

**REQUEST FOR QUALIFICATIONS (RFQ)**

**Behavioral Health Outcomes Fellowship for Transformational Change**

**RFQ Behavioral Health Fellowship-001**

Mental Health Services

Oversight and Accountability Commission

1812 9th Street

Sacramento, CA 95811

<https://www.mhsoac.ca.gov>

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## INTRODUCTION

The Mental Health Services Oversight and Accountability Commission is authorized to award $5 million to one or more organizations to establish a Behavioral Health Performance Fellowship for public sector behavioral health leaders. The ideal candidate to develop and launch the Fellowship is an organization, or a partnership of organizations, with: 1) a history of providing education and training in the principles of public administration with a focus on outcomes, 2) a detailed understanding of California’s behavioral health system, including the Mental Health Services Act, and 3) the challenges associated with addressing behavioral health disparities in California’s racial, ethnic, LGBTQ+ and related communities.

The goal of the Fellowship is to support the ability of behavioral health leaders to achieve the goals of the Mental Health Services Act, including enhancing awareness and skills tied to prevention, early intervention, and innovation, as well as effective uses of data and analytics, transparency, community engagement, incentives and other strategies tied to performance and outcomes.

In addition, the Fellowship is intended to emphasize human-centered design and community engagement as a critical approach to reducing racial, ethnic, LGBTQ+ and related disparities and to achieve other high-value public outcomes associated with behavioral health needs. The Fellowship is intended to ensure that state and local behavioral health leaders have the training, professional development, and guidance they need to support the transformational change goals of the MHSA. Other expectations include identifying and developing strategies to leverage commercial health coverage and other funding streams to address mental health needs and to support service integration across health and human services, education, housing, criminal justice, and related programs.

### PURPOSE AND BRIEF OVERVIEW OF CONTRACT OPPORTUNITY

California’s Mental Health Services Act calls for transformational change with a focus on improving access to comprehensive care, prevention, early intervention, and innovation, that is recovery-oriented, that addresses needs associated with housing, employment, education, and family connectedness, and avoids criminal justice involvement, suicide, and prolonged suffering.

The approach to mental health called for in the MHSA moves beyond the traditional design of today’s public mental health system. To support the implementation of the MHSA, this project is intended to develop and launch a Fellowship program that targets mid-career behavioral health leaders working in the public behavioral health system, and provide a range of education, training, experiential and leadership opportunities.

The Fellowship also will cover topics related to public sector accountability, outcome-and value-based decision-making, as well as the value and impact of data analytics, evaluation and opportunities for cross-systems collaboration, inter-operability and related themes and skills tied to improving the cost-effectiveness of public services and outcomes. The Fellowship will highlight the value of community engagement and human-centered design as a strategy to understanding the limitations of existing service delivery designs and strategies, as well as opportunities for improvement.

A key priority for the Fellowship is that it must include an approach to improving the understanding of the causes and consequences of disparities impacting California’s racial, ethnic, LGBTQ+, and related communities, as well as strategies that are designed to eliminate disparities in mental health outcomes.

To support its goals for transformational change through the development and launch of this Fellowship, the Commission is seeking applications from interested parties with a range of core competencies and expertise, including but not limited to the:

* Fundamentals of public administration,
* Design and operations of California’s public behavioral health system,
* Best practices, trends, and emerging opportunities in behavioral health care delivery,
* Understanding and addressing behavioral health disparities,
* Data, analytics, and related strategies to support accountability,
* The role of incentives, innovation, capacity building and related strategies to drive transformational change, and
* Administration of a Fellowship program.

The Commission welcomes applications from single entities or partnerships that collectively represent the array of knowledge, skills, and abilities necessary to design and launch this Fellowship.

