



DEPARTMENT OF MENTAL HEALTH

REQUEST FOR SERVICES FOR CONSULTATION AND EVALUATION SERVICES OF THE UNITED MENTAL HEALTH PROMOTER PROJECT

BID NO. DMH05202024B1

**Prepared By
Contracts Development and Administration Division
County of Los Angeles**

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APPENDICES

- A Contract:** Identifies the terms and conditions in the contract.
- B Required Forms:** Forms that must be completed and included in the Response.
- C Solicitation Requirements Review (SRR) Request:** Transmittal form sent to Department requesting a Solicitation Requirements Review.
- D 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.

1.0 SOLICITATION INFORMATION AND MINIMUM MANDATORY REQUIREMENTS

RFS Release Date	05/20/2024
Request for Solicitation Requirements Review (SRR) Request Due	06/03/2024 at 9:00 a.m. (Pacific Time)
Written Questions Due	06/12/2024 at 9:00 a.m. (Pacific Time)
Questions and Answers Released via Addendum	06/19/2024 by 5:00 p.m. (Pacific Time)
Responses Due	07/01/2024 by 12 p.m. (Pacific Time)
Anticipated Contract Term	Commencing upon execution for three years with two one-year optional renewal periods
Minimum Mandatory Requirements	See Section 4.0 of this RFS document
RFS Contact	Yanira Yeh, ASM I via email: SolicitationsTeam@dmh.lacounty.gov

2.0 INTRODUCTION

- 2.1** The Los Angeles County (LAC or County), Department of Mental Health (DMH or Department) issues this Request for Services (RFS) to solicit responses for one contract with one organization that can provide consultant and evaluator services to support new, smaller, community-based organizations (CBO) contracted in support of the United Mental Health Promoters (UMHP) project. Consultant and evaluator services shall include work around community engagement; learning sessions for UMHP contractors including sessions built in to advance the Department's Anti-Racism, Diversity, and Inclusion (ARDI) initiatives; and the evaluation of the entirety of the UMHP project.
- 2.2** Titles, captions and headings contained in this solicitation are inserted as a matter of convenience and for reference and are not intended and must not be deemed or construed to define, limit, extend or otherwise describe the scope or any provision of this solicitation.

3.0 PURPOSE

3.1 Statement of Work (SOW)

Contractor will be expected to implement the requirements outlined in Exhibit A (SOW and Attachments) of Appendix A (Contract) of this RFS.

3.2 Contract: County Terms and Conditions

Contractor will be expected to implement the requirements outlined in Appendix A (Contract) of this RFS.

3.2.1 Anticipated Contract Term

The Contract term will be for a period of three years with two optional one-year extensions unless earlier terminated or extended as set forth in the Contract.

3.2.2 Contract Budget

The Contractor's annual budget will remain firm and fixed for the term of the contract unless otherwise agreed by the Parties and revised by written amendment to the Contract.

3.2.3 Days of Operation

Contractor will be required to provide consultation and evaluation services during regular business hours but may conduct services on evenings, weekends and holidays based on the service events that may be provided by the United Mental Health Promoters contractors.

3.2.4 Indemnification and Insurance

Contractor will be required to comply with the provisions contained in Paragraph 8.23 (Indemnification) of Appendix A (Contract). The Contractor must 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 A (Contract).

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

Contractor will 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 I (Business Associate Agreement under the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”)) of Appendix A (Sample Contract)

4.0 MINIMUM MANDATORY REQUIREMENTS

Interested and qualified Vendors that can demonstrate their ability and qualifications to successfully provide the required services outlined in Exhibit A (SOW and Attachments) of Appendix A (Contract) are invited to submit a Response(s), provided they meet the following minimum mandatory requirements at the time of Response submission:

- 4.1** As of the date of release of this RFS (05/20/2024), Vendor must have an executed Mental Health Services Act (MHSA) Master Agreement (MA) under the Evaluation of MHSA Funded Programs Services category.

Submission not required. LACDMH will verify.

- 4.2** As of the date of release of this RFS (05/20/2024), Vendor must have the following years' experience:

- 4.2.1** Five years of experience in selection and/or development of instruments to measure individual and community wide outcomes; and extensive knowledge and experience around development of monthly reports and briefs, quarterly cumulative reports, and annual reports, as well as evaluations of entirety of projects lasting at least four or more years, which were disseminated to agencies, stakeholders, and community members on progress towards benchmarks and which allow for utilization of data to reflect successful program implementation.

- 4.2.2** Three years' previous experience developing a project database and web-based application, or comparable system, to collect, track, and report on outcome measures data for geographically defined communities.

- 4.2.3 Three years' experience in developing, coordinating and implementing learning activities including learning sessions for large groups of 100+.
- 4.2.4 Two years' experience providing technical assistance, training and consultation to support developing skills, - including data literacy, data utilization, and data consumption, - to support understanding and use of data collected as part of this project.

