective contractors should carefully read Appendix O (Defaulted Tax Program Ordinance) and the pertinent provisions in Paragraph 8.51 (Warranty of Compliance with County’s Defaulted Property Tax Reduction Program) and 8.52 (Termination for Breach of Warranty to Maintain Compliance with County’s Defaulted Tax Program) of Appendix C (Sample Contract), both of which are incorporated by reference into, and made a part of, this solicitation. The Defaulted Tax Program applies to both contractors and their subcontractors.

Proposers shall certify that they are in full compliance with the provisions of the Defaulted Tax Program and shall maintain compliance during the term of any contract that may be awarded pursuant to this solicitation. In the alternative, proposers shall certify that they are exempt from the Defaulted Tax Program by completing Exhibit 20 (Certification of Compliance with the County’s Defaulted Property Tax Reduction Program) in Appendix D (Required Forms). Failure to maintain compliance, or to timely cure defects, may be cause for termination of a contract, or initiation of debarment proceedings against the non-compliant contractor (Los Angeles County Code, Chapter 2.202).

Proposals that fail to comply with the certification requirements of the Defaulted Tax Program will be considered non-responsive and excluded from further consideration.

5.22 Time Off for Voting

5.22.1 The selected contractor(s) shall notify its employees, and shall require each subcontractor to notify and provide to its employees, information regarding the time off for voting law (Elections Code Section 14000). Not less than 10 days before every statewide election, every contractor and subcontractor shall keep posted conspicuously at the place of work, if practicable, or elsewhere where it can be seen as employees come or go to their place of work, a notice setting forth the provisions of Elections Code Section 14000.

5.23 Proposer’s Acknowledgement of County’s Commitment to Zero Tolerance Policy on Human Trafficking

5.23.1 On October 4, 2016, the Los Angeles County Board of Supervisors approved a motion taking significant steps to protect victims of human trafficking by establishing a zero tolerance policy on human trafficking. The policy prohibits contractors engaged in human

trafficking from receiving contract awards or performing services under a County contract.

Proposers are required to complete Exhibit 21 (Zero Tolerance Policy on Human Trafficking Certification) in Appendix D (Required Forms), certifying that they are in full compliance with the County's Zero Tolerance Policy on Human Trafficking provision as defined in Section 8.54 (Compliance with County's Zero Tolerance Policy on Human Trafficking) of Appendix C (Sample Contract). Further, selected contractor(s) is required to comply with the requirements under said provision for the term of any contract awarded pursuant to this solicitation.

5.24 Intentionally Omitted

5.25 Default Method of Payment: Direct Deposit or Electronic Funds Transfer (EFT)

- 5.25.1 The County, at its sole discretion, has determined that the most efficient and secure default form of payment for goods and/or services provided under an agreement/contract with the County shall be Electronic Funds Transfer, (EFT), or direct deposit, unless an alternative method of payment is deemed appropriate by the Auditor-Controller (A-C).
- 5.25.2 Upon contract award, or at the request of the A-C and/or DMH, the Contractor shall submit a direct deposit authorization request with banking and vendor information, and any other information that the A-C determines is reasonably necessary to process the payment and comply with all accounting, record keeping, and tax reporting requirements.
- 5.25.3 Any provision of law, grant, or funding agreement requiring a specific form or method of payment other than EFT or direct deposit shall supersede this requirement with respect to those payments.
- 5.25.4 Upon contract award, or at any time during the duration of the agreement/contract, a Contractor may submit a written request for an exemption to this requirement. The A-C, in consultation with DMH, shall decide whether to approve exemption requests.

5.26 Proposer's Acknowledgement of County's Commitment to Fair Chance Employment Hiring Practices

On May 29, 2018, the Los Angeles County Board of Supervisors approved a Fair Chance Employment Policy in an effort to remove job barriers for individuals with criminal records. The policy requires businesses that contract with the County to comply with fair chance employment hiring practices set forth in California Government Code Section 12952, Employment Discrimination: Conviction History (Section 12952).

Proposers are required to complete Exhibit 23 (Compliance with Fair Chance Employment Hiring Practices Certification) in Appendix D (Required Forms), certifying that they are in full compliance with Section 12952, as indicated in the Sample Contract. Further, selected contractor(s) is required to comply with the requirements under Section 12952 for the term of any contract awarded pursuant to this solicitation.

5.27 Prohibition from Participation in Future Solicitation(s)

5.27.1 Board of Supervisors' Policy 5.090 - Contractor Independence, establishes procedures precluding firms or persons that assisted the County in developing a solicitation document, from subsequently being involved in the bidding process on that solicitation.