**KEY ACTION DATES**

Key activities including dates and times for this RFQ are presented below.

|  |  |
| --- | --- |
| **Activity** | **Action Date & Time** |
| RFQ Release | October 10, 2022 |
| Deadline for Written Questions  | October 21, 2022, by 3:00 PM |
| Distribute Answers | October 28, 2022 |
| Deadline to Submit Response (Qualifications)  | November 17, 2022, by 3:00 PM |
| Interviews\* | November 28 – December 2, 2022 |
| Notice of Intent to Award\* | December 6, 2022 |
| Deadline to submit Letter of Intent to Protest\* | December 13, 2022, by 3:00 PM |
| Deadline to submit Protest Letter\* | December 20, 2022, by 3:00 PM |

*\* Dates after Deadline to Submit Response are estimates and may be changed by the Commission without the issuance of an addendum.*

### FUNDING AND CONTRACT TERM

The available funding for this RFQ is $5,000,000.00 and the contract term will be from contract execution through June 30, 2027.

### WRITTEN QUESTIONS

During the RFQ process, questions about this RFQ must be directed to the Procurement Official listed below. Please include in the Subject Line: **RFQ Behavioral Health Fellowship-001.** Questions must be in writing and communicated by 3:00 p.m. on October 21, 2022, as specified in Section I.B, Key Action Dates. At its discretion, the Commission reserves the right to contact an organization to seek clarification of any inquiry received.

Norma Pate, Procurement Official

Mental Health Services Oversight and Accountability Commission

1812 9th Street

Sacramento, CA 95811

E-mail: mhsoac@mhsoac.ca.gov

All questions will be answered in writing. The questions and answers will be posted on the Commission’s website at: [www.mhsoac.ca.gov](http://www.mhsoac.ca.gov).

Any changes to the RFQ will be made in the form of an addendum. Please note that no oral information will be binding upon the Commission unless such information is confirmed in writing as an official addendum to all parties/participants.

## SCOPE OF SERVICES

### CONTRACTOR RESPONSIBILITIES

Effective implementation of this contract will require ongoing reporting, meetings, and updates between the Contractor and the Commission.

Contractor will be responsible for working with the Commission to do the following:

1. Develop a proposal for a public-sector Behavioral Health Performance Fellowship consistent with the outline above that will support the transformational changes goals of the MHSA and the Commission.

Included in the proposal development process will be outreach and engagement with public sector behavioral health leaders and other subject matter experts on the opportunity the Fellowship program represents, how it can best serve the target audience, the necessary elements of the Fellowship experience, and related information and activities to inform the Fellowship design, to ensure value, fiscal sustainability, and impact on behavioral health outcomes.

The Fellowship proposal will detail the goals of the Fellowship, the activities, training, experiences, or related strategies the Fellowship will deliver, the target participants, the outreach, engagement, and selection process that will be used to select participants, the duration of the Fellowship and each component, the process for assessing the impact of the Fellowship for participants and their impact on California’s public mental health system.

The proposal will include the knowledge, skills and abilities key leaders, trainers, educators, and staff who will prepare and provide content, experiences or other learning and professional development opportunities for the Fellowship.

1. Launch the Fellowship within a reasonable time from receipt of funds, ideally within 18 months, with an initial cohort of at least 15 Fellows (a lower number of Fellows may be allowed if approved in writing by the Commission) and administer the Fellowship consistent with the approved proposal. Substantial deviation from the initial proposal shall be allowed only if approved in writing by the Commission.
2. Assess and evaluate the Fellowship and its impact, ideally during and following the experiences of the first cohort of participants and modify the Fellowship in a way that is consistent with such evaluation or assessment in a time and manner that supports the ability of the Fellowship to move towards fiscal sustainability following the term of the contract and the termination of the Commission’s financial support.
3. Develop a plan for sustaining the Fellowship following the term of the contract and the end of the Commission’s financial support.

## QUALIFICATIONS

### MINIMUM QUALIFICATIONS

All eligible Respondents must, individually or collectively, meet the following minimum requirements:

1. Be an established entity in operation for 10 years or more, demonstrating the capacity to manage a Fellowship of this nature, and with a robust history providing education and training in the field of public administration.
2. Have a history of work in the behavioral health field, for five years or more. Have demonstrated experience in the following areas:
	1. Understanding of and expertise in the behavioral health field, including trends in evidence-based practices, recovery, wellbeing, community engagement, and the roles of peers and family members.
	2. Providing training and professional development to public sector behavioral health leaders, including work focused on reducing racial, ethnic, and related disparities in behavioral health outcomes.
	3. Familiarity with the role of leadership, health and human services system design in California, the roles of incentives and disincentives in outcomes, fiscal policy and program capacity and staffing, and related opportunities.
3. Be able to demonstrate 10 or more years of fiscal sustainability, from revenue streams other than grant funds, in amounts that exceed the contributions from this grant opportunity.
4. Be licensed or registered to do business in California. Academic institutions must be accredited.

