

# **Advance Agenda Material**

**Please retain for** 7/13/21  
**Board Meeting**



# County of Fresno

DEPARTMENT OF BEHAVIORAL HEALTH  
DAWAN UTECHT  
DIRECTOR

DATE: June 29, 2021

FROM: Dawan Utecht, Director, Department of Behavioral Health

TO: Board of Supervisors

SUBJECT: Advance Agenda Materials – July 13, 2021 (Legistar #21-0594)

The Department of Behavioral Health intends to bring a Board Agenda Item to your Board on July 13, 2021 that will recommend approval of a contract for Substance Abuse Disorder Primary Prevention Services to the Youth Leadership Institute. The first recommended action will ask that your Board hear an appeal from another vendor, California Health Collaborative.

Provided as advance agenda material is information regarding the appeal including: California Health Collaborative's appeal letters to the Purchasing Manager and County Administrative Officer, and the Purchasing Manager's and County Administrative Officer's respective responses. Additionally, a timeline of events is included.

Should you have any questions, please feel free to contact me at 600-9192.

*SMJ rev.  
6/29/21*

**TIMELINE OF EVENTS**  
**Request for Proposal (RFP) # 21-021**  
**Substance Use Disorder Primary Prevention**

<b><u>EVENT</u></b>	<b><u>DATE</u></b>
RFP Release Date	December 16, 2020
Vendor Conference	January 6, 2021
Written Questions for RFP Due	January 8, 2021
Addendum Release	January 12, 2021
RFP Closing Date	January 22, 2021
RFP Committee Review	February 22, 2021
Tentative Award Notice Issued	March 15, 2021
Youth Leadership Institute - 1 <sup>st</sup> Appeal	March 24, 2021
Purchasing's Response – Appeal Denied	April 9, 2021
Youth Leadership Institute – 2 <sup>nd</sup> Appeal	April 20, 2021
CAO's Response – Appeal Upheld	April 26, 2021
Rescinded and Revised Tentative Award Notice Issued	April 26, 2021
California Health Collaborative – 1 <sup>st</sup> Appeal	May 4, 2021
Purchasing's Response – Appeal Denied	May 13, 2021
California Health Collaborative – 2 <sup>nd</sup> Appeal	May 21, 2021
CAO's Response – Appeal Denied	June 2, 2021
California Health Collaborative Informs of Intention to Appeal Before BOS	June 8, 2021
Board Date for Appeal Hearing and Agreement	July 13, 2021



# County of Fresno

DEPARTMENT OF BEHAVIORAL HEALTH  
DAWAN UTECHT  
DIRECTOR

March 15, 2021

Gary Cornuelle, Purchasing Manager  
Fresno County Purchasing Division  
333 W. Pontiac Way  
Clovis, CA 937612

RE: Funding Recommendation for RFP 21-021 (Substance Use Disorder Primary Prevention)

Dear Mr. Cornuelle:

Attached is the Summary of Evaluation for RFP 21-021, Substance Use Disorder Primary Prevention.

A recommendation was made by the RFP Review Committee to award California Health Collaborative funding in the amount of \$1,219,352 for the provision of Substance Use Disorder Primary Prevention services.

The Department has reviewed and concurs with the Review Committee's recommendation. Upon tentative award notification, the Department will initiate contract negotiations.

If you have any questions, please contact Solomon Vang, Senior Staff Analyst at (559) 600-9986.

Sincerely,

Dawan Utecht  
Director

Attachment  
DU/sv

**SUMMARY OF EVALUATION**  
**Request for Proposal (RFP) # 21-021**  
**Substance Use Disorder Primary Prevention**

**TIMELINE**

RFP RELEASE DATE	December 16, 2020
VENDOR CONFERENCE	January 6, 2021
ADDENDUM RELEASE	January 12, 2021
RFP CLOSING DATE	January 22, 2021
RFP COMMITTEE REVIEW	February 22, 2021
TENTATIVE BOARD DATE FOR AGREEMENT	June 8, 2021

**SUMMARY OF REQUESTED SERVICES**

The RFP sought proposals from non-profit agencies that demonstrate the ability to implement evidence-based alcohol, marijuana and prescription drug misuse primary prevention programs for youth and young adults ages 10-20 in Fresno County. The goal of the programs is to prevent and reduce substance use and related problems and increase the public health and well-being of the people in the county.

Bidder(s) were required to submit one proposal but provide a separate scope of work response for each of the sections identified below. One bidder would be selected to provide the solicited services.

- Section I: Underage Drinking
- Section II: Youth Marijuana Use
- Section III: Prescription (RC) and Over the Counter Drugs
- Section IV: Friday Night Live / Club Live Program Administration

The maximum funding available for Sections I-III for each twelve (12) month term is \$1,189,352. The maximum funding available for Section IV for each twelve (12) month term is \$30,000 (\$15,000 for Friday Night Live and \$15,000 for Club Live).

**PROPOSALS RECEIVED**

The RFP was released on Purchasing's Public Purchase System and over 200 agencies were notified. Three (3) proposals were received by Purchasing and were reviewed by the RFP Review Committee. Proposals were received from the following organizations:

- California Health Collaborative
- Mental Health Systems
- Youth Leadership Institute

**RFP REVIEW COMMITTEE MEMBERS**

The RFP Review Committee consisted of the following representatives:

- Department of Behavioral Health Staff Analyst (2)
- Department of Public Health Program Manager (1)
- Department of Social Services Program Manager (1)
- Brain Wise Solutions Cofounder and Trauma Informed Care Consultant (1)

All members signed the Confidentiality Certification and Conflict of Interest Certification. Bid review guidelines were provided to each committee member. The Review Committee met on February 22, 2021 to discuss the proposals.

### **REVIEW COMMITTEE RANKINGS**

Each proposal was ranked from 1 to 3, with 1 being the top choice and 3 being the last choice. The table below identifies the respective Review Committee's ranking for the proposals received.

<b>Vendor</b>	<b>Overall Ranking</b>
California Health Collaborative	1
Youth Leadership Institute	2
Mental Health Systems	3

### **REVIEW COMMITTEE FUNDING RECOMMENDATION**

The Review Committee reviewed strengths and weaknesses of each proposal. Overall, the proposal submitted by California Health Collaborative was ranked higher than the other proposal and was considered responsive to the RFP. The proposals submitted by the other vendors were found to be less responsive and were not considered for funding.

Strengths identified in California Health Collaborative's proposal included their demonstrated knowledge of the services requested and the need to deliver services to the target population and underserved communities. CHC also demonstrated their strong existing community partnerships in Fresno County, their ability to provide evidence-based programs, and organization readiness and capacity to implement the programs quickly. Staff are diverse, have an abundance of experience delivering services, and there is a plan in place to ensure minimal staff turnover within the organization.

Mental Health Systems' proposal did not adequately address the services sought in the RFP. The proposal contained limited information on how services would be delivered to the specific target population and provided minimal information on their substance use disorder prevention services experience. Program descriptions were not provided, and evidence-based practices were not mentioned. Hiring of staff, staff retention and sustainability of the programs were a concern. The proposal also did not address existing collaborative relationships in Fresno County. New partnerships would need to be developed with community partners and schools.

Youth Leadership Institute's proposal lacked information on two sections. The proposal showed prevention experience in alcohol but not marijuana and prescription drugs. The proposal did not provide sufficient information on how services would be delivered for the marijuana and prescription drugs programs. The implementation plan for the marijuana and prescription drugs programs was confusing as they referenced alcohol strategies. Evidence-based practices weren't provided for marijuana and prescription drugs programs. Services for the prescription drugs program is to be subcontracted out, but the proposal contained minimal details on how services would be implemented and delivered.



**Recommendation:**

Based upon available funding, strengths and weaknesses of each proposal, and the overall capacity to meet the DBH's request for evidence-based alcohol, marijuana and prescription drug misuse primary prevention programs for youth and young adults ages 10-20 in Fresno County, the Review Committee recommended the proposal submitted by California Health Collaborative for funding.

**DEPARTMENT OF BEHAVIORAL HEALTH'S RECOMMENDATION**

The Department concurs with the Review Committee's vendor recommendation.



# County of Fresno

INTERNAL SERVICES DEPARTMENT

Facilities • Fleet • Graphics • Purchasing • Security • Technology

## TENTATIVE AWARD NOTICE

March 15, 2021

Subject: Award of Request for Proposal No. 21-021

The County of Fresno has completed its evaluation of all proposals submitted in response to its Request for Proposal Number 21-020 Substance Use Disorder Primary Prevention.

Pending Board approval, award will be made to California Health Collaborative, the most responsive, responsible bidder whose proposal has been determined to be the most advantageous to the County.

We acknowledge and appreciate the time and effort devoted to the preparation of your proposal.

If you have any questions, please contact Bryan Hernandez by phone at (559) 600-7117 or by e-mail at [bhernandez@fresnocountyca.gov](mailto:bhernandez@fresnocountyca.gov).

### FOR THE COUNTY OF FRESNO

**Gary Cornuelle** Digitally signed by Gary Cornuelle  
Date: 2021.03.15 16:41:01 -07'00'

Gary E. Cornuelle, Purchasing Manager  
333 W. Pontiac Way  
Clovis, CA 93612

GEC:BH:st

G:\PUBLIC\RFP\FY 2020-21\21-021 SUBSTANCE USE DISORDER PRIMARY PREVENTION\21-021 TENTATIVE AWARD NOTICE.DOCX

333 W. Pontiac Way, Clovis, CA 93612 / (559) 600-7110

*\* The County of Fresno is an Equal Employment Opportunity Employer \**





May 4, 2021

AARON R. CLAXTON  
ACLAXTON@WILKEFLEURY.COM

**VIA E-MAIL AND FEDEX OVERNIGHT**

County of Fresno Purchasing  
333 W. Pontiac Way  
Clovis, CA 93612

[gcornuelle@FresnoCountyCA.gov](mailto:gcornuelle@FresnoCountyCA.gov)  
[CountyPurchasing@FresnoCountyCA.gov](mailto:CountyPurchasing@FresnoCountyCA.gov)

Re: **Appeal of Tentative Award Notice for RFP 21-021:**  
**Substance Use Disorder Primary Prevention**  
**California Health Collaborative**

This appeal of the Rescinded and Revised Tentative Award Notice relative to RFP 21-021 is submitted on behalf of the California Health Collaborative (“CHC”). CHC has been operating as a non-profit public health organization in the Fresno community for over 35 years. CHC’s mission and program focus has been to address at-risk and underserved communities in rural and urban areas of Fresno, the Central Valley, and throughout California. Throughout its long history serving the Fresno community, CHC has established significant, longstanding and productive work relationships with Fresno County and City governments, local and regional non-profits, schools, hospitals, clinics and other healthcare organizations. These partnerships have allowed CHC to become a significant and successful provider of public health and prevention services to women, children and their families, youth and adolescents in substance abuse prevention and with adult populations in areas of chronic disease prevention.

Their experience, community ties, and strategic partnerships are some of the reasons why CHC was the original tentative award recipient of RFP 21-021. The April 26, 2021 Rescinded and Revised Tentative Award Notice relative to RFP 21-021 overturned the Department of Behavioral Health’s (the “Department”) award to CHC and declared the Youth Leadership Institute (“YLI”) as the tentative award recipient. The rescission of the tentative of award was based on the following RFP requirement:

**“Failure to respond to all questions or to not supply the requested information could result in rejection of your proposal. Merely offering to meet the specifications is insufficient and will not be accepted. Each bidder should submit a complete proposal with all information requested.”** *RFP 21-021, Page 10.*

The Department determined that CHC’s bid was incomplete because CHC failed to submit all pages of its five-year budget. However, as detailed further below, all three submitted bids were incomplete and failed to satisfy the above criteria.

CHC submits this appeal on two straight forward grounds:

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.

Below, CHC will expand on and provide supporting documentation for the above two appeal basis.

**I. ALL THREE BIDS SUBMITTED FOR RFP 21-021 CONTAINED MISSING ITEMS AND THE BIDDERS SHOULD BE TREATED EQUALLY.**

**Youth Leadership Institute (“YLI”)**

Both the Review Committee and the evaluators of the bid made by YLI for RFP 21-021 noted numerous missing items within their submission. The Review Committee begins their summary of the evaluation relative to YLI by highlighting that YLI neglected to provide information on two sections:

**“Youth Leadership Institute’s proposal lacked information on two sections. The proposal showed prevention experience in alcohol but not marijuana and prescription drugs. The proposal did not provide sufficient information on how services would be delivered for the marijuana and prescription drug programs ... Evidence based practices weren’t provided for marijuana and prescription drug programs.”** *Review Committee Recommendation, Summary of Evaluation, RFP # 21-021 Substance Use Disorder Primary Prevention, March 15, 2021.*

On a more granular level, the evaluators of the bid submitted by YLI for RFP 21-021 noted at least twelve missing items or responses within their submission:

**Question: Does the bidder describe in detail their understanding of the needs and services requested in the RFP?**

Evaluator Number 2 provides that YLI **“focused on alcohol only and left out other drugs; marijuana and prescription drugs. Are they not aware of the other drugs in**

**the central valley and methods of prevention that are specific to the other drugs? This was not and missing.”**

Evaluator Number 4 states that **“YLI did not follow the logic model ... and omitted one strategy under marijuana. I also noticed that they did not include EBPs specific to marijuana prevention or prescription drugs... Finally, YLI did not name any staff dedicated to prescription drug abuse prevention that I could see in the staff descriptions.”**

Question: Does the bidder adequately describe how they will integrate and align program services and practices with the Guiding Principles of Care Delivery (Exhibit A) to ensure fidelity throughout the development and implementation of the resulting program?

Evaluator Number 1 notes that YLI provided **“(n)o identifiable mention of EBPs, Culturally Responsive, Trauma Informed, Concurring, CQI, harm reduction, timely access or stages of change.”**

Evaluator Number 4 states that **“YLI did not address how they would comply with Guiding Principles of Care Delivery”**

Question: Does the bidder demonstrate that they possess adequate knowledge of prevention work from the last five years and how their proposed services will complement the existing platform for the age range of the target population (10-20)?

Evaluator Number 2 states that YLI’s response **“was lacking the knowledge of prescription drugs and marijuana. What is there knowledge and understanding of these drugs and prevention? This was missing.”**

Evaluator Number 3 asks **“(w)here is Southwest Fresno? Rural comm., like Parlier?”**

Evaluator Number 4 states that **“their response only described their specific past efforts and not the only prevention efforts done in the community by other organizations that focus o(n) marijuana and prescription drugs.”**

Evaluator Number 5 states that **“(o)nly missed goal was average age of first alcohol use.”**

Question: If bidder is choosing to focus on a specific target population and geographic area within the 10-20 age range, did the bidder describe the specific target population and geographic area to be served and how the proposed services will meet the needs of that population?

Evaluator Number 2 states that YLI’s response **“lacked information from the subcontractor and the role they would have to achieve the goals and understanding of the priorities.”**

Evaluator Number 3 asks **“Where’s the sustainability in this? DPH – tobacco program? Tobacco Coalition? Path, lock it up?”**

Question: Does the bidder describe the specific evidence-based practices that will be utilized based on their chose priority area and the strategies listed in the Logic Model (Exhibit B)?

Evaluator Number 1 notes that they **“could not find any evidence based for Not on My Watch and others. Discussed environmental prevention which is not a part of current prevention as described by DHCS.”**

Evaluator Number 2 states that YLI’s response was **“alcohol heavy and did not elaborate on prescription drugs or marijuana.”**

Evaluator Number 3 wrote **“Alcohol – yes  
Marijuana  
Rx - ?”**

Evaluator Number 4 states that **“The EBPs mentioned pertain to alcohol prevention... I didn’t see anything listed specific to marijuana prevention. Prescription Drugs – Same problems as listed above.”**

Question: Does the bidder describe the extent to which the proposed activities and services are sustainable beyond the life of the contract?

Evaluator Number 3 states **“I did not see it strongly state or in each section/objective.”**

Question: Does the bidder describe its organizational plan, management structure, and staffing plan to be adequate and appropriate for overseeing the proposed services?

Evaluator Number 1 states that **“Contract Manager – (0.8FTE) – On budget but not in proposal. Positions and job specifications are not attached in the marijuana section. Appear to be missing.”**

Evaluator Number 3 comments that **“a management structure with staff would have been helpful.”**

Evaluator Number 4 points out that **“there is no specific mention of staff allocated to prescription drug abuse.”**

Question: Does the bidder describe the efforts the organization will maintain to minimize turnover of staff?

Evaluator Number 2 responds **“Not really, it touched on staffing but not how to fully minimize the turnover. This would be a concern due to the relationship they would be building with in the community and the youth.”**

Summary: Scope of Work Proposal Requirements: Organizational Readiness/Qualifications

Evaluator Number 1 states that **“There does not seem to be staff set aside for the prescription drug program administration.”**

Question: Does the bidder provide an adequate implementation plan?

Evaluator Number 2 states that there was **“Minimal effort in this area.”**

Evaluator Number 3 responds **“no there was a lot of copy and paste from the alcohol section. No plan for Rx objective.”**

Evaluator Number 4 states that **“for marijuana the logic model specifically called for ‘Problem Identification and Referral’ this is missing in their logic model. Prescription Drugs – I found the same issues with this priority area as I did with marijuana and alcohol.”**

Summary: Scope of Work Proposal Requirements: Implementation Plan

Evaluator Number 2 states **“Vague ~ I can’t see them carrying this contract out.”**

Question: Does the bidder’s proposal include an implementation plan detailing how short, intermediate, and long term goals would be achieved according to the strategies listed in the Logic Model (Exhibit B)?