5.27.2 The policy states that "The County Board of Supervisors has adopted a countywide policy that prohibits any person, or any firm or any subsidiary of a firm [collectively "firm"] from submitting a bid or proposal in any County solicitation process where the person or firm, assisted in the development of the solicitation document(s)."

https://library.municode.com/ca/la_county_-_bos/codes/board_policy

5.27.3 No contractor, nor any subsidiary or Subcontractor of a contractor, or any Proposer that assisted in the development of the solicitation document(s) shall participate, in any way, in any future solicitations conducted by County that includes, or is based upon any services rendered by the Contractor/Proposer under this Contract. As this prohibition applies to Subcontractors of the Contractor, the Contractor shall notify any Subcontractors providing services under this Contract of this prohibition before work is commenced. Any response to a solicitation submitted by the Contractor/Proposer, or by any subsidiary of or Subcontractor to the Contractor/Proposer in violation of this provision shall be rejected by County. This

provision shall survive the expiration, or other termination of this Contract.

6 COUNTY'S PREFERENCE PROGRAMS

6.1 Overview of County's Preference Programs

- 6.1.1 The County of Los Angeles has three Preference Programs as follows: (1) the Local Small Business Enterprise (LSBE); (2) the Disabled Veterans Business Enterprise (DVBE); and (3) the Social Enterprise (SE). The Board of Supervisors encourages business participation in the County's contracting process by continually streamlining and simplifying our selection process and by expanding opportunities for these businesses to compete for County opportunities.
- 6.1.2 The Preference Programs (LSBE, DVBE, and SE) require that a business complete certification prior to requesting a preference in a solicitation. This program, and how to obtain certification, are further explained in paragraphs 6.2, 6.4, and 6.5 of this solicitation.
- 6.1.3 In no case shall the Preference Programs (LSBE, DVBE, and SE) price or scoring preference be combined with any other county preference program to exceed fifteen percent (15%) in response to any County solicitation.
- 6.1.4 Sanctions and financial penalties may apply to a business that knowingly, and with intent to defraud, seeks to obtain or maintain certification as a certified LSBE, DVBE, or SE when not qualified.
- 6.1.5 The County also has a Policy on Doing Business with Small Business that is stated in Appendix F.

6.2 Local Small Business Enterprise (LSBE) Preference Program

- 6.2.1 The County will give LSBE preference during the solicitation process to businesses that meet the definition of a LSBE, consistent with Chapter 2.204.030C.1 of the Los Angeles County Code. An LSBE is defined as a business: 1) certified by the State of California as a small business and has had its principal place of business located in Los Angeles County for at least one year; or 2) certified as a small business enterprise with other certifying agencies pursuant to the Department of Consumer and Business Affairs (DCBA) inclusion policy that: a) has its principal place of business located in Los Angeles County; and, b) has revenues and employee sizes that meet the State's Department of General

Services requirements. The business must be certified by the Department of Consumer and Business Affairs as meeting the requirements set forth above prior to requesting the LSBE Preference in a solicitation.

- 6.2.2 To apply for certification as an LSBE, businesses should contact DCBA at: <http://dcba.lacounty.gov>
- 6.2.3 Certified LSBEs may only request the preference if the certification process has been completed and certification is affirmed. Businesses must complete and submit Exhibit 7, (Request for Preference Program Consideration in Appendix D – Required Forms), and submit a letter of certification from the DCBA with their proposal.
- 6.2.4 Information about the State’s small business enterprise certification regulations is in the California Code of Regulations, Title 2, Subchapter 8, Section 1896 et seq., and is also available on the California Department of General Services Office of Small Business Certification and Resources Web site at: <https://caleprocure.ca.gov/pages/sbdvbe-index.aspx>

6.3 Local Small Business Enterprise (LSBE) Prompt Payment Program

It is the intent of the County that Certified LSBEs receive prompt payment for services they provide to County Departments. Prompt payment is defined as 15 calendar days after receipt of an undisputed invoice.

6.4 Social Enterprise (SE) Preference Program

- 6.4.1 The County will give preference during the solicitation process to businesses that meet the definition of a SE, consistent with Chapter 2.205 of the Los Angeles County Code. A SE is defined as:
 - 1) A business that qualifies as a SE, and has been in operation for at least one year providing transitional or permanent employment to a Transitional Workforce, or providing social, environmental and/or human justice services; and
 - 2) A business certified by DCBA as a SE.
- 6.4.2 The DCBA shall certify that a SE meets the criteria set forth in Section 6.4.1.
- 6.4.3 Certified SEs may only request the preference if the certification has been completed and certification is affirmed. Businesses must

complete and submit Exhibit 7, Request for Preference Program Consideration in Appendix D - Required Forms and submit a letter of certification from the DCBA with their proposal.

