



**DEPARTMENT OF MENTAL HEALTH**

**REQUEST FOR APPLICATIONS**

**FOR**

**UNITED MENTAL HEALTH PROMOTERS SERVICES**

Prepared By  
County of Los Angeles

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- A. **Sample UMHP Contract:** Identifies the terms and conditions in the contract.
- B. **RFA Required Forms:** Forms that must be completed and included in the application.
- C. **Transmittal Form to Request a Solicitation Requirements Review:** Transmittal 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. SOLICITATION INFORMATION AND MINIMUM REQUIREMENTS

<b>RFA Release Date</b>	07/24/2023
<b>Request for a Solicitation Requirements Review Due</b>	08/07/2023 at 9:00am (Pacific Time)
<b>Written Questions Due</b>	08/11/2023 at 9:00am (Pacific Time)
<b>Questions and Answers Released via Addendum</b>	08/21/2023
<b>Applications Due</b>	Open and continuous commencing on 07/24/2023
<b>Anticipated Contract Term</b>	Commencing upon execution through 6/30/2026
<b>Minimum Requirements</b>	See Section 4 of this RFA document
<b>RFA Contact</b>	Yanira Yeh, ASM I via email: <a href="mailto:SolicitationsTeam@dmh.lacounty.gov">SolicitationsTeam@dmh.lacounty.gov</a>

## 2. INTRODUCTION

The County of Los Angeles (LAC or County), Department of Mental Health (DMH or Department) issues this Request for Applications (RFA) solicitation for the expansion of United Mental Health Promoters (UMHP) throughout LAC. LACDMH intends to expand the UMHP by contracting for eight UMHP teams in each LAC Supervisorial District for a total of 40 teams.

### 2.1 United Mental Health Promoters

The UMHP project is a community outreach and empowerment effort that will serve LAC communities by providing various mental health prevention services. Prevention services serve to both strengthen our communities and create career paths for those community members functioning under the umbrella of Mental Health Promoters (e.g., Promotores de Salud, Community Health Workers, Peer Advocates, Parent Partners, Community Ambassadors, etc.).

### 2.2 Chief Executive Office Equity Explorer

During the term of awarded contracts, LACDMH and selected Contractors will use the LAC Chief Executive Office (CEO) [Equity Explorer](#) to track and serve those

areas and populations identified by this explorer, to be of highest need. LACDMH will work with selected Contractors to pivot resources, when necessary, to address shifting demands in communities most in need of support in recovering from the impact of COVID-19. This strategy will support selected Contractors to achieve appropriate ratios of highest need, high need, and moderate need areas.

### **2.3 Contracting with Small Businesses**

The LAC Board of Supervisors (BOS) has identified several priorities that include equitable contracting processes that bring in small businesses to contract with LAC.

In an effort to support these BOS priorities, interested and qualified small and community-based organizations (CBOs) that fall under any of the following business structures and meet all the Minimum Mandatory Qualifications (MMQs) in Section 4 of this RFA are invited to apply:

- 1) Entities that are local to LAC;
- 2) Owned by disabled veterans;
- 3) Providers of economic, social and/or environmental sustainability services;
- 4) Women-owned business;
- 5) Minority-owned business;
- 6) Disadvantaged business; and
- 7) LGBTQ-owned business.

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. PURPOSE-AGREEMENT FOR UMHP SERVICES**

### **3.1 Statement of Work (SOW)**

Selected Contractors will be expected to implement the requirements outlined in Exhibit A (SOW and Attachments) of Appendix A (Sample Contract) of this RFA.

### **3.2 Sample UMHP Contract: County Terms and Conditions**

Selected Contractors will be expected to implement the requirements outlined in Appendix A (Sample UMHP Contract) of this RFA.

#### **3.2.1 Anticipated Contract Term**

The contract term is anticipated to be for a period of three years. The contract is anticipated to commence upon execution through 6/30/2026.

### **3.2.2 Contract Rates**

The selected Contractors' rates will remain firm and fixed for the term of the Contract unless otherwise agreed by the Parties by written amendment to the Contract.