Evaluator Number 2 notes that the **“subcontractor was missing in this area. As well are the goals to help subsidize the use of prescription drugs and marijuana.”**

Evaluator Number 3 states **“some PSE Strategies were not noted... The implementation detail fell short on the Rx campaign and marijuana.”**

Evaluator Number 4 responds that the YLI **“neglected strategies it did call for (e.g. problem identification and referral).”**

Question: Does the bidder describe how they will work with the County’s Prevention Provider Program Evaluator?

Evaluator Number 1 states that they **“Could not find mention of this in the RFP submission.”**

Evaluator Number 5 responds **“No”**

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Question: Does the bidder have experience with Primary Prevention SUD Data Service System (PPSDS) or understand the necessity of data collection within PPSDS?

Evaluator Number 4 provides that they **“did not see mention of this in the RFP”**

Evaluator Number 5 states **“Not addressed”**

*Mental Health Systems (“MHS”)*

Because MHS was the third ranked bidder for RFP 21-021 and with brevity in mind, please see below an excerpt of the Review Committee summary of the evaluation relative to MHS:

**“The proposal contained limited information on how services would be delivered to the specific target population and provided minimal information on their substance use disorder prevention services experience. Program descriptions were not provided, and evidence-based practices were not mentioned... The proposal also did not address existing collaborative relationships in Fresno County.”**

Like all three of the submissions for RFP 21-021, the bid submitted by MHS failed to include every required item or response.

*California Health Collaborative*

The April 26, 2021 letter from Jean M. Rousseau, County Administrative Officer to YLI in response to their second appeal provided that YLI’s appeal would be upheld because CHC’s bid was missing part of its five-year budget for Sections I-III.

**“The RFP, at page 10, specifies: Failure to respond to all questions or to not supply the requested information could result in rejection of your proposal. Merely offering to meet the specifications is insufficient and will not be accepted. Each bidder should submit a complete proposal with all information requested.”**

Although a public entity has the right to reject all bids, the public entity is generally required to adhere to “competitive bidding,” awarding the contract to the lowest responsible and responsive bidder. (Cal. Public Contracts Code § 20121.) Competitive bidding safeguards against favoritism, improvidence, extravagance, fraud and corruption, and helps to secure the best work or supplies at the lowest price practicable. (See *Domar Electric, Inc. v. City of Los Angeles* (1994) 9 Cal.4th 161, 174.) Further, it is well established that a bid that substantially conforms to a call for bids may, though it is not strictly responsive, be accepted if the variance cannot have affected the amount of the bid or given a bidder an advantage or benefit not allowed other bidders.” (See *Ghilotti Construction Co. v. City Of Richmond* (1996) 45 Cal.App.4th 897.) Whether a bid deviation is material or inconsequential is a question of fact and depends on a number of factors, including whether the deviation gave the bidder an advantage not allowed other bidders or was a vehicle for favoritism. (*Id.*)

As outlined above, both YLI and MSH submitted incomplete bids that failed to supply all requested information from the RFP. However, CHC is the only entity that is being held to this standard and being disqualified on the grounds that its submission failed to provide all requested information. Moreover, while the evaluators and the Review Committee noted multiple and significant missing items of a substantive nature from YLI and MSH bids, the missing item noted from CHC was the result of a clerical error and is not substantive. When CHC converted their five-year budget from Excel to PDF, certain pages were not included. However, CHC subsequently corrected this administrative error and provided the County with the complete five-year budget. An error of this nature should not be outcome determinative.

CHC, and more importantly, the people of Fresno County, should not be penalized by disqualifying the most qualified bidder when all of the bids for RFP 21-021 were incomplete. The permissive language of the rule cited by the County provides the Review Committee and the County with the discretion to disregard certain omissions and review bids as a whole. However, CHC's bid is being rejected on a basis that if applied equally would disqualify all bidders. By arbitrarily rejecting CHC's proposal based on a clerical omission, while disregarding a similar omission in YLI's bid, the County demonstrated a clear favoritism towards YLI. Such favoritism is strictly prohibited as it undermines the integrity of the competitive bidding process and the County's stated goal of securing the award that is the most advantageous to the County. The same standard should be applied to all three submissions and the original tentative award to CHC should be reinstated.

In the alternative, all three bids should be rejected for a failure to supply all requested information and the bid process for RFP 21-021 should begin anew.

**II. CHC WON THE INITIAL AWARD OF RFP 21-021 BECAUSE IT IS THE BEST OPTION FOR FRESNO COUNTY AND THE INITIAL TENTATIVE AWARD SHOULD BE REINSTATED.**

The Review Committee Funding Recommendation for RFP 21-021 found that **“the proposal submitted by California Health Collaborative was ranked higher than the other proposal and was considered responsive to the RFP. The proposals submitted by the other vendors were found to be less responsive and were not considered for funding.**”

**Strengths identified in California Health Collaborative's proposal included their demonstrated knowledge of the services requested and the need to deliver services to the target population and underserved communities. CHC also demonstrated their strong existing community partnerships in Fresno County, their ability to provide evidence-based programs, and organization readiness and capacity to implement the programs quickly. Staff are diverse, have an abundance of experience delivering services, and there is a plan in place to ensure minimal staff turnover within the organization.”**



While the second appeal submitted by YLI was upheld on the basis that CHC did not initially submit every page of their budget, YLI also took issue with the County's new collaborative evaluation methodology for review of proposals in this RFP and claimed there were unreliable outcomes with this new methodology. As to the review process and methodology that resulted in the initial tentative award to CHC, the County maintains that **“(t)his was an open and fair process, and the collaborative evaluation of contractors’ proposals by the County’s evaluation team composed of individuals most knowledgeable in these service areas is the process that is most advantageous to the County, and will result in the most prudent use of the County’s tax dollars to provide these valuable services to the public.”**

Given that the County stands by the RFP evaluation process that resulted in the initial tentative award to CHC, the County should not arbitrarily exclude the highest rated and best suited candidate on a technicality. Moreover, as outlined above, this same technicality should apply to all three bidders. As to the merits of the CHC's RFP bid, the evaluators that the County stands behind had this to say in their overall summaries of CHC:

**“This provider has created a program that uses its many partners, specific strategies, and scope of work to outline a successful project that would reach most area in Fresno County. They appear to have the aforethought to use current program success to create a fully integrated program that appears to be an integrated network of complementary services of prevention in Fresno County.”** -Evaluator Number 1

**“This is my number one choice with some reservations on the finance piece.”** - Evaluator Number 2

**“This agency is ready to begin implementation with fully trained staff, has great leadership on house (with) 20-30 years actually handling work in Fresno. Partners, network is formed, is diverse. MOU/LOS are in place.”** -Evaluator Number 3

**“Looking to the big picture of prevention services delivery for Fresno County, it is my opinion that CHC’s submission most closely resembles what we are looking for going forward into the next cycle.”** -Evaluator Number 4

**“This bidder seems well equipped to meet the goals and objectives of the RFP as long as they are able to continue the existing work already being done by other agencies with Friday Night Live”** -Evaluator Number 5

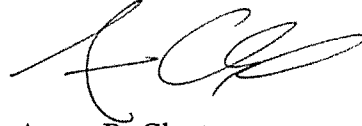
Based on the above, the California Health Collaborative respectfully asks the Purchasing Manager to reconsider the decision to rescind the initial tentative award of RFP 21-021. CHC firmly believes that it is the best option to operate the substance abuse disorder primary prevention programs within Fresno County and that it will ultimately have the most profound impact on the youth population within the County.

County of Fresno Purchasing  
May 4, 2021  
Page 9

The California Health Collaborative looks forward to receiving the Purchasing Manager's response to this appeal and welcomes an opportunity to supplement this appeal with additional information or documentation, if needed.

Very truly yours,

WILKE FLEURY LLP

A handwritten signature in black ink, appearing to read 'A. Claxton', written over the printed name below.

Aaron R. Claxton

ARC:MT

2754276.1



# County of Fresno

INTERNAL SERVICES DEPARTMENT  
ROBERT W. BASH, DIRECTOR - CIO

Facility Services • Fleet Services • Graphics  
Information Technology • Purchasing  
Security • Telecommunications

May 13, 2021

Aaron R. Claxton  
Wilke Fleury LLP  
400 Capitol Mall  
Sacramento, CA 95814

RE: Appeal of Tentative Award Notice for RFP 21-021: Substance Use Disorder Primary Prevention  
California Health Collaborative

Dear Mr. Aaron R. Claxton:

This letter is the response of the Purchasing Department (Purchasing) of the County of Fresno (County) to California Health Collaborative's (CHC) appeal letter, dated May 4, 2021, appealing the Rescinded and Revised Tentative Award of the above-mentioned Request For Proposal (RFP).

CHC appeals the Department of Behavioral Health's (DBH) rescission of the Tentative Award of the RFP, dated April 26, 2021 to CHC, and new recommendation to the Board of Supervisors (Board) for a revised tentative award of the proposed agreement for Substance Use Disorder (SUD) Primary Prevention services to Youth Leadership Institute (YLI), resulting from the above-mentioned RFP 21-021.

This RFP sought certain SUD primary prevention services, to be provided by the winning bidder for a cost set in advance by the County; the cost is determined and set in advance by state and federal regulations.

The recommendation for "tentative award" means that this is the DBH's recommendation to the Board for award of the proposed agreement for these services to YLI. This recommendation for "tentative award" to YLI is not a final County decision, and the County's decision to award the proposed agreement is made only by the Board.

CHC appeals the tentative award to YLI on two grounds:

1. All three submitted bids for RFP 21-021 are claimed to have contained missing required items. CHC claims that it is the only bidder that is being disqualified on the grounds of missing items. CHC contends that it should not be singled out and treated differently than the two other bidders. This allegedly arbitrary treatment of CHC is, in its view, a clear "proposal rating discrepancy" and represents an "unfair competitive procurement grievance" (CHC appeal letter, p. 2).
2. CHC claims that it 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. CHC states that the County maintains that this was an open and fair process and that the initial determination should be reapplied in order to affect the best outcome for the

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Aaron R. Claxton

RE: Appeal of Tentative Award Notice for RFP 21-021: Substance Use Disorder Primary Prevention California Health Collaborative

May 13, 2021

Page 2

people of Fresno County. CHC claims that, 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 (CHC appeal letter, p. 2).

As discussed below, we summarize each of CHC's claims, and provide the DBH's and Purchasing's related response.

Purchasing has considered each of CHC's claims, and has not found sufficient evidence, such as the alleged claim that all three submitted bids were determined as incomplete, to overturn the DBH's recommendation of tentative award to the Board for the award of the proposed agreement to YLI.

DBH's recommendation of tentative award to the Board is presently scheduled to be heard by the Board for its requested action at the Board's regular meeting on June 22, 2021.

As discussed at the end of this letter, CHC has the option to continue the appeal process within the specified deadline stated below.

The County appreciates all the work that CHC has provided to the County under its current and prior service agreements, as well as the work CHC has put into preparing this proposal. However, CHC's proposal was deficient because it was missing budget information, which is material to the County's RFP process. This rendered CHC's proposal non-responsive. This was not a minor deficiency; this was a material deficiency. Regardless of the County's evaluation team's opinions regarding the remainder of CHC's proposal, this material deficiency resulted in the entire proposal being deemed non-responsive. And while CHC's proposal had certain strengths, YLI's proposal fulfilled the major requirements of the requested RFP, and is sufficient, and it is the opinion of Purchasing and DBH that YLI is expected to satisfactorily serve the needs of the County, and the public.

Below, we summarize each of CHC's claims, in bold text, and provide the DBH's and Purchasing's related summary response.

- I. **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."**

**Response:**

I have reviewed the relevant portions of the RFP; in particular, page 12 of the RFP requires:

"In an effort to evaluate and award proposals in accordance with the estimated timelines, bidder(s) are required to submit one proposal but provide a separate scope of work response for each section. Two five (5) year budgets are required. One of the five (5) year budgets will be for Sections I-III. The second five (5) year budgets will be for Section IV alone. Submissions should be organized in such a way that all required components are easily identified."

DBH staff and I have confirmed that CHC's proposal was missing the five-year budget for Sections I-III when it was submitted. CHC only submitted a one-year budget for Sections I-III. The RFP specifies at page 10:

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Failure to respond to all questions or to not supply the requested information could result in rejection of your proposal. Merely offering to meet the specifications is insufficient, and will not be accepted. Each bidder shall submit a complete proposal with all information requested.

Purchasing deems a proposal non-responsive when the required items that are listed in the **Proposal Content Requirements** (Page 28 of RFP 21-021 Substance Use Disorder Primary Prevention) are not received upon closing of the bid, in this case, on January 22, 2021. These Proposal Content Requirements include:

1. RFP Page 1 and Addendums Page 1
2. Cover Letter
3. Table of Contents
4. Conflict of Interest Statement
5. Trade Secret form
6. Certification – Disclosure – Criminal History and Civil Actions
7. References
8. Participation
9. Exceptions
10. Vendor Company Data
11. Scope of Work
12. **Cost Proposal**
13. Check List

In this case, the proposals submitted by the other two bidders, YLI and Mental Health Systems (MHS), the third bidder, contained the documents required by the Proposal Content Requirements. However, CHC's proposal was missing a completed detailed 5-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 should not have been forwarded to 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.

In CHC's appeal letter, CHC lists areas where YLI and MHS were allegedly deficient. These claims are addressed in Attachment A. After reviewing each of these claimed alleged deficiencies, Purchasing and DBH's conclusion is that these were areas where the proposals submitted by YLI and MHS may have been lacking detail, or where certain areas were not discussed in-depth to a particular evaluator's satisfaction, but none of these claimed deficiencies, even if true, constituted a material deficiency that would have rendered YLI's or MHS' proposals non-responsive.

CHC's appeal letter also cites legal authority for the proposition that "[a]lthough a public entity has the right to reject all bids, the public entity is generally required to adhere to "competitive bidding," awarding the contract to the lowest responsible and responsive bidder" (citing Public Contract Code section 20121). However, section 20121<sup>1</sup> relates to a competitive selection process for construction, not to a procurement process for services, such as this County procurement process for SUD Primary Prevention services. In any event, the County used an RFP with a set price, so there was no lowest bidder. As described in the

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<sup>1</sup> Pub. Contract Code, § 20121 states: " Whenever the estimated cost of construction of any wharf, chute, or other shipping facility, or of any hospital, almshouse, courthouse, jail, historical museum, aquarium, county free library building, branch library building, art gallery, art institute, exposition building, stadium, coliseum, sports arena or sports pavilion or other building for holding sports events, athletic contests, contests of skill, exhibitions, spectacles and other public meetings, or other public building or the cost of any painting, or repairs thereto exceeds the sum of four thousand dollars (\$4,000), inclusive of the estimated costs of materials or supplies to be furnished pursuant to Section 20131, the work shall be done by contract. Any such contract not let pursuant to this article is void."

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County Purchasing Manual, for an RFP like this, a statement of work is written that outlines the problem, and then the RFP asks the vendor to propose its solution to that problem. In this case, factors other than price alone need to be listed with an explanation of how they will be considered (County Purchasing Manual, p. 11).

Additionally, the law authorizing use of drug and alcohol funds, Health and Safety Code section 11810, et. seq., grants wide latitude to counties, and provides, "It is the intent of the Legislature to provide maximum flexibility in the use of federal and state alcohol and other drug program funds. County government is therefore given broad authority in determining the methods for encouragement of citizen participation, the scope of problem analysis, and the methods of planning for alcohol and other drug program services" (Health and Safety Code section 11810). Counties shall have broad discretion in the choice of services they utilize to alleviate the alcohol and other drug problems of specific population groups and the community. Those services shall include services for alcohol and other drug abuse prevention and treatment (Health and Safety Code section 11811).

CHC's appeal letter also cites legal authority asserting the position that a bid that "substantially conforms to a call for bids may, though it is not strictly responsive, be accepted" and that "whether a bid deviation is material or inconsequential is a question of fact and depends on a number of factors, including whether the deviation gave the bidder an advantage not allowed other bidders, or was a vehicle for favoritism" (CHC appeal letter, p. 6). However, CHC's omission of four years of required budgets, covering three sections of this RFP, was not an "inconsequential" bid deviation, and this proposal, with its missing budgets, did not "substantially conform" to the call for bids.

CHC's appeal letter claims that YLI and MSH submitted incomplete bids that failed to supply all requested information from the RFP, and that CHC is the only entity that is being held to this standard, and is being disqualified on the grounds that its submission failed to provide all requested information. However, Purchasing and DBH have examined YLI and MSH's proposals, and neither proposals is missing any of the required items that are listed in the Proposal Content Requirements, described above.

CHC's appeal letter claims that the budget pages were missing due to a clerical error when CHC converted its five-year budget from Excel to PDF, and that CHC subsequently corrected this administrative error and provided the County with the complete five-year budget. However, as stated below in the RFP, bidders must submit all portions of their proposals when the proposals are due, and not afterward.

Bidders must electronically submit their proposal in .pdf format, no later than the proposal closing date and time as stated on the front of this document, to the Bid Page on Public Purchase. The County will not be responsible for and will not accept late bids due to slow internet connection or incomplete transmissions (RFP p. 10).