Submit copies of contracts, informal agreements, project/program pamphlets, announcements, etc. that substantiate the years of experience.

- 4.4 Vendor must provide copies of the company's most current and prior two fiscal years' financial statements so that LACDMH can conduct a review of the Vendor's financial capability in accordance with LACDMH Policy 813.04.

A Vendor with annual operating revenues based on the following parameters shall submit either compiled, reviewed, or audited financial statements:

- **Compiled statements** - annual operating revenues averaging up to \$49,999.
- **Reviewed statements** - annual operating revenues averaging from \$50,000 to \$499,999.
- **Audited statements** - annual operating revenues averaging \$500,000 or more. The opinion of the CPA is to be included. If the opinion is qualified in any way, an explanation regarding the nature of the qualification is to be provided.

Statements must include the company's assets, liabilities, and net worth and, at a minimum, 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. **Do not submit Income Tax Returns to meet this requirement.** Financial statements will be kept confidential if so stamped on each page.

Depending on the results of this fiscal assessment, LACDMH may request additional, supporting information or may disqualify Applicant from further consideration.

- 4.5 If Vendor's compliance with a County contract has been reviewed by the Department of the Auditor-Controller within the last 10 years, Vendor 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 a period of 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.

Submission is not required. LACDMH will verify.

5.0 COUNTY'S RIGHTS AND RESPONSIBILITIES

5.1 Representations Made Prior to Contract Execution

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.

5.2 Final Contract Award by the Board of Supervisors

Notwithstanding a recommendation of a Department, agency, individual, or other, the Board retains the right to exercise its judgment concerning the selection of a Response and the terms of any resultant agreement, and to determine which Response 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.

5.3 County's Option to Reject Responses

Vendors are hereby advised that this RFS is a solicitation for Responses 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 Responses submitted in response to this RFS or may, in its sole discretion, reject all Responses and cancel this RFS in its entirety. The County will not be liable for any costs incurred by the Vendor in connection with the preparation and submission of any Response. The County reserves the right to waive inconsequential disparities in a submitted Response.

5.4 County's Right to Amend Request for Responses

The County has the right to amend the RFS 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 will be made available to each person or organization which County records indicate has received this RFS. Should such addendum require additional information not previously requested, failure to address the requirements of such addendum may result in the Response being found non-responsive and not being considered, as determined in the sole discretion of the County. The County is not responsible for and will not be bound by any representations otherwise made by any individual acting or purporting to act on its behalf.

5.5 Background and Security Investigations

Background and security investigations of Contractor's staff may be required at the discretion of the County as a condition of beginning and continuing work under any resulting contract. The cost of background checks is the responsibility of the Contractor.

6.0 NOTIFICATION TO VENDORS

6.1 Public Records Act

6.1.1 Responses to this solicitation will become the exclusive property of the County. Absent extraordinary circumstances, the recommended Vendor's Response will become a matter of public record when 1) contract negotiations are complete; 2) the Department receives a letter from the recommended Vendor's authorized officer that the negotiated contract is the firm offer of the recommended Vendor; and 3) the Department releases a copy of the recommended Vendor's Response in reply 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 Responses will become a matter of public record when contracts are executed.

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

6.1.2 Vendor acknowledges that the County is a public "local entity" subject to the California Public Records Act, Government Code section 7921.000 et seq. Any documents submitted by the Vendor and all information obtained in connection with the County's right to audit and inspect the Contractor's documents, books, and accounting records pursuant to Paragraph 8.38 (Record Retention and Inspection-Audit Settlement) of the Contract become the exclusive property of the County. All such documents become a matter of public record and shall be regarded as public records.

6.1.3 Upon receipt of a Public Records Act request, County will use reasonable efforts to notify Contractor prior to disclosing any sensitive Contractor information provided to County in connection with the Contract. Notwithstanding anything to the contrary contained in the Contract, nothing in the Contract is intended to supersede, modify or diminish in any respect whatsoever any of the County's rights, obligations, and defenses under the Public Records Act, nor will the

County be held liability for any disclosure of records, including information that the County determines in its sole discretion is a public records subject to disclosures under the Public Records Act.

6.1.4 The County will 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 Response as confidential will not be deemed sufficient notice of exception. The Vendors must specifically label only those provisions of their respective Response which are "Trade Secrets", "Confidential", or "Proprietary", in nature.

6.1.5 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 Response marked "Confidential", "Trade Secrets", or "Proprietary", Vendor 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.

6.2 Contact with County Personnel

All contact regarding this RFS or any matter relating thereto must be in writing, and e-mailed to:

Yanira Yeh, ASM I
SolicitationsTeam@dmh.lacounty.gov

If it is discovered that Vendor 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 Response from further consideration.