### **3.2.3 Cost of Living Adjustments (COLA's)**

An annual Cost of Living Adjustment (COLA) may be provided, at the sole discretion of the County, based on the most recent LAC Chief Executive Office (CEO) direction letter regarding COLAs for contractors. Before any COLA increase will take effect and become part of the contract, it will require a written amendment to the contract first, that has been formally approved and executed by the Parties.

### **3.2.4 Days of Operation**

Selected Contractors will be required to list the time frames by day of the week, morning, afternoon and evening tasks that will be performed and/or events that will take place upon LACDMH'S request. Contractor is not required to provide services on County recognized holidays. The County's staff listed in Exhibit D (County's Administration) of Appendix A (Sample UMHP Contract) will provide a list of the County holidays to Contractor at the time the Contract is approved, and annually, at the beginning of the calendar year.

### **3.2.5 Indemnification and Insurance**

The selected Contractors are required to comply with the provisions contained in Paragraph 8.23 (Indemnification) of Appendix A (Sample UMHP Contract). The selected Contractors 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 (Sample UMHP Contract).

### **3.2.6 Inadvertent Access of Protected Health Information**

The selected Contractors agree to comply with Exhibit I (Health Insurance Portability and Accountability Act of 1996 ("HIPPA") – Inadvertent Access) of Appendix A (Sample UMHP Contract).

## **4. APPLICANT'S MINIMUM QUALIFICATIONS**

Interested and qualified Applicants that can demonstrate their ability and qualifications to successfully provide the required services outlined in Exhibit A (SOW and Attachments)

of Appendix A (Sample UMHP Contract) are invited to submit a(n) application(s), provided they meet all the following mandatory requirements:

- 4.1** Applicant must have an executed Mental Health Services Act (MHSA) Master Agreement (MA) under the Prevention Services categories as of the date of application submission.

*Submission not required. LACDMH will verify.*

- 4.2** As of the date of release of this RFA (08/07/2023), Applicant must have two years', within the last five years, experience providing services (in any capacity) to either of the following LAC populations:

- a. Ages birth to five;
- b. LAC Department of Children and Family Services (DCFS) and/or juvenile justice involved;
- c. Older Adults (65+);
- d. Unhoused population;
- e. Transition Aged Youth (TAY);
- f. Commercial Sexual Exploitation of Children and Youth (CSECY);
- g. Lesbian, Gay, Bisexual, Transgender, Queer and/or Questioning, Plus (LGBTQ+); and
- h. Early onset of first-psychotic episode and/or psychiatric hospitalization.

*Submit copies of contracts, informal agreements, program pamphlets, announcements, etc. that substantiate the years of experience, the services provided in LAC, and the populations served.*

- 4.3** Applicant must have a physical provider site in Supervisorial Districts 1-4 and Service Area where Applicant will provide services if awarded. This shall correspond to site identified in the Application Form – see paragraph 8.6.5 of this RFA.

*Submit copies of lease, rent, ownership, etc. that confirms address and use of this site by Applicant.*

- 4.4** Applicant 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 Applicant's financial capability. 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. **If audited statements are available, these should be submitted to meet this requirement. Do not submit Income Tax Returns to meet this requirement.** Financial statements will be kept confidential if so stamped on each page.



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

- 4.5** If Applicant's compliance with a County contract has been reviewed by the Department of the Auditor-Controller within the last 10 years, Applicant must not have unresolved questioned costs identified by the Auditor-Controller, in an amount over \$100,000.00, that are confirmed to be disallowed costs by the contracting County department, and remain unpaid for six months or more from the date of disallowance, unless such disallowed costs are the subject of current good faith negotiations to resolve the disallowed costs, in the opinion of the County.

*Submission is not required. LACDMH will verify.*

## **5. 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 of Supervisors (Board) retains the right to exercise its judgment concerning the selection of an application and the terms of any resultant agreement, and to determine which application 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 Applications**

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

### **5.4 County's Right to Amend Request for Applications**

The County has the right to amend the RFA 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 RFA. Should such addendum require additional information not previously requested,

failure to address the requirements of such addendum may result in the proposal being found non-responsive and not being considered, as determined in the sole discretion of the County. The County is not responsible for and 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. NOTIFICATION TO APPLICANTS**

## **6.1 Notice to Applicants Concerning the Public Records Act**

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

Notwithstanding the above, absent extraordinary circumstances, all applications will become a matter of public record when contracts are executed.