Failure to respond to all questions or to not supply the requested information could result in rejection of your proposal. Merely offering to meet the specifications is insufficient and will not be accepted. Each bidder shall submit a complete proposal with all information requested (RFP p. 10).

It is not relevant that these budget pages were missing "due to a clerical error." CHC's proposal was materially incomplete, did not have all information requested, and was therefore non-responsive.

CHC alleges that the County arbitrarily rejected CHC's proposal due to rejecting CHC's proposal for the clerical error, referred to above; based on that, CHC claims the County has favoritism toward YLI. This assertion is misplaced. The County did not reject CHC's proposal arbitrarily; any proposal omitting material documents required in the Proposal Content Requirements would be found non-responsive and rejected. CHC's proposal was missing material documents required in the Proposal Content Requirements. The other two bidders' proposals were not missing material documents required by the Proposal Content

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Requirements. CHC's proposal was non-responsive, and this is why CHC's proposal was rejected by the County; the County does not have, nor has it shown any favoritism towards YLI.

Lastly, CHC claims that all three bids should be rejected for a failure to supply all requested information and the bid process for RFP 21-021 should begin anew. However, the other two bidders did not fail to supply the required documents in the Proposal Content Requirements. Moreover, this is not CHC's decision to make. The County is tasked with safeguarding the public's tax dollars and providing these services on an expedient basis. State law grants the County wide latitude to determine how to expend these drug and alcohol funds. The cost of repeating this RFP, and the potential delay in the provision of these services resulting from repeating the RFP are great. Purchasing does not believe that this would be a prudent use of the County's tax dollars.

**II. 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.**

**Response:**

The County is not, and should be, bound by making a tentative award based on an error.

It is up to the evaluation team to determine which bidder best addressed the needs from each proposal. It was the recommendation of the evaluation team to initially tentatively award to CHC (without being aware of the material defect in its proposal), based on the evaluation of each proposal.

As discussed above, it was after the evaluation process and tentative award to CHC that it was brought to the attention of Purchasing that CHC's proposal was missing a required five-year budget.

As discussed above, because CHC's proposal is missing a five-year budget for Sections I-III, CHC's proposal should have been deemed non-responsive, and should not be forwarded to the evaluation process at all. Therefore, there was not a "procurement error" for rescinding the tentative award to CHC and granting the tentative award to YLI. It was a "procurement error" to tentatively award to CHC.

As previously stated, state law governing these funds grants counties "maximum flexibility in the use of federal and state alcohol and other drug program funds. County government is therefore given broad authority in determining the methods for encouragement of citizen participation, the scope of problem analysis, and the methods of planning for alcohol and other drug program services" (Health and Safety Code section 11810). It is up to the County to determine which vendor is the "best suited" for the County. The County has made every effort to be fair, and offer a fair process to all bidders.

I appreciate that CHC is a fine company, and would have provided excellent service to the County. CHC has much to be proud of. However, this is irrelevant, because CHC did not submit a complete proposal, with all of the necessary documents included. Were the County to award to CHC, and disregard the fact that CHC's proposal was missing material documents, and therefore non-responsive, that would not be fair to the other bidders who provided all of the necessary documents requested in the RFP.

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I appreciate CHC's time and effort in addressing its concerns regarding the other bidders' proposals, and listing your understanding of your comments or concerns. As described in the County's RFP, appeals should address only areas regarding RFP contradictions, procurement errors, proposal rating discrepancies, legality of procurement context, conflict of interest, and inappropriate or unfair competitive procurement grievance regarding the RFP process.

Based on Purchasing's evaluation of CHC's claims addressed its appeal letter, I have concluded that the areas addressed in CHC's appeal letter do not support overturning Purchasing's process and DBH's decision for recommendation for tentative award of the proposed agreement under the RFP to CHC. As a result, CHC's appeal to Purchasing has been denied.

### **CHC's Option to Continue the Appeal Process:**

CHC has the option to continue the appeal process. To do so, a Letter of Appeal must be submitted in **hardcopy** form to the County Administrative Officer, Mr. Jean Rousseau, 2281 Tulare St., Room 304, Fresno, CA 93721, and a copy of the letter in Microsoft Word Format must be submitted to the Purchasing Manager, **via email**, to [Gcornuelle@fresnocountyca.gov](mailto:Gcornuelle@fresnocountyca.gov).

**If CHC wishes to continue the appeal process, Mr. Rousseau and the Purchasing Manager must receive the Letter of Appeal, at the respective hardcopy and email addresses stated above, not later than 5:00pm, May 24, 2021.**

CHC's Letter of Appeal must clearly state, in specific terms, the reason(s) for the appeal.

Sincerely,

Gary E. Cornuelle  
Purchasing Manager

**CHC Appeal – CHC’s Detailed Claims**  
**and**  
**DBH’s Responses**

**Subject Matter of CHC’s Claim from the RFP Evaluation (CHC appeal letter, p. 2-3):**

**Question: Does the bidder describe in detail their understanding of the needs and services requested in the RFP?**

**CHC Claims YLI is Missing Information:**

Evaluator Number 2 provides that YLI “focused on alcohol only and left out other drugs; marijuana and prescription drugs. Are they not aware of the other drugs in the central valley and methods of prevention that are specific to the other drugs? This was not and missing.”

Evaluator Number 4 states that “YLI did not follow the logic model ... and omitted one strategy under marijuana. I also noticed that they did not include EBPs specific to marijuana prevention or prescription drugs... Finally, YLI did not name any staff dedicated to prescription drug abuse prevention that I could see in the staff descriptions.”

**DBH’s response:** The comments were the evaluators’ initial feedback, and the ranking sheet was not updated after the RFP evaluation meeting. This topic was discussed, and clarification was provided in the RFP evaluation meeting. YLI’s proposal did not demonstrate adequate experience in providing services for marijuana and prescription drugs. This area of YLI’s proposal was not ideal, and this area of concern did affect the County’s evaluation team’s overall ranking of YLI’s proposal, however, this area of concern did not render YLI’s proposal non-responsive or insufficient.

**Subject Matter of CHC’s Claim from the RFP Evaluation (CHC appeal letter, p. 3):**

**Question: Does the bidder adequately describe how they will integrate and align program services and practices with the Guiding Principles of Care Delivery (Exhibit A) to ensure fidelity throughout the development and implementation of the resulting program?**

**CHC Claims YLI is Missing Information:**

Evaluator Number 1 notes that YLI provided **“(n)o identifiable mention of EBPs, Culturally Responsive, Trauma Informed, Concurring, CQI, harm reduction, timely access or stages of change.”**

Evaluator Number 4 states that **“YLI did not address how they would comply with Guiding Principles of Care Delivery”**

**DBH’s response:** The comments were the evaluators’ initial feedback, and the ranking sheet was not updated after the RFP evaluation meeting. This topic was discussed, and clarification was provided in the RFP evaluation meeting. This area of YLI’s proposal was not ideal, and this area of concern did affect the County’s evaluation team’s overall ranking of YLI’s proposal, however, this area of concern did not render YLI’s proposal non-responsive or insufficient.

**Subject Matter of CHC’s Claim from the RFP Evaluation (CHC appeal letter, p. 3):**

**Question: Does the bidder demonstrate that they possess adequate knowledge of prevention work from the last five years and how their proposed services will complement the existing platform for the age range of the target population (10-20)?**

**CHC Claims YLI is Missing Information:**

Evaluator Number 2 states that YLI’s response **“was lacking the knowledge of prescription drugs and marijuana. What is there knowledge and understanding of these drugs and prevention? This was missing.”**

Evaluator Number 3 asks **“(w)here is Southwest Fresno? Rural communities like Parlier?”**

Evaluator Number 4 states that **“their response only described their specific past efforts and not the only prevention efforts done in the community by other organizations that focus o(n) marijuana and prescription drugs.”**

Evaluator Number 5 states that **“(o)nly missed goal was average age of first alcohol use.”**

**DBH’s response:** The comments were the evaluators’ initial feedback, and the ranking sheet was not updated after the RFP evaluation meeting. This topic was discussed in the RFP evaluation meeting. This area of YLI’s proposal was not ideal, and this area of concern did affect the County’s evaluation team’s overall ranking of YLI’s proposal, however, this area of concern did not render YLI’s proposal non-responsive or insufficient.

**Subject Matter of CHC's Claim from the RFP Evaluation (CHC appeal letter, p. 3-4):**

**Question: If bidder is choosing to focus on a specific target population and geographic area within the 10-20 age range, did the bidder describe the specific target population and geographic area to be served and how the proposed services will meet the needs of that population?**

**CHC Claims YLI is Missing Information:**

Evaluator Number 2 states that YLI's response "lacked information from the subcontractor and the role they would have to achieve the goals and understanding of the priorities."

Evaluator Number 3 asks "Where's the sustainability in this? DPH – tobacco program? Tobacco Coalition? Path, lock it up?"

**DBH's response:** The comments were the evaluators' initial feedback, and the ranking sheet was not updated after the RFP evaluation meeting. This topic was discussed, and clarification was provided in the RFP evaluation meeting. This area of concern did not render YLI's proposal non-responsive or insufficient.

**Subject Matter of CHC's Claim from the RFP Evaluation (CHC appeal letter, p. 4):**

**Question: Does the bidder describe the specific evidence-based practices that will be utilized based on their chose priority area and the strategies listed in the Logic Model (Exhibit B)?**

**CHC Claims YLI is Missing Information:**

Evaluator Number 1 notes that they "could not find any evidence based for Not on My Watch and others. Discussed environmental prevention which is not a part of current prevention as described by DHCS."

Evaluator Number 2 states that YLI's response was "alcohol heavy and did not elaborate on prescription drugs or marijuana."

Evaluator Number 3 wrote "Alcohol – yes  
Marijuana  
Rx - ?"

Evaluator Number 4 states that "The EBPs mentioned pertain to alcohol prevention... I didn't see anything listed specific to marijuana prevention. Prescription Drugs –Same problems as listed above."

**DBH's response:** The comments were the evaluators' initial feedback, and the ranking sheet was not updated after the RFP evaluation meeting. This topic was

discussed in the RFP evaluation meeting. This area of YLI's proposal was not ideal, and this area of concern did affect the County's evaluation team's overall ranking of YLI's proposal, however, this area of concern did not render YLI's proposal non-responsive or insufficient.

**Subject Matter of CHC's Claim from the RFP Evaluation (CHC appeal letter, p. 4):**

**Question: Does the bidder describe the extent to which the proposed activities and services are sustainable beyond the life of the contract?**

**CHC Claims YLI is Missing Information:**

Evaluator Number 3 states "I did not see it strongly state or in each section/objective."

**DBH's response:** The comment was the evaluator's initial feedback, and the ranking sheet was not updated after the RFP evaluation meeting. This topic was discussed, and clarification was provided in the RFP evaluation meeting. This comment did not affect the team's overall ranking of YLI's proposal, and this area of concern did not render YLI's proposal non-responsive or insufficient.

**Subject Matter of CHC's Claim from the RFP Evaluation (CHC appeal letter, p. 4):**

**Question: Does the bidder describe its organizational plan, management structure, and staffing plan to be adequate and appropriate for overseeing the proposed services?**

**CHC Claims YLI is Missing Information:**

Evaluator Number 1 states that "Contract Manager – (0.8FTE) – On budget but not in proposal. Positions and job specifications are not attached in the marijuana section. Appear to be missing."

Evaluator Number 3 comments that "a management structure with staff would have been helpful."

Evaluator Number 4 points out that "there is no specific mention of staff allocated to prescription drug abuse."

**DBH's response:** The comments were the evaluators' initial feedback, and the ranking sheet was not updated after the RFP evaluation meeting. This topic was discussed, and clarification was provided in the RFP evaluation meeting. This area of YLI's proposal was not ideal, and this area of concern did affect the County's evaluation team's overall ranking of YLI's proposal, however, this area of concern did not render YLI's proposal non-responsive or insufficient.

**Subject Matter of CHC's Claim from the RFP Evaluation (CHC appeal letter, p. 4):**

**Question: Does the bidder describe the efforts the organization will maintain to minimize turnover of staff?**

**CHC Claims YLI is Missing Information:**

Evaluator Number 2 responds "Not really, it touched on staffing but not how to fully minimize the turnover. This would be a concern due to the relationship they would be building with in the community and the youth."

DBH's response: The comment was the evaluator's initial feedback, and the ranking sheet was not updated after the RFP evaluation meeting. This topic was discussed, and clarification was provided in the RFP evaluation meeting. This comment did not affect the team's overall ranking of YLI's proposal, and this area of concern did not render YLI's proposal non-responsive or insufficient.

**Subject Matter of CHC's Claim from the RFP Evaluation (CHC appeal letter, p. 5):**

**Summary: Scope of Work Proposal Requirements: Organizational Readiness/Qualifications**

**CHC Claims YLI is Missing Information:**

Evaluator Number 1 states that "There does not seem to be staff set aside for the prescription drug program administration."

DBH's response: The comment was the evaluator's initial feedback, and the ranking sheet was not updated after the RFP evaluation meeting. This topic was discussed, and clarification was provided in the RFP evaluation meeting. This area of YLI's proposal was not ideal, and this area of concern did affect the County's evaluation team's overall ranking of YLI's proposal, however, this area of concern did not render YLI's proposal non-responsive or insufficient.

**Subject Matter of CHC's Claim from the RFP Evaluation (CHC appeal letter, p. 5):**

**Question: Does the bidder provide an adequate implementation plan?**

**CHC Claims YLI is Missing Information:**

Evaluator Number 2 states that there was "Minimal effort in this area."

Evaluator Number 3 responds “no there was a lot of copy and paste from the alcohol section. No plan for Rx objective.”

Evaluator Number 4 states that “for marijuana the logic model specifically called for ‘Problem Identification and Referral’ this is missing in their logic model. Prescription Drugs – I found the same issues with this priority area as I did with marijuana and alcohol.”

**DBH’s response:** The comments were the evaluators’ initial feedback, and the ranking sheet was not updated after the RFP evaluation meeting. This topic was discussed in the RFP evaluation meeting. This area of YLI’s proposal was not ideal, and this area of concern did affect the County’s evaluation team’s overall ranking of YLI’s proposal, however, this area of concern did not render YLI’s proposal non-responsive or insufficient.

**Subject Matter of CHC’s Claim from the RFP Evaluation (CHC appeal letter, p. 5):**

**Summary: Scope of Work Proposal Requirements: Implementation Plan**

**CHC Claims YLI is Missing Information:**

Evaluator Number 2 states “Vague ~ I can’t see them carrying this contract out.”

**DBH’s response:** The comment was the evaluator’s initial feedback, and the ranking sheet was not updated after the RFP evaluation meeting. This topic was discussed, and clarification was provided in the RFP evaluation meeting. This area of concern did affect the County’s evaluation team’s overall ranking of YLI’s proposal, however, this area of concern did not render YLI’s proposal non-responsive or insufficient.

**Subject Matter of CHC’s Claim from the RFP Evaluation (CHC appeal letter, p. 5):**

**Question: Does the bidder’s proposal include an implementation plan detailing how short, intermediate, and long term goals would be achieved according to the strategies listed in the Logic Model (Exhibit B)?**

**CHC Claims YLI is Missing Information:**

Evaluator Number 2 notes that the “subcontractor was missing in this area. As well are the goals to help subside the use of prescription drugs and marijuana.”



Evaluator Number 3 states **“some PSE Strategies were not noted...The implementation detail fell short on the Rx campaign and marijuana.”**

Evaluator Number 4 responds that the YLI **“neglected strategies it did call for (e.g. problem identification and referral).”**

**DBH’s response:** The comments were the evaluators’ initial feedback, and the ranking sheet was not updated after the RFP evaluation meeting. This topic was discussed in the RFP evaluation meeting. This area of concern did affect the County’s evaluation team’s overall ranking of YLI’s proposal, however, this area of concern did not render YLI’s proposal non-responsive or insufficient.

**Subject Matter of CHC’s Claim from the RFP Evaluation (CHC appeal letter, p. 5):**

**Question: Does the bidder describe how they will work with the County’s Prevention Provider Program Evaluator?**

**CHC Claims YLI is Missing Information:**

Evaluator Number 1 states that they **“Could not find mention of this in the RFP submission.”**

Evaluator Number 5 responds **“No”**

**DBH’s response:** The comments were the evaluators’ initial feedback, and the ranking sheet was not updated after the RFP evaluation meeting. This topic was discussed, and clarification was provided in the RFP evaluation meeting. This area of concern did not affect the County’s evaluation team’s overall ranking of YLI’s proposal, and this area of concern did not render YLI’s proposal non-responsive or insufficient.

**Subject Matter of CHC’s Claim from the RFP Evaluation (CHC appeal letter, p. 6):**

**Question: Does the bidder have experience with Primary Prevention SUD Data Service System (PPSDS) or understand the necessity of data collection within PPSDS?**

**CHC Claims YLI is Missing Information:**

Evaluator Number 4 provides that they **“did not see mention of this in the RFP”**

Evaluator Number 5 states **“Not addressed”**

**DBH's response:** The comments were the evaluators' initial feedback, and the ranking sheet was not updated after the RFP evaluation meeting. This topic was discussed, and clarification was provided in the RFP evaluation meeting. This area of concern did not affect the County's evaluation team's overall ranking of YLI's proposal, and this area of concern did not render YLI's proposal non-responsive or insufficient.