Respondents that do not meet the Minimum Qualifications will be deemed non-responsive and will not be eligible to receive a contract.

### STATEMENT OF QUALIFICATIONS

Provide a Statement of Qualifications that address the requirements below. The Statement of Qualifications shall not exceed 20 pages.

1. Business/Organization Profile
2. Experience
	1. Be an established entity in operation for 10 years or more, demonstrating the capacity to manage a Fellowship of this nature.
	2. Demonstrate a robust history providing education and training in the field of public administration, including the following tools and strategies necessary to support effective public administration:
		1. Uses of data, data analytics, data visualization and related activities to support data informed decision-making and outcome-based accountability strategies.
		2. Uses of incentives, including fiscal incentives, to support attention on outcomes, systems and operational improvements in public sector and related entities.
		3. Professional development, training, and related strategies to support capacity-building within the public sector.
		4. The role of innovation to support continuous improvement and transformational change in complex public sector health and human service systems.
	3. Have a history of work in the behavioral health field, five years or more, with demonstrated expertise in the following areas:
3. History and trends in the areas of behavioral health recovery, wellbeing, community engagement, and the roles of peers and family members in the design and delivery of behavioral health services.
4. California’s Mental Health Services Act, its fiscal and programmatic elements, including emphasis on prevention, early intervention, innovation, Full Service Partnerships, and related components driving transformational change.
5. The development, understanding, and implementation of evidence-based practices, including barriers to their implementation and scaling, in the behavioral health field.
6. Workforce opportunities and challenges for California’s behavioral health system.
	1. Expertise in identifying and understanding disparities, implicit bias, and development of strategies to address each, and related challenges.
	2. Familiarity with the health and human services system design in California, including Program Realignment, the intersection of publicly funded behavioral health services with private sector funded services, Medi-Cal and other behavioral funding streams and the design of county government as it relates to the development of behavioral health programs and service delivery.
	3. Demonstrate 10 or more years of fiscal sustainability, from revenue streams other than grant funds, in amounts that exceed the contributions from this grant opportunity.
	4. Experience in working with community based organization, county behavioral health departments, state agencies, academic institutions and other potential partners relevant to the development and launch of this Fellowship.
7. Licenses/Registration
	1. Provide any appropriate licenses
	2. Identify registration to do business in California
	3. Demonstrate accreditation, where relevant

### COST

This is a fixed price contract for $5,000,000.00. Annual amounts allocated for payment will decrease each year from the previous year during the term of the contract to support transition to other sources of sustainable financing. Payments will be released based on Contractor meeting the activities in the Program Plan or milestones as agreed upon by the Commission and the Contractor.

## RESPONSE SUBMISSION INSTRUCTIONS

### RESPONSE SUBMISSION

Proposers must submit:

1. One (1) complete Response with all required Attachments and signatures, including:
	1. Cover Letter
		1. Proposer name and address
		2. An Identification that the Response is for RFQ Behavioral Health Fellowship-001
		3. A statement that all information provided in the Response is true and accurate
		4. A signature by someone authorized by the organization(s) to enter into such a Fellowship agreement
	2. Statement of Qualifications
		1. That addresses each and every item identified in the STATEMENT OF QUALIFICATIONS in section B above.
		2. Include any and all licenses and registration to do business in California
	3. Attachments
		1. Attachment 1 – Darfur Contracting Act of 2008
		2. Attachment 2 - Contractor Certification Clauses (CCC-307)
		3. Attachment 3 - Std 204
2. Email your Response to the following email address: mhsoac@mhsoac.ca.gov
	1. Include in the Subject Line: **RFQ Behavioral Health Fellowship-001**

Due to file size restrictions, please ensure the response does not exceed 20mb in size. If it does, please consider reducing the size of the file, while still maintaining the integrity of the contents, or sending multiple files to complete your submission. If sending in multiple files, all files must be received by the date and time listed on the Key Action Dates in Section I.B to be considered. It is recommended that Respondent submit an additional email to ensure the Commission has received the Respondent’s complete Response submission.