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

**6.1.2** Applicant 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 Applicant 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 (Reports, Audits and Record Retention) of the Contract becomes the exclusive property of the County. All such documents become a matter of public record and shall be regarded as public records.

Upon receipt of a Public Records Act request, County will use reasonable efforts to notify Applicants prior to disclosing any sensitive information provided to County in connection with this RFA. To the

extent reasonably practicable, County will give Applicants the opportunity to identify exemptions from disclosure for any documents included in records responsive to a Public Records Act request. Notwithstanding anything to the contrary contained in this RFA, nothing in this RFA 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.

- 6.1.3** In the event the County is required to defend an action on a Public Records Act request for any of the aforementioned documents, information, books, records, and/or contents of an application marked "Confidential", "Trade Secrets", or "Proprietary", Applicant 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 RFA or any matter relating thereto must be in writing, and emailed to:

**Yanira Yeh, ASM I**

[SolicitationsTeam@dmh.lacounty.gov](mailto:SolicitationsTeam@dmh.lacounty.gov)

If it is discovered that Applicant 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 application 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 Applicant 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 Applicant 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 Applicant challenging the decision of a County Department to demonstrate that the Department committed a sufficiently material error in the solicitation process to justify invalidation of a proposed contract award.

- 6.4.2** Throughout the review process, the County has no obligation to delay or otherwise postpone an award of contract based on an Applicant 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)

**6.5 Conflict of Interest**

No County employee whose position in the County enables them to influence the selection of a contractor for this RFA, or any competing RFA, nor any spouse or economic dependent of such employees, will be employed in any capacity by an Applicant or have any other direct or indirect financial interest in the selection of a contractor. Applicant 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 Applicant Responsibility**

- 6.6.1** A responsible Applicant is an Applicant 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 Applicants.
- 6.6.2** Applicants are hereby notified that, in accordance with [Chapter 2.202 of the County Code](#), the County may determine whether the Applicant is responsible based on a review of the Applicant'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 Applicant against public entities. Labor law violations which are the

fault of the subcontractors and of which the Applicant had no knowledge must not be the basis of a determination that the Applicant is not responsible.

- 6.6.3** The County may declare an Applicant to be non-responsible for purposes of this contract if the Board of Supervisors, in its discretion, finds that the Applicant 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 Applicant'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 Applicant may not be responsible, the Department will notify the Applicant in writing of the evidence relating to the Applicant's responsibility, and its intention to recommend to the Board of Supervisors that the Applicant be found not responsible. The Department will provide the Applicant and/or the Applicant's representative with an opportunity to present evidence as to why the Applicant should be found to be responsible and to rebut evidence which is the basis for the Department's recommendation.
- 6.6.5** If the Applicant 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 Applicant will reside with the Board of Supervisors.
- 6.6.6** These terms will also apply to proposed subcontractors of Applicants on County contracts.

## **6.7 Applicant Debarment**

- 6.7.1** The Applicant is hereby notified that, in accordance with [Chapter 2.202 of the County Code](#), the County may debar the Applicant 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 Applicant's existing contracts with County, if the Board of Supervisors finds, in its discretion, that the Applicant 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 Applicant'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 Applicants on County contract.

- 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 Gratuities**

### **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 an Applicant with the implication, suggestion or statement that the Applicant's provision of the consideration may secure more favorable treatment for the Applicant in the award of the contract or that the Applicant's failure to provide such consideration may negatively affect the County's consideration of the Applicant's submission. An Applicant 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 Applicant Notification to County**

An Applicant must immediately report any attempt by a County officer, employee or agent to solicit such improper consideration. The report must be made either to the County manager charged with the supervision of the employee or to the County Auditor Controller's Employee Fraud Hotline at (800) 544-6861. Failure to report such a solicitation may result in the Applicant'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 Notice to Applicants Regarding the County Lobbyist Ordinance**