**CHC Claims MHS is Missing Information (CHC appeal letter, p. 6):**

**"The proposal contained limited information on how services would be delivered to the specific target population and provided minimal information on their substance use disorder prevention services experience. Program descriptions were not provided, and evidence-based practices were not mentioned... The proposal also did not address existing collaborative relationships in Fresno County."**

Like all three of the submissions for RFP 21-021, the bid submitted by MHS failed to include every required item or response.

**DBH's response:** These areas of concern did not render MHS's proposal non-responsive or insufficient.



May 21, 2021

AARON R. CLAXTON  
ACLAXTON@WILKEFLEURY.COM

**VIA E-MAIL AND FEDEX OVERNIGHT**

Mr. Jean Rousseau  
County Administrative Officer  
2281 Tulare St., Room 304  
Fresno, CA 93721

Copy to: [gcornuelle@FresnoCountyCA.gov](mailto:gcornuelle@FresnoCountyCA.gov)

Re: **Second Appeal of Tentative Award Notice for RFP 21-021:  
Substance Use Disorder Primary Prevention  
California Health Collaborative**

Dear Mr. Rousseau:

This second appeal of the Rescinded and Revised Tentative Award Notice relative to RFP 21-021 is submitted on behalf of the California Health Collaborative ("CHC"). CHC submits this second appeal for two reasons:

(1) Of the three bidders, CHC is far and away in the best position to serve the Fresno community and effectuate the goals of RFP 21-021. To quote evaluator #2 "**this is my number one choice**"; and

(2) The rescission of the Tentative Award Notice of RFP 21-021 by the Fresno Department of Behavioral Health was arbitrary, inconsistent and should be overturned.

Because of its commitment to the health and well-being of the Fresno community, CHC intends to exhaust all administrative and judicial avenues in order to illuminate the fact that the current County determination will result in the people of Fresno County being unnecessarily deprived of the best available alcohol and drug prevention services.

By way of background, CHC has been operating as a non-profit public health organization in the Fresno community for over 35 years. CHC's mission and program focus has been to address at-risk and underserved communities in rural and urban areas of Fresno, the Central Valley, and throughout California. Throughout its long history serving the Fresno community, CHC has established significant, longstanding and productive work relationships with Fresno County and City governments, local and regional non-profits, schools, hospitals, clinics and other healthcare organizations. These partnerships have allowed CHC to become a significant and successful provider of public health and prevention services to women, children and their families, youth and

adolescents in substance abuse prevention and with adult populations in areas of chronic disease prevention.

Their experience, community ties, and strategic partnerships are a few of the reasons why CHC was the original tentative award recipient of RFP 21-021. The April 26, 2021 Rescinded and Revised Tentative Award Notice relative to RFP 21-021 overturned the Department of Behavioral Health's (the "Department") award to CHC and declared Youth Leadership Institute ("YLI") as the tentative award recipient. The rescission of the tentative of award was based on the following RFP requirement:

**"Failure to respond to all questions or to not supply the requested information could result in rejection of your proposal. Merely offering to meet the specifications is insufficient and will not be accepted. Each bidder should submit a complete proposal with all information requested." RFP 21-021, Page 10.**

The Department determined that CHC's bid was incomplete because CHC failed to submit all pages of its five-year budget. However, as detailed further below, all three submitted bids were similarly incomplete and failed to satisfy the above criteria. Moreover, the County has the discretion needed to overlook certain omissions when it is reviewing proposals and select the best overall bidder. However, the County is electing to decide RFP 21-021 on technical grounds.

CHC appeals this determination on two straight forward grounds:

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 effectuate 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.

Below, CHC will expand on and provide supporting documentation for the above two appeal basis.

**I. ALL THREE BIDS SUBMITTED FOR RFP 21-021 CONTAINED MISSING ITEMS AND THE BIDDERS SHOULD BE TREATED EQUALLY.**

In response to CHC's first appeal, the Purchasing Manager states that "*Purchasing deems a proposal non-responsive when the required items that are listed in the Proposal Content*

*Requirements are not received upon closing of the bid. These Proposal Content Requirements include:*

1. RFP Page 1 and Addendum Page 1
2. Cover Letter
3. Table of Contents
4. Conflict of Interest Statements
5. Trade Secret form
6. Certification – Disclosure – Criminal History and Civil Actions
7. References
8. Participation
9. Exceptions
10. Vendor Company Data
11. Scope of Work
- 12. Cost Proposal**
13. Check List”

The Purchasing Manager states that “CHC’s proposal was missing a completed detailed 5-year line item budget ... 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.”

The Purchasing Manager alleges that this omission was a “material deficiency.” However, Purchasing does not offer any criteria with which it draws distinctions between what it deems material and immaterial deficiencies. In the RFP, the following is provided for the Cost Proposal requirements on page 29:

*“XII. COST PROPOSAL: Quotations may be prepared in any manner to best demonstrate the worthiness of your proposal. Include details and rates/fee for all services, materials, equipment, etc. to be provided or optional under the proposal.”*

Importantly, CHC did in fact submit a Cost Proposal. CHC’s proposal did not omit an entire section of the Proposal Content Requirements, as Purchasing suggests. This was a partially missing item. As detailed below, the other two bidders had similar areas of omission. The missing information in the other bidders’ proposals also represent partial omissions of Proposal Content Requirements. For example, where YLI does not include information in two sections in response to how it will address marijuana and prescription drug abuse in the County, this represents a failure to submit a complete proposal under Section 11 – Scope of Work. Additionally, YLI’s missing information as to its experience with prescription drug abuse prevention is a failure to submit a

complete proposal under Section 10 – Vendor Company Data. All of the specific missing items noted by the evaluators below fall somewhere within the Proposal Content Requirements.<sup>1</sup>

What is missing from Purchasing’s response to CHC first appeal is an explanation as to what methodology is used to determine what qualifies as a material deficiency. Moreover, it is unclear why a specific part of the Cost Proposal would be deemed more material than a bidder’s ability to perform the actual services it is seeking to perform. This is especially confusing as the RFP contains a maximum available funding amount, thereby reducing the significance of the Cost Proposal. Purchasing is arbitrarily and unjustly holding CHC to a higher standard than the other two bidders to the detriment of the Fresno community.

*CHC outlines below the missing items in Youth Leadership Institute’s (“YLI”) Proposal:*

Both the Review Committee and the evaluators of the bid made by YLI for RFP 21-021 noted numerous missing items within their submission. The Review Committee begins their summary of the evaluation relative to YLI by highlighting that YLI neglected to provide information on two sections:

**“Youth Leadership Institute’s proposal lacked information on two sections. The proposal showed prevention experience in alcohol but not marijuana and prescription drugs. The proposal did not provide sufficient information on how services would be delivered for the marijuana and prescription drug programs ... Evidence based practices weren’t provided for marijuana and prescription drug programs.”** *Review Committee Recommendation, Summary of Evaluation, RFP # 21-021 Substance Use Disorder Primary Prevention, March 15, 2021.*

On a more granular level, the evaluators of the proposal submitted by YLI for RFP 21-021 noted at least twelve missing items or responses within their submission:

Question: Does the bidder describe in detail their understanding of the needs and services requested in the RFP?

Evaluator Number 2 provides that YLI **“focused on alcohol only and left out other drugs; marijuana and prescription drugs. Are they not aware of the other drugs in the central valley and methods of prevention that are specific to the other drugs? This was not and missing.”**

Evaluator Number 4 states that **“YLI did not follow the logic model ... and omitted one strategy under marijuana. I also noticed that they did not include EBPs specific to**

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<sup>1</sup> Because CHC does not have access to the proposals submitted by the other bidders it is unable to identify exactly which Proposal Content Requirements of their proposals are missing. However, based on the notes from the evaluators as detailed herein, it is clear that the other bidders are missing numerous required items and requested information.

**marijuana prevention or prescription drugs... Finally, YLI did not name any staff dedicated to prescription drug abuse prevention that I could see in the staff descriptions.”**

Question: Does the bidder adequately describe how they will integrate and align program services and practices with the Guiding Principles of Care Delivery (Exhibit A) to ensure fidelity throughout the development and implementation of the resulting program?

Evaluator Number 1 notes that YLI provided **“(n)o identifiable mention of EBPs, Culturally Responsive, Trauma Informed, Concurring, CQI, harm reduction, timely access or stages of change.”**

Evaluator Number 4 states that **“YLI did not address how they would comply with Guiding Principles of Care Delivery”**

Question: Does the bidder demonstrate that they possess adequate knowledge of prevention work from the last five years and how their proposed services will complement the existing platform for the age range of the target population (10-20)?

Evaluator Number 2 states that YLI’s response **“was lacking the knowledge of prescription drugs and marijuana. What is there knowledge and understanding of these drugs and prevention? This was missing.”**

Evaluator Number 3 asks **“(w)here is Southwest Fresno? Rural comm., like Parlier?”**

Evaluator Number 4 states that **“their response only described their specific past efforts and not the only prevention efforts done in the community by other organizations that focus o(n) marijuana and prescription drugs.”**

Evaluator Number 5 states that **“(o)nly missed goal was average age of first alcohol use.”**

Question: If bidder is choosing to focus on a specific target population and geographic area within the 10-20 age range, did the bidder describe the specific target population and geographic area to be served and how the proposed services will meet the needs of that population?

Evaluator Number 2 states that YLI’s response **“lacked information from the subcontractor and the role they would have to achieve the goals and understanding of the priorities.”**

Evaluator Number 3 asks **“Where’s the sustainability in this? DPH – tobacco program? Tobacco Coalition? Path, lock it up?”**

Question: Does the bidder describe the specific evidence-based practices that will be utilized based on their chose priority area and the strategies listed in the Logic Model (Exhibit B)?



Evaluator Number 1 notes that they **“could not find any evidence based for Not on My Watch and others. Discussed environmental prevention which is not a part of current prevention as described by DHCS.”**

Evaluator Number 2 states that YLI’s response was **“alcohol heavy and did not elaborate on prescription drugs or marijuana.”**

Evaluator Number 3 wrote **“Alcohol – yes  
Marijuana  
Rx - ?”**

Evaluator Number 4 states that **“The EBP’s mentioned pertain to alcohol prevention... I didn’t see anything listed specific to marijuana prevention. Prescription Drugs – Same problems as listed above.”**

Question: Does the bidder describe the extent to which the proposed activities and services are sustainable beyond the life of the contract?

Evaluator Number 3 states **“I did not see it strongly state or in each section/objective.”**

Question: Does the bidder describe its organizational plan, management structure, and staffing plan to be adequate and appropriate for overseeing the proposed services?

Evaluator Number 1 states that **“Contract Manager – (0.8FTE) – On budget but not in proposal. Positions and job specifications are not attached in the marijuana section. Appear to be missing.”**

Evaluator Number 3 comments that **“a management structure with staff would have been helpful.”**

Evaluator Number 4 points out that **“there is no specific mention of staff allocated to prescription drug abuse.”**

Question: Does the bidder describe the efforts the organization will maintain to minimize turnover of staff?

Evaluator Number 2 responds **“Not really, it touched on staffing but not how to fully minimize the turnover. This would be a concern due to the relationship they would be building with in the community and the youth.”**

Summary: Scope of Work Proposal Requirements: Organizational Readiness/Qualifications

Evaluator Number 1 states that **“There does not seem to be staff set aside for the prescription drug program administration.”**

Question: Does the bidder provide an adequate implementation plan?

Evaluator Number 2 states that there was **“Minimal effort in this area.”**

Evaluator Number 3 responds **“no there was a lot of copy and paste from the alcohol section. No plan for Rx objective.”**

Evaluator Number 4 states that **“for marijuana the logic model specifically called for ‘Problem Identification and Referral’ this is missing in their logic model. Prescription Drugs – I found the same issues with this priority area as I did with marijuana and alcohol.”**

Summary: Scope of Work Proposal Requirements: Implementation Plan

Evaluator Number 2 states **“Vague ~ I can’t see them carrying this contract out.”**

Question: Does the bidder’s proposal include an implementation plan detailing how short, intermediate, and long term goals would be achieved according to the strategies listed in the Logic Model (Exhibit B)?

Evaluator Number 2 notes that the **“subcontractor was missing in this area. As well are the goals to help subside the use of prescription drugs and marijuana.”**

Evaluator Number 3 states **“some PSE Strategies were not noted... The implementation detail fell short on the Rx campaign and marijuana.”**

Evaluator Number 4 responds that the YLI **“neglected strategies it did call for (e.g. problem identification and referral).”**

Question: Does the bidder describe how they will work with the County’s Prevention Provider Program Evaluator?

Evaluator Number 1 states that they **“Could not find mention of this in the RFP submission.”**

Evaluator Number 5 responds **“No”**

Question: Does the bidder have experience with Primary Prevention SUD Data Service System (PPSDS) or understand the necessity of data collection within PPSDS?

Evaluator Number 4 provides that they **“did not see mention of this in the RFP”**

Evaluator Number 5 states **“Not addressed”**

*Mental Health Systems ("MHS")*

Because MHS was the third ranked bidder for RFP 21-021 CHC will not provide the same level of detail as to the missing items in MHS's proposal. Please see below an excerpt of the Review Committee summary of the evaluation relative to MHS:

**"The proposal contained limited information on how services would be delivered to the specific target population and provided minimal information on their substance use disorder prevention services experience. Program descriptions were not provided, and evidence-based practices were not mentioned... The proposal also did not address existing collaborative relationships in Fresno County."**

Like all three of the submissions for RFP 21-021, the bid submitted by MHS failed to include every required item or response, including multiple Proposal Content Requirements.

*California Health Collaborative*

The April 26, 2021 letter from Jean M. Rousseau, County Administrative Officer to YLI in response to their second appeal provided that YLI's appeal would be upheld because CHC's bid was missing part of its five-year budget for Sections I-III.

**"The RFP, at page 10, specifies: Failure to respond to all questions or to not supply the requested information could result in rejection of your proposal. Merely offering to meet the specifications is insufficient and will not be accepted. Each bidder should submit a complete proposal with all information requested."**

As outlined above, both YLI and MSH submitted incomplete proposals that failed to include all required items from the RFP. However, CHC is the only entity that is being held to this standard and being disqualified on the grounds that its submission failed to provide all requested information. Moreover, while the evaluators and the Review Committee noted multiple and significant missing items of a substantive nature from the YLI and MSH proposals, the missing item noted from CHC was the result of a clerical error and is not substantive. When CHC converted their five-year budget from Excel to PDF, certain pages were not included. However, CHC subsequently promptly corrected this administrative error and provided the County with the complete five-year budget. A clerical error of this nature should not be outcome determinative and the County has the discretion to decide this RFP on the overall merits of the proposals submitted.

CHC, and more importantly, the people of Fresno County, should not be penalized by disqualifying the most qualified bidder when all of the bids for RFP 21-021 were incomplete. The permissive language of the rule cited by the County provides the Review Committee and the County with the discretion to disregard certain omissions and review bids as a whole. However, CHC's bid is being rejected on a basis that if applied equally would disqualify all bidders. By

arbitrarily rejecting CHC's proposal based on a clerical omission, while disregarding substantive omissions in YLI's bid, the County demonstrated a clear favoritism towards YLI. Such favoritism is strictly prohibited as it undermines the integrity of the competitive bidding process and the County's stated goal of securing the award that is the most advantageous to the County. The same standard should be applied to all three proposals and the original tentative award to CHC should be reinstated.

In the alternative, all three bids should be rejected for a failure to supply all required items listed in the Proposal Content Requirements and the bid process for RFP 21-021 should begin anew.

**II. CHC WON THE INITIAL AWARD OF RFP 21-021 BECAUSE IT IS THE BEST OPTION FOR FRESNO COUNTY AND THE INITIAL TENTATIVE AWARD SHOULD BE REINSTITATED.**

The Purchasing Manager's response to CHC's first appeal cites legal authority providing that the County is granted wide latitude when making determinations relative to contracts for the provision of drug and alcohol prevention services. See Health and Safety Code Section 11810 and 11811. However, the County is not given unfettered discretion when it comes to making such decisions. A County's decision must be focused on selecting "high quality, cost effective services" and disapproving "poor quality, underutilized, duplicative, or marginal services." See Health and Safety Code Section 11760.6.

Here, CHC has demonstrated with its proposal and its track record in the community that it is the highest quality service provider and should be selected to perform the services outlined in RFP 21-021. Moreover, the other bidders have glaring omissions relative to their ability to perform the services needed and their selection would result in poor quality services being offered to the people of Fresno County. The County is at a critical junction and the selection of CHC for RFP 21-021 will ultimately result in the best outcome for the health and well-being of the Fresno community.