- 6.4.4 Further information on SEs also available on the DCBA's website at: <http://dcba.lacounty.gov>

6.5 Disabled Veteran Business Enterprise (DVBE) Preference Program

- 6.5.1 The County will give preference during the solicitation process to businesses that meet the definition of a DVBE, consistent with Chapter 2.211 of the Los Angeles County Code. A DVBE vendor is defined as:

- 1) A business which is certified by the State of California as a DVBE; or
- 2) A business which is verified as a service-disabled veteran-owned small business (SDVOSB) by the Veterans Administration; or
- 3) A business certified as DVBE with other certifying agencies pursuant to the DCBA inclusion policy that meets the criteria set forth by the agencies in 1 and 2 above.

- 6.5.2 The DCBA shall certify that a DVBE is currently certified by the State of California, by the U.S. Department of Veteran Affairs, or is determined by the DCBA inclusion policy that meets the criteria set forth by the agencies in Section 6.5.1, 1 or 2 above.

- 6.5.3 Certified DVBEs may only request the preference if the certification process has been completed and certification is affirmed. Businesses must complete and submit Exhibit 7, Request for Preference Program Consideration in Appendix D - Required Forms and submit a letter of certification from the DCBA with their proposal.

- 6.5.4 Information about the State's DVBE certification regulations is found in the California Code of Regulations, Title 2, Subchapter 8, Section 1896 et seq., and is also available on the California Department of General Services Office of Disabled Veteran Business Certification and Resources Website at: <https://caleprocure.ca.gov/pages/sbdvbe-index.aspx>

- 6.5.5 Information on the Department of Veteran Affairs SDVOSB certification regulations is found in the Code of Federal

Regulations, 38CFR 74 and is also available on the Department of Veterans Affairs Website at: <https://www.va.gov/osdbu/>.

7 PROPOSAL SUBMISSION REQUIREMENTS

7.1 Proposal Submission Information

7.1.1 This Section 7 (Proposal Submission Requirements) contains key project dates and activities, as well as instructions to proposers as to how to prepare and submit their proposal.

7.2 Truth and Accuracy of Representations

7.2.1 False, misleading, incomplete, or deceptively unresponsive statements in connection with a proposal shall be sufficient cause for rejection of the proposal. The evaluation and determination in this area shall be at the Director's sole judgment and his judgment shall be final. Proposals may be withdrawn from consideration at any time by sending written notice to SolicitationsTeam@dmh.lacounty.gov.

7.3 RFP Timetable

Any To-Be Determined (TBD) dates throughout the RFP for CRTPs Bid No. DMH#120720B1 will be issued as an addendum once the dates are finalized.

7.3.1 The timetable for this RFP is as follows:

- 1) Release of RFP 12/17/20
- 2) Request for a Solicitation Requirements Review Due 01/04/21
- 3) Virtual Mandatory Proposers' Conference..... TBD
- 4) Release of Virtual Proposers' Conference Live Event Recording TBD
- 5) Release of Virtual Proposers' Conference Questions and Answers TBD
- 6) Mandatory Letter of Intent to Submit a Proposal Due by 12 p.m. (Pacific Time)..... TBD
- 7) **Proposals due by 12 p.m. (Pacific Time)**TBD

7.4. Solicitation Requirements Review

7.4.1 Any person or entity may seek a Solicitation Requirements Review by submitting Appendix E (Transmittal Form to Request a Solicitation Requirements Review) to DMH as described herein. A request for a Solicitation Requirements Review may be denied, in the Department's sole discretion, if the request does not satisfy all of the following criteria:

1. The request shall be made within the time frame identified in the solicitation document (generally within 10 business days of the issuance of the solicitation document);
2. The request shall include documentation (e.g., letterhead, business card, etc.), which identifies the underlying authority of the person or entity to submit a proposal;
3. The request shall itemize in appropriate detail, each matter contested and factual reasons for the requested review; and
4. The request shall assert either that:
 - a. application of the minimum requirements, evaluation criteria and/or business requirements unfairly disadvantages the person or entity; or
 - b. due to unclear instructions, the process may result in the County not receiving the best possible responses from prospective proposers.

The Solicitation Requirements Review shall be completed, and the Department's determination shall be provided to the requesting person or entity, in writing, within a reasonable time prior to the proposal due date.

7.5 Intentionally Omitted

7.6 Intentionally Omitted

7.7 Mandatory Proposers' Conference and Letter of Intent to Submit Proposal

7.7.1 A Virtual Mandatory Proposers' Conference will be held to discuss the RFP. County staff will respond to questions from potential proposers. All potential proposers must attend this conference or their proposals will be rejected as non-responsive (disqualified)

without review, and eliminated from further consideration. The conference is scheduled as follows:

Date-TBD

Time-TBD

Location- Virtually via Microsoft Teams Live Event

Click this link to join: [Proposer's Conference-RFP for CRTPs](#)

7.7.2 Potential Proposers shall submit a Mandatory Letter of Intent to Submit a Proposal no later than seven business days after attending the Mandatory Proposers' Conference. The Mandatory Letter of Intent to Submit a Proposal must be on the agency's letterhead and shall include original signature of the person authorized to sign on behalf of contractor in order to be qualified to submit a proposal for this RFP.