The Board of Supervisors of the County of Los Angeles has enacted an ordinance regulating the activities of persons who lobby County officials. This ordinance, referred to as the "Lobbyist Ordinance", defines a County Lobbyist and imposes



certain registration requirements upon individuals meeting the definition. The complete text of the ordinance can be found in [County Code Chapter 2.160](#). In effect, each person, corporation or other entity that seeks a County permit, license, franchise or contract must certify compliance with the ordinance. As part of this solicitation process, it will be the responsibility of each Applicant to review the ordinance independently as the text of said ordinance is not contained within this RFA. 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 Applicant 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-GROW Participants for Employment**

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

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

## **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 (Sample Contract), both of which are incorporated by reference into and made a part of this RFA. The Jury Service Program applies to both contractors and their subcontractors.  
Applications 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). 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 (Applicant's 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 Notification to County of Pending Acquisitions/Mergers by Proposing Company**

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

#### **6.13 Applicant's 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) certifying 1) they do not currently receive or raise charitable contributions regulated under the California Charitable Purposes Act, (including the Nonprofit Integrity Act) but will comply if they become subject to coverage of those laws during the term of a County agreement or 2) they are currently complying with their obligations under the Charitable Purposes Act, attaching a copy of their most recent filing with the Registry of Charitable Trusts. A completed Exhibit 2 (Certification of Compliance) 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) 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 (Sample UMHP 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** Applicants 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** Applications 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 Applicant's Acknowledgement of County's Commitment to Zero Tolerance Policy on Human Trafficking**

- 6.15.1** On October 4, 2016, the Los Angeles County Board of Supervisors approved a motion taking significant steps to protect victims of human trafficking by establishing a zero-tolerance policy on human trafficking. The policy prohibits contractors engaged in human trafficking from receiving contract awards or performing services under a County contract.
- 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 (Sample UMHP 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, 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 Applicant's Acknowledgement of County's Commitment to Fair Chance Employment Hiring Practices**

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

**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 California Government Code [Section 12952](#), as indicated in the Sample UMHP Contract. Further, contractors are required to comply with the requirements under California Government Code [Section 12952](#) for the term of any contract awarded pursuant to this solicitation.

## **6.19 Prohibition from Participation in Future Solicitation(s)**

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

**6.19.2** The policy, which can be viewed using the link below, states that "The County Board of Supervisors has adopted a countywide policy that prohibits any person, or any firm or any subsidiary of a firm [collectively "firm"] from submitting a bid or proposal in any County solicitation process where the person or firm, assisted in the development of the solicitation document(s)."

[Board of Supervisors' Policy 5.090 - Contractor Independence](#)

**6.19.3** No contractor, subsidiary, subcontractor, applicant, or proposer that assisted in the development of solicitation document(s) shall participate, in any way, in any future solicitations conducted by County that includes, or is based upon any services rendered by the contractor, applicant, proposer, subsidiary, or subcontractor under this Contract. As this prohibition applies to subcontractors of the Contractor, the Contractor shall notify any subcontractors providing services under this Contract of this prohibition before they commence work. Any response to a solicitation submitted by the contractor, applicant, proposer, subsidiary, or subcontractor to the Contractor in violation of this provision shall be rejected by County. This provision shall survive the expiration, or other termination of this Contract.

**6.19.4** The policy is not applicable to a(n) applicant, proposer, contractor, subsidiary, or subcontractor that has participated in a County released Request for Information process.

## **6.20 Intentionally Omitted**

### **6.21 Community Business Enterprise 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 Applicant's CBE participation must be reflected in Exhibit 6 (Community Business Enterprise (CBE) Information) form in Appendix B (Required Forms).

All Applicants 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 Applicant 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 Applicant'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](mailto: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](mailto:OSB@opportunity.lacounty.gov).

### **6.22 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 Applicants are advised that they and all of their Subcontractors must complete and return as part of the application, the Contribution and Agent Declaration included in Exhibit 9 (Contribution and Agent Declaration Form) of Appendix B (Required Forms). Applicants 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 application is submitted, and as requested at any time by the County prior to contract award. Failure by the Applicant or any Subcontractor(s) to complete and submit the required Contribution and Agent Declaration Form in Exhibit 9, and failure by the Applicant

or any Subcontractor(s) to update the declaration as required by law or as otherwise requested by the County, may eliminate the application from further consideration and/or the Applicant may be disqualified from a contract award, as determined in the County's sole discretion. Further, all Applicants 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.

