



DEPARTMENT OF MENTAL HEALTH

MENTAL HEALTH SERVICES ACT MASTER AGREEMENT

WORK ORDER SOLICITATION FOR THIRD PARTY ADMINISTRATOR SERVICES BID NO. DMH03062025B1

March 06, 2025

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

TABLE OF CONTENTS

<u>PARAGRAPH</u>	<u>PAGE</u>
1.0 SOLICITATION INFORMATION AND MINIMUM MANDATORY REQUIREMENTS	1
2.0 GENERAL INFORMATION	2
2.1 Purpose.....	2
2.2 Overview of Work Order Solicitation Document	2
2.3 Terms and Definitions	2
2.4 Anticipated Work Order Term.....	2
2.5 Work Order Reimbursement	3
2.6 Days of Operation	3
2.7 Indemnification and Insurance	3
3.0 MINIMUM MANDATORY REQUIREMENTS.....	3
4.0 COUNTY’S RIGHTS AND RESPONSIBILITIES	4
4.1 County’s Right to Amend Work Order Solicitation.....	4
4.2 Final Contract or Work Order Award by the Board of Supervisors	4
4.3 County Option to Reject Bids	5
4.4 Background and Security Investigations	5
5.0 NOTIFICATION TO BIDDERS	5
5.1 Public Records Act.....	5
5.2 Contact with County Personnel	5
5.3 Mandatory Requirement to Register on County’s WebVen	6
5.4 Protest Process.....	6
5.5 Conflict of Interest	6
5.6 Determination of Bidder Responsibility	7
5.7 Bidder Debarment.....	8
5.8 Improper Considerations.....	8
5.9 County Lobbyist Ordinance	9
5.10 Consideration of GAIN/START Participants for Employment.....	9
5.11 Jury Service Program.....	9
5.12 Pending Acquisitions/Mergers by Bidding Company.....	10
5.13 Charitable Contributions Compliance.....	10
5.14 Defaulted Property Tax Reduction Program.....	11

TABLE OF CONTENTS

<u>PARAGRAPH</u>	<u>PAGE</u>
5.15 County's Commitment to Zero Tolerance Policy on Human Trafficking	11
5.16 Intentionally Omitted	12
5.17 Default Method of Payment: Direct Deposit or Electronic Funds Transfer (EFT)	12
5.18 Bidder's Acknowledgement of County's Commitment to Fair Chance Employment Hiring Practices	12
5.19 Contractor Alert Reporting Database	13
5.20 Prohibition from Participation in Future Solicitation(s)	13
5.21 Community Business Enterprise (CBE) Participation	13
5.22 Contribution and Agent Declaration	14
5.23 Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions (45 C.F.R. Part 76)	14
5.24 Contractor Protection of Electronic County Information	15
6.0 COUNTY'S PREFERENCE PROGRAMS	16
6.1 Overview of County's Preference Programs	16
6.2 Local Small Business Enterprise (LSBE) Preference Program	16
6.3 Social Enterprise (SE) Preference Program	17
6.4 Disabled Veteran Business Enterprise (DVBE) Preference Program	17
6.5 Preference Program Enterprises (PPEs) - Prompt Payment Program	17
7.0 WORK ORDER REQUIREMENTS	17
7.1 County Responsibility	18
7.2 Truth and Accuracy of Representations	18
7.3 Bidders' Questions	18
7.4 Intentionally Omitted	18
7.5 Preparation of the Bid	18
7.6 Bid Format and Review Process	18
7.7 Bid Submission	22
8.0 SELECTION PROCESS OVERVIEW	23
8.1 Review Process	23
8.2 Adherence to Minimum Mandatory Requirements	23
9.0 PROTEST PROCESS OVERVIEW	23
9.1 Solicitation Requirements Review	23

TABLE OF CONTENTS

<u>PARAGRAPH</u>	<u>PAGE</u>
9.2 Disqualification Review	24
9.3 Proposed Contractor Selection Review (PCSR)	24
9.4 County Independent Review (CIR).....	25

APPENDICES

- A Work Order:** Identifies the terms and conditions in the contract.
- B Required Forms:** Forms that must be completed and included in the bid.
- 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

Work Order Release Date	03/06/2025
Work Order Contact	Janet Betton, via email: SolicitationsTeam@dmh.lacounty.gov
Solicitation Requirements Review (SRR) Request Due	3/20/2025 by 12:00 p.m. Pacific Standard Time (PST)
Written Questions Due	4/02/2025 by 12:00 p.m. PST
Questions and Answers Released via Addendum	4/09/2025 by 5:00 p.m. PST
Bids Due	05/02/2025 by 12:00 p.m. PST
Anticipated Contract Term	Upon execution for one year
Minimum Mandatory Requirements (MMRs)	See Paragraph 3.0 (Minimum Mandatory Requirements)