## LATE SUBMISSIONS

Late responses will not be accepted. Responses received after the deadline will be rejected without review. Incomplete submissions may be rejected without review.

## SCORING PROCESS

This section explains how the Responses will be scored.

### RESPONSES SCORING

Responses will be ranked as compared to the other responses in order to find the most qualified Respondent. Ranking will be conducted based on consensus of the Scoring Panel. The entire procurement process from issuance of the RFQ, to the receipt of responses, and scoring/ranking of the responses until completion of the competitive process is confidential. The competitive process is deemed completed upon issuance of the Notice of Intent to Award. All Responses and the final scoring/ranking sheet will be considered public documents upon issuance of the Notice of Intent to Award.

Responses will be scored as follows:

Minimum Qualifications

Minimum Qualifications will be scored as Pass/Fail. All respondents must pass each Minimum Qualification to move on to the ranking phase.

Statement of Qualifications and/or Interview

Each Response will be ranked based on the Respondent’s qualifications including, but not limited to: relevant experience, quality of experience, including similar experience and length of experience. Thoroughness of the responses to each required component demonstrating capacity to design and launch the Fellowship. Application of experience and the information provided to the requirements outlined in the RFQ.

All responses will be ranked with a rank of 1 being the top rank.

Interviews will be conducted with the Top Rank Response(s) from the Statement of Qualifications scoring. The Commission reserves the right to determine the number of Respondents that will be interviewed

**Ranking Criteria**

The following criteria will be used to rank:

|  |  |  |
| --- | --- | --- |
| **No.** | **Criteria** | **Definition** |
| 1 | Reasonableness | The reasonableness of the information presented being in line with the requirements and services required to ensure success |
| 2 | Experience | Experience in providing the services that are required in the RFQ, including the relevance of the experience, similarity of the experience, quality of the experience, and length of time of the experience |

**Ranking Detail**

|  |  |  |
| --- | --- | --- |
| **No.** | **Requirement** | **Score** |
| III.A. | Minimum QualificationsAll minimum qualifications must be met to receive a “Pass” score | Pass/Fail |
| III.B. | Statement of QualificationsResponses will be ranked as compared to the other responses in order to find the most qualified Respondent. All Responses will receive a rank. Rank 1 is considered the highest rank | Rank 1 to # of Responses received |
|  | **Rankings to Determine Respondent(s) that will be interviewed** |  |
| III.B. | Interviews Interviewee(s) will be ranked. If more than one interview is conducted, ranks will be based on comparing to the other interviewees. Interview ranking will take into consideration the Statement of Qualifications response. All Interviewees will receive a rank. Rank 1 is considered the highest rank. The Interview rankings will determine the Final Ranking. | Rank 1 to # of Interviews conducted |
| **FINAL RANKING** | **1** |

### AWARD PROCEDURES

An award, if made, will be made to the highest ranked Response.

Prior to awarding the contract, a Notice of Intent to Award will be posted on the Commission’s website ([www.mhsoac.ca.gov](http://www.mhsoac.ca.gov)) for a period of no less than five (5) working days.

The Commission reserves the right to negotiate to finalize the contract. If a contract cannot be agreed to with the highest ranking Respondent, the Commission will negotiate with the next highest ranking Respondent and continue this process until a contract is finalized.

Negotiations will include, but not be limited to:

* + 1. Deliverables
		2. Payment schedule
		3. Terms and Conditions
		4. Implementation/Program Plan and Schedule

In addition, if there any other required documents for the Respondent to sign for contract execution, these will be brought up during this time

## ADMINISTRATION

### COST OF DEVELOPING RESPONSE

The Respondent is responsible for the cost of developing a Response, and this cost cannot be charged to the State.

### CONFIDENTIAL INFORMATION

The Commission will not accept any Responses that are marked confidential or proprietary. Responses marked confidential or proprietary will be deemed non-compliant and will not be scored.