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

- 6.23.1 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 Proposer's response to this RFP, Proposer must submit a certification, as set forth in Exhibit 11 (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 RFP identify prospective Subcontractors, or should Proposer intend to use subcontractors in the provision of services under any subsequent contract, Proposer 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.
- 6.23.2 Failure to provide the required certification may eliminate Proposer's response to RFP from consideration.
- 6.23.3 In the event that Proposer and/or its Subcontractor(s) is or are unable to provide the required certification, Proposer instead will provide a written explanation concerning its and/or its Subcontractor's inability to provide the certification. Proposer'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 Proposer 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 RFP.

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

## **7. COUNTY'S PREFERENCE PROGRAMS**

### **7.1 Overview of County's Preference Programs**

- 7.1.1** The County of Los Angeles has three preference programs. The Local Small Business Enterprise (LSBE), Disabled Veteran Business Enterprise (DVBE), and Social Enterprise (SE). The Board of Supervisors encourages business participation in the County's contracting process by continually streamlining and simplifying our selection process and 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 paragraph 7.2, 7.4, and 7.5 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>.
- 7.1.3** 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 15 percent in response to any County solicitation.
- 7.1.4** 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.

### **7.2 Local Small Business Enterprise (LSBE) Preference Program**

- 7.2.1** 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](#).
- 7.2.2** 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>.

- 7.2.3** 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 application.

**7.3 Local Small Business Enterprise (LSBE) Prompt Payment Program**

It is the intent of the County that Certified LSBEs receive prompt payment for services they provide to County Departments. Prompt payment is defined as 15 calendar days after receipt of an undisputed invoice consistent with [Chapter 3.035 of the Los Angeles County Board of Supervisors Policy Manual](#).

**7.4 Social Enterprise (SE) Preference Program**

- 7.4.1** The County will apply the SE preference during the solicitation process to businesses that meet the definition of an SE for solicitations not subject to the federal restriction on geographical preferences, consistent with [Chapter 2.205 of the Los Angeles County Code](#).

- 7.4.2** 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>.

- 7.4.3** Businesses requesting the SE preference 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 application.

**7.5 Disabled Veteran Business Enterprise (DVBE) Preference Program**

- 7.5.1** 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](#).

- 7.5.2** 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>.

- 7.5.3** 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 application.

## 8. APPLICATION REQUIREMENTS AND EVALUATION

Section 8 (Application Requirements and Evaluation) contains key project dates and activities, provides Applicants with application 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 an application will be sufficient cause for rejection of the application. The evaluation and determination in this area will be at the Director's sole judgment which will be final. All applications must be firm and final offers and may be withdrawn at any time with written notice.

### 8.2 RFA Timetable

EVENT	DATE/TIME
Release of RFA	07/24/2023
Deadline to submit request for Solicitation Requirements Review (Refer to Paragraph 9 - Protest Process Overview)	08/07/2023 at 9:00 am (Pacific Time)
Written Questions Due	08/11/2023 at 9:00 am (Pacific Time)
Questions and Answers Released (Subject to change at County's sole discretion)	08/21/2023
Applications Due	Open and continuous commencing on 08/28/2023

### 8.3. Applicants' Questions

**8.3.1** Applicants may submit written questions regarding this RFA by e-mail to: Yanira Yeh at [SolicitationsTeam@dmh.lacounty.gov](mailto:SolicitationsTeam@dmh.lacounty.gov). All questions must be received by the date and time specified in Paragraph 8.2 (RFA Timetable). All questions, without identifying the submitting company, will be compiled with the appropriate answers and issued as an addendum to the RFA.

**8.3.2** When submitting questions, please specify the RFA, 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 RFA. County reserves the right to group similar questions when providing answers.



#### **8.4 Intentionally Omitted**

#### **8.5 Intentionally Omitted**

#### **8.6 Application Requirements and Evaluation (100%)**

Applications shall include all requested items in paragraphs 8.6.1 through 8.6.5. If Applicant is interested in providing services in more than one Supervisorial District, a separate, distinct, and complete application shall be submitted. No more than two applications will be accepted per Applicant. Each application shall be evaluated independent of any other submission from the Applicant.