2.0 GENERAL INFORMATION

2.1 Purpose

The County of Los Angeles (County or LAC) Department of Mental Health (DMH or Department) is releasing this Work Order Solicitation (WOS) to solicit bids from Mental Health Services Act (MHSA) contractors for one (1) Work Order with one (1) organization that can provide Third Party Administrator (TPA) services on behalf of LACDMH. The TPA Contractor will: 1) develop and release a solicitation to Community-Based Organizations (CBOs) selected by the LACDMH MHSA Community Stakeholders; 2) contract directly with 10 CBOs resulting from the solicitation; 3) administer day-to-day contracted services provided by CBOs; 4) evaluate and report on the CBOs' performance and services outcomes; and 5) perform as the fiscal intermediary and pay CBOs directly for contracted services. The TPA Contractor will be reimbursed monthly through manual invoicing.

2.2 Overview of Work Order Solicitation (WOS) Document

This WOS:

- 2.2.1 Specifies the Bidder's minimum requirements, provides information regarding some of the requirements of the Work Order (WO) and explains the solicitation process.
- 2.2.2 Contains instructions to Bidders on how to prepare and submit their bid.
- 2.2.3 Explains how the bids will be reviewed and selected.
- 2.2.4 The following Appendices are included in the WOS:
 - A Sample Work Order:** Lists the terms and conditions for this WO.
 - B Required Forms:** Forms contained in this section must be completed and included in the bid.
 - 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 Non-profit agencies with compliance with SB 1262 – the Nonprofit Integrity Act of 2004 and identify available resources.

2.3 Terms and Definitions

Throughout this WOS, references are made to certain persons, groups, or departments/agencies. For convenience, a description of specific definitions can be found in Exhibit A, Statement of Work (SOW).

2.4 Anticipated Work Order Term

The WO term is anticipated to be for one (1) year.

2.5 Work Order Reimbursement

The Contractor will be reimbursed and paid through monthly invoices per Exhibit B – Fiscal Provisions, of Appendix A – Sample MHSA Master Agreement (MA) WO. The Contractor’s annual WO amount will remain firm and fixed for the term of the WO unless otherwise amended by both Parties.

2.6 Days of Operation

The selected Contractor will be required to provide services Monday through Friday from 9 a.m. through 5 p.m. Pacific Standard Time (PST). The selected Contractor is not required to provide services on [County-recognized holidays](#).

2.7 Indemnification and Insurance

The selected Contractor will be required to comply with the indemnification provisions contained in the MHSA MA, Paragraph 8.23 (Indemnification). The Contractor must procure, maintain, and provide to the County proof of insurance coverage for all the types of insurance along with associated amounts specified in Exhibit C (Indemnification and Insurance Coverage for Third-Party Administrator) of Appendix A (Sample MHSA MA WO).

3.0 MINIMUM MANDATORY REQUIREMENTS

Interested and qualified Bidders that can demonstrate their ability to successfully provide the required services outlined in Exhibit A (SOW and Attachments) of Appendix A (Sample MHSA MA Work Order), are invited to submit bids, provided they meet the following minimum mandatory requirements at the time of bid submission.

- 3.1** Bidder must have an executed MHSA MA and must have selected the service category “Evaluation of MHSA Funded Programs” as of the date of release of this WOS (03/06/2025).

Submission not required. LACDMH will verify.

- 3.2** Bidder must have five (5) years of experience, within the last 10 years, working with and providing payment to agencies with annual budgets between \$1 to \$2 million dollars.

Please submit copies of contracts, service pamphlets, etc. that substantiate years of experience.

- 3.3** Bidder must have five (5) years of experience, within the last 10 years, evaluating programs and/or services that target underserved cultural communities with varied languages and populations with American with Disabilities Act needs (such as American Sign Language and Communication Access Real-time translation (CART) services) in Los Angeles and/or surrounding counties.

Please submit copies of contracts, service pamphlets, etc. that substantiate years of experience.

- 3.4** Bidder must provide copies of the company’s most current and prior two (2) fiscal years financial statements so that LACDMH can conduct a review of the Proposer’s financial capability per [LACDMH policy 813.04](#). Proposer with annual

operating revenues based on the following parameters **must 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 must be included. If the opinion is qualified in any way, an explanation regarding the nature of the qualification must be provided.