1. A separate Mandatory Letter of Intent to Submit a Proposal shall be submitted for each hospital site location. **Prospective proposers may not submit more than one proposal for each hospital site location.**
2. The Mandatory Letter of Intent to Submit a Proposal shall be e-mailed to SolicitationsTeam@dmh.lacounty.gov by a **TBD date before 12:00 p.m.** The subject line of the email shall be "Mandatory Letter of Intent for **RFP for CRTPs Bid No. DMH#121720B1.**" The Mandatory Letter of Intent does not obligate an agency to submit a proposal; however, an agency may not submit a proposal if it does not submit a Mandatory Letter of Intent.
3. Proposer's Mandatory Letter of Intent to submit a Proposal must include: 1.) Full Business Name of Agency; 2.) Business Address of Agency; 3.) Contact Person for agency; 4.) Hospital Site location; 5.) Statement of Intent to submit a proposal in response to RFP for CRTPs Bid No. DMH#121720B1

7.8 Preparation of the Proposal

Prospective Proposers can submit a proposal for one or more hospital site location(s). A separate proposal shall be submitted for each hospital site location. Prospective proposer(s) may not submit more than one proposal for each hospital site location.

7.8.1 In preparing the Proposal, the Proposer shall submit the following:

7.8.1.1 One Portable Document Format (PDF) copy of the complete Proposal named "RFP for CRTPs Bid No. DMH#121720B1- [Proposer's Name]" shall be emailed to SolicitationsTeam@dmh.lacounty.gov via a One Drive editable and downloadable link.

7.8.2 In preparing the written Proposal, the Proposer shall ensure the following:

7.8.2.1 Font- The font size must be 12 point, in an Arial or Univers typeface, utilizing black ink. No other font size, ink color, or smaller point size may be used in the Proposal.

7.8.2.2 Page Margins- Pages must be standard size (8 ½" x 11") sheets of paper and margins are at least one inch each (left, right, top, and bottom).

7.8.2.3 Page Numbering

- 1) The Proposal must be single-sided and double-spaced.
- 2) Pages must be numbered consecutively from beginning to end, so that information can be located easily during review of the proposal. Do not use suffixes (e.g., 5a, 5b). Do not include unnumbered pages.
- 3) Appendices and Exhibits shall be labeled in the Proposal, and the pages shall be numbered consecutively to continue the sequence.

7.8.2.4 Tables, charts, figures, graphs, diagrams, and footnotes, if on a separate page, shall be numbered to continue the sequence.

- 1) Type size in charts, tables, graphs, and footnotes will not be considered in determining compliance with font size.

7.8.2.5 The proposal narrative comprised of Sections A-F shall not exceed 15 pages.

7.8.2.6 In preparing the written Proposal, the proposer shall do so in its own words and not copy the language in the RFP. The objective of the proposal is to ascertain the Proposer's ability

to meet or exceed the required service level. In addition, specific information is requested from all Proposers to ensure the Proposal can be fairly compared and evaluated. All of the requested items in the Proposal must be addressed and submitted. If any item is not addressed or submitted, it will be considered missing information and will not receive points for the corresponding section(s).

7.8.2.7 Only information that is contained in the written Proposal will be evaluated. The County reserves the right to waive any irregularity (i.e. formatting) in a submitted Proposal that does not materially affect the content of the Proposal.

7.8.2.8 A proposer will ONLY RECEIVE POINTS when responses are labeled, numbered, and placed in the appropriate section in accordance with the format of the Proposal. Points will not be awarded for responses that are not numbered or labeled; placed in the incorrect section/subsections; and/or cannot be judged due to missing or incomplete information, including demonstrating no understanding of the service delivery requirement(s). Unless explicitly stated otherwise, each requested item in the sections and subsections of Paragraph 7.9.2 through 7.9.11 of this RFP must be addressed. Further, proposals will not receive points for providing response(s) that merely reference any other section of the proposal. For example, responses cannot state, "Please see response to Paragraph C.1.1, for items required in C.2.1."

7.8.2.9 Any information provided in pages beyond the Proposal page limit for any section will not be evaluated or scored. A Proposer demonstrating it meets or exceeds the service standards identified in the sections and sub-sections of this RFP will receive higher points than those who do not meet said standards. A Proposer can be awarded points if it is not able to meet a required service standard, albeit at a lower point total.