6.3 Mandatory Requirement to Register on County's WebVen

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/>

6.4 Protest Policy Review Process

6.4.1 Under Board Policy No. 5.055 (Services Contract Solicitation Protest) any prospective Vendor may request a review of the requirements under a solicitation for a Board-approved services contract, as described in

Paragraph 6.4.3 (Grounds for Review) below. Additionally, any actual Vendor 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 Vendor challenging the decision of a Department to demonstrate that the Department committed a sufficiently material error in the solicitation process to justify invalidation of a proposed contract award.

6.4.2 Throughout the review process, the County has no obligation to delay or otherwise postpone an award of contract based on a Vendor 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.

6.4.3 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:

6.4.3.1 Solicitation Requirements Review (referenced in Paragraph 10.1)

6.4.3.2 Disqualification Review (referenced in Paragraph 10.2)

6.4.3.3 Department's Proposed Contractor Selection Review (referenced in Paragraph 10.3)

6.4.3.4 County Independent Review (referenced in Paragraph 10.4)

6.5 Conflict of Interest

No County employee whose position in the County enables them to influence the selection of a Contractor for this RFS, or any competing VENDORR, nor any spouse or economic dependent of such employees, will be employed in any capacity by a Vendor or have any other direct or indirect financial interest in the selection of a Contractor. Vendor must certify that they are aware of and have read Section 2.180.010 of the Los Angeles County Code as stated in Exhibit 2 (Certification of Compliance) of Appendix B (Required Forms).

6.6 Determination of Vendor Responsibility

6.6.1 A responsible contractor is a contractor who has demonstrated the attribute of trustworthiness, as well as quality, fitness, capacity, and experience to satisfactorily perform the contract. It is the County's policy to conduct business only with responsible Vendors.

6.6.2 Vendors are hereby notified that, in accordance with Chapter 2.202 of the County Code, the County may determine whether the Vendor is

responsible based on a review of the Vendor's performance on any contracts, including but 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 Vendor against public entities. Labor law violations which are the fault of the subcontractors and of which the Vendor had no knowledge must not be the basis of a determination that the Vendor is not responsible.

6.6.3 The County may declare a Vendor to be non-responsible for purposes of this Contract if the Board, in its discretion, finds that the Vendor 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 Vendor'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.

6.6.4 If there is evidence that the apparent highest ranked Vendor may not be responsible, the Department will notify the Vendor in writing of the evidence relating to the Vendor's responsibility, and its intention to recommend to the Board that the Vendor be found not responsible. The Department will provide the Vendor and/or the Vendor's representative with an opportunity to present evidence as to why the Vendor should be found to be responsible and to rebut evidence which is the basis for the Department's recommendation.

6.6.5 If the Vendor presents evidence in rebuttal to the Department, the Department will 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 Vendor will reside with the Board.

6.6.6 These terms will also apply to proposed Subcontractors of Vendors on County contracts.

6.7 Vendor Debarment

6.7.1 The Vendor is hereby notified that, in accordance with Chapter 2.202 of the County Code, the County may debar the Vendor from bidding or proposing on, or 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, and the County may terminate any or all of the Vendor's existing contracts with County, if the Board finds, in

its discretion, that the Vendor 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 Vendor'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. These terms will also apply to proposed Subcontractors of Vendors on County contracts.

6.7.2 A listing of Contractors that are currently on the Debarment List for Los Angeles County may be obtained on the following website: <https://doingbusiness.lacounty.gov/listing-of-contractors-debarred-in-los-angeles-county/>.

6.8 Improper Considerations

6.8.1 Attempt to Secure Favorable Treatment

It is improper for any County officer, employee, or agent to solicit consideration, in any form, from a Vendor with the implication, suggestion or statement that the Vendor's provision of the consideration may secure more favorable treatment for the Vendor in the award of the contract or that the Vendor's failure to provide such consideration may negatively affect the County's consideration of the Vendor's submission. A Vendor must 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.

6.8.2 Notification to County

A Vendor must immediately report any attempt by a County officer, employee, or agent to solicit such improper consideration. The report must be made to the Los Angeles County Fraud Hotline at (800) 544 6861 or <https://fraud.lacounty.gov/>. Failure to report such a solicitation may result in the Vendor's submission being eliminated from consideration.

6.8.3 Form of Improper Consideration

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

6.9 County Lobbyist Ordinance

The County 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 Vendor to review the ordinance independently as the text of said ordinance is not contained within this RFS. 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, retained by the Vendor is in full compliance with Chapter 2.160 of the Los Angeles County Code and each such County Lobbyist is not on the Executive Office's List of Terminated Registered Lobbyists.

6.10 Consideration of GAIN/START Participants for Employment

6.10.1 As a threshold requirement for consideration for contract award, Vendors must demonstrate a proven record of hiring participants in the County's Department of Public Social Services Greater Avenues for Independence (GAIN) or Skills and Training to Achieve Readiness for Tomorrow (START) Programs or must attest to a willingness to consider GAIN/START participants for any future employment openings if they meet the minimum qualifications for that opening. Vendors must attest to a willingness to provide employed GAIN/START participants access to the Vendors' employee mentoring program, if available, to assist these individuals in obtaining permanent employment and/or promotional opportunities.