Do not submit Income Tax Returns to meet this requirement. Financial statements will be kept confidential if stamped on each page.

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

- 3.5** If Bidder's compliance with a County contract has been reviewed by the Department of the Auditor-Controller within the last 10 years, Bidder 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 not required. LACDMH will verify.

4.0 COUNTY'S RIGHTS AND RESPONSIBILITIES

4.1 County's Right to Amend Work Order Solicitation

The County has the right to amend the WOS 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 WOS. Should such addendum require additional information not previously requested, failure to address the requirements of such addendum may result in the bid 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.

4.2 Final Contract or Work Order 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 bid and the terms of any resultant agreement or work order, and to determine which bid 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 or work order.

4.3 County Option to Reject Bids

The County may, at its sole discretion, reject any or all bids submitted in response to this solicitation. The County will not be liable for any costs incurred by a Bidder in connection with the preparation and submission of any bid. The County reserves the right to waive inconsequential disparities in a submitted bid.

4.4 Background and Security Investigations

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

5.0 NOTIFICATION TO BIDDERS

5.1 Public Records Act

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

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

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

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

5.2 Contact with County Personnel

Any contact regarding this WOS or any matter relating thereto must be in writing and e-mailed to

Janet Betton, ASM II
SolicitationsTeam@dmh.lacounty.gov

If it is discovered that Bidder 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 bid from further consideration.

5.3 Mandatory Requirement to Register on County's WebVen

Prior to contract or work order award, all potential Contractors must register in the County's WebVen. The WebVen contains the Bidder'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 Process

5.4.1 Under Board Policy No. 5.055 ([Services Contract Solicitation Protest](#)), any prospective Bidder may request a review of the requirements under a solicitation for a Board-approved services contract, as described in Section 5.4.3 below. Additionally, any actual Bidder may request a review of a disqualification or of a proposed contract or work order award under such solicitation as described respectively in the Section below. It is the responsibility of the Bidder challenging the decision of a County department committed a sufficiently material error in the solicitation process to justify invalidation of a proposed Work Order award.

5.4.2 Throughout the review process, the County has no obligation to delay or otherwise postpone an award of contract or work order based on a Bidder 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 any Departmental determination or action should be limited to the following:

5.4.3.1 Review of Solicitation Requirements (Reference Paragraph 9.1)

5.4.3.2 Review of a Disqualified bid (Reference Paragraph 9.2)

5.4.3.3 Review of Department's Proposed Contractor Selection (Reference Paragraph 9.3)

5.4.3.4 County Independent Review (referenced in Paragraph 9.4)

5.5 Conflict of Interest

No County employee whose position in the County enables him/her to influence the selection of a Contractor for this WOS, or any competing WOS, nor any spouse of economic dependent of such employees, will be employed in any capacity by a Bidder or have any other direct or indirect financial interest in the selection of a Contractor. Bidder must certify that he/she is aware of and has read [Section](#)

[2.180.010 of the Los Angeles County Code](#) as stated in Exhibit 2 (Certification of Compliance) of Appendix B (Required Forms).

5.6 Determination of Bidder Responsibility

- 5.6.1** A responsible Bidder is a Bidder 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 Bidders.
- 5.6.2** Bidders are hereby notified that, in accordance with [Chapter 2.202 of the County Code](#), the County may determine whether the Bidder is responsible based on a review of the Bidder's performance on any contracts or work orders, including but not limited to County contracts or work orders. Particular attention will be given to violations of labor laws related to employee compensation and benefits, and evidence of false claims made by the Bidder against public entities. Labor law violations which are the fault of the subcontractors and of which the Bidder had no knowledge will not be the basis of a determination that the Bidder is not responsible.
- 5.6.3** The County may declare a Bidder to be non-responsible for purposes of this Work Order if the Board, in its discretion, finds that the Bidder has done any of the following: (1) violated a term of a contract or work order with the County or a nonprofit corporation created by the County; (2) committed an act or omission which negatively reflects on the Bidder's quality, fitness or capacity to perform a contract or work order 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.
- 5.6.4** If there is evidence that the apparent highest ranked Bidder may not be responsible, the Department will notify the Bidder in writing of the evidence relating to the Bidder's responsibility, and its intention to recommend to the Board that the Bidder be found not responsible. The Department will provide the Bidder and/or the Bidder's representative with an opportunity to present evidence as to why the Bidder should be found to be responsible and to rebut evidence which is the basis for the Department's recommendation.
- 5.6.5** If the Bidder 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. The final decision concerning the responsibility of the Bidder will reside with the Board.
- 5.6.6** These terms will also apply to proposed Subcontractors of Bidders on County contracts and work orders.