To that end, the Review Committee Funding Recommendation for RFP 21-021 found that:

**"the proposal submitted by California Health Collaborative was ranked higher than the other proposals and was considered responsive to the RFP. The proposals submitted by the other vendors were found to be less responsive and were not considered for funding.**

**Strengths identified in California Health Collaborative's proposal included their demonstrated knowledge of the services requested and the need to deliver services to the target population and underserved communities. CHC also demonstrated their strong existing community partnerships in Fresno County, their ability to provide evidence-based programs, and organization readiness and capacity to implement the programs quickly. Staff are diverse, have an abundance of experience delivering**

**services, and there is a plan in place to ensure minimal staff turnover within the organization.”**

While the second appeal submitted by YLI was upheld on the basis that CHC did not initially submit every page of their budget, YLI also took issue with the County’s new collaborative evaluation methodology for review of proposals in this RFP and claimed there were unreliable outcomes with this new methodology. As to the review process and methodology that resulted in the initial tentative award to CHC, the County maintains that:

**“(t)his was an open and fair process, and the collaborative evaluation of contractors’ proposals by the County’s evaluation team composed of individuals most knowledgeable in these service areas is the process that is most advantageous to the County, and will result in the most prudent use of the County’s tax dollars to provide these valuable services to the public.”**

Given that the County maintains that the RFP evaluation process that resulted in the initial tentative award to CHC is an appropriate methodology, the County should not arbitrarily exclude the highest rated and best suited candidate on a technicality. Moreover, as outlined above, this same technicality should apply to all three bidders. As to the merits of the CHC’s RFP, the County evaluators had this to say in their overall summaries of CHC:

**“This provider has created a program that uses its many partners, specific strategies, and scope of work to outline a successful project that would reach most area in Fresno County. They appear to have the aforethought to use current program success to create a fully integrated program that appears to be an integrated network of complementary services of prevention in Fresno County.” -Evaluator Number 1**

**“This is my number one choice with some reservations on the finance piece.” - Evaluator Number 2**

**“This agency is ready to begin implementation with fully trained staff, has great leadership on house (with) 20-30 years actually handling work in Fresno. Partners, network is formed, is diverse. MOU/LOS are in place.” -Evaluator Number 3**

**“Looking to the big picture of prevention services delivery for Fresno County, it is my opinion that CHC’s submission most closely resembles what we are looking for going forward into the next cycle.” -Evaluator Number 4**

**“This bidder seems well equipped to meet the goals and objectives of the RFP as long as they are able to continue the existing work already being done by other agencies with Friday Night Live” -Evaluator Number 5**

Based on the above, the California Health Collaborative respectfully asks the County Administrative Officer to reconsider the decision to rescind the initial tentative award of RFP 21-


County of Fresno Purchasing  
May 21, 2021  
Page 11

021. CHC firmly believes that it is the best option to operate the substance abuse disorder primary prevention programs within Fresno County and that it will have the most profound impact on the youth population within the County.

The California Health Collaborative looks forward to receiving the County Administrative Officer's response to this appeal and welcomes an opportunity to supplement this appeal with additional information, if requested.

Very truly yours,

WILKE FLEURY LLP

A handwritten signature in black ink, appearing to read 'A. Claxton', written over the printed name below.

Aaron R. Claxton

ARC:MT

2761058.1



# County of Fresno

COUNTY ADMINISTRATIVE OFFICE  
JEAN M. ROUSSEAU, CPA  
COUNTY ADMINISTRATIVE OFFICER

June 2, 2021

Sent via U.S. Mail and E-Mail

Aaron R. Claxton  
Wilke Fleury LLP  
400 Capitol Mall  
Sacramento, CA 95814

RE: Second Appeal of Tentative Award Notice for RFP 21-021: Substance Use Disorder Primary Prevention - California Health Collaborative

Dear Mr. Claxton:

The County Administrative Office ("CAO") is in receipt of California Health Collaborative's (CHC) second appeal letter, dated May 21, 2021, appealing the County Department of Behavioral Health's (DBH) Rescinded and Revised Tentative Award of the above-mentioned Request for Proposal (RFP) for Substance Use Disorder (SUD) Primary Prevention services resulting from the above-mentioned Request for Proposal (RFP) 21-021.

CHC appeals the Department of Behavioral Health's (DBH) rescission of the Tentative Award of the RFP to CHC, dated April 26, 2021, and new recommendation to the Board of Supervisors (Board) for a revised tentative award of the proposed agreement for SUD Primary Prevention services to Youth Leadership Institute (YLI), resulting from the above-mentioned RFP 21-021.

This RFP sought certain SUD primary prevention services, to be provided by the winning bidder for a cost set in advance by the County; the cost is determined and set in advance by state and federal regulations.

The recommendation for "tentative award" means that this is the DBH's recommendation to the Board for award of the proposed agreement for these services to YLI. This recommendation for "tentative award" to YLI is not a final County decision, and the County's decision to award the proposed agreement is made only by the Board.

CHC appeals the tentative award to YLI on two grounds:

1. CHC claims that all three submitted bids for RFP 21-021 contained missing required items. CHC claims that it is the only bidder that is being disqualified on the grounds of missing items. CHC contends that it is being singled out and treated differently than the two other bidders. This allegedly arbitrary treatment of CHC is, in its view, a clear "proposal rating discrepancy" and represents an "unfair competitive procurement grievance" (CHC appeal letter, p. 2).

2. CHC claims that it won the initial tentative award of RFP 21-021 because the Review Committee and County initially determined that CHC was the best suited bidder to address the needs of the public and the goals of the RFP (i.e., before the County discovered the material deficiency in its proposal). CHC states that the County maintains that this was an open and fair process and that the initial determination (before such discovery) should be reapplied in order to affect what it asserts as the best outcome for the people of Fresno County. CHC claims that, 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 (CHC appeal letter, p. 2).

As discussed below, I summarize each of CHC's claims, and provide the CAO's related response.

In regard to CHC's first ground for appeal, CHC's proposal was materially deficient because it was missing major budget information in the Cost Proposal, which information is essential to the County's RFP process. CHC's proposal, as submitted, only described how it would budget \$1,339,352 out of \$6,096,760 of funding that would be awarded under this agreement. This rendered CHC's proposal non-responsive to the County's procurement process for this agreement. This was not a minor deficiency; this was a material deficiency. Regardless of the individual opinions County's evaluation committee members initially expressed regarding the remainder of CHC's proposal, those opinions are not the determination of the evaluation committee, and do not change the fact that this material deficiency resulted in CHC's entire proposal being deemed non-responsive.

CHC claims in its letter that "the other two bidders had similar areas of omission." However, the County's determination to rescind its prior tentative award to CHC was not based on a comparative evaluation of the proposals of the other bidders. When evaluated on its own merits, CHC's proposal was non-responsive. But even if the County's determination for tentative award was based on other bidders, the proposals timely submitted by the other two bidders, YLI and Mental Health Systems (MHS), the third bidder, contained the documents required by the Proposal Content Requirements in RFP 21-021.

CHC's second ground for appeal, that CHC asserts that is the best option, overlooks the important fact that CHC's proposal is non-responsive, and should not be considered by the County. CHC cannot reasonably contend that CHC's proposal is the best option for Fresno County when CHC did not submit a complete proposal, with all of the necessary documents included. Fairness to all bidders, and the integrity of the bidding process, dictate that CHC's proposal must be deemed non-responsive accordingly.

I have considered each of CHC's claims, and have not found sufficient evidence to overturn the DBH's recommendation of tentative award to the Board for the award of the proposed agreement to YLI.

DBH's recommendation of tentative award to the Board is presently scheduled to be heard by the Board for its requested action at the Board's regular meeting on July 13, 2021. As discussed at the end of this letter, CHC has the option to continue the appeal process by appealing my decision to the Board, as described below.



The County appreciates all the work that CHC has provided to the County under its current and prior service agreements, as well as the work CHC has put into preparing this proposal. And while CHC's proposal had certain strengths, YLI's proposal fulfilled the major requirements of the requested RFP, and is sufficient, and it is the opinion of DBH and my office that YLI is expected to satisfactorily serve the needs of the County, and the public.

Below, we summarize each of CHC's claims, in bold text, and provide the DBH's and my related summary response.

- I. **CHC's Claims: 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."**

CHC claims that the Purchasing Manager does not offer any criteria for what constitutes a material or immaterial deficiency. CHC claims that CHC did submit a Cost Proposal, and its omission of four budget years for three sections of the RFP was only a partial omission. CHC claims that YLI did not include information on two sections in response to how it will address marijuana and prescription drug abuse in the County, and this represents a failure to submit a complete proposal under Section 11 – Scope of Work. Additionally, CHC claims that YLI's missing information as to its experience with prescription drug abuse prevention is a failure to submit a complete proposal under Section 10 – Vendor Company Data. CHC claims that all of the specific missing items noted by the evaluators fall somewhere within the Proposal Content Requirements (CHC Appeal Letter, pp. 4-5).

**CAO Response:**

Purchasing deems a proposal non-responsive when the expressly required items that are listed in the Proposal Content Requirements (Page 28 of RFP 21-021 Substance Use Disorder Primary Prevention) are not received upon closing of the bid, in this case, on January 22, 2021. These Proposal Content Requirements include:

1. RFP Page 1 and Addendums Page 1
2. Cover Letter
3. Table of Contents
4. Conflict of Interest Statement
5. Trade Secret form
6. Certification – Disclosure – Criminal History and Civil Actions
7. References
8. Participation
9. Exceptions
10. Vendor Company Data
11. Scope of Work
12. **Cost Proposal**
13. Check List

While "material" is not defined in the County's Purchasing Manual, the Purchasing Manager uses the common definition of "material", including "important, essential, or major." I believe that such common definitions are appropriate absent a specific definition in the RFP.

The Cost Proposal section of the Proposal Content Requirements gives specific instructions for bidders to follow: "A complete itemized and detailed description of all costs should be included, such as labor, taxes, supplies for services, materials and equipment" (RFP p. 24). Contractors are to complete and submit a summary of proposed staff, detailed budget and detailed budget narrative/justification forms in the template provided, and by this reference incorporated. The narrative/justification must explain in detail and justify each line item included in the cost proposal" (RFP p. 24).

But CHC only submitted one year of what needed to be a 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. On Page 12 of the RFP, entitled "Scope of Work", the importance of the budgets was clearly emphasized:

"In an effort to evaluate and award proposals in accordance with the estimated timelines, bidder(s) are required to submit one proposal but provide a separate scope of work response for each section. Two five (5) year budgets are required. One of the five (5) year budgets will be for Sections I-III. The second five (5) year budgets will be for Section IV alone. Submissions should be organized in such a way that all required components are easily identified" (underlining added).

DBH staff has confirmed that CHC's proposal was missing the five-year budget for Sections I-III when it was submitted. CHC only submitted a one-year budget for Sections I-III. The RFP specifies at page 10:

Failure to respond to all questions or to not supply the requested information could result in rejection of your proposal. Merely offering to meet the specifications is insufficient, and will not be accepted. Each bidder shall submit a complete proposal with all information requested.

CHC claims that it did in fact submit a Cost Proposal, and did not omit an entire section of the Proposal Content Requirements. CHC claims that its failure to include the five-year budgets (CHC only included one budget year for Sections I-III) for Sections I-III was only a "partial omission," because CHC submitted the rest of the budgets. However, CHC does not present credible facts to back up this seemingly strong assertion. As stated in the RFP, the bulk of the funding in this RFP is allocated to Sections I-III, but CHC only submitted a relatively small fraction of the required Cost Proposal, and CHC's glaring omission constituted a substantial amount of missing information:

Total Approximate Funding Available for Sections I-III: \$1,189,352 for each twelve (12) month term.

Maximum Annual Funding Available for Section IV: \$30,000 (\$15,000/Friday Night Live and \$15,000/Club Live) for each twelve (12) month term. (RFP, page 12)

This means that CHC's proposal as submitted only described how it would budget \$1,339,352 out of \$6,096,760 of funding that would be awarded under this agreement. This is a major omission, and does not constitute a complete Cost Proposal.

Because CHC's proposal was missing this required element, CHC's proposal should have been deemed non-responsive, and should not been forwarded to the County's evaluation committee for its evaluation. 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 committee.

CHC's appeal letter claims that the budget pages were missing due to a clerical error when CHC converted its five-year budget from Excel to PDF, and that CHC subsequently corrected this administrative error and provided the County with the complete five-year budget. DBH staff reports that the tentative award to CHC was issued on Monday, March 15, 2021, and County staff asked CHC for the missing budget pages on Thursday, March 18, 2021. CHC did not provide the missing budget pages until Friday, April 9, 2021, 22 days later.

As stated below in the RFP, bidders must submit all portions of their proposals when the proposals are due, and not afterward.

Bidders must electronically submit their proposal in .pdf format, no later than the proposal closing date and time as stated on the front of this document, to the Bid Page on Public Purchase. The County will not be responsible for and will not accept late bids due to slow internet connection or incomplete transmissions (RFP p. 10).

Failure to respond to all questions or to not supply the requested information could result in rejection of your proposal. Merely offering to meet the specifications is insufficient and will not be accepted. Each bidder shall submit a complete proposal with all information requested (RFP p. 10).

It is not relevant that these budget pages were missing due to a claimed "clerical error." CHC's proposal was materially incomplete, did not have all required information, and was therefore non-responsive. These are not mere "technical grounds" to dismiss CHC's proposal (in fact, the claim of "technical grounds" seems to unfairly challenge the County Purchasing Manager's effort to preserve the integrity of the RFP process when he voluntarily informed bidders of this oversight in the bidding process). This was a fair evaluation of CHC's proposal, which found that the proposal was non-responsive.

CHC claims in its letter that "the other two bidders had similar areas of omission." CHC's appeal letter claims that YLI and MSH submitted incomplete bids that failed to supply all requested information from the RFP, and that CHC is the only entity that is being held to this standard, and is being disqualified on the grounds that its submission failed to provide all requested information. However, the County's determination to rescind its prior tentative award to CHC was not based on a comparative evaluation of the proposals of the other bidders. When evaluated on its own merits, CHC's proposal was non-responsive. But even if the County's determination for tentative award was based on other bidders, the proposals timely submitted by the other two bidders, YLI and MSH, contained the documents required by the Proposal Content Requirements. DBH staff

has reviewed YLI's proposal again, and verified that each section of the RFP was addressed by YLI's proposal, and that no material portions were missing.

In CHC's first and second appeal letters, CHC listed areas where YLI and MHS were allegedly deficient. These claims are addressed in Attachment A to the County Purchasing Manager's response letter, which is attached again to this letter. After reviewing each of these claimed alleged deficiencies, DBH's conclusion is that these were areas where the proposals submitted by YLI and MHS may have been lacking detail, or where certain areas were not discussed in-depth to a particular evaluator's satisfaction, but none of these claimed deficiencies, even if true, would have constituted a material deficiency that would have rendered YLI's or MHS' proposals non-responsive. Moreover, the individual evaluators' opinions were not the determination of the County's evaluation committee.

In CHC's second appeal letter, CHC claims that YLI neglected to provide information on two sections: marijuana and prescription drugs. After reviewing these claimed alleged deficiencies, DBH's conclusion is that these were areas where the proposal submitted by YLI may have been lacking detail, or where certain areas were not discussed as in-depth as desired, but DBH staff has concluded that the required information in regard to marijuana and prescription drug programs was not omitted from YLI's proposal, and so would not have constituted a material deficiency that would have rendered YLI's proposal non-responsive.

CHC alleges that the County arbitrarily rejected CHC's proposal due to rejecting CHC's proposal for the alleged "clerical error," referred to above; based on that, CHC claims the County has favoritism toward YLI. This assertion is misplaced. The County did not reject CHC's proposal arbitrarily; any proposal omitting material documents required in the Proposal Content Requirements would be found non-responsive and rejected. CHC's proposal was missing material documents required in the Proposal Content Requirements. As stated previously, the County's determination to rescind its prior tentative award to CHC was not based on a comparative evaluation of the proposals of the other bidders. However, the other two bidders' proposals were not missing material documents required by the Proposal Content Requirements. CHC's proposal was non-responsive, and this is why CHC's proposal was rejected by the County; the County does not have, nor has it shown any favoritism towards YLI.

Lastly, CHC claims that all three bids should be rejected for a failure to supply all requested information, and the bid process for RFP 21-021 should begin anew. However, the other two bidders did not fail to supply the required documents in the Proposal Content Requirements. Moreover, this is not CHC's decision to make. The County is tasked with safeguarding the public's tax dollars and providing these services on an expedient basis. The cost of repeating this RFP, and the potential delay in the provision of these services resulting from repeating the RFP, are great. The DBH and I do not believe that this would be a prudent use of the County's tax dollars.

**II. CHC's Claims: CHC won the initial award of RFP 21-021 because it is the best option for Fresno County and the initial tentative award should be reinstated.**

**CAO Response:**

The County is not, and should be, bound by making a tentative award to CHC based on an error (i.e., before the County discovered the material deficiency in CHC's proposal).

It is up to the County's evaluation committee to determine which bidder best addressed the needs from each proposal. It was the recommendation of the evaluation committee to initially tentatively award to CHC (without being aware of the material defect in its proposal), based on the evaluation of each proposal.

As discussed above, it was only after the evaluation process and tentative award to CHC that it was brought to the attention of Purchasing that CHC's proposal was missing a required five-year budget. The Purchasing Manager brought to my attention following the Purchasing Manager's response to CHC's first appeal that CHC's bid was incomplete, to ensure that the process is fair and effective.

As discussed above, because CHC's proposal is missing a five-year budget for Sections I-III, totaling \$4,757,408 in unbudgeted funds, CHC's proposal should have been deemed non-responsive, and should not have been forwarded to the County's evaluation committee for its evaluation. Therefore, there was not a "procurement error" for rescinding the tentative award to CHC and granting the tentative award to YLI. It was a "procurement error" to tentatively award to CHC in light of the material deficiency in CHC's proposal. This is not excluding CHC on a "technical grounds." CHC did not fulfill a material portion of the RFP requirements in its proposal.

As stated in the Purchasing Manager's response letter, the law authorizing use of drug and alcohol funds, Health and Safety Code section 11810, et. seq. grants wide latitude to counties, and provides, "It is the intent of the Legislature to provide maximum flexibility in the use of federal and state alcohol and other drug program funds. County government is therefore given broad authority in determining the methods for encouragement of citizen participation, the scope of problem analysis, and the methods of planning for alcohol and other drug program services" (Health and Safety Code section 11810). Counties shall have broad discretion in the choice of services they utilize to alleviate the alcohol and other drug problems of specific population groups and the community. Those services shall include services for alcohol and other drug abuse prevention and treatment (Health and Safety Code section 11811).