6.10.2 Vendors who are unable to meet this requirement will not be considered for contract award. Vendors must submit a completed Exhibit 2 (Certification of Compliance) of Appendix B (Required Forms), along with their Response.

6.11 Jury Service Program

6.11.1 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 review Paragraph 8.8 (Compliance with the County's Jury Service Program) of Appendix A (Contract), both of which are incorporated by reference into and made a part of this RFS. The Jury Service Program applies to both Contractors and their Subcontractors.

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

- 6.11.2** Contractor must certify compliance with County’s Contractor Employee Jury Service Ordinance in Exhibit 2 (Certification of Compliance) of Appendix B (Required Forms). 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 2 (Certification of Compliance) of Appendix B (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.

6.12 Pending Acquisitions/Mergers by Proposing Company

The Vendor must notify the County of any pending acquisitions/mergers of its company unless otherwise legally prohibited from doing so. If the Vendor 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 must be provided by the Vendor in Exhibit 1 (Organization Questionnaire/Affidavit) of Appendix B (Required Forms). Failure of the Vendor to provide this information may eliminate its Response from any further consideration. Vendor will have a continuing obligation to notify the County and update any changes to its response in Exhibit 1 (Organization Questionnaire/Affidavit) of Appendix B (Required Forms) during the solicitation.

6.13 Charitable Contributions Compliance

- 6.13.1** 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 D (Background and Resources: California Charities Regulation). These rules cover California public benefit corporations, unincorporated associations, and trustee entities and may include similar foreign corporations doing business or holding property in California. The Nonprofit Integrity Act contains substantive requirements affecting 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) also have specific audit requirements.

6.13.2 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 2 (Certification of Compliance) in Appendix B (Required Forms). A completed Exhibit 2 (Certification of Compliance) of Appendix B (Required Forms) is a required part of any agreement with the County.

6.13.3 Prospective County Contractors that do not complete Exhibit 2 (Certification of Compliance) of Appendix B (Required Forms) 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).

6.14 Defaulted Property Tax Reduction Program

6.14.1 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 reference 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 Property Tax Deduction Program) of Appendix A (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.

6.14.2 Vendors will be required to certify that they are in full compliance with the provisions of the Defaulted Tax Program and must maintain compliance during the term of any contract that may be awarded pursuant to this solicitation or must certify that they are exempt from the Defaulted Tax Program by completing Exhibit 2 (Certification of Compliance) in Appendix B (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).

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

6.15 County's Commitment to Zero Tolerance Policy on Human Trafficking

6.15.1 On October 4, 2016, the County 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.

6.15.2 Contractors are required to complete Exhibit 2 (Certification of Compliance) in Appendix B (Required Forms), certifying that they are in full compliance with the County's Zero Tolerance Policy on Human Trafficking provision as defined in Paragraph 8.54 (Compliance with County's Zero Tolerance Policy on Human Trafficking) of Appendix A (Contract). Further, Contractors are required to comply with the requirements under said provision for the term of any contract awarded pursuant to this solicitation.

6.16 Intentionally Omitted

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

6.17.1 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 must be Electronic Funds Transfer (EFT) or direct deposit, unless an alternative method of payment is deemed appropriate by the Auditor-Controller (A-C).

6.17.2 Upon contract award or at the request of the A-C and/or the contracting department, the Contractor must 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.

6.17.3 Any provision of law, grant, or funding agreement requiring a specific form or method of payment other than EFT or direct deposit will supersede this requirement with respect to those payments.

6.17.4 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 the contracting department(s), will decide whether to approve exemption requests.

6.18 Vendor's Acknowledgement of County's Commitment to Fair Chance Employment Hiring Practices

6.18.1 On May 29, 2018, the County 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.

6.18.2 Contractors are required to complete Exhibit 2 (Certification of Compliance) in Appendix B (Required Forms), certifying that they, and their subcontractors, are in full compliance with Section 12952, as indicated in the Contract. Further, Contractors are required to comply with the requirements under Section 12952 for the term of any contract awarded pursuant to this solicitation.

6.19 Prohibition from Participation in Future Solicitation(s)

A Proposer, Vendor, or a Contractor or its subsidiary or Subcontractor (“Proposer/Contractor”), is prohibited from submitting a bid or proposal in a County solicitation if the Proposer/Contractor has provided advice or consultation for the solicitation. A Proposer/Contractor is also prohibited from submitting a bid or proposal in a County solicitation if the Proposer/Contractor has developed or prepared any of the solicitation materials on behalf of the County. A violation of this provision will result in the disqualification of the Proposer/Contractor from participation in the County solicitation or the termination or cancellation of any resultant County contract. ([Los Angeles County Code, Chapter 2.202](#)).