### DARFUR CONTRACTING ACT OF 2008

Effective January 1, 2009, Public Contract Code sections 10475, et. seq.; Stats. 2008, Ch. 272, requires that all solicitations must address the requirements of the Darfur Contracting Act of 2008 (Act). (Public Contract Code sections 10475, *et seq*.; Stats. 2008, Ch. 272). The Act was passed by the California Legislature and signed into law by the Governor to preclude State agencies generally from contracting with “scrutinized” companies that do business in the African nation of Sudan (of which the Darfur region is a part), for the reasons described in Public Contract Code section 10475.

A scrutinized company is a company doing business in Sudan as defined in Public Contract Code section 10476. Scrutinized companies are ineligible to, and cannot, bid on or submit a Proposal for a contract with a State agency for goods or services. (Public Contract Code section 10477(a)).

Therefore, Public Contract Code section 10478 (a) requires a company that currently has (or within the previous three years had) business activities or other operations outside of the United States to certify that it is not a “scrutinized” company when it submits a bid or Proposal to a State agency. (See option #1 on **ATTACHMENT 1, Darfur Contracting Act Certification**).

A scrutinized company may still, however, submit a bid or Proposal for a contract with a State agency for goods or services if the company first obtains permission from the Department of General Services according to the criteria set forth in Public Contract Code section 10477(b). (See option #2 on **ATTACHMENT 1, Darfur Contracting Act Certification**).

### RFQ CANCELLATION AND AMENDMENTS

If it is in the State’s best interest, the Commission reserves the right to do any of the following:

* Cancel this RFQ;
* Amend this RFQ as needed; or
* Reject any or all Responses received in response to this RFQ.

If the RFQ is amended, the Commission will post it on its website at [www.mhsoac.ca.gov](http://www.mhsoac.ca.gov).

### PROTEST PROCEDURES

This RFQ is solicited in accordance with Welfare and Institutions Code Section 5897(f), which exempts the Commission from the Public Contract Code, the State Administrative Manual and the need for Department of General Services approval. Therefore, the provisions to protest the award of a contract under this RFQ shall be as stated below:

There is no basis for protest if the Commission rejects all Responses based on the best interest of the State or if the Commission cancels the RFQ. Only a Respondent who submitted a Response to this RFQ may protest the award of a contract under this RFQ.

An Intent to Protest letter from a Proposer must be received at the following address no later than 3:00 p.m., five (5) working days from the date of the posting of Notice of Intent to Award. The only acceptable delivery method for Intent to Protest letter is by a postal service (United States Post Office, Federal Express, etc.). The Intent to Protest letter cannot be hand delivered by the Proposer, faxed, or sent by electronic mail. Any Intent to Protest letter received without an original signature and/or by a delivery method other than a postal service will not be considered.

Include the following label information and deliver your Intent to Protest, in a sealed envelope:

Respondent Name

Street Address

City, State, Zip Code

 INTENT TO PROTEST

 RFQ Behavioral Health Fellowship-001

 Norma Pate, Procurement Official

 Mental Health Services Oversight and Accountability Commission

 1812 9th Street, Sacramento, California 95811

The Letter of Protest must describe the factors that support the protesting Proposer’s claim that the protesting Proposer would have been awarded the contract had the Commission correctly applied the prescribed evaluation rating standards in the RFQ or if the Commission had followed the evaluation and scoring ratings in the RFQ. The Letter of Protest must identify specific information in the Response that the Respondent believes was overlooked or misinterpreted. The Letter of Protest may not provide any additional information that was not included in the original Response. The Letter of Protest cannot protest the scoring of another Respondent’s response.

If a Letter of Protest is properly submitted, the contract shall not be awarded until the Commission has reviewed and resolved the protest.

The Executive Director of the Commission will render a decision in writing to the Protest and the decision will be considered final. The written decision will be sent to the protesting Respondent.