5.7 Bidder Debarment

5.7.1 The Bidder is hereby notified that, in accordance with [Chapter 2.202 of the County Code](#), the County may debar the Bidder from bidding or proposing on, or being awarded, and/or performing work on other County contracts or work orders for a specified period of time, which generally will not exceed five (5) years but may exceed five (5) years or be permanent if warranted by the circumstances, and the County may terminate any or all of the Bidder's existing contracts and work orders with County, if the Board finds, in its discretion, that the Bidder has done any of the following: (1) violated a term of a contract or work order with the County or a nonprofit corporation created by the County; (2) committed an act or omission which negatively reflects on the Bidder's quality, fitness or capacity to perform a contract or work order 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 Bidders on County contracts and work orders.

5.7.2 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/>.

5.8 Improper Considerations

5.8.1 Attempt to Secure Favorable Treatment

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

5.8.2 Notification to County

A Bidder 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 Bidder's submission being eliminated from consideration.

5.8.3 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.

5.9 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 Bidder to review the ordinance independently as the text of said ordinance is not contained within this WOS. 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 Bidder 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.

5.10 Consideration of GAIN/START Participants for Employment

5.10.1 As a threshold requirement for consideration for contract or work order award, Bidders 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 the participants meet the minimum qualifications for that opening. Bidders must attest to a willingness to provide employed GAIN/START participants access to the Bidder’s employee mentoring program, if available, to assist these individuals in obtaining permanent employment and/or promotional opportunities.

5.10.2 Bidders who are unable to meet this requirement will not be considered for contract or work order award. Bidders must complete and return Exhibit 2 (Certification of Compliance) of Appendix B (Required Forms), along with their bid.

5.11 Jury Service Program

5.11.1 The prospective work order 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 the Jury Service Ordinance and Paragraph 8.8 (Compliance with County’s Jury Service Program) of the MHSA MA, both of which are incorporated by reference into and made a part of this WOS. The Jury Service Program applies to both Contractors and their Subcontractors.

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

- 5.11.2** 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.

5.12 Pending Acquisitions/Mergers by Bidding Company

The Bidder must notify the County of any pending acquisitions/mergers of its company unless otherwise legally prohibited from doing so. If the Bidder 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 Bidder in Exhibit 1 (Organization Questionnaire/Affidavit) of Appendix B (Required Forms). Failure of the Bidder to provide this information may eliminate its bid from any further consideration. Bidder 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.

5.13 Charitable Contributions Compliance

- 5.13.1** 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 the Background and Resources: California Charities Regulation, Appendix D. 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 \$2 million of revenues (excluding funds that must be accounted for to a governmental entity) also have specific audit requirements.

- 5.13.2** All prospective Contractors must determine if they receive or raise charitable contributions which subject them to the Charitable Purposes Act and complete the Charitable Contributions Certification, 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.
- 5.13.3** 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 or work order 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](#)).

5.14 Defaulted Property Tax Reduction Program

- 5.14.1** The prospective work order 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 Paragraphs 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 the MHSA MA, 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.
- 5.14.2** Bidders 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 or work order 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 work order or initiation of debarment proceedings against the non-compliance contractor ([Los Angeles County Code, Chapter 2.202](#)).
- 5.14.3** Bids that fail to comply with the certification requirements of the Defaulted Tax Program will be considered non-responsive and excluded from further consideration.

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

- 5.15.1** 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 or work order awards or performing services under a County contract or work order.
- 5.15.2** 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 the MHSA MA. Further, contractors are required to comply with the requirements under said provision for the term of any contract or work order awarded pursuant to this solicitation.

5.16 Intentionally Omitted

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

5.17.1 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/work order with the County will be Electronic Funds Transfer (EFT) or direct deposit, unless an alternative method of payment is deemed appropriate by the Auditor-Controller (A-C).

5.17.2 Upon contract or work order 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.

5.17.3 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.

5.17.4 Upon contract or work order award or at any time during the duration of the agreement/ contract/work order, 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.

5.18 Bidder's Acknowledgement of County's Commitment to Fair Chance Employment Hiring Practices

5.18.1 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](#).

5.18.2 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 or Work Order. Further, Contractors are required to comply with the requirements under [Section 12952](#) for the term of any contract or work order awarded pursuant to this solicitation.

