



Board Agenda Item 9

DATE: July 13, 2021

TO: Board of Supervisors

SUBMITTED BY: Dawan Utecht, Director, Department of Behavioral Health

SUBJECT: Agreement for Substance Abuse Disorder Primary Prevention Services

RECOMMENDED ACTION(S):

- 1. Hear and consider appeal from California Health Collaborative regarding recommended award of Substance Abuse Disorder Primary Prevention Services for Youth and Young Adults ages 10-20 to the Youth Leadership Institute.**
- 2. Approve and authorize the Chairman to execute an Agreement with Youth Leadership Institute for Substance Abuse Disorder Primary Prevention Services for Youth and Young adults ages 10-20, effective upon execution, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed \$6,096,760.**

The County's Request For Proposals (RFP) solicited competitive bids for Substance Abuse Disorder Primary Prevention Services for Youth and Young Adults ages 10-20. The RFP was divided into four sections.

The Appeal: It is recommended that you Board first hear and consider the appeal from California Health Collaborative (CHC) regarding the recommended award to the Youth Leadership Institute (YLI). Both the County Administrative Officer (CAO) and the Purchasing Manager have reviewed and considered the appeal pursuant to the County's appeal process and recommend that the appeal be denied.

CHC failed to provide a completed detailed five-year line item budget for Sections I-III of the RFP and should have been deemed non-responsive.

Recommended Agreement: It is recommended that your Board approve and authorize the proposed agreement with YLI, allowing the Department of Behavioral Health to provide substance abuse prevention services for County youth and young adults ages 10-20 in accordance with the County's 2021-2026 Strategic Prevention Plan (SPP) for Alcohol and Other Drugs (AOD). The agreement is funded with Substance Abuse Prevention and Treatment (SAPT) Federal Block Grant funds, with no increase in Net County Cost.

This item is countywide.

ALTERNATIVE ACTION(S):

Your Board could require the services to be re-bid; however, this would delay services to at-risk youth and young adults within the County. Further, failure to allocate and spend SAPT set aside funding on eligible primary services may jeopardize future funding allocations which will impact the level of prevention services

available to at-risk youth.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. Services will be 100% funded with SAPT Federal Block Grant funds. SAPT funding for the recommended agreement is \$1,219,352 for FY 2021-22; \$6,096,760 for the term. Sufficient appropriations and estimated revenues are included in the Department's Org 5630 FY 2021-22 Recommended Budget and in future budget requests for the balance of the contract term.

DISCUSSION:

The Department contracts for substance abuse prevention services for youth and young adults with the goal of preventing and reducing substance use disorder and related problems. The proposed agreement would also increase the public health and well-being of youth and young adults ages 10-20 in the County by decreasing underage alcohol use, marijuana use and youth prescription drug misuse. Prevention services are provided in accordance with the 2021-2026 SPP guidelines and priority areas which were the result of a process guided by the Strategic Prevention Framework (SPF). The framework was developed by the U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration (SAMHSA).

As part of the SPP planning process, the Department formed an Advisory Group of multi-disciplinary local stakeholders and community members. The group reviewed existing County substance use disorder data. The identified problem areas, detailed on Attachment A, were included as four distinct sections in the RFP issued on December 16, 2020 for substance use disorder primary prevention services for youth and young adults ages 10-20 (RFP #21-021).

The intent of the RFP was to contract with one vendor for a term of three years, with the option to renew for up to two optional one year periods. The total annual funding available is \$1,219,352 (\$1,189,352 total for Sections I-III and \$30,000 total for Section IV). Bidders were required to submit one proposal but provide a separate scope of work response for each section. Two five-year budgets were required, one budget for Sections I-III and another for Section IV alone.

The RFP was released on the Internal Services Department - Purchasing Division's (ISD-Purchasing) Public Purchase System and over 200 agencies were notified. On January 22, 2021, the RFP closed with three proposals received. The evaluation committee convened on February 22, 2021 and was comprised of members from the Department of Behavioral Health, Department of Public Health, Department of Social Services, and a Community member. The committee recommended the proposal submitted by CHC for funding.