CHC's letter cites Health and Safety Code section 11760.6, which states, "It is the intent of the Legislature that the department encourage the development of high quality, cost-effective services. It is further the intent of the Legislature that poor quality, underutilized, duplicative, or marginal services be disapproved by the county." Rest assured, the County of Fresno has the same goals, and is confident that YLI is competent, and will provide high quality, cost-effective services to the public pursuant to this agreement. It is up to the County to determine which vendor is the "best suited" for the County. The County has made every effort to be fair, and offer a fair process to all bidders.

CHC's second appeal letter states, "CHC firmly believes that it is the best option to operate the substance abuse disorder primary prevention programs within Fresno County and that it will have the most profound impact on the youth population within the County." While I appreciate that CHC is a fine company, and would have provided quality service to the County, it is not up to CHC to determine the best option for Fresno County. CHC did not submit a complete proposal, with all of the necessary documents included, and fairness dictates that CHC's proposal must be deemed non-responsive accordingly.

\*\*\*\*\*

I appreciate CHC's time and effort in addressing its concerns, and bringing these concerns to my attention, and the attention of the Purchasing Manager.

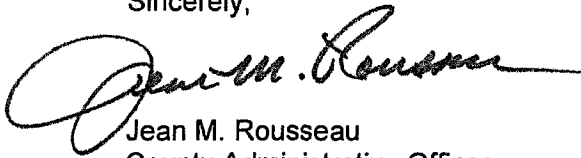
Based on my evaluation of CHC's claims addressed its second appeal letter, I have concluded that the areas addressed in CHC's second appeal letter do not support overturning Purchasing's process and DBH's decision for recommendation for tentative award of the proposed agreement under the RFP to CHC. As a result, CHC's appeal to the CAO has been denied.

**CHC's Option to Continue the Appeal Process:**

CHC has the option to continue the appeal process. As stated above, DBH's recommendation of tentative award to the Board is presently scheduled to be heard by the Board for its requested action at the Board's regular meeting on July 13, 2021. While there is no express deadline to submit an appeal to the Board, a Letter of Appeal should be submitted to the Clerk of the Board in sufficient time prior the Board meeting so that the County can have time to review it prior to the Board meeting. The Board item will be released around the Wednesday prior to that meeting, which will be July 7, 2021.

If CHC intends to appeal this decision to the Board, please contact the Purchasing Manager, via email at [Gcornuelle@fresnocountyca.gov](mailto:Gcornuelle@fresnocountyca.gov), or by phone at (559) 600-7114, and he will help guide you through the process.

Sincerely,



Jean M. Rousseau  
County Administrative Officer

Enclosure

# **Advance Agenda Material**

**Please retain for** 7-13-21  
**Board Meeting**





## Inter Office Memo

INTERNAL SERVICES DEPARTMENT

Facilities • Fleet • Graphics • Purchasing • Security • Technology

DATE: July 6, 2021

TO: Fresno County Board of Supervisors

FROM: Gary E. Cornuelle  
Purchasing Manager  
Internal Services Department - Purchasing Division

SUBJECT: California Health Collaborative Appeal of RFP 21-021  
Overview of Advance Agenda Materials

Before your Board on July 13, 2021 will be an appeal by the California Health Collaborative, or CHC, relating to the recommended award of a services agreement between the County and the Youth Leadership Institute, or YLI.

The proposed agreement results from RFP 21-021 for Substance Use Disorder Primary Prevention services.

As a result of the RFP process, the Department of Behavioral Health (the Department) originally was ready to recommend that your Board award the proposed agreement to CHC.

However, as discussed below, I rescinded the Tentative Award of the proposed agreement to CHC. Now, as a result of the RFP process, the Department's recommendation to your Board is for the award of the proposed agreement to YLI, which is being appealed by CHC.

The RFP was issued on December 16<sup>th</sup>, 2020 and closed on January 22<sup>nd</sup>, 2021. The RFP sought substance use disorder primary prevention services to be provided by the winning bidder for a total cost set in advance by the County, which is determined by state and federal regulations and funding. There were four proposal responses submitted by bidders.

### Evaluation Process

Within the RFP process, all responsive proposals are thoroughly reviewed by an evaluation committee based on all requirements of the RFP.

Initial comments from each evaluator's review of proposals that should be responsive are documented, and then those proposals are ranked by the review committee from top to bottom as a result of a collaborative discussion process by the evaluation team. This collaborative process is intended to reveal weaknesses and discover strengths in proposals by the evaluators first undertaking their individual observations, and then sharing their observations and professional opinions in the group evaluation process.

The evaluation committee's recommendation is sent to the Department head for concurrence. If she concurs, the Department head makes the recommendation to your Board for the proposed agreement.



### Tentative Award and Appeal Timeline

The proposed agreement resulting from the RFP was first tentatively awarded to CHC, based on the recommendation of the evaluation committee, which believed that CHC had a strong proposal.

The second-ranked bidder at that time, YLI, appealed that decision to the Purchasing Manager, and that appeal was denied. Then YLI appealed to the CAO.

After YLI submitted its appeal to the CAO, Department staff brought to my attention that CHC did not provide all required budgets. I determined that, in light of that new information, CHC's proposal should have been deemed non-responsive. A proposal will be deemed non-responsive if, for example, as in this case, budgets for any years or major components of the RFP's Statement of Work requirements are missing.

If this omission had been realized at the time of the bid opening, CHC's proposal would have been deemed non-responsive, and would not have gone through the evaluation committee's ranking process. I brought this to the CAO's attention while YLI's appeal to the CAO was pending, and recommended to the CAO that YLI's appeal should be upheld, because CHC's proposal was nonresponsive; it was so upheld by the CAO.

I rescinded the original tentative award of the agreement to CHC, and I issued to all of the bidders a new tentative award notice stating the tentative award to YLI.

Since that new tentative award notice, CHC appealed this decision to me, and I denied it, and then CHC appealed to the CAO, and the CAO also denied it; those appeals are allowed by the RFP process.

### CHC Appeal Grounds and CAO Responses

The tentative award of the RFP to YLI is being appealed by CHC on the following grounds:

- CHC claims that the rescission of the original Tentative Award to CHC by the Fresno County's CAO and Purchasing Manager was arbitrary, inconsistent, and should be overturned.
- CHC claims that it is in the best position to serve the Fresno community and effectuate the goals of RFP 21-021.

Because the appeal to your Board is from the CAO's action, I focus on the main reasons for the CAO's decisions provided to CHC.

The CAO rejected CHC's first ground for appeal - the Purchasing Manager was allegedly arbitrary and inconsistent. The reason for the rejection was that CHC's proposal was materially deficient because it was missing major budget information in the Cost Proposal, and that cost information is essential to the County's RFP process.

Specifically, CHC's proposal, as submitted, only described how it would budget \$1,339,352 out of \$6,096,760 of County funding that could be awarded under this agreement. I determined that this rendered CHC's proposal non-responsive to the County's procurement process for this agreement.

CHC's appeal letter claims that the budget pages were missing due to an alleged clerical error when CHC converted its five-year budget from Excel to PDF; no matter CHC's claimed justification, the fact remains that CHC failed to provide material information by the RFP submission deadline, and it would not be fair to the other bidders for CHC not to comply with that requirement.

CHC claims in its letters that "the other two bidders had similar areas of omission." However, the proposals timely submitted by the other two bidders, YLI and MHS, contained the documents required by the RFP's Proposal Content Requirements.

The CAO rejected CHC's second ground for appeal – that CHC is in the best position to serve the Fresno community. The reason for the rejection was that CHC did not submit a complete proposal by the RFP submission deadline, with all of the necessary documents included. CHC's second ground does not allege any County error in the procurement process, but, instead, CHC argues that it should be awarded the agreement because CHC has, in its view, a better proposal than YLI (without taking into account the material deficiency of its budget information).

However, even though CHC's proposal had strength in some parts, CHC overlooks the important fact that CHC's proposal is non-responsive and should not have been considered by the evaluation committee. By contrast, YLI's proposal was fully responsive to the RFP, and fulfilled the major requirements of the requested RFP, and therefore is sufficient.

As a result, it is the opinion of the Department and my office that YLI is expected to satisfactorily serve the needs of the County, and the public.

Sincerely,

**Gary Cornuelle**

Digitally signed by Gary  
Cornuelle  
Date: 2021.07.06 09:16:09  
-07'00'

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Gary E. Cornuelle  
Purchasing Manager  
(559) 600-7114



July 1, 2021

AARON R. CLAXTON  
ACLAXTON@WILKEFLEURY.COM

**VIA FEDEX OVERNIGHT**

Fresno County Board of Supervisors  
County Administrative Officer  
2281 Tulare St., Room 301  
Fresno, CA 93721

Re: **Appeal of Tentative Award Notice for RFP 21-021:**  
**Substance Use Disorder Primary Prevention**  
**California Health Collaborative**

Dear Board Members:

This appeal of the Rescinded and Revised Tentative Award Notice relative to RFP 21-021 is submitted on behalf of the California Health Collaborative (“CHC”). CHC submits this appeal for two reasons:

(1) Of the three bidders, CHC is far and away in the best position to serve the Fresno community and effectuate the goals of RFP 21-021. To quote evaluator #2 “**this is my number one choice**”; and

(2) The rescission of the Tentative Award Notice of RFP 21-021 by the Fresno Department of Behavioral Health was arbitrary, inconsistent and should be overturned.

Because of its commitment to the health and well-being of the Fresno community, CHC intends to exhaust all administrative and judicial avenues to illuminate the fact that the current County determination will result in the people of Fresno County being unnecessarily deprived of the best available alcohol and drug prevention services.

By way of background, CHC has been operating as a non-profit public health organization in the Fresno community for over 35 years. CHC’s mission and program focus has been to address at-risk and underserved communities in rural and urban areas of Fresno, the Central Valley, and throughout California. Throughout its long history serving the Fresno community, CHC has established significant, longstanding and productive work relationships with Fresno County and City governments, local and regional non-profits, schools, hospitals, clinics and other healthcare organizations. These partnerships have allowed CHC to become a significant and successful provider of public health and prevention services to women, children and their families, youth and

adolescents in substance abuse prevention and with adult populations in areas of chronic disease prevention. To that end, CHC includes herein letters of support from local police chiefs, the Diocese of Fresno, local city managers, and local community services directors, among others. Additionally, over 100 individuals have signed a petition to support CHC's effort to continue to provide substance abuse youth education programs within Fresno County (please see **Exhibit A**).

Their experience, community ties, and strategic partnerships are a few of the reasons why CHC was the original tentative award recipient of RFP 21-021. The April 26, 2021 Rescinded and Revised Tentative Award Notice relative to RFP 21-021 overturned the Department of Behavioral Health's (the "Department") award to CHC and declared Youth Leadership Institute ("YLI") as the tentative award recipient. The rescission of the tentative of award was based on the following RFP requirement:

**"Failure to respond to all questions or to not supply the requested information could result in rejection of your proposal. Merely offering to meet the specifications is insufficient and will not be accepted. Each bidder should submit a complete proposal with all information requested."** *RFP 21-021, Page 10.*

The Department determined that CHC's bid was incomplete because CHC failed to submit all pages of its five-year budget. However, as detailed further below, the other submitted bids were similarly incomplete and failed to satisfy the above criteria. Moreover, the County has the discretion needed to overlook certain omissions when it is reviewing proposals and select the best overall bidder. However, the County is electing to decide RFP 21-021 on technical grounds.

CHC appeals this determination on two straight forward grounds:

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 effectuate 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.

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Below, CHC will expand on and provide supporting documentation for the above two appeal basis.

**I. ALL THREE BIDS SUBMITTED FOR RFP 21-021 CONTAINED MISSING ITEMS AND THE BIDDERS SHOULD BE TREATED EQUALLY.**

In response to CHC's first appeal, the Purchasing Manager states that "*Purchasing deems a proposal non-responsive when the required items that are listed in the Proposal Content Requirements are not received upon closing of the bid. These Proposal Content Requirements include:*

1. RFP Page 1 and Addendum Page 1
2. Cover Letter
3. Table of Contents
4. Conflict of Interest Statements
5. Trade Secret form
6. Certification – Disclosure – Criminal History and Civil Actions
7. References
8. Participation
9. Exceptions
10. Vendor Company Data
11. Scope of Work
12. Cost Proposal
13. Check List"

The Purchasing Manager states that "*CHC's proposal was missing a completed detailed 5-year line item budget ... 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.*"

The Purchasing Manager alleges that this omission was a "material deficiency." However, Purchasing does not offer any criteria with which it draws distinctions between what it deems material and immaterial deficiencies. In the RFP, the following is provided for the Cost Proposal requirements on page 29:

*"XII. COST PROPOSAL: Quotations may be prepared in any manner to best demonstrate the worthiness of your proposal. Include details and rates/fee for all services, materials, equipment, etc. to be provided or optional under the proposal."*

Importantly, CHC did in fact submit a Cost Proposal. CHC's proposal did not omit an entire section of the Proposal Content Requirements, as Purchasing suggests. This was a partially missing item. As detailed below, the other two bidders had similar areas of omission. The missing information in the other bidders' proposals also represent partial omissions of Proposal Content Requirements. For example, where YLI does not include information in two sections in response



to how it will address marijuana and prescription drug abuse in the County, this represents a failure to submit a complete proposal under Section 11 – Scope of Work. Additionally, YLI’s missing information as to its experience with prescription drug abuse prevention is a failure to submit a complete proposal under Section 10 – Vendor Company Data. All of the specific missing items noted by the evaluators below fall somewhere within the Proposal Content Requirements.<sup>1</sup>

Missing from the County’s response to CHC’s appeal is an explanation as to what methodology is used to determine what qualifies as a material deficiency. Moreover, it is unclear why a specific part of the Cost Proposal would be deemed more material than a bidder’s ability to perform the actual services it is seeking to perform. This is especially confusing as the RFP contains a maximum available funding amount, thereby reducing the significance of the Cost Proposal. Purchasing is arbitrarily and unjustly holding CHC to a higher standard than the other two bidders to the detriment of the Fresno community.

*CHC outlines below the missing items in Youth Leadership Institute’s (“YLI”) Proposal:*

Both the Review Committee and the evaluators of the bid made by YLI for RFP 21-021 noted numerous missing items within their submission. The Review Committee begins their summary of the evaluation relative to YLI by highlighting that YLI neglected to provide information on two sections:

**“Youth Leadership Institute’s proposal lacked information on two sections. The proposal showed prevention experience in alcohol but not marijuana and prescription drugs. The proposal did not provide sufficient information on how services would be delivered for the marijuana and prescription drug programs ... Evidence based practices weren’t provided for marijuana and prescription drug programs.”** *Review Committee Recommendation, Summary of Evaluation, RFP # 21-021 Substance Use Disorder Primary Prevention, March 15, 2021.*

On a more granular level, the evaluators of the proposal submitted by YLI for RFP 21-021 noted at least twelve missing items or responses within their submission:

Question: Does the bidder describe in detail their understanding of the needs and services requested in the RFP?

Evaluator Number 2 provides that YLI **“focused on alcohol only and left out other drugs; marijuana and prescription drugs. Are they not aware of the other drugs in**

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<sup>1</sup> Because CHC does not have access to the proposals submitted by the other bidders it is unable to identify exactly which Proposal Content Requirements of their proposals are missing. However, based on the notes from the evaluators as detailed herein, it is clear that the other bidders are missing numerous required items and requested information.

**the central valley and methods of prevention that are specific to the other drugs? This was not and missing.”**

**Evaluator Number 4 states that “YLI did not follow the logic model ... and omitted one strategy under marijuana. I also noticed that they did not include EBPs specific to marijuana prevention or prescription drugs... Finally, YLI did not name any staff dedicated to prescription drug abuse prevention that I could see in the staff descriptions.”**

Question: Does the bidder adequately describe how they will integrate and align program services and practices with the Guiding Principles of Care Delivery (Exhibit A) to ensure fidelity throughout the development and implementation of the resulting program?

**Evaluator Number 1 notes that YLI provided “(n)o identifiable mention of EBPs, Culturally Responsive, Trauma Informed, Concurring, CQI, harm reduction, timely access or stages of change.”**

**Evaluator Number 4 states that “YLI did not address how they would comply with Guiding Principles of Care Delivery”**

Question: Does the bidder demonstrate that they possess adequate knowledge of prevention work from the last five years and how their proposed services will complement the existing platform for the age range of the target population (10-20)?

**Evaluator Number 2 states that YLI’s response “was lacking the knowledge of prescription drugs and marijuana. What is there knowledge and understanding of these drugs and prevention? This was missing.”**

**Evaluator Number 3 asks “(w)here is Southwest Fresno? Rural comm., like Parlier?”**

**Evaluator Number 4 states that “their response only described their specific past efforts and not the only prevention efforts done in the community by other organizations that focus o(n) marijuana and prescription drugs.”**

**Evaluator Number 5 states that “(o)nly missed goal was average age of first alcohol use.”**

Question: If bidder is choosing to focus on a specific target population and geographic area within the 10-20 age range, did the bidder describe the specific target population and geographic area to be served and how the proposed services will meet the needs of that population?