5.19 Contractor Alert Reporting Database

5.19.1 The County maintains the Contractor Alert Reporting Database (CARD), which is used to track/monitor poorly performing contractors. When a County department identifies a significant performance/non-compliance issue(s) with a contractor, the department will provide notice to the contractor and will give the contractor an opportunity to correct the issue(s). If the contractor does not take any appropriate steps to correct the issue(s), the County department will enter the contractor, along with any other relevant information pertaining to the contractor's performance issue(s), into CARD.

5.19.2 The information entered into CARD can be accessed by all County departments, and will be used, along with any other relevant information not included in CARD, in determining Bidder responsibility. If a department reviews this information and determines that a finding of non-responsibility should be pursued, the department will adhere to the guidelines specified in the [Los Angeles County Code Chapter 2.202](#), and the County's [Implementation Procedures for Determinations of Contractor Non-Responsibility and Contractor Debarment](#).

5.20 Prohibition from Participation in Future Solicitation(s)

A Bidder, or a Contractor or its subsidiary or Subcontractor ("Bidder/Contractor"), is prohibited from submitting a bid or proposal in a County solicitation if the Bidder/Contractor has provided advice or consultation for the solicitation. A Bidder/Contractor is also prohibited from submitting a bid or proposal in a County solicitation if the Bidder/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 Contractor/Bidder from participation in the County solicitation or the termination or cancellation of any resultant County contract or work order. ([Los Angeles County Code, Chapter 2.202](#)).

5.21 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 Bidder's CBE participation must be reflected in Exhibit 5 (Community Business Enterprise (CBE) Information) form in Appendix B (Required Forms).

All Bidders 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 Work Order. The Bidder 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 Bidder'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.

5.22 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 Bidders are advised that they and all of their Subcontractors must complete and return as part of the bid, the Contribution and Agent Declaration included in Exhibit 9 (Contribution and Agent Declaration Form) of Appendix B (Required Forms). Bidders 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 bid is submitted, and as requested at any time by the County prior to contract award. Failure by the Bidders or any Subcontractor(s) to complete and submit the required Contribution and Agent Declaration Form in Exhibit 9, and failure by the Bidder or any Subcontractor(s) to update the declaration as required by law or as otherwise requested by the County, may eliminate the bid from further consideration and/or the Bidder may be disqualified from a contract award, as determined in the County's sole discretion. Further, all Bidders 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.

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

5.23.1 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 Bidder's response to this IFB, Bidder must submit a certification, as set forth in Exhibit 10 (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 bid response to this WOS identify

prospective Subcontractors, or should Bidder intend to use Subcontractors in the provision of services under any subsequent contract or work order, Bidder 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.

5.23.2 Failure to provide the required certification may eliminate Bidder's response to WOS from consideration.

5.23.3 In the event that Bidder and/or its Subcontractor(s) is or are unable to provide the required certification, Bidder instead will provide a written explanation concerning its and/or its Subcontractor's inability to provide the certification. Bidder'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 Bidder 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 WOS.

5.23.4 The written explanation will be examined by the County to determine, in its full discretion, whether further consideration of the bid response to this WOS is appropriate under the federal law.

5.24 Contractor Protection of Electronic County Information

5.24.1 The Board has recognized that the County must ensure that appropriate safeguards are in place to protect public data and avoid the penalties and fines that may be imposed when unprotected confidential/sensitive information is disclosed inappropriately. County Policy 5.200 "Contractor Protection of Electronic County Information" provides specific details and can be accessed at the following link: https://library.municode.com/ca/la_county_-_bos/codes/board_policy?nodeId=CH5COPU_5.200COPRCOELSTIN. Contractor agrees that it will comply with County Policy 5.200, as it now exists or as it might be modified in the future, as it relates to information acquired in the course of providing services during the term of this Contract.

5.24.2 Contractor must sign Exhibit K (Attestation Regarding Information Security Requirements) of Appendix A (Sample MHSA MA WO) to attest compliance with Los Angeles County Board of Supervisors Policy No. 5.200 "Contractor Protection of Electronic County Information" and acknowledge that it is the responsibility of the Contractor to access the following link: <https://dmh.lacounty.gov/for-providers/administrative-tools/administrative-forms/contract-attachments/> for Information Security documents **annually and upon notification by DMH of updated Information Security documents. It is the contractor's**

responsibility to update and resubmit the documents at any time if changes occur outside of the parameters identified above. Contractor must also ensure that prior to access, its workforce members, including subcontractors, that create, receive, maintain, or transmit Personal Identifiable Information (PII) and Protected Health Information (PHI), acknowledge and sign the applicable Attachments to Exhibit K. Security and privacy requirements will apply to all County PII, PHI, and Medical Information electronically stored or transmitted by contractors and subcontractors, irrespective of storage and/or transmission methodology.