##### **Application Format:**

##### **8.6.1 Executive Summary (Section A)**

Provide a summary of your agency's background and history providing services in LAC. 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"***.

##### **8.6.2 Applicant's Qualifications (Section B)**

Applicant 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 section.

##### **8.6.2.1 Applicant's Background and Experience (Section B.1)**

Provide documentation to demonstrate that the Applicant meets or exceeds the minimum requirement(s) stated in Section 4 (Applicant's Minimum Qualifications) of this RFA and has the capability to perform the required services as a corporation or other entity. ***Label as "Applicant's Qualifications – Section B.1."***

*This will be scored on a pass/fail basis. If Applicant cannot substantiate that they meet all items in Section 4 (Applicant's Minimum Qualifications), the Application will be disqualified from further consideration.*

##### **8.6.2.2 Applicant's Letters of References (Section B.2)**

Applicant will be evaluated on the verification of references. Applicant must submit three signed letters of references from agencies that have worked with the Applicant where the same or similar scope of services was provided. The references should substantiate Applicant's experience and quality of providing services. LACDMH must not be used as a

reference. *Label as “Applicant’s Letters of Reference – Section B.2.”*

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

County may disqualify an Applicant as non-responsive and/or non-responsible if:

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

In addition to the references provided, a review will include the 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.

#### **8.6.2.3 Applicant’s Pending Litigation and Judgments (Section B.3)**

The County will conduct a review of Applicant’s pending litigation and judgements. Applicant must identify by name, case and court jurisdiction any pending litigation in which Applicant is involved, or judgments against Applicant in the past five years. Additionally, Applicant must provide a statement describing the size and scope of any pending or threatening litigation against the Applicant or principals of the Applicant.

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

*Depending on the size and scope of pending items, the County may deduct points from final Application score or may disqualify the Application in its entirety.*

### **8.6.3 Application Required Forms and Corporate Documents (Section C)**

#### **8.6.3.1 Application **MUST INCLUDE ALL** completed, signed, and dated forms identified in Appendix B (Required Forms).**

- |           |  |
|-----------|--|
| Exhibit 1 | Applicant’s Organization Questionnaire/Affidavit |
| Exhibit 2 | Certification of Compliance                      |
| Exhibit 3 | Request for Preference Consideration             |

- |            |   |
|------------|---|
| Exhibit 4  | Applicant's Debarment History and List of Terminated Contracts  |
|            | <ul style="list-style-type: none"> <li>• Applicant must include contracts terminated within the past three years with a reason for termination</li> </ul>                 |
| Exhibit 5  | Declaration   |
| Exhibit 6  | Community Business Enterprise (CBE) Information   |
| Exhibit 7  | Budget Form   |
| Exhibit 8  | Application Form  |
| Exhibit 9  | Contribution and Agent Declaration  |
| Exhibit 10 | Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions (45 C.F.R. Part 76 (federally funded solicitations)) |

#### **8.6.3.2 Corporate Documents**

- 1) Corporations or Limited Liability Company (LLC):  
The Applicant must submit the following documentation with the Application:
  - 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:  
If the Applicant is a Limited Partnership, Applicant 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.

#### **8.6.4 Budget Form**

Exhibit 7 (Budget Form) of Appendix B (Required Forms)

Applicant must provide an estimated annual budget based on the UMHP team composition and services in Exhibit A (SOW) of Appendix A (Sample UMHP Contract).

The estimated annual budget shall be used to rank applications and shall be used to award contracts. The final contract budget may be negotiated, at LACDMH's discretion, upon contract award.

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

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

Fifteen percent 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 Applicants who requested and were granted the preference.

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

#### **8.6.5 Application Form**

Exhibit 8 (Application Form) of Appendix B (Required Forms)

Fully complete this form with all requested information as this will be used to review all material included in the application and please number all pages sequentially.

### **8.7 Firm Offer-Withdrawal of Application**

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

All Applications will be firm offers and may not be withdrawn for a period of 30 days following the last day to submit applications.