On March 24, 2021, YLI appealed the funding recommendation to the Purchasing Manager and stated the following:

- 1) The County has, for the first time, moved to a single bidder process for four sections of RFP 21-021 Substance Use Disorder Primary Prevention.
- 2) The County has deviated from a point system to a qualitative ranking system with no quantitative methodology.
- 3) The evaluator comments demonstrate that YLI Award Criteria evaluation results and outcomes are unreliable, due to substantial evaluation errors and significant misrepresentations of YLI's work. Due to the errors and misrepresentations, and the lack of any quantitative and transparent scoring system, it does seem possible to adjust the ranking. YLI requests that DBH re-evaluation of the proposals by a new set of evaluators and include a quantitative scoring system.

On April 9, 2021, the Purchasing Manager sent YLI an appeal denial letter which explained the County's

intention to award the contract to only one bidder. The letter also explained how the proposals were evaluated by the review committee and how the evaluation tools were used to rank each proposal based on the requirements of the RFP.

On April 20, 2021, YLI submitted an appeal to the CAO for the same reasons described above with emphasis on CHC's cost proposal. After further review, the Purchasing Manager and Department staff confirmed that CHC's proposal was missing a five-year budget for Sections I-III, which was a required element of the RFP. CHC only submitted a one-year budget for Sections I-III.

On April 26, 2021, the CAO issued a letter informing YLI that the appeal had been upheld. CHC was notified of the appeal decision the same day. A Rescinded and Revised Tentative Award Notice was issued.

On May 4, 2021, the CHC appealed the Rescinded and Revised Tentative Award Notice recommendation to the Purchasing Manager and stated the following:

- 1) All three submitted bids for RFP 21-021 contained missing required items. CHC is the only bidder that is being disqualified on the grounds of missing items. CHC should not be singled out and treated differently than the two other bidders. This arbitrary treatment of CHC is a clear "proposal rating discrepancy" and represents an "unfair competitive procurement grievance."
- 2) CHC won the initial tentative award of RFP 21-021 because the Review Committee and County determined that CHC was the best suited bidder to address the needs of the public and the goals of the RFP. The County maintains that this was an open and fair process and the initial determination should be reapplied in order to affect the best outcome for the people of Fresno County. Given the above, the disqualification of CHC and the current selection of YLI for RFP 21-021 represents a "procurement error" and should be overturned.

On May 13, 2021, the Purchasing Manager sent CHC an appeal denial letter which explained why their bid was deemed non-responsive. ISD-Purchasing and the Department examined the other two proposals, and neither proposal is missing any of the required items that are listed in the RFP's Proposal Content Requirements. However, CHC's proposal was missing a completed detailed five-year line item budget for Sections I-III of the RFP, which was under the Cost Proposal portion of the Proposal Content Requirements. Because CHC's proposal was missing this required element, CHC's proposal should have been deemed non-responsive, and not forwarded through the evaluation process. However, this omission was inadvertently overlooked during the preliminary review of the bid opening; therefore, CHC's proposal was submitted for review by the evaluation team.

On May 21, 2021, CHC submitted an appeal to the CAO for the same reasons detailed earlier.

On June 2, 2021, the CAO issued a letter informing CHC of the decision to uphold the denial of appeal as CHC's proposal was materially deficient, which resulted in CHC's entire proposal being deemed non-responsive. The proposal should not be considered by the County as a complete proposal was not submitted.

If the recommended agreement is approved, it would be effective upon execution through June 30, 2024, with an option for two additional one-year terms dependent upon satisfactory performance outcomes and available funding. The recommended agreement may be terminated without cause by County, Contractor or Department Director, or designee, at any time by providing a written 30-day advance notice.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachment A

On file with Clerk - Agreement with Youth Leadership Institute

On file with Clerk - Advanced Agenda Material

CAO ANALYST:

Sonia M. De La Rosa