6.0 COUNTY'S PREFERENCE PROGRAMS

6.1 Overview of County's Preference Programs

- 6.1.1** 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.
- 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 paragraph 6.2, 6.3, and 6.4 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>.
- 6.1.3** In no case will 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.

6.2 Local Small Business Enterprise (LSBE) Preference Program

- 6.2.1** The County will apply the LSBE preference during the solicitation process to businesses that meet the definition of an LSBE for solicitations not subject to the federal restriction on geographical preferences, consistent with [Chapter 2.204 of the Los Angeles County Code](#).
- 6.2.2** The business must be certified by DCBA prior to requesting the LSBE preference in a solicitation. To apply for certification as an LSBE, businesses should contact DCBA at <http://dcba.lacounty.gov>.

- 6.2.3** Businesses requesting the LSBE preference must complete and submit Exhibit 3 (Request for Preference Consideration) in Appendix B (Required Forms) and submit their LSBE certification approval letter (“Certification for Non-Federally Funded Solicitations”) from the DCBA with their bid.

6.3 Social Enterprise (SE) Preference Program

- 6.3.1** The County will apply the SE preference during the solicitation process to businesses that meet the definition of a SE for solicitations not subject to the federal restriction on geographical preferences, consistent with [Chapter 2.205 of the Los Angeles County Code](#).
- 6.3.2** The business must be certified by DCBA, prior to requesting the SE preference in a solicitation. To apply for certification as an SE, businesses should contact DCBA at <http://dcba.lacounty.gov>.
- 6.3.3** Businesses must complete and submit Exhibit 3 (Request for Preference Consideration) in Appendix B (Required Forms) and submit their SE certification approval letter (“Certification for Non-Federally Funded Solicitations”) from the DCBA with their bid.

6.4 Disabled Veteran Business Enterprise (DVBE) Preference Program

- 6.4.1** The County will apply the DVBE 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](#).
- 6.4.2** 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>.
- 6.4.3** Businesses requesting the DVBE preference must complete and submit Exhibit 3 (Request for Preference Consideration) in Appendix B (Required Forms) and submit a letter of certification from the DCBA with their bid.

6.5 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](#)).

7.0 WORK ORDER REQUIREMENTS

This Section contains key project activities as well as instructions to Bidders in how to prepare and submit their bid.

7.1 County Responsibility

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

7.2 Truth and Accuracy of Representations

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

7.3 Bidders' Questions

7.3.1 Bidders may submit written questions regarding this WOS by e-mail to: 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 WOS.

7.3.2 When submitting questions, please specify the WOS, 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 WOS. County reserves the right to group similar questions when providing answers.

7.4 Intentionally Omitted

7.5 Preparation of the Bid

One bid 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 bids must be bound and submitted in the prescribed format. Any bid that deviates from this format may be rejected without review at the County's sole discretion.

7.6 Bid Format and Review Process

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

7.6.1 Table of Contents

The Table of Contents must be a comprehensive listing of material included in the bid. This section must include a clear definition of the material, identified by sequential page numbers and by section reference numbers.

7.6.2 Bidder's Estimated Annual Budget (Section A) (100% of final score)

Complete and submit Exhibit 8 (Estimated Budget Template) as provided in Appendix B (Required Forms).

Bids will be examined to determine the lowest price. Should one or more of the Bidders request and be granted the Local Small Business

Enterprise Preference, Social Enterprise Preference, or Disabled Veteran Business Enterprise Preference, the lowest bid price will be determined as follows:

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

However, should one or more of the Bidders 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 Bidders 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.

Bidder must anticipate that if awarded, the bid submitted will be the annual Work Order amount and may not change unless unforeseen circumstances occur, and these changes shall be made at LACDMH's discretion.

7.6.3 Bidder's Qualifications (Section B)

Demonstrate that the Bidder's organization has the experience to perform the required services. The following sections must be included:

7.6.3.1 Bidder's Background and Experience (Section B.1)

- A. Provide all required documents that demonstrate that the Bidder meets all the minimum requirements stated in Paragraph 3.0 (Minimum Mandatory Requirements) of this WOS.