7.9 Proposal Format

The content and sequence of the proposal must be as follows:

7.9.1 Transmittal Letter

1. The transmittal letter must be on the Proposer's Letterhead, and it should identify the document as: **"PROPOSAL FOR RFP FOR CRTPs Bid No. DMH#121720B1"**.

2. The transmittal letter must include: (1) the Proposer's legal and Doing Business As: (DBA) name; (2) the headquarters' address; (3) a viable telephone number; (4) the email address of the person/persons to be used for contract; and (5) the name(s) of whomever will be authorized to represent the Proposer. The transmittal letter must be dated, and bear the signature of the person authorized to sign on behalf of the Proposer in order to bind the proposer in a contract.

7.9.2 Proposer's Organization Questionnaire/Affidavit and Required Support Documents for Corporations and Limited Liability Companies

The proposer shall complete, sign and date Exhibit 1, (Proposer's Organization Questionnaire/Affidavit and CBE Information), in Appendix D (Required Forms). The person signing the form must be authorized to sign on behalf of the proposer and thereby bind the proposer in a contract.

Taking into account the structure of the proposer's organization, proposer shall determine which of the below referenced supporting documents the County requires. If the proposer's organization does not fit into one of the enumerated categories, upon receipt of the proposal or at some later time, the County may, in its discretion, request additional documentation regarding the proposer's business organization and authority of individuals to sign contracts.

If the below referenced documents are not available at the time of proposal submission, proposers must request the appropriate documents from the California Secretary of State and provide a written statement regarding the status of the request.

Required Support Documents:

Corporations or Limited Liability Company (LLC):

The proposer must submit the following documentation with the proposal:

- 1) A copy of a "Certificate of Good Standing" with the state of incorporation/organization.
- 2) A conformed copy of the most recent "Statement of Information" as filed with the California Secretary of State listing corporate officers, or members and managers.

Limited Partnership:

The proposer must submit a conformed copy of the Certificate of Limited Partnership or Application for Registration of Foreign Limited Partnership as filed with the California Secretary of State, and any amendments thereto.

7.9.3 Table of Contents

The Table of Contents shall list all material included in the proposal. It shall include a clear definition of the material, identified by sequential page numbers, categorized by section with paragraph reference numbers.

7.9.4 Executive Summary (Section A - Limit 1 page, excluding attachments)

The Executive Summary shall condense and highlight the contents of the proposer's Proposal to provide DMH with a broad understanding of the proposer's approach, qualifications, experience, and staffing.

This section will not be scored but instead will be used as an introduction to the proposer's agency.

7.9.5 Proposer's Qualifications (Section B - No page limit)

The proposer's qualifications shall demonstrate that the proposer's organization has the experience and financial capability to perform the required services. The following sections must be included:

7.9.5.1 Proposer's Background and Experience (Section B.1)

Provide a summary of relevant background information to demonstrate that the proposer meets the minimum requirement(s) stated in Section 3 (Proposer's Minimum Qualifications) of this RFP and has the capability to perform the required services as a corporation or other entity. Any minimum requirements listed in Section 3 (Proposer's Minimum Qualifications) may also be listed in Paragraph 7.9.7 (Proposer's Qualification, Section B).

This section will be scored on a pass/fail basis. If proposer cannot fully substantiate that they meet the MMQs in Section 3 – Proposer's Mandatory Minimum

Requirements, the proposal will be immediately disqualified.

7.9.5.2 Proposer's Financial Capability (Section B.2)

Provide copies of the company's most current and immediately preceding two fiscal years' financial statements (for example: 2019 and 2018). Statements should include the company's assets, liabilities and net worth. At a minimum, the statements should include the Balance Sheet, Statement of Income, and the Statement of Cash Flows. It should be noted that depending on the nature of the entity, (i.e., for-profit, non-profit, governmental), the title of these statements may differ. For example, for a non-profit entity the Balance Sheet is referred to as the Statement of Financial Position. If audited statements are available, these should be submitted to meet this requirement. **Do not submit Income Tax Returns to meet this requirement.** Financial statements will be kept confidential if so stamped on each page.

Failure to submit complete financial statements may disqualify Proposer from further review.

Upon receipt of this information, DMH will conduct a review to determine agency's financial capability. If and when agency does not meet financial capability, a corrective action plan (CAP) may be requested by DMH to address this deficiency. DMH, at its sole discretion, may disqualify the proposal if proposer does not provide a CAP by the due date and time provided by DMH.

7.9.5.3 Proposer's Pending Litigation and Judgments (Section B.3)

Identify by name, case and court jurisdiction any pending litigation in which proposer is involved as a defendant or plaintiff, or judgments against proposer in the past five years. Proposer shall provide a statement describing the size and scope of any pending or threatened litigation against the proposer or principals of the proposer.

If Proposer does not have any pending litigation or judgements to report, please provide a statement indicating this. Do not leave this area blank.