### **8.8 Application Submission**

Applications must be submitted as follows:

A Portable Document Format (PDF) copy or zip files, in an encrypted format, of the complete Application shall be emailed by the date and time specified in Paragraph 8.2 (RFA Timetable). The email subject line shall bear the name "Application for UMHP Services Bid No. DMH07242023B1 – [Applicant's Name]."

The Application shall be emailed to [SolicitationsTeam@dmh.lacounty.gov](mailto:SolicitationsTeam@dmh.lacounty.gov)  
Attn: Yanira Yeh.

**8.8.1** Applicants must identify all confidential, proprietary and trade secret information, as part of its application submission. Applicants must specifically identify only those parts of the Application 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 Application 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 Applicant to ensure that its application is received before the submission deadline. Submitting Applicants will bear all risks associated with delays in delivery by any person or entity. Any application received after the scheduled closing date and time for receipt of applications, as listed in Paragraph 8.2 (RFA Timetable), will not be reviewed or scored. No facsimile (fax) or hard copies will be accepted.

## **9. SELECTION PROCESS OVERVIEW**

### **9.1 Selection Process**

The County reserves the sole right to judge the contents of the Applications submitted pursuant to this RFA and to review, evaluate and select the successful Applications. The selection process will begin with receipt of the application on the date outlined in Paragraph 8.2 (RFA Timetable).

Evaluation of the Applications will be made by LACDMH staff. LACDMH staff will evaluate the Applications and will use the evaluation approach described in this RFA to select all prospective contractors.

### **9.2 Adherence to Minimum Requirements (Pass-Fail)**

County will review Application to determine if the Applicant meets the minimum requirements as outlined in Section 4 (Applicant's Minimum Qualifications) of this RFA.

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

After a prospective contractor has been selected, the County and the prospective contractor(s) 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 Applicant who submitted an application, as determined by the County.

The recommendation to award a contract will not bind the County to award a contract to the prospective contractor.

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

## **10. PROTEST PROCESS OVERVIEW**

### **10.1 Solicitation Requirements Review**

Any person or entity may seek a Solicitation Requirements Review by submitting Appendix C (Transmittal Form to Request a Solicitation Requirements Review) to the Department conducting the solicitation. A request for a Solicitation Requirements Review 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 an application;
- 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:
  - 10.1.4.1** application of the minimum requirements, evaluation criteria and/or business requirements unfairly disadvantages the person or entity; or,
  - 10.1.4.2** due to unclear instructions, the process may result in the County not receiving the best possible responses from prospective Applicants.

The Solicitation Requirements Review 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 application due date.

### **10.2 Disqualification Review**

An application 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 an application is disqualified due to non-responsiveness, the Department will notify the Applicant in writing.

Upon receipt of the written determination of non-responsiveness, the Applicant 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 Applicant, in writing, prior to the conclusion of the evaluation process.

Applicant can also be disqualified for Paragraph 6.6 (Determination of Applicant 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 Applicants in writing that the Department is entering negotiations with another Applicant. Upon receipt of the letter, any non-selected Applicant 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 Applicant's response to the solicitation document with the evaluation document. The requesting Applicant will be debriefed only on its response. Because contract negotiations are not yet complete, responses from other Applicants will not be discussed, although the Department may inform the requesting Applicant of its relative ranking.

During or following the Debriefing, the Department will instruct the requesting Applicant of the manner and timeframe in which the requesting Applicant 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 Applicant is not satisfied with the results of the Debriefing.

#### **10.3.2 Proposed Contractor Selection Review**

Any Applicant that has timely submitted a notice of its intent to request a Proposed Contractor Selection Review as described in this Paragraph 10.3.2 (Proposed Contractor Selection Review) 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 application format requirements.
    - Failure to correctly apply the standards, and/or follow the prescribed methods, for evaluating the applications 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 applications, resulting in the Applicant 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 Applicant would have been the lowest cost, responsive and responsible application or the highest-scored application, as the case may be.



Upon completing the Proposed Contractor Selection Review, the Department representative will issue a written decision to the Applicant within a reasonable time following receipt of the request for a Proposed Contractor Selection Review, and always before the date the contract award recommendation is to be heard by the Board. The written decision will additionally instruct the Applicant 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 Applicant 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 Applicant.