**Evaluator Number 2 states that YLI’s response “lacked information from the subcontractor and the role they would have to achieve the goals and understanding of the priorities.”**

Evaluator Number 3 asks **“Where’s the sustainability in this? DPH – tobacco program? Tobacco Coalition? Path, lock it up?”**

Question: Does the bidder describe the specific evidence-based practices that will be utilized based on their chose priority area and the strategies listed in the Logic Model (Exhibit B)?

Evaluator Number 1 notes that they **“could not find any evidence based for Not on My Watch and others. Discussed environmental prevention which is not a part of current prevention as described by DHCS.”**

Evaluator Number 2 states that YLI’s response was **“alcohol heavy and did not elaborate on prescription drugs or marijuana.”**

Evaluator Number 3 wrote **“Alcohol – yes  
Marijuana  
Rx - ?”**

Evaluator Number 4 states that **“The EBPs mentioned pertain to alcohol prevention... I didn’t see anything listed specific to marijuana prevention. Prescription Drugs – Same problems as listed above.”**

Question: Does the bidder describe the extent to which the proposed activities and services are sustainable beyond the life of the contract?

Evaluator Number 3 states **“I did not see it strongly state or in each section/objective.”**

Question: Does the bidder describe its organizational plan, management structure, and staffing plan to be adequate and appropriate for overseeing the proposed services?

Evaluator Number 1 states that **“Contract Manager – (0.8FTE) – On budget but not in proposal. Positions and job specifications are not attached in the marijuana section. Appear to be missing.”**

Evaluator Number 3 comments that **“a management structure with staff would have been helpful.”**

Evaluator Number 4 points out that **“there is no specific mention of staff allocated to prescription drug abuse.”**

Question: Does the bidder describe the efforts the organization will maintain to minimize turnover of staff?

Evaluator Number 2 responds **“Not really, it touched on staffing but not how to fully minimize the turnover. This would be a concern due to the relationship they would be building with in the community and the youth.”**



Summary: Scope of Work Proposal Requirements: Organizational Readiness/Qualifications

Evaluator Number 1 states that **“There does not seem to be staff set aside for the prescription drug program administration.”**

Question: Does the bidder provide an adequate implementation plan?

Evaluator Number 2 states that there was **“Minimal effort in this area.”**

Evaluator Number 3 responds **“no there was a lot of copy and paste from the alcohol section. No plan for Rx objective.”**

Evaluator Number 4 states that **“for marijuana the logic model specifically called for ‘Problem Identification and Referral’ this is missing in their logic model. Prescription Drugs – I found the same issues with this priority area as I did with marijuana and alcohol.”**

Summary: Scope of Work Proposal Requirements: Implementation Plan

Evaluator Number 2 states **“Vague - I can’t see them carrying this contract out.”**

Question: Does the bidder’s proposal include an implementation plan detailing how short, intermediate, and long term goals would be achieved according to the strategies listed in the Logic Model (Exhibit B)?

Evaluator Number 2 notes that the **“subcontractor was missing in this area. As well are the goals to help subside the use of prescription drugs and marijuana.”**

Evaluator Number 3 states **“some PSE Strategies were not noted...The implementation detail fell short on the Rx campaign and marijuana.”**

Evaluator Number 4 responds that the YLI **“neglected strategies it did call for (e.g. problem identification and referral).”**

Question: Does the bidder describe how they will work with the County’s Prevention Provider Program Evaluator?

Evaluator Number 1 states that they **“Could not find mention of this in the RFP submission.”**

Evaluator Number 5 responds **“No”**

Question: Does the bidder have experience with Primary Prevention SUD Data Service System (PPSDS) or understand the necessity of data collection within PPSDS?

Evaluator Number 4 provides that they **“did not see mention of this in the RFP”**

Evaluator Number 5 states **“Not addressed”**

*Mental Health Systems (“MHS”)*

Because MHS was the third ranked bidder for RFP 21-021 CHC will not provide the same level of detail as to the missing items in MHS’s proposal. Please see below an excerpt of the Review Committee summary of the evaluation relative to MHS:

**“The proposal contained limited information on how services would be delivered to the specific target population and provided minimal information on their substance use disorder prevention services experience. Program descriptions were not provided, and evidence-based practices were not mentioned... The proposal also did not address existing collaborative relationships in Fresno County.”**

Like all three of the submissions for RFP 21-021, the bid submitted by MHS failed to include every required item or response, including multiple Proposal Content Requirements.

*California Health Collaborative*

The April 26, 2021 letter from Jean M. Rousseau, County Administrative Officer to YLI in response to their second appeal provided that YLI’s appeal would be upheld because CHC’s bid was missing part of its five-year budget for Sections I-III.

**“The RFP, at page 10, specifies: Failure to respond to all questions or to not supply the requested information could result in rejection of your proposal. Merely offering to meet the specifications is insufficient and will not be accepted. Each bidder should submit a complete proposal with all information requested.”**

As outlined above, both YLI and MSH submitted incomplete proposals that failed to include all required items from the RFP. However, CHC is the only entity that is being held to this standard and being disqualified on the grounds that its submission failed to provide all requested information. Moreover, while the evaluators and the Review Committee noted multiple and significant missing items of a substantive nature from the YLI and MSH proposals, the missing item noted from CHC was the result of a clerical error and is not substantive. When CHC converted their five-year budget from Excel to PDF, certain pages were not included. However, CHC subsequently promptly corrected this administrative error and provided the County with the complete five-year budget. A clerical error of this nature should not be outcome determinative and the County has the discretion to decide this RFP on the overall merits of the proposals submitted.

CHC, and more importantly, the people of Fresno County, should not be penalized by disqualifying the most qualified bidder when all of the bids for RFP 21-021 were incomplete. The permissive language of the rule cited by the County provides the Review Committee and the

County with the discretion to disregard certain omissions and review bids as a whole. However, CHC's bid is being rejected on a basis that if applied equally would disqualify all bidders. By arbitrarily rejecting CHC's proposal based on a clerical omission, while disregarding substantive omissions in YLI's bid, the County demonstrated a clear favoritism towards YLI. Such favoritism is strictly prohibited as it undermines the integrity of the competitive bidding process and the County's stated goal of securing the award that is the most advantageous to the County. The same standard should be applied to all three proposals and the original tentative award to CHC should be reinstated.

In the alternative, all three bids should be rejected for a failure to supply all required items listed in the Proposal Content Requirements and the bid process for RFP 21-021 should begin anew.

**II. CHC WON THE INITIAL AWARD OF RFP 21-021 BECAUSE IT IS THE BEST OPTION FOR FRESNO COUNTY AND THE INITIAL TENTATIVE AWARD SHOULD BE REINSTATED.**

The Purchasing Manager's response to CHC's first appeal cites legal authority providing that the County is granted wide latitude when making determinations relative to contracts for the provision of drug and alcohol prevention services. See Health and Safety Code Section 11810 and 11811. However, the County is not given unfettered discretion when it comes to making such decisions. A County's decision must be focused on selecting "high quality, cost effective services" and disapproving "poor quality, underutilized, duplicative, or marginal services." See Health and Safety Code Section 11760.6.

Here, CHC has demonstrated with its proposal and its track record in the community that it is the highest quality service provider and should be selected to perform the services outlined in RFP 21-021. Moreover, the other bidders have glaring omissions relative to their ability to perform the services needed and their selection would result in poor quality services being offered to the people of Fresno County. The County is at a critical junction and the selection of CHC for RFP 21-021 will ultimately result in the best outcome for the health and well-being of the Fresno community.

To that end, the Review Committee Funding Recommendation for RFP 21-021 found that:

**“the proposal submitted by California Health Collaborative was ranked higher than the other proposals and was considered responsive to the RFP. The proposals submitted by the other vendors were found to be less responsive and were not considered for funding.**

**Strengths identified in California Health Collaborative's proposal included their demonstrated knowledge of the services requested and the need to deliver services to the target population and underserved communities. CHC also demonstrated their strong existing community partnerships in Fresno County, their ability to provide**

**evidence-based programs, and organization readiness and capacity to implement the programs quickly. Staff are diverse, have an abundance of experience delivering services, and there is a plan in place to ensure minimal staff turnover within the organization.”**

While the second appeal submitted by YLI was upheld on the basis that CHC did not initially submit every page of their budget, YLI also took issue with the County’s new collaborative evaluation methodology for review of proposals in this RFP and claimed there were unreliable outcomes with this new methodology. As to the review process and methodology that resulted in the initial tentative award to CHC, the County maintains that:

**“(t)his was an open and fair process, and the collaborative evaluation of contractors’ proposals by the County’s evaluation team composed of individuals most knowledgeable in these service areas is the process that is most advantageous to the County, and will result in the most prudent use of the County’s tax dollars to provide these valuable services to the public.”**

Given that the County maintains that the RFP evaluation process that resulted in the initial tentative award to CHC is an appropriate methodology, the County should not arbitrarily exclude the highest rated and best suited candidate on a technicality. Moreover, as outlined above, this same technicality should apply to all three bidders. As to the merits of the CHC’s RFP, the County evaluators had this to say in their overall summaries of CHC:

**“This provider has created a program that uses its many partners, specific strategies, and scope of work to outline a successful project that would reach most area in Fresno County. They appear to have the forethought to use current program success to create a fully integrated program that appears to be an integrated network of complementary services of prevention in Fresno County.”** -Evaluator Number 1

**“This is my number one choice with some reservations on the finance piece.”** - Evaluator Number 2

**“This agency is ready to begin implementation with fully trained staff, has great leadership on house (with) 20-30 years actually handling work in Fresno. Partners, network is formed, is diverse. MOU/LOS are in place.”** -Evaluator Number 3

**“Looking to the big picture of prevention services delivery for Fresno County, it is my opinion that CHC’s submission most closely resembles what we are looking for going forward into the next cycle.”** -Evaluator Number 4

**“This bidder seems well equipped to meet the goals and objectives of the RFP as long as they are able to continue the existing work already being done by other agencies with Friday Night Live”** -Evaluator Number 5



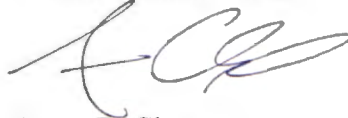
County of Fresno Purchasing  
July 1, 2021  
Page 11

Based on the above, the California Health Collaborative respectfully asks the Board of Supervisors to intervene and rescind the initial tentative award of RFP 21-021 to YLI. CHC firmly believes that it is the best option to operate the substance abuse disorder primary prevention programs within Fresno County and that it will have the most profound impact on the youth population within the County.

The California Health Collaborative looks forward to meeting with the Board of Supervisors on July 13<sup>th</sup>.

Very truly yours,

WILKE FLEURY LLP

A handwritten signature in black ink, appearing to read 'A. Claxton', written over the printed name below.

Aaron R. Claxton

ARC:MT  
Enclosure Exhibit A

2778015.1

# **Exhibit A**

June 29, 2021

Fresno County Board of Supervisors  
2281 Tulare Street, Room 301  
Fresno, CA 93721

*Re: Letter of Support – California Health Collaborative, Substance Use Disorders Prevention*

Dear Board of Supervisors:

With great urging, I request your consideration to continue funding the California Health Collaborative (CHC) for drug prevention services aimed at reducing youth and young adult use rates in Fresno County. For over ten years, CHC has successfully provided drug prevention services through the Lock It Up and Performing Above the High projects.

In my capacity as Associate Professor in the Department of Public Health with Fresno State University, I have partnered with CHC's substance abuse prevention programs on several projects over the last ten years. For example, from 2011-2018, the PATH project and I worked collaboratively to implement substance use prevention projects on the Fresno State campus. This included forming a coalition of students to implement student-led social norm change campaigns targeted at increasing awareness of the impact of marijuana use on students and resources to support their wellbeing. Additionally, we led the implementation of an evidence-based curriculum with students and led several educational sessions during my public health courses to increase understanding of substance use disorders.

Since 2015, I have worked on various internship projects with CHC and served on their coalitions and Advisory Boards where I have witnessed the collaborative effort of the California Health Collaborative to identify community solutions to reducing substance use. As a substance abuse prevention stakeholder in Fresno County, CHC has been an indispensable resource and partner in increasing community awareness and advancing community-level policy and social norms change. CHC's campaigns have efficiently engaged youth, parents, and other stakeholders to effect change that improves community wellness and a healthy outlook for the future of the county's next generation.

Please feel free to contact me by e-mail at [gthatcher@mail.fresnostate.edu](mailto:gthatcher@mail.fresnostate.edu) or by phone at 559-797-2628.

Sincerely,



Greg Thatcher  
Associate Professor  
Community Health Option

**Department of Public Health**  
California State University, Fresno • McLane Hall 184  
2345 E. San Ramon M/S MH30 • Fresno, California 93740

P 559.278.4014 F 559.278.4179 [www.FresnoState.edu/chhs/depts\\_programs/health\\_science/](http://www.FresnoState.edu/chhs/depts_programs/health_science/)



# POLICE

## M E N D O T A

1000 Airport Blvd. Bldg. A  
Mendota, CA 93640  
Business: (559) 655-9120  
Fax: (559) 655-7173

*Kevin W. Smith: Chief of Police*

---

June 29, 2021

Fresno County Board of Supervisors  
2281 Tulare Street, Room 301  
Fresno, CA 93721

RE: Letter of Support for California Health Collaborative

Dear Board of Supervisors,

On behalf of the Mendota Police Department, I am pleased to write this communication to express support and appreciation for the California Health Collaborative (CHC) and their substance use disorder program services. In my capacity as Chief of Police, I have worked in partnership with CHC and its programs to improve the safety and wellbeing of youth in my community. I ask that you continue to fund the great work and services provided by CHC's Lock it Up (prescription drug prevention) and the Performing Above the High (marijuana prevention) programs.

Over the last few years, youth in our community has benefitted from activities hosted and sponsored by CHC's Lock it Up and PATH programs. Some of these activities include, school-based youth coalitions, classroom-based curriculum, educational presentations, etc.

Any questions regarding this letter or any of its content can be directed to me by e-mail at [kevin.smith@fcl.org](mailto:kevin.smith@fcl.org) or by phone at (559) 288-8053.

Sincerely,

Kevin W. Smith,  
Chief of Police



June 28, 2021

Fresno County Board of Supervisors  
2281 Tulare Street, Room 301  
Fresno, CA 93721

RE: Letter of Support for California Health Collaborative

Dear Board of Supervisors,

On behalf of the California Health Collaborative (CHC), I am pleased to write this communication to express support and appreciation for the California Health Collaborative (CHC) and their substance use disorder program services. In my capacity as a volunteer and advocate, I have worked in partnership with CHC and its programs to improve the safety and wellbeing of youth in my community. I ask that you continue to fund the great work and services provided by CHC's Lock it Up (prescription drug prevention) and the Performing Above the High (marijuana prevention) programs.

Over the years, youth in my community has benefitted from activities hosted and sponsored by CHC's Lock it Up and PATH programs. Such as the Annual Youth Empowerment Summit at Reedley College where parents along with youth were given access to drug prevention, college preparedness, and mental health workshops and more.

Any questions regarding this letter or any of its content can be directed to me by e-mail at [yamilethjpartida@gmail.com](mailto:yamilethjpartida@gmail.com) or by phone at (559) 430-9871.

Sincerely,  
Yamileth J. Partida Reyes (she/her)  
B.A. Sociology and Criminology. Law. and Society Candidate  
University of California Irvine '24

A handwritten signature in black ink, appearing to read 'YJR', is positioned below the typed name and title.



**Marty Rivera**  
Chief of Police

ORANGE COVE POLICE DEPARTMENT  
550 Center Street Orange Cove California 93646  
Ph: 559-626-5106 / Fax: 559-626-7565  
Email: [marty.rivera@oc-pd.com](mailto:marty.rivera@oc-pd.com)

---

June 29, 2021

Fresno County Board of Supervisors  
2281 Tulare Street, Room 301  
Fresno, CA 93721

RE: Letter of Support for California Health Collaborative

Dear Board of Supervisors,

On behalf of the Orange Cove Police Department, I would like to write this communication to express support and appreciation for the California Health Collaborative (CHC) and their substance use disorder program services. In my capacity as Chief of Police, I have worked in partnership with CHC and its programs to improve the safety and wellbeing of youth in my community. I ask that you continue to fund the great work and services provided by CHC's Lock it Up (prescription drug prevention) and the Performing Above the High (marijuana prevention) programs.

Over the last 10 years, youth in my community has benefitted from activities hosted and sponsored by CHC's Lock it Up and PATH programs. Some of these activities include: their Annual Youth Empowerment Summit, classroom-based curriculum at our local middle school, educational presentations for families and youth, as well as support they've provided to our department in the form of an in-service training covering new trends in substance use.

We urge you to consider keeping their programs funded as the loss of these programs would greatly impact our community.

Any questions regarding this letter or any of its content can be directed to me by e-mail at [marty.rivera@oc-pd.com](mailto:marty.rivera@oc-pd.com) or by phone at (559) 626-5106.