DMH, at its sole discretion, may deduct up to 300 points from the proposer's final score depending on the number, size and scope of items reported in this section. This will be accomplished in consultation with legal counsel.

7.9.6 Proposer's Budget (Section C - Limit 10 Pages; excludes charts and supporting documentation)

Budget- Prospective Proposers shall provide an estimated budget for services only, for each of the three years the Contract is expected to be in effect. The estimated budget shall include a detailed narrative describing the methodology and/or justification for amounts.

The estimated budget shall in be for full occupancy (16 beds) and provide an all-inclusive rate, per Client, that includes the following items:

- 1) All CRTP services as described in Appendix A (Statement of Work);
- 2) Food – three balanced meals per day and two healthy snacks per day;
- 3) Linen services; and
- 4) Security.

Prospective Proposers **shall not** include any lease/rent expenses, utilities, or building maintenance amounts in the proposed budget. These items will be part of a County lease agreement for each site that is awarded.

The Proposer's budget shall be scored and will account for 60% (600 max points) of the final score. It will be compared against other submissions and ranked from lowest to highest. The lowest estimated budget amount shall receive the highest score, the second lowest will receive the second highest score, etc.

7.9.7 Proposer's Quality Control Plan (Section D - Limit 3 pages)

- 7.9.7.1 For the current CRTP that Proposer operates, provide a sample comprehensive Quality Control Plan utilized by the proposer as a self-monitoring tool to ensure the required services are provided as specified in Appendix A, SOW.

7.9.7.2 For the current CRTP that proposer operates, provide a description of all activities that are monitored to ensure compliance with contractual requirements. In your description, please include the following;

- a. Monitoring methods used;
- b. Frequency of monitoring;
- c. Samples of forms used in monitoring;
- d. Title/level and qualifications of personnel performing monitoring functions; and
- e. Documentation methods of all monitoring results, including any corrective action requested and response to any corrective action requested.

7.9.8 Proposer's Green Initiatives (Section E - Limit 1 Page)

Describe Proposer's current environmental and energy efficient policies and practices and those proposed to be implemented.

7.9.9 Acceptance of/or Exceptions to Terms and Conditions in the Sample Contract, and Requirements of the Statement of Work (SOW) (Section F – No page limit)

7.9.9.1 It is the duty of every proposer to thoroughly review the Sample Contract and Statement of Work to ensure compliance with all terms, conditions and requirements. It is the County's expectation that in submitting a proposal, proposers will accept, as stated, the County's terms and conditions in the Sample Contract and the County's requirements in the Statement of Work. However, proposers are provided the opportunity to take exceptions to the County's terms, conditions, and requirements.

Note: Interested proposers are expected to engage in good faith negotiations, and as such, are encouraged to select a reasonable number of agreement terms of substance and importance. Lengthy lists with proposed exceptions or requests for exceptions to non-negotiable terms (e.g., state-mandated provisions, federal compliance, etc.) will not be considered.

7.9.9.2 Section F of proposer's response must include:

1. A statement offering the proposer's acceptance of, or exceptions to, all terms and conditions listed in Appendix C (Sample Contract).
2. A statement offering the proposer's acceptance of or exceptions to all requirements listed in Appendix A (Statement of Work); and

For each exception, the proposer shall provide:

1. An explanation of the reason(s) for the exception;
2. The proposed alternative language; and
3. A description of the impact, if any, to the proposer's price.

7.9.9.3 Indicate all exceptions to the Sample Contract and/or the Statement of Work by providing a 'red-lined' version of the language in question. The County relies on this procedure and any proposer who fails to make timely exceptions as required herein, may be barred, at the County's sole discretion, from later making such exceptions.

1. The County reserves the right to determine if proposers' exceptions are material enough to deduct up to 300 points from final score OR deem the proposal non-responsive and not subject to further evaluation.
2. The County reserves the right to make changes to the Sample Contract and its appendices and exhibits at its sole discretion.

7.9.10 Proposal Required Forms (Section G)

Proposal shall include all completed, signed, and dated forms identified in Appendix D (Required Forms). LAC DMH, at its sole discretion, may deduct up to 300 points when/if forms are incomplete, illegible, or missing.

Exhibit 1 Proposer's Organization Questionnaire/Affidavit and CBE Information

Exhibit 2 Intentionally Omitted

Exhibit 3 Prospective Contractor List of Contractors

The listing must include all public entity contracts for the last three years. Public entities are any State or local government departments, agencies, or special districts. Use additional sheets if necessary.