### AGREEMENT EXECUTION AND PERFORMANCE

The Proposer who is awarded a contract will be required to sign a Standard Agreement and related documents. All agreements entered into with the State will include by reference the entire Response submitted by the Respondent, this RFQ, and any other agreement reached during negotiations. In addition, the Payee Data Record (Std 204) (**ATTACHMENT 3**), is required to receive payments from the State of California and needs to be completed in lieu of an IRS W-9 or W-7. The information provided is used to populate the check (warrant) when payments are made. Also, this information is used for California state agencies to prepare Information Returns (Form 1099).

Performance shall start on the date set by the Commission and the Contractor once the agreement is fully executed. Should the Contractor fail to commence work by the agreed upon date, after five (5) days written notice to the Contractor, the Commission reserves the right to terminate the agreement. All performance under the agreement shall be completed on or before the termination date of the agreement.

### BUDGET CONTINGENCY CLAUSE

It is mutually agreed that if the Budget Act of the current year and/or any subsequent years covered under this Contract does not appropriate sufficient funds for the program, this Contract shall no longer be in full force and effect. In such an event, the State shall have no liability to pay any funds whatsoever to Contractor or to furnish any other considerations under this Contract and Contractor shall not be obligated to perform any provisions of this Contract.

If funding for any fiscal year is reduced or deleted by the Budget Act for purposes of this program, the State shall have the option to either cancel this Contract with no liability occurring to the State or offer a Contract Amendment to Contractor to reflect the reduced amount.

If this Contract’s funding comes from multiple State fiscal years, and should funds not be appropriated by the Legislature for any of the applicable fiscal year(s), the State may exercise its option to cancel this Contract.

In addition, this Contract is subject to any additional restrictions, limitations, or conditions enacted by Congress or the Legislature that may affect the provisions or terms of funding of this contract in any manner.

## ATTACHMENT 1: Darfur Contracting Act Certification (if applicable)

Public Contract Code Sections 10475 -10481 applies to any company that currently or within the previous three years has had business activities or other operations outside of the United States. For such a company to bid on or submit a Proposal for a State of California contract, the company must certify that it is either a) not a scrutinized company; or b) a scrutinized company that has been granted permission by the Department of General Services to submit a Proposal.

If your company has not, within the previous three years, had any business activities or other operations outside of the United States, you do **not** need to complete this form.

**OPTION #1 - CERTIFICATION**

If your company, within the previous three years, has had business activities or other operations outside of the United States, in order to be eligible to submit a bid or Proposal, please insert your company name and Federal ID Number and complete the certification below.

I, the official named below, CERTIFY UNDER PENALTY OF PERJURY that a) the prospective proposer/bidder named below is **not** a scrutinized company per Public Contract Code 10476; and b) I am duly authorized to legally bind the prospective proposer/bidder named below. This certification is made under the laws of the State of California.

|  |  |
| --- | --- |
| *Company/Vendor Name (Printed)* | *Federal ID Number* |
| *By (Authorized Signature)* |
| *Printed Name and Title of Person Signing* |
| *Date Executed* | *Executed in the County and State of* |

**OPTION #2 – WRITTEN PERMISSION FROM DGS**

Pursuant to Public Contract Code section 10477(b), the Director of the Department of General Services may permit a scrutinized company, on a case-by-case basis, to bid on or submit a Proposal for a contract with a state agency for goods or services, if it is in the best interests of the state. If you are a scrutinized company that has obtained written permission from the DGS to submit a bid or Proposal, complete the information below.

We are a scrutinized company as defined in Public Contract Code section 10476, but we have received written permission from the Department of General Services to submit a bid or Proposal pursuant to Public Contract Code section 10477(b). A copy of the written permission from DGS is included with our bid or Proposal.

|  |  |
| --- | --- |
| *Company/Vendor Name (Printed)* | *Federal ID Number* |
| *Initials of Submitter* |
| *Printed Name and Title of Person Initialing*  |

## ATTACHMENT 2: Contract Certification Clauses (CCC-307)

**CCC-307**

**CERTIFICATION**

I, the official named below, CERTIFY UNDER PENALTY OF PERJURY that I am duly authorized to legally bind the prospective Contractor to the clause(s) listed below. This certification is made under the laws of the State of California.

|  |  |
| --- | --- |
| *Contractor/Bidder Firm Name (Printed)* | *Federal ID Number* |
| *By (Authorized Signature)* |
| *Printed Name and Title of Person Signing* |
| *Date Executed* | *Executed in the County of* |

1. STATEMENT OF COMPLIANCE: Contractor has, unless exempted, complied with the nondiscrimination program requirements. (Gov. Code §12990 (a-f) and CCR, Title 2, Section 8103) (Not applicable to public entities.)