6.20 Community Business Enterprise (CBE) Participation

The County has adopted a Community Business Enterprise (CBE) Program, which includes business enterprises certified as disadvantaged business enterprises disabled veteran-owned, minority-owned, women-owned, and lesbian, gay, bisexual, transgender, queer, and questioning-owned business types. The County has established a collective 25% participation goal for CBE certified firms, calculated on the eligible procurement dollars. The program maintains data on the types of businesses registered as CBEs and their utilization. The Vendor’s CBE participation must be reflected in Exhibit 5 (Community Based Enterprise (CBE) Information) form in Appendix B (Required Forms).

All Vendors must document efforts it has taken to assure that CBEs are utilized, when possible, to provide supplies, equipment, technical services, and other services under this Contract. The Vendor must make documents related to these efforts available to the County upon request.

The County strongly encourages participation by CBEs; however, the final selection will be made without regard to race, color, creed, or gender. The final selection will be based on the Vendor’s ability to provide the best service and value to the County.

To obtain a list of the County’s CBE certified firms, e-mail the request to the County of Los Angeles Department of Economic Opportunity at CBESBE@opportunity.lacounty.gov with the subject “**Request for CBE Listing.**”

For additional information contact the Office of Small Business at: (844) 432-4900 or at OSB@opportunity.lacounty.gov.

6.21 Contribution and Agent Declaration

[Government Code Section 84308](#) requires a party to a contract proceeding to disclose any contribution of more than \$250 made to a County officer within the preceding twelve (12) months by the party or their agent. State regulations require this disclosure to be made at the time an application is filed, and, if a contribution is made during the contract proceeding, within 30 days of making a contribution or on the date on which the party first appears before or communicates with the agency regarding the proceeding after making the contribution, whichever is earliest. All Proposers are advised that they and all of their Subcontractors must complete and return as part of the proposal, the Contribution and Agent Declaration included in Exhibit 7 (Contribution and Agent Declaration Form) of Appendix B (Required Forms). Proposers are further advised that they and their Subcontractors must update the Contribution and Agent Declaration Form throughout the pendency of the solicitation if a contribution is made after the initial disclosure when the proposal is submitted, and as requested at any time by the County prior to contract award. Failure by the Proposer or any Subcontractor(s) to complete and submit the required Contribution and Agent Declaration Form in Exhibit 7, and failure by the Proposer or any Subcontractor(s) to update the declaration as required by law or as otherwise requested by the County, may eliminate the proposal from further consideration and/or the Proposer may be disqualified from a contract award, as determined in the County's sole discretion. Further, all Proposers and their Subcontractors are prohibited under [Government Code Section 84308](#) from making a contribution of more than \$250 to a County officer for twelve (12) months after the date a final decision is made in the contract proceeding involving this solicitation.

6.22 Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions (45 C.F.R. Part 76)

6.22.1 Pursuant to federal law, the County is prohibited from contracting with parties that are suspended, debarred, ineligible, or excluded, or whose principals are suspended, debarred, or excluded from securing federally funded contracts. At the time of Vendor's response to this RFS, Vendor must submit a certification, as set forth in Exhibit 8 (Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions [45 C.F.R. Part 76]) in Appendix B (Required Forms), attesting that neither it, as an organization, nor any of its owners, officers, partners, directors, or other principals are currently suspended, debarred, ineligible, or excluded from securing federally funded contracts. Should a proposal response to this RFS

identify prospective Subcontractors, or should Vendor intend to use subcontractors in the provision of services under any subsequent contract, Vendor must submit a certification, completed by each Subcontractor, attesting that neither the Subcontractor, as an organization, nor any of its owners, officers, partners, directors, or other principals are currently suspended, debarred, ineligible, or excluded from securing federally funded contracts.

- 6.22.2** Failure to provide the required certification may eliminate Vendor's response to RFS from consideration.
- 6.22.3** In the event that Vendor and/or its Subcontractor(s) is or are unable to provide the required certification, Vendor instead will provide a written explanation concerning its and/or its Subcontractor's inability to provide the certification. Vendor's written explanation must describe the specific circumstances concerning the inability to certify. It further must identify any owner, officer, partner, director, or other principal of the Vendor and/or Subcontractor who is currently suspended, debarred, ineligible, or excluded from securing federally funded contracts. Finally, the written explanation must provide that person's or those persons' job description(s) and function(s) as they relate to the contract which is being solicited by this RFS.
- 6.22.4** The written explanation will be examined by the County to determine, in its full discretion, whether further consideration of the proposal response to this RFS is appropriate under the federal law.

7.0 COUNTY'S PREFERENCE PROGRAMS

7.1 Overview of County's Preference Programs

- 7.1.1** The County has three preference programs: the Local Small Business Enterprise (LSBE), Disabled Veteran Business Enterprise (DVBE), and Social Enterprise (SE). The Board encourages business participation in the County's contracting process by continually streamlining and simplifying our selection process and expanding opportunities for these businesses to compete for County opportunities.
- 7.1.2** 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 7.2, 7.3, and 7.4 of this solicitation. Additional information on the County's preference programs is also available on the Department of Consumer and Business Affairs (DCBA) website at: <http://dcba.lacounty.gov>.