This section will be scored on a pass/fail basis. If Bidder cannot fully substantiate that they meet the MMR in Section 3 (Minimum Mandatory Requirements), the bid will be immediately disqualified.

- B. The Bidder must complete, sign and date the Bidder's Exhibit 1 (Organization Questionnaire/Affidavit) as set forth in Appendix B (Required Forms). **The person signing the form must be authorized to sign on behalf of the Bidder and to bind the applicant in a Work Order.**
- C. Taking into account the structure of the Bidder's organization, Bidder must determine which of the below referenced supporting documents the County requires. If the Bidder's organization does not fit into one of these categories, upon receipt of the bid or at some later time, the County may, in its discretion,

request additional documentation regarding the Bidder's business organization and authority of individuals to sign WOs.

If the below referenced documents are not available at the time of bid submission, Bidders must request the appropriate documents from the California Secretary of State and provide a statement on the status of the request.

Required Support Documents:

Corporations or Limited Liability Company (LLC):

The Bidder must submit the following documentation with the bid:

- 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 Bidder 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.

- D. LACDMH will review the Contractor Alert Reporting Database (CARD), if applicable, reflecting past performance history on County contracts, and a review of terminated contracts.

7.6.3.2 Bidder's References (Section B.2)

Bidder will be evaluated on the verification of references. Bidder must submit three (3) signed letters of reference from agencies that have worked with the Bidder where the same or similar scope of services was provided. DMH must not be used as a reference.

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

County may disqualify a Bidder if:

- 7.6.3.2.1 references fail to substantiate Bidder's description of the services provided; or

7.6.3.2.2 references fail to support that Bidder has a continuing pattern of providing capable, productive and skilled personnel.

This section will be scored on a pass/fail basis.

7.6.3.3 Bidder's Debarment History and List of Terminated Contracts (Section B.3)

The County will conduct a review of Bidder's terminated contracts and debarment history. Bidder must include contracts terminated within the past three (3) years with a reason for termination in Appendix B (Required Forms), Exhibit 4 (Debarment History and List of Terminated Contracts). Bidder's completed form Exhibit 4 (Debarment History and List of Terminated Contracts) must be provided as part of their bid.

For Terminated Contracts, only include those that were terminated ahead of their expiration or sunset date and provide the reason. Do not include contracts that expired per their term.

This section will be scored on a pass/fail basis.

7.6.3.4 Bidder's Pending Litigation and Judgments (Section B.4)

The County will conduct a review of Bidder's pending litigation and judgements. Bidder must identify by 1) name, 2) case and 3) court jurisdiction any pending litigation in which Bidder is involved, or judgments against Bidder in the past five (5) years.

Additionally, Bidder must provide a statement describing the size and scope of any pending or threatening litigation against the Bidder or principals of the Bidder. Do not include current claims, only those items that have moved to litigation.

A review to determine the magnitude of any pending litigation or judgments against the Bidder will be conducted by County.

Only include all those items that have progressed to litigation. Do not include pending claims. Please include all pending litigation. Do not exclude items because, in your opinion, they do not affect services.

This section will be scored on a pass/fail basis. If Bidder does not have items to report, please indicate this. Do not leave this section blank as bid will be considered incomplete.

Upon receipt of this information, LACDMH will conduct a review of the items reported. Depending on the scope and size of items reported, LACDMH may disqualify the bid in its entirety.

7.6.4 Required Forms (Section C)

Include the following forms as provided in Appendix B (Required Forms). Complete, sign and date the 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 (Excel Worksheet)
- Exhibit 6 Minimum Mandatory Requirements
- Exhibit 7 Intentionally Omitted
- Exhibit 8 Estimated Budget Templates (Excel Worksheet)
- Exhibit 9 Contribution and Agent Declaration Form
- Exhibit 10 Certification Regarding Debarment Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions (45 C.F.R. Part 76)
- Exhibit 11 Declaration

7.7 Bid Submission

Bid must be submitted as follows:

- 7.7.1** A Portable Document Format (PDF) copy or zip files, in an encrypted format, of the complete proposal must be submitted by the date and time listed in Paragraph 1.0 (Solicitation Information and Minimum Mandatory Requirements), via electronic mail (e-mail) as follows:

To: Janet Betton, ASM II
SolicitationsTeam@dmh.lacounty.gov

Subject: Bid for MHSA MA WOS for
Third Party Administrator Services
Bid No. DMH03062025B1 – [Vendor Name]

- 7.7.2** No hard copies delivered in person or facsimile (faxed) responses will be accepted. Please note, each email attachment file size may be limited. Multiple emails will be accepted. All bid documentation must be attached, not linked.