2. DRUG-FREE WORKPLACE REQUIREMENTS: Contractor will comply with the requirements of the Drug-Free Workplace Act of 1990 and will provide a drug-free workplace by taking the following actions:

a. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations.

b. Establish a Drug-Free Awareness Program to inform employees about:

1) The dangers of drug abuse in the workplace;

2) The person's or organization's policy of maintaining a drug-free workplace;

3) Any available counseling, rehabilitation and employee assistance programs; and,

4) Penalties that may be imposed upon employees for drug abuse violations.

c. Every employee who works on the proposed Agreement will:

1) Receive a copy of the company's drug-free workplace policy statement; and,

2) Agree to abide by the terms of the company's statement as a condition of employment on the Agreement.

Failure to comply with these requirements may result in suspension of payments under the Agreement or termination of the Agreement or both and Contractor may be ineligible for award of any future State agreements if the department determines that any of the following has occurred: the Contractor has made false certification, or violated the certification by failing to carry out the requirements as noted above. (Gov. Code §8350 et seq.)

3. NATIONAL LABOR RELATIONS BOARD CERTIFICATION: Contractor certifies that no more than one (1) final unappealable finding of contempt of court by a Federal court has been issued against Contractor within the immediately preceding two-year period because of Contractor's failure to comply with an order of a Federal court, which orders Contractor to comply with an order of the National Labor Relations Board. (Pub. Contract Code §10296) (Not applicable to public entities.)

4. CONTRACTS FOR LEGAL SERVICES $50,000 OR MORE- PRO BONO REQUIREMENT: Contractor hereby certifies that contractor will comply with the requirements of Section 6072 of the Business and Professions Code, effective January 1, 2003.

Contractor agrees to make a good faith effort to provide a minimum number of hours of pro bono legal services during each year of the contract equal to the lessor of 30 multiplied by the number of full time attorneys in the firm’s offices in the State, with the number of hours prorated on an actual day basis for any contract period of less than a full year or 10% of its contract with the State.

Failure to make a good faith effort may be cause for non-renewal of a state contract for legal services, and may be taken into account when determining the award of future contracts with the State for legal services.

5. EXPATRIATE CORPORATIONS: Contractor hereby declares that it is not an expatriate corporation or subsidiary of an expatriate corporation within the meaning of Public Contract Code Section 10286 and 10286.1, and is eligible to contract with the State of California.

6. SWEATFREE CODE OF CONDUCT:

a. All Contractors contracting for the procurement or laundering of apparel, garments or corresponding accessories, or the procurement of equipment, materials, or supplies, other than procurement related to a public works contract, declare under penalty of perjury that no apparel, garments or corresponding accessories, equipment, materials, or supplies furnished to the state pursuant to the contract have been laundered or produced in whole or in part by sweatshop labor, forced labor, convict labor, indentured labor under penal sanction, abusive forms of child labor or exploitation of children in sweatshop labor, or with the benefit of sweatshop labor, forced labor, convict labor, indentured labor under penal sanction, abusive forms of child labor or exploitation of children in sweatshop labor. The contractor further declares under penalty of perjury that they adhere to the Sweatfree Code of Conduct as set forth on the California Department of Industrial Relations website located at [www.dir.ca.gov](http://www.dir.ca.gov), and Public Contract Code Section 6108.

b. The contractor agrees to cooperate fully in providing reasonable access to the contractor’s records, documents, agents or employees, or premises if reasonably required by authorized officials of the contracting agency, the Department of Industrial Relations, or the Department of Justice to determine the contractor’s compliance with the requirements under paragraph (a).

7. DOMESTIC PARTNERS: For contracts over $100,000 executed or amended after January 1, 2007, the contractor certifies that contractor is in compliance with Public Contract Code section 10295.3.