7.4.2 The business must be certified by DCBA, prior to requesting the DVBE preference in a solicitation. To apply for certification as a DVBE, businesses should contact DCBA at <http://dcba.lacounty.gov>.

7.4.3 Businesses requesting the DVBE preference must complete and submit Exhibit 3 (Request for Preference Consideration) in Appendix B (Required Forms) and submit their DVBE certification approval letter from the DCBA with their Response.

7.5 Preference Program Enterprises (PPEs) - Prompt Payment Program

It is the intent of the County that Certified Preference Program Enterprises (PPEs) receive prompt payment for services they provide to County Departments. Prompt payment is defined as 15 calendar days after receipt of an approved, undisputed invoice which has been properly matched against documents such as a receiving, shipping, or services delivered report, or any other validation of receipt document consistent with Board Policy 3.035 ([Preference Program Payment Liaison and Prompt Payment Program](#)).

8.0 RESPONSE REQUIREMENTS AND EVALUATION

This Paragraph contains key project activities, provides Vendors with Response submission requirements and submittal instructions, and identifies evaluation criteria.

8.1 Truth and Accuracy of Representations

False, misleading, incomplete, or deceptively unresponsive statements in connection with a Response will be sufficient cause for rejection of the Response. The evaluation and determination in this area will be at the DMH Director's sole judgment and their judgment will be final.

8.2 Vendors' Questions

8.2.1 Vendors may submit written questions regarding this RFS by e-mail to: Attention: Yanira Yeh, ASM I at SolicitationsTeam@dmh.lacounty.gov. All questions must be received by the date and time specified in Paragraph 1.0 (Solicitation Information and Minimum Mandatory Requirements). All questions, without identifying the submitting company, will be compiled with the appropriate answers and issued as an addendum to the RFS.

8.2.2 When submitting questions, please specify the RFS, paragraph number, and page number and quote the language that prompted the question. This will ensure that the question can be quickly found in the RFS. County reserves the right to group similar questions when providing answers.

8.3 Intentionally Omitted

8.4 Preparation of the Response

One Response must be submitted via electronic mail (e-mail) to SolicitationsTeam@dmh.lacounty.gov by the date and time listed in Paragraph 1.0 (Solicitation Information and Minimum Mandatory Requirements). All Responses must be submitted in the prescribed format. Any Response that deviates from this format may be rejected as nonresponsive without review at the County's sole discretion.

8.5 Response Requirements and Evaluation Criteria (1000 points max - 100%)

All Responses must include all requested items in Paragraphs 8.5.1 through 8.5.4. The content and sequence of the Response must be as follows:

Response Format:

8.5.1 Table of Contents

List all material included in the Response. Include a clear definition of the material, identified by sequential page numbers and by paragraph reference numbers.

8.5.2 Executive Summary (Section A)

Provide a summary of your agency's background and history providing consultation and evaluation services. This will not be scored but will help introduce your entity to the County. This shall be no more than one page and must be labeled "**Executive Summary – Section A**".

8.5.3 Vendor's Qualifications (Section B)

Vendor will be evaluated on their experience and capacity as a corporation or other entity to perform the required services based on information provided in this paragraph.

8.5.3.1 Vendor's Background and Experience (Section B.1)

Provide requested documentation to demonstrate that the Vendor meets or exceeds the minimum requirement(s) stated in Paragraph 4.0 (Minimum Mandatory Requirements) of this RFS and has the capability to perform the required services as a corporation or other entity.

This will be scored on a pass/fail basis. If Vendor fails to meet all Minimum Mandatory Requirements, the proposal will be disqualified and will not proceed to evaluation.

8.5.3.2 Vendor's List of References (Section B.2)

(450 points max- 45%)

Vendor will be evaluated on the verification of references. Vendor must submit three signed letters of references from agencies where the same or similar scope of services was provided. The references must substantiate the Vendor's experience and quality of providing services. LACDMH must not be used as a reference. **Label as "Vendor's Letters of Reference - Section B.2."**

It is the Vendor's sole responsibility to ensure that information provided for each reference is accurate.

County may deduct points or disqualify a Vendor as non-responsive and/or non-responsible if:

- 1) references fail to substantiate Vendor's description of the services provided; or
- 2) references fail to support that Vendor has a continuing pattern of providing capable, productive and skilled personnel.

In addition to the references provided, a review will include the County's Contractor Alert Reporting Database (CARD), if applicable, reflecting past performance history on County or other contracts. This review may result in disqualification depending on the scope and status of items in CARD.