Sincerely,

Marty Rivera  
Chief of Police

PRIDE

HONOR

PROFESSIONALISM

**change.org**

## **California Health Collaborative**

Recipient: Fresno County Board of Supervisors

Letter: Greetings,  
Support CHC Substance Use Youth Programs

# Signatures

<b>Name</b>	<b>Location</b>	<b>Date</b>
Karla Cruz	Lemoore, CA	2021-06-17
Isaiah Galindo	Fresno, CA	2021-06-17
James White	Clovis, CA	2021-06-17
Genesis Lopez	Fresno, CA	2021-06-17
Alexa Tran	Fresno, CA	2021-06-17
Julissa Duarte	Kerman, CA	2021-06-17
Sabria Clayton	Clovis, CA	2021-06-17
De'Reana McCorvey	Fresno, CA	2021-06-17
Selina Nunes	Orange Cove, CA	2021-06-17
Sophie Rosenfeld	Fresno, CA	2021-06-17
Michelle Nguyen	Fresno, CA	2021-06-17
Alanah McCorvey	Modesto, CA	2021-06-17
Zahara McCorvey	Fresno, CA	2021-06-17
Aaron Galindo	Fresno, CA	2021-06-17
Kithzia Vega	Fresno, CA	2021-06-17
Aidan Tran	Fresno, CA	2021-06-17
Dakota Barela	Fresno, CA	2021-06-17
Roni Perez	Kingsburg, CA	2021-06-17
Vivian Nguyen	Fresno, CA	2021-06-17
naizet iqal	Fresno, CA	2021-06-17

<b>Name</b>	<b>Location</b>	<b>Date</b>
Jasdeep Gurm	Caruthers, CA	2021-06-17
Marina Sanchez	sanger, CA	2021-06-17
Ingrid Hidalgo	Visalia, CA	2021-06-17
Jorge Ramirez Leon	Selma, CA	2021-06-17
Emily Alvarez	Fresno, CA	2021-06-17
Tanya Zavala	Corcoran, CA	2021-06-17
Aimee Evo	Sanger, CA	2021-06-17
Luis Landeros	Selma, CA	2021-06-18
Tessa Locker	Selma, CA	2021-06-18
Leticia Fernandez	Selma, CA	2021-06-18
Marissa Garcia	Selma, CA	2021-06-18
Eric Rodriguez	Selma, CA	2021-06-18
Cheyenne Pallares	Sacramento, CA	2021-06-18
Kendra Gomez	Reedley, CA	2021-06-18
Roni Perez	Selma, CA	2021-06-18
Molly Ferrari	Santa Barbara, CA	2021-06-18
Jailene Rizo	Selma, CA	2021-06-18
Daniel Gonzalez	Fresno, CA	2021-06-18
Maria Rodriguez	Fresno, CA	2021-06-18
Armaan Sandhu	San Francisco, CA	2021-06-18
Edward Gama	Selma, CA	2021-06-18
Alvin Perez	Selma, CA	2021-06-18

<b>Name</b>	<b>Location</b>	<b>Date</b>
Jazmin Sandhu	Fresno, CA	2021-06-18
Mitzi Santos	Selma, CA	2021-06-18
Victor Andrade	Tulare, CA	2021-06-18
Valerie Perez	Selma, CA	2021-06-18
maritere casillas	fresno, CA	2021-06-18
Samantha Garcia	Selma, CA	2021-06-18
Anthony Rodriguez	Fresno, CA	2021-06-18
Chris Perez	Fresno, CA	2021-06-18
Michael Perez	Reedley, CA	2021-06-18
Mary Perez	Fresno, CA	2021-06-18
Sally Tran	Fresno, CA	2021-06-21
Isabella Avedikian	Fresno, CA	2021-06-21
Amanda Tsiatsios	Haverhill, US	2021-06-21
Elisa Patch	Vestaburg, US	2021-06-21
Shaun and Lori Bevill	DeKalb, US	2021-06-21
Latoya Pilgrim	Yonkers, US	2021-06-21
Ariana Cornejo	Carson, US	2021-06-21
Andrea Dúll	Lexington, US	2021-06-21
Felix Sanchez	West Roxbury, US	2021-06-21
Lyn F	Westfield, US	2021-06-21
Robert Lawson	Brooklyn, US	2021-06-21
Huffle Puffles	Chandler, US	2021-06-21

<b>Name</b>	<b>Location</b>	<b>Date</b>
Rosa Santoyo	New Caney, US	2021-06-21
Cheez It	Millersville, US	2021-06-21
Melanie Martinez	Yonkers, US	2021-06-21
Kiara Newsman	Cranston, US	2021-06-21
Joseph Francis	Hyattsville, US	2021-06-21
Jess Barroso	Los Angeles, US	2021-06-21
Nakida Fletcher	Lanham, US	2021-06-21
Derrick Rankin Jr	Dayton, US	2021-06-21
Brianna Frerich	US	2021-06-21
Mitchell Flint	Jbsa Ft Sam Houston, US	2021-06-21
Guccixjustin G	Austin, US	2021-06-21
Rachel Crabtree	Cookeville, US	2021-06-21
Kariyah Harvey	Tallahassee, US	2021-06-21
Nyellie fiscus	Twin falls idaho, US	2021-06-21
James Martin	Havre De Grace, US	2021-06-21
Ellie Baraby	Lima, US	2021-06-21
Chris Nielson	Hinckley, US	2021-06-21
ed engel	shamokin, US	2021-06-21
Phillip Cirabisi	Ypsilanti, US	2021-06-21
Christian Cole	Belleville, US	2021-06-21
Miguel Luna	Reedley, CA	2021-06-22
Jacob Fesperman	Mountain Home, US	2021-06-22

<b>Name</b>	<b>Location</b>	<b>Date</b>
Karen Martinez	South Chicago Heights, US	2021-06-22
Baolia Xiong	Fresno, CA	2021-06-22
Huong Chung	Fresno, CA	2021-06-22
kelly lam	Fresno, CA	2021-06-22
Muriel Gobeia	Parlier, CA	2021-06-22
Haide Medina	Fresno, CA	2021-06-22
Ashneet Gill	Selma, CA	2021-06-22
Miguel Lopez	Visalia, CA	2021-06-22
Juan Chavez	Parlier, CA	2021-06-22
Omar Rocha-Rodriguez	Fresno, CA	2021-06-22
David Araujo	Sacramento, CA	2021-06-22
Carina Rocha	Fresno, CA	2021-06-23
Amy Flores	Caruthers, CA	2021-06-23
Chelsea Castillo Najera	Fresno, CA	2021-06-23
Holly Jones	Fresno, CA	2021-06-23
Victoria Guerra	Fresno, CA	2021-06-23
Jose Castillo	Fresno, US	2021-06-23
Puneet Gill	Oakland, CA	2021-06-23
Rachel Just	reedley, CA	2021-06-23
Brenda Jimenez	Tracy, CA	2021-06-23
Karolina Soto	Delano, CA	2021-06-23
Avnique Gill	Citrus Heights, CA	2021-06-23



<b>Name</b>	<b>Location</b>	<b>Date</b>
Navanni Rizo	Selma, CA	2021-06-23
Eliana Troncale	Clovis, CA	2021-06-23
Madhusa Goonesekera	Davis, CA	2021-06-23
Henry Castillo	Clovis, CA	2021-06-23
Joshua Mendoza	Santa Clara, CA	2021-06-23
Morelia Marines	Clovis, CA	2021-06-23
Miguel Landeros	Selma, CA	2021-06-23
Ulises Hernandez	Tulare, CA	2021-06-23
Matthew Anderson	Easton, CA	2021-06-23
Julianna Colado	Selma, CA	2021-06-24
Vanessa Mares	Dinuba, CA	2021-06-24
Emma Fimbres	Fresno, CA	2021-06-24
Stephen Ramirez	Fresno, CA	2021-06-24
Chris Blalock	Fresno, CA	2021-06-24
Desireé Marquez	Clovis, CA	2021-06-24
Emma Pimentel	Madera, CA	2021-06-24
tian wu	Clovis, CA	2021-06-24
Christian A Uribe Sosa	Fresno, CA	2021-06-24
Jerry Sweazy	Elk Grove, CA	2021-06-24
Lori Hayes	Fresno, CA	2021-06-24
Andrea Leija	Parlier, CA	2021-06-25
Kanwarpal Dhaliwal	Los Banos, CA	2021-06-25

<b>Name</b>	<b>Location</b>	<b>Date</b>
Juliet Montelongo	Fresno, CA	2021-06-25
Salvador Solorio-Ruiz	Delano, CA	2021-06-25
Jasbinder Saini	Fresno, CA	2021-06-25
Lorraine Mireles Vega	Fresno, CA	2021-06-28
Stacey Manangan	Walnut, CA	2021-06-28
Daniel Chavez	Fresno, CA	2021-06-28
Zachary Fisher	Sacramento, US	2021-06-28
Diane Jau	Fresno, CA	2021-06-28
David Ojeda	Dinuba, CA	2021-06-28
Clarissa Vivian	Fresno, CA	2021-06-30
Deyanira Cuellar Sandoval	Merced, CA	2021-06-30
Fidel Barraza	Fresno, CA	2021-06-30



# City of Reedley

NICOLE R. ZIEBA  
OFFICE OF THE CITY MANAGER  
1717 Ninth Street  
Reedley, Ca. 93654

June 29, 2021

Fresno County Board of Supervisors  
2281 Tulare Street, Room 301  
Fresno, CA 93721

*Re: Letter of Support – California Health Collaborative, Substance Use Disorders Prevention*

Honorable Supervisors:

The City of Reedley recently learned that funding for the California Health Collaborative's (CHC) drug prevention services will not be renewed. I am urging that the County reconsider this decision. The City has worked very closely with CHC on programs aimed at reducing youth and young adult use rates in Fresno County, and we feel that the programs have been very effective.

In addition to the broader programs, such as Lock It Up and Performing Above the High, the City has partnered with CHC on their Annual Youth Leadership Summit, and has collaborated directly with youth through CHC to present public workshops on needed policy change at the local level. In fact, CHC helped a group of youth present a full workshop in front of our City Council on critical substance abuse prevention programs, and our City Council has since directed staff to begin drafting Ordinance changes based on the workshop.

It came as quite a surprise to learn that these programs, and the wonderful staff that run them, may not be renewed by the County. I understand that there may have been some technical paperwork issue associated with the funding application. Applications are important, but more important are the results that the actual programs are seeing. There is no doubt that CHC has been able to produce results. Fresno County cannot afford to stall results in this critical public health and safety area.

Please feel free to contact me by e-mail at [Nicole.Zieba@reedley.ca.gov](mailto:Nicole.Zieba@reedley.ca.gov) or by phone at (559) 637-4200 with any questions.

Sincerely,

Nicole Zieba  
City Manager



**City of Reedley**  
Community Services Department  
100 N. East Avenue  
Reedley, CA 93654  
(559) 637-4203  
FAX (559) 637-7253

June 29, 2021

Fresno County Board of Supervisors  
2281 Tulare Street, Room 301  
Fresno, CA 93721

*RE: Letter of Support - California Health Collaborative, Substance Use Disorder Prevention Services*

Dear Board of Supervisors,

I've had the pleasure of working with the California Health Collaborative (CHC) for their drug prevention services in Fresno County. Over the last several years, CHC has partnered with my department to provide prevention education, leadership development, training, and policy advocacy opportunities for youth and young adults in our county service areas.

I have partnered with CHC's Lock It Up and Performing Above the High project(s) in planning and conducting the following activities: Hosting Red Ribbon Activities in the Reedley community, hosting a substance use prevention float in the Reedley Parade annually, supporting community outreach activities, and participating in presentations and strategy sessions to inform efforts to prevent substance use in the Reedley community. I appreciate the work CHC does and value the partnership.

Any questions regarding this letter can be sent to me by e-mail at [sarah.reid@reedley.ca.gov](mailto:sarah.reid@reedley.ca.gov) or by phone at (559) 637-4203.

Sincerely,

Sarah Reid

Community Services Director

June 29, 2021

Fresno County Board of Supervisors  
2281 Tulare Street, Room 301  
Fresno, CA 93721

*Re: Letter of Support – California Health Collaborative, Substance Use Disorders Prevention*

Dear Board of Supervisors:

It is with great urging, that we request your consideration to continue funding the California Health Collaborative (CHC) for drug prevention services aimed at reducing youth and young adult use rates in Fresno County. For over 10 years, CHC has successfully provided drug prevention services through the Lock It Up, Performing Above the High projects and other youth serving programs. To combat concerns about continued high rates of drug use and early initiation, it is imperative that these programs and their important work continue to receive funding support.

As a parent of a substance abuse prevention stakeholder in Fresno County, CHC has been an indispensable resource and partner in increasing community awareness and advancing community level policy and social norms change. My daughter, Emma Fimbres has participated in CHC's campaigns and has efficiently engaged youth, parents, and other stakeholders to affect change that improves community wellness and a healthy outlook for the future of the county's next generation.

This organization has partnered with CHC's substance abuse prevention programs and other health promotion programs through collaborative meetings, trainings, and resource sharing. Through these connections, they can attest with great confidence that CHC is an asset to the communities they serve in Fresno County.

Please feel free to contact me by e-mail at [veronica.mancha@wusd.ws](mailto:veronica.mancha@wusd.ws) or by phone at (559) 824-2804 with any questions.

Sincerely,

[Veronica Mancha](#)

Veronica Mancha  
Science Teacher  
ASB Class Advisor  
Washington Union High School  
Science Department

June 28, 2021

Fresno County Board of Supervisors  
2281 Tulare Street, Room 301  
Fresno, CA 93721

RE: Letter of Support for California Health Collaborative

Dear Board of Supervisors,

I am pleased to write this communication to express support and appreciation for the California Health Collaborative (CHC) and their substance use disorder program services. In my capacity as a member of their youth coalition, I have worked in partnership with CHC and its programs to improve the safety and wellbeing of youth in my community. I ask that you continue to fund the great work and services provided by CHC's Lock it Up (prescription drug prevention) and the Performing Above the High (marijuana prevention) programs.

Over the last years, youth in my community have benefitted from activities hosted and sponsored by CHC's Lock it Up and PATH programs. Some of these activities include: Youth Empowerment Summits, special workshops, guest speakers, and youth coalitions.

Any questions regarding this letter or any of its content can be directed to me by e-mail at [vivmallow@gmail.com](mailto:vivmallow@gmail.com) or by phone at (559) 796-3421.

Sincerely,

Vivian Nguyen





**DIOCESE OF FRESNO**  
**PASTORAL CENTER**  
1550 NORTH FRESNO STREET  
FRESNO, CALIFORNIA 93703-3788  
TELEPHONE (559) 488-7400

June 29, 2021

Fresno County Board of Supervisors  
2281 Tulare Street, Room 301  
Fresno, CA 93721

RE: Letter of Support for California Health Collaborative

Dear Board of Supervisors,

On behalf of Bishop Joseph V. Brennan, I am pleased to write this communication to express support and appreciation for the California Health Collaborative (CHC) and their substance use disorder program services. I ask that you continue to fund the great work and services provided by CHC's Lock it Up (prescription drug prevention) and the Performing Above the High (marijuana prevention) programs.

Any questions regarding this letter can be directed to me by e-mail at [csarkisian@dioceseoffresno.org](mailto:csarkisian@dioceseoffresno.org) or by phone at (559) 488-7400.

Sincerely,

A handwritten signature in cursive script that reads "Cheryl Sarkisian".

Cheryl Sarkisian  
Chancellor

June 29, 2021

Fresno County Board of Supervisors  
2281 Tulare Street, Room 301  
Fresno, CA 93721

RE: Letter of Support for California Health Collaborative

Dear Board of Supervisors,

I would like to write this communication to express support and appreciation for the California Health Collaborative (CHC) and their substance use disorder prevention program services. I am a resident of Fresno County and a business owner of District 7 studio. I have worked collaboratively with the programs that CHC operates in our communities to improve the safety and wellbeing of youth. I ask that you continue to fund the great work and services provided by CHC's Lock it Up (prescription drug prevention) and the Performing Above the High (marijuana prevention) programs.

Over the last 10 years, I've had the pleasure of working with the projects to produce PSAs and videos that are developed in collaboration with youth to raise awareness of substance use disorders and prevent the use of substances. They are truly an organization that puts young people first and works in partnership with them to host activities that improve the health and safety of our local youth. The community would suffer a huge loss if these programs were no longer funded.

I urge you to consider keeping their programs funded. Our Fresno County youth deserve to continue to have these services that are youth-led and developed with young people in mind. The California Health Collaborative already has formed partnership with many organizations throughout the County and are an organization that is highly respected in the community.

Any questions regarding this letter or any of its content can be directed to me by e-mail at [raul.music@icloud.com](mailto:raul.music@icloud.com) or by phone at 559-666-0842.

Sincerely,



Raul Lomeli  
District 7 Studio





DIOCESE OF FRESNO  
PASTORAL CENTER  
1550 NORTH FRESNO STREET  
FRESNO, CALIFORNIA 93703-3788  
TELEPHONE (559) 488-7400

CC: Board  
CFO  
COO

RECEIVED  
JUN 30 2021

CLERK. BOARD OF SUPERVISORS

June 29, 2021

Fresno County Board of Supervisors  
2281 Tulare Street, Room 301  
Fresno, CA 93721

RE: Letter of Support for California Health Collaborative

Dear Board of Supervisors,

On behalf of Bishop Joseph V. Brennan, I am pleased to write this communication to express support and appreciation for the California Health Collaborative (CHC) and their substance use disorder program services. I ask that you continue to fund the great work and services provided by CHC's Lock it Up (prescription drug prevention) and the Performing Above the High (marijuana prevention) programs.

Any questions regarding this letter can be directed to me by e-mail at [csarkisian@dioceseoffresno.org](mailto:csarkisian@dioceseoffresno.org) or by phone at (559) 488-7400.

Sincerely,

Cheryl Sarkisian  
Chancellor