**DOING BUSINESS WITH THE STATE OF CALIFORNIA**

The following laws apply to persons or entities doing business with the State of California.

1. CONFLICT OF INTEREST: Contractor needs to be aware of the following provisions regarding current or former state employees. If Contractor has any questions on the status of any person rendering services or involved with the Agreement, the awarding agency must be contacted immediately for clarification.

Current State Employees (Pub. Contract Code §10410):

1) No officer or employee shall engage in any employment, activity or enterprise from which the officer or employee receives compensation or has a financial interest and which is sponsored or funded by any state agency, unless the employment, activity or enterprise is required as a condition of regular state employment.

2) No officer or employee shall contract on his or her own behalf as an independent contractor with any state agency to provide goods or services.

Former State Employees (Pub. Contract Code §10411):

1) For the two-year period from the date he or she left state employment, no former state officer or employee may enter into a contract in which he or she engaged in any of the negotiations, transactions, planning, arrangements or any part of the decision-making process relevant to the contract while employed in any capacity by any state agency.

2) For the twelve-month period from the date he or she left state employment, no former state officer or employee may enter into a contract with any state agency if he or she was employed by that state agency in a policy-making position in the same general subject area as the proposed contract within the 12-month period prior to his or her leaving state service.

If Contractor violates any provisions of above paragraphs, such action by Contractor shall render this Agreement void. (Pub. Contract Code §10420)

Members of boards and commissions are exempt from this section if they do not receive payment other than payment of each meeting of the board or commission, payment for preparatory time and payment for per diem. (Pub. Contract Code §10430 (e))

2. LABOR CODE/WORKERS' COMPENSATION: Contractor needs to beaware of the provisions which require every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions, and Contractor affirms to comply with such provisions before commencing the performance of the work of this Agreement. (Labor Code Section 3700)

3. AMERICANS WITH DISABILITIES ACT: Contractor assures the State that it complies with the Americans with Disabilities Act (ADA) of 1990, which prohibits discrimination on the basis of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA. (42 U.S.C. 12101 et seq.)

4. CONTRACTOR NAME CHANGE: An amendment is required to change the Contractor's name as listed on this Agreement. Upon receipt of legal documentation of the name change the State will process the amendment. Payment of invoices presented with a new name cannot be paid prior to approval of said amendment.

5. CORPORATE QUALIFICATIONS TO DO BUSINESS IN CALIFORNIA:

a. When agreements are to be performed in the state by corporations, the contracting agencies will be verifying that the contractor is currently qualified to do business in California in order to ensure that all obligations due to the state are fulfilled.

b. "Doing business" is defined in R&TC Section 23101 as actively engaging in any transaction for the purpose of financial or pecuniary gain or profit. Although there are some statutory exceptions to taxation, rarely will a corporate contractor performing within the state not be subject to the franchise tax.

c. Both domestic and foreign corporations (those incorporated outside of California) must be in good standing in order to be qualified to do business in California. Agencies will determine whether a corporation is in good standing by calling the Office of the Secretary of State.

6. RESOLUTION: A county, city, district, or other local public body must provide the State with a copy of a resolution, order, motion, or ordinance of the local governing body which by law has authority to enter into an agreement, authorizing execution of the agreement.

7. AIR OR WATER POLLUTION VIOLATION: Under theState laws, the Contractor shallnot be*:* (1) in violation of any order or resolution not subject to review promulgated by the State Air Resources Board or an air pollution control district; (2) subject to cease and desist order not subject to review issued pursuant to Section 13301 of the Water Code for violation of waste discharge requirements or discharge prohibitions; or (3) finally determined to be in violation of provisions of federal law relating to air or water pollution.

8. PAYEE DATA RECORD FORM STD. 204: This form must be completed by all contractors that are not another state agency or other governmental entity.

http://www.documents.dgs.ca.gov/dgs/fmc/pdf/std204.pdf

## ATTACHMENT 3: Payee Data Record (STD 204)

The Bidder must complete and submit Payee Data Record (STD. 204) with its Final Bid.

This form is available at: http://www.documents.dgs.ca.gov/dgs/fmc/pdf/std204.pdf