8.5.3.3 Vendor's Debarment History and List of Terminated Contracts

The County will conduct a review of Vendor's terminated contracts and debarment history. Vendor must include contracts terminated within the past three years with a reason for termination in Appendix B (Required Forms), Exhibit 4 (Debarment History and List of Terminated Contracts). Vendor's completed form Exhibit 4 (Debarment History and List of Terminated Contracts) must be provided in Section C (Business Response Required Forms and Corporate Documents) of Vendor's business Response.

This will be evaluated on a pass/fail basis.

8.5.3.4 Vendor's Pending Litigation and Judgments (Section B.4)

The County will conduct a review of Vendor's pending litigation and judgments. Vendor must identify by name, case and court jurisdiction any pending litigation in which Vendor is involved, or judgments against Vendor in the past five years (as of May 1, 2019). Additionally, Vendor must provide a

statement describing the size and scope of any pending or threatening litigation against the Vendor or principals of the Vendor.

Depending on the size and scope of items reported, LACDMH may deduct points from final score, request additional information, or disqualify the proposal in its entirety.

If Vendor does not have items to report, please provide a statement indicating this. Do not leave this section blank.

8.5.4 Response Required Forms and Corporate Documents (Section C)

8.5.4.1 Response must include all completed, signed, and dated forms identified in Appendix B (Required Forms).

- Exhibit 1 Organization Questionnaire/Affidavit
- Exhibit 2 Certification of Compliance
- Exhibit 3 Request for Preference Consideration
- Exhibit 4 Debarment History and List of Terminated Contracts
- Exhibit 5 Community Business Enterprise (CBE) Information
- Exhibit 6 Estimated Annual Budget
- Exhibit 7 Contribution and Agent Declaration
- Exhibit 8 Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions (45 C.F.R. Part 76) (federally funded solicitations)
- Exhibit 9 Declaration

8.5.4.2 Corporate Documents

1) Corporations or Limited Liability Company (LLC):

The Vendor must submit the following documentation with the Response:

- A copy of a “Certificate of Good Standing” with the state of incorporation/organization.
- 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.

2) Limited Partnership:

The Vendor 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.

8.6 Estimated Annual Budget (550 points max-55%)

8.6.1 Estimated Annual Budget

Please label as “Exhibit 6” (Estimated Annual Budget) of Appendix B (Required Forms)

Vendor shall provide an estimated annual line item budget that includes all services, staffing and related administrative fees per Exhibit A – SOW.

The maximum number of possible points will be awarded to the lowest cost Response. All other Responses will be compared to the lowest cost and points awarded accordingly.

However, should one or more of the Vendors request and be granted the preference, the cost component points will be determined as follows:

Fifteen percent (15%) of the lowest cost proposed will be calculated, not to exceed \$150,000, and that amount will be deducted from the cost submitted by all Vendors who requested and were granted the preference.

In no case will any preference be combined to exceed fifteen percent (15%) of the lowest responsible bid meeting specifications.

8.7 Firm Offer-Withdrawal of Response

Until the Response submission deadline, errors in Responses may be corrected by a request in writing to withdraw the Response and by submission of another set of Responses with the mistakes corrected. Corrections will not be accepted once the deadline for submission of Responses has passed.

8.8 Response Submission

Responses must be submitted as follows:

A Portable Document Format (PDF) copy or zip files, in an encrypted format, of the complete Response shall be emailed by the date and time specified in Paragraph 1.0 (Solicitation Information and Minimum Mandatory Requirements). The email subject line shall bear the name “Response to Consultation and Evaluation Services of UMHP Project RFS Bid No. DMH05202024B1 – [Vendor’s Name].”

The Response shall be emailed to SolicitationsTeam@dmh.lacounty.gov
Attn: Yanira Yeh.

8.8.1 Vendors must identify all confidential, proprietary and trade secret information, as part of its Response submission. Vendor must specifically identify only those parts of the Response that are actual trade secrets, confidential, or proprietary in nature. Blanket or categorical redactions and/or statements of confidentiality, or the marking of each page of the Response as "Trade Secret," "Confidential," or "Proprietary," are not acceptable, and will be rejected in the sole discretion of the County.

8.8.2 It is the sole responsibility of the submitting Vendor to ensure that its Response is received before the submission deadline. Submitting Vendors will bear all risks associated with delays in delivery by any person or entity. Any Responses received after the scheduled closing date and time for receipt of Responses, as listed in Paragraph 7.2 (RFS Timetable), will not be reviewed or scored. No facsimile (fax) or hard copies will be accepted.

9.0 SELECTION PROCESS OVERVIEW

9.1 Selection Process

The County reserves the sole right to judge the contents of the Responses submitted pursuant to this RFS and to review, evaluate and select the successful Response(s). The selection process will begin with receipt of the Response on the date outlined in Paragraph 1.0 (Solicitation Information and Minimum Mandatory Requirements).

Evaluation of the Responses will be made by LACDMH staff. LACDMH staff will evaluate the Responses and will use the evaluation approach described in this RFS to select a prospective Contractor.