- Exhibit 4 Prospective Contractor List of Terminated Contracts
Listing must include contracts terminated within the past three years with a reason for termination.
- Exhibit 5 Certification of No Conflict of Interest
- Exhibit 6 Familiarity with the County Lobbyist Ordinance Certification
- Exhibit 7 Request for Preference Program Consideration
- Exhibit 8 Proposer's EEO Certification
- Exhibit 9 Attestation of Willingness to Consider GAIN/GROW Participants
- Exhibit 10 Contractor Employee Jury Service Program Certification Form and Application for Exception
- Exhibit 11 Pricing Sheet(s)
- Exhibit 12 Certification of Independent Price Determination and Acknowledgement of RFP Restrictions
- Exhibits 13–18 Intentionally Omitted
- Exhibit 19 Charitable Contribution Certification
- Exhibit 20 Certification of Compliance with the County's Defaulted Property Tax Reduction Program
- Exhibit 21 Bidder's Acknowledgement of County's Commitment to Zero Tolerance Policy on Human Trafficking
- Exhibit 22 Intentionally Omitted
- Exhibit 23 Compliance with Fair Chance Employment Hiring Practices Certification

DMH, at its discretion, may deduct up to 300 points from proposer's final score if there are missing, illegible or incomplete forms.

7.10 Firm Offer-Withdrawal of Proposal

Until the proposal submission deadline, errors in proposals may be corrected by a request in writing to withdraw the proposal and by submission of another set of proposals with the mistakes corrected.

Corrections will not be accepted once the deadline for submission of proposals has passed.

7.11 Proposal Submission

7.11.1 One PDF copy of the complete Proposal named "RFP for CRTPs Bid No. DMH#121720B1- [Proposer's Name]" shall be emailed to SolicitationsTeam@dmh.lacounty.gov via a One Drive editable and downloadable link by a TBD date at 12:00 p.m.

7.11.2 The **responsibility** solely lies with each **Proposer to ensure the proposal** is received by the deadline for **submission**. Corrupted files and late or incomplete **submissions** will not be considered, DMH will disqualify the entire response and will not proceed to evaluation. NO EXCEPTIONS.

8.0 SELECTION PROCESS AND EVALUATION CRITERIA

8.1 Selection Process

8.1.1 The County reserves the sole right to judge the contents of the proposals submitted pursuant to this RFP and to review, evaluate, and select the successful proposal(s). The selection process will begin with receipt of proposals on (TBD).

Evaluation of the proposals will be made by an Evaluation Committee selected by the Department. The Committee will evaluate the proposals and will use the evaluation approach described herein to select a prospective contractor. All proposals will be evaluated based on the criteria listed below. All proposals will be scored and ranked in numerical sequence from high to low. The County may also, at its option, invite proposers being evaluated to make a verbal presentation or conduct site visits, if appropriate. The Evaluation Committee may utilize the services of appropriate experts to assist in this evaluation.

After a prospective contractor(s) has been selected, the County and the prospective contractor(s) will negotiate a contract for submission to the Board of Supervisors for its consideration and possible approval. If a satisfactory contract cannot be negotiated, the County may, at its sole discretion, begin contract negotiations with the next qualified proposer who submitted a proposal, as determined by the County.

The recommendation to award a contract will not bind the Board of Supervisors to award a contract to the prospective contractor.

The County retains the right to select a proposal other than the proposal receiving the highest number of points if County determines, in its sole discretion, another proposal is the most overall qualified, cost-effective, responsive, responsible and in the best interests of the County.

8.2 Adherence to Minimum Requirements (Pass-Fail)

8.2.1 County shall review Exhibit 1 (Proposer's Organization Questionnaire/Affidavit and CBE Information) in Appendix D (Required Forms) and determine if the proposer meets the minimum requirements as outlined in Section 3 (Proposer's Minimum Qualifications) of this RFP.

Failure of the proposer to comply with the minimum requirements may eliminate its proposal from any further consideration. The County may elect to waive any informality in a proposal if the sum and substance of the proposal is present.

8.3 Disqualification Review

8.3.1 A proposal may be disqualified from consideration because LAC DMH determined it was non-responsive at any time during the review/evaluation process. If LAC DMH determines that a proposal is disqualified due to non-responsiveness, the Department shall notify the proposer in writing.

Upon receipt of the written determination of non-responsiveness, the proposer may submit a written request for a Disqualification Review within the timeframe specified in the written determination.

A request for a Disqualification Review may, in the Department's sole discretion, be denied if the request does not satisfy all of the following criteria:

1. The request for a Disqualification Review must be submitted timely (i.e., by the date and time specified in the written determination); and
2. The request for a Disqualification Review must assert that the Department's determination of disqualification due to non-responsiveness was erroneous, (e.g. factual errors, etc.), and provides factual support on each ground asserted as well as copies of all documents and other material that support the assertions.

The Disqualification Review shall be completed and the determination shall be provided to the requesting proposer, in writing, prior to the conclusion of the evaluation process.

Proposer can also be disqualified for Paragraph 5.8 (Determination of Proposer Responsibility).