- 7.7.3** Bidders must clearly identify all items that are confidential, proprietary and trade secret information, as part of its bid submission. Blanket or categorical redactions and/or statements of confidentiality, or the marking of each page of the bid as "Trade Secret," "Confidential," or "Proprietary," are not acceptable, and will be rejected in the sole discretion of the County.

- 7.7.4** It is the sole responsibility of the submitting Bidder to ensure that its bid is received before the submission deadline. Submitting bidders will bear all risks associated with delays in delivery. Any bids received after the scheduled closing date and time for receipt of bids, as listed in Paragraph 1.0 (Solicitation Information and Mandatory Requirements), will not be accepted.

8.0 SELECTION PROCESS OVERVIEW

8.1 Review Process

The lowest price bid will be reviewed to determine whether it is responsive and responsible.

8.2 Adherence to Minimum Mandatory Requirements

County will review all items submitted in response to Paragraph 3.0 (Minimum Mandatory Requirements) to determine if the Bidder meets the Minimum Mandatory Requirements of this WOS.

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

9.0 PROTEST PROCESS OVERVIEW

9.1 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:

- 9.1.1** The request is made within the time frame identified in the solicitation document;
- 9.1.2** The request includes documentation (e.g., letterhead, business card, etc.), which identifies the underlying authority of the person or entity to submit a bid;
- 9.1.3** The request Review itemizes in appropriate detail, each matter contested and factual reasons for the requested review; and
- 9.1.4** The request asserts either that:
 - 9.1.4.1** application of the Minimum Mandatory Requirements, and/or evaluation criteria unfairly disadvantages the person or entity; or,
 - 9.1.4.2** due to unclear instructions, the process may result in the County not receiving the best possible responses from prospective Bidder.

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 bid due date.

9.2 Disqualification Review

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

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

- 9.2.1** The request for a Disqualification Review is submitted timely (i.e., by the date and time specified in the written determination); and
- 9.2.2** 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 Bidder, in writing, prior to the conclusion of the evaluation process.

9.3 Proposed Contractor Selection Review (PCSR)

Any Bidder that has timely submitted a notice of its intent to request a Proposed Contractor Selection Review (PCSR) as described in this Paragraph may submit a written request for a PCSR, in the manner and timeframe as will be specified by the department.

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

- 9.3.1** The request for a PCSR is submitted timely (i.e., by the date and time specified by the department);
- 9.3.2** The person or entity requesting a PCSR asserts in appropriate detail with factual reasons one or more of the following grounds for review:
 - 9.3.2.1** The Department materially failed to follow procedures specified in its solicitation document. This includes:
 - 1)** Failure to correctly apply the standards for reviewing the bid format requirements.
 - 2)** Failure to correctly apply the standards, and/or follow the prescribed methods, for evaluating the bids as specified in the solicitation document.

- 3) Use of evaluation criteria that were different from the evaluation criteria disclosed in the solicitation document.

9.3.2.2 The Department made identifiable mathematical or other errors in evaluating bids, resulting in the Bidder receiving an incorrect score and not being selected as the recommended contractor.

9.3.2.3 Another basis for review as provided by state or federal law; and

9.3.2.4 The request for a PCSR sets forth sufficient detail to demonstrate that, but for the department's alleged failure, the Bidder would have been the lowest cost, responsive and responsible bid or the highest-scored bid, as the case may be.

Upon completing the PCSR, the department representative will issue a written decision to the Bidder within a reasonable time following receipt of the request for a PCSR, and always before the date the contract award recommendation is to be heard by the Board. The written decision will additionally instruct the Bidder of the manner and timeframe for requesting a County Independent Review see Paragraph 9.4 below.

9.4 County Independent Review (CIR)

Any Bidder that is not satisfied with the results of the PCSR may submit a written request for a County Independent Review (CIR) in the manner and timeframe specified by the Department in the Department's written decision regarding the PCSR.

The request for a CIR may, in the County's sole discretion, be denied if the request does not satisfy all of the following criteria:

9.4.1 The request for a CIR is submitted timely (i.e., by the date and time specified by the Department); and

9.4.2 The person or entity requesting the CIR has limited the request to items raised in the PCSR as listed in Paragraph 9.3 (Proposed Contractor Selection Review) above.

Upon completion of the CIR, Internal Services Department will forward the report to the Department, which will provide a copy to the Bidder.