9.2 Adherence to Minimum Mandatory Requirements (Pass-Fail)

County will review the Response to determine if the Vendor meets the minimum requirements as outlined in Section 3 (Vendor's Minimum Qualifications) of this RFS.

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

After a prospective contractor has been selected, the County and the prospective contractor will negotiate a contract. If a satisfactory contract cannot be negotiated, the County may, at its sole discretion, begin contract negotiations with the next qualified Vendor who submitted a Response, 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 Response other than the Response receiving the highest number of points if County determines, in its sole discretion, another Response is the most overall qualified, cost-effective, responsive, responsible and in the best interests of the County.

10.0 PROTEST PROCESS OVERVIEW

10.1 Solicitation Requirements Review

Any person or entity may seek a Solicitation Requirements Review by submitting Appendix C (Solicitation Requirements Review (SRR) Request) to the Department conducting the solicitation. A request for a SRR may be denied, in the Department's sole discretion, if the request does not satisfy all the following criteria:

- 10.1.1** The request is made within the time frame identified in the solicitation document (generally within 10 business days of the issuance of the solicitation document);
- 10.1.2** The request includes documentation (e.g., letterhead, business card, etc.), which identifies the underlying authority of the person or entity to submit a Response.
- 10.1.3** The request itemizes in appropriate detail, each matter contested and factual reasons for the requested review; and
- 10.1.4** The request asserts either that:
- 10.1.5** Response of the Minimum Mandatory Requirements, evaluation criteria and/or business requirements unfairly disadvantages the person or entity; or,
- 10.1.6** due to unclear instructions, the process may result in the County not receiving the best possible responses from prospective Vendors.

The SRR will be completed, and the Department's determination will be provided to the requesting person or entity, in writing, within a reasonable time prior to the Response due date.

10.2 Disqualification Review

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

Upon receipt of the written determination of non-responsiveness, the Vendor 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:

- 10.2.1** The request for a Disqualification Review is submitted timely (i.e., by the date and time specified in the written determination); and
- 10.2.2** The request for a Disqualification Review asserts 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 must be completed, and the determination will be provided to the requesting Vendor, in writing, prior to the conclusion of the evaluation process.

Vendor can also be disqualified for Paragraph 6.6 (Determination of Vendor Responsibility).

10.3 Department's Proposed Contractor Selection Review

10.3.1 Departmental Debriefing Process

Upon completion of the evaluation, the Department will notify the remaining Vendors in writing that the Department is entering negotiations with another Vendor. Upon receipt of the letter, any non-selected Vendor 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 Vendor's response to the solicitation document with the evaluation document. The requesting Vendor will be debriefed only on its response. Because contract negotiations are not yet complete, responses from other Vendors will not be discussed, although the Department may inform the requesting Vendor of its relative ranking.

During or following the Debriefing, the Department will instruct the requesting Vendor of the manner and timeframe in which the requesting Vendor must notify the Department of its intent to request a Proposed Contractor Selection Review (see Paragraph 10.3.2 Proposed Contractor Selection Review), if the requesting Vendor is not satisfied with the results of the Debriefing.

10.3.2 Proposed Contractor Selection Review

Any Vendor that has timely submitted a notice of its intent to request a Proposed Contractor Selection Review as described in this Paragraph may submit a written request for a Proposed Contractor Selection

Review, in the manner and timeframe as will 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:

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

10.3.2.2 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:

- 1)** The Department materially failed to follow procedures specified in its solicitation document. This includes:
 - Failure to correctly apply the standards for reviewing the Response format requirements.
 - Failure to correctly apply the standards, and/or follow the prescribed methods, for evaluating the Responses as specified in the solicitation document.
 - Use of evaluation criteria that were different from the evaluation criteria disclosed in the solicitation document.
- 2)** The Department made identifiable mathematical or other errors in evaluating Responses, resulting in the Vendor receiving an incorrect score and not being selected as the recommended Contractor.
- 3)** A member of the Evaluation Committee demonstrated bias in the conduct of the evaluation.
- 4)** Another basis for review as provided by state or federal law; and

10.3.2.3 The request for a Proposed Contractor Selection Review sets forth sufficient detail to demonstrate that, but for the Department's alleged failure, the Vendor would have been the lowest cost, responsive and responsible bid or the highest-scored Response, as the case may be.

Upon completing the Proposed Contractor Selection Review, the Department representative will issue a written decision to the Vendor within a reasonable time following receipt of the

request for a Proposed Contractor Selection Review, and always before the date of contract execution. The written decision will additionally instruct the Vendor of the manner and timeframe for requesting a County Independent Review (See Paragraph 10.4 (County Independent Review) below).

10.4 County Independent Review

Any Vendor 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 in 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:

- 10.4.1** The request for a County Independent Review is submitted timely (i.e., by the date and time specified by the Department); and
- 10.4.2** 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 10.3.2 (Proposed Contractor Selection Review) above.

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