8.4 Proposal Evaluation and Criteria (100%)

RFP Subsection #	RFP Section		Type of Review	Maximum Points
7.9.4	Executive Summary Section A		Pass/Fail	-
7.9.5	Proposer's Qualifications Section B			
	7.9.5.1	Proposer's Background and Experience – B.1	Pass/Fail	-
	7.9.5.2	Proposer's Financial Capability – B.2	Pass/Fail	-
	7.9.5.3	Proposer's Pending Litigation and Judgements – B.3	Pass/Fail	Points may be deducted
7.9.6	Proposer's Budget –Section C		Score	600 points
7.9.7	Proposer's Quality Control Plan – Section D		Score	300 points
7.9.8	Proposer's Green Initiatives – Section E		Score	100 points
7.9.9	Terms and Conditions in Sample Contract and Statement of Work – Section F		Pass/Fail	Points may be deducted
7.9.10	Proposal Required Forms – Section G		Pass/Fail	Points may be deducted

8.5 Department's Proposed Contractor Selection Review

8.5.1 Departmental Debriefing Process

Upon completion of the evaluation, the Department shall notify the remaining proposers in writing that the Department is entering negotiations with another proposer. Upon receipt of the letter, any non-selected proposer may submit a written request for a Debriefing within the timeframe specified in the letter. A request for a Debriefing may, in the Department's sole discretion, be denied if the request is not received within the specified timeframe.

The purpose of the Debriefing is to compare the requesting proposer's response to the solicitation document with the evaluation document. The requesting proposer shall be debriefed only on its response. Because contract negotiations are not yet complete, responses from other proposers shall not be discussed, although the Department may inform the requesting proposer of its relative ranking.

During or following the Debriefing, the Department will instruct the requesting proposer of the manner and timeframe in which the requesting proposer must notify the Department of its intent to request a Proposed Contractor Selection Review (see Paragraph 8.5.2 Proposed Contractor Selection Review), if the requesting proposer is not satisfied with the results of the Debriefing.

8.5.2 Proposed Contractor Selection Review

Any proposer that has timely submitted a notice of its intent to request a Proposed Contractor Selection Review as described in Paragraph 8.5.2 (Proposed Contractor Selection Review) may submit a written request for a Proposed Contractor Selection Review, in the manner and timeframe as shall be specified by the Department.

A request for a Proposed Contractor Selection Review may, in the Department's sole discretion, be denied, if the request does not satisfy all of the following criteria:

1. The request for a Proposed Contractor Selection Review is submitted timely (i.e., by the date and time specified by the Department);

2. The person or entity requesting a Proposed Contractor Selection Review asserts in appropriate detail with factual reasons one or more of the following grounds for review:
 - a. The Department materially failed to follow procedures specified in its solicitation document. This includes:
 - i. Failure to correctly apply the standards for reviewing the proposal format requirements.
 - ii. Failure to correctly apply the standards, and/or follow the prescribed methods, for evaluating the proposals as specified in the solicitation document.
 - iii. Use of evaluation criteria that were different from the evaluation criteria disclosed in the solicitation document.
 - b. The Department made identifiable mathematical or other errors in evaluating proposals, resulting in the proposer receiving an incorrect score and not being selected as the recommended contractor.
 - c. A member of the Evaluation Committee demonstrated bias in the conduct of the evaluation.
 - d. Another basis for review as provided by state or federal law; and
3. The request for a Proposed Contractor Selection Review sets forth sufficient detail to demonstrate that, but for the Department's alleged failure, the proposer would have been the lowest cost, responsive and responsible bid or the highest-scored proposal, as the case may be.

Upon completing the Proposed Contractor Selection Review, the Department representative shall issue a written decision to the proposer within a reasonable time following receipt of the request for a Proposed Contractor Selection Review, and always before the date the contract award recommendation is to be heard by the Board. The written decision shall additionally instruct the proposer of the manner and timeframe for requesting a County Independent Review. (See Paragraph 8.6 (County Independent Review Process) below.

8.6 County Independent Review Process

- 8.6.1 Any proposer that is not satisfied with the results of the Proposed Contractor Selection Review may submit a written request for a County Independent Review in the manner and timeframe specified by the Department as contained within the Department's written decision regarding the Proposed Contractor Selection Review.

A request for County Independent Review may, in the County's sole discretion, be denied if the request does not satisfy all of the following criteria:

1. The request for a County Independent Review is submitted timely (i.e., by the date and time specified by the Department); and
2. The person or entity requesting review by a County Independent Review has limited the request to items raised in the Proposed Contractor Selection Review as listed in Paragraph 8.5.2 (Proposed Contractor Selection Review) above.

Upon completion of the County Independent Review, Internal Services Department will forward the report to DMH, which will provide a copy to the proposer.