California Department of Public Health

Solicitation

EVAL 19-10016
California Tobacco Control Program
Policy Evaluation Tracking System

April 4, 2019
April 22, 2019 (Amended Version)

California Department of Public Health
California Tobacco Control Program
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Part I. INTRODUCTION

A. Background, Purpose, Goals, and Objectives

1. Background and Authorizing Legislation

Background

California's comprehensive state tobacco control and prevention efforts are widely recognized as one of the most successful programs in the United States (U.S.). California's efforts to reduce tobacco use and prevent tobacco-related diseases have reduced smoking rates in California to one of the lowest in the nation, yet tobacco-related diseases still account for approximately 40,000 deaths a year in California, representing 16% of all deaths.[1-3] Tobacco use in California costs the state $18.1 billion in health care costs and lost productivity from illness and premature death.[4]

Although the overall smoking rate in California in 2015-2016 was 12.4%, there were differences by subgroup.[5] Smoking rates for our priority populations were 18.5% among individuals, who identify as lesbian, gay, or bisexuals, 24.2% among American Indians, 20.7% among Black/African American individuals, 15.1% among individuals living in rural areas, 11.5% among Hispanics, and 8.6% among Asian/Pacific Islander individuals. Even within these groups, there are subsets of individuals with higher smoking prevalence. For instance, Vietnamese males have a smoking rate of 23.7% and Hispanic males have a smoking rate of 16.9%. Therefore, appropriate policies are needed to reduce disparities in tobacco use in California.

Two landmark acts have been essential for supporting the efforts of the California Department of Public Health (CDPH) California Tobacco Control Program (CTCP). The Tobacco Tax and Health Protection Act of 1988, also known as Proposition 99 (Prop 99), increased the state cigarette tax by 25 cents per pack, added an equivalent amount on other tobacco products, and designated the revenue for tobacco-related research, health education and promotion, as well as health care services.

In November 2016, California voters overwhelmingly approved the California Healthcare, Research, and Prevention Tobacco Act of 2016, Proposition 56 (Prop 56), by a 64% to 36% vote. Prop 56 added an additional $2.00 tax to each pack of cigarettes and an equivalent tax on other tobacco products, including electronic smoking devices (ESDs). The act designated a portion of the revenue towards California's comprehensive tobacco control program and tobacco-related disease research. Of the funds directed to CDPH/CTCP for a comprehensive tobacco control program, Prop 56 requires that a minimum of 15% of funds be used to accelerate and monitor the rate of decline in tobacco-related disparities with a goal of eliminating tobacco-related disparities through social norm change. A vital component in the social norm change paradigm is the creation of local initiatives employing policy and advocacy approaches to generate both voluntary and legislative policies.

As the number of local legislative policies increase, an unspecified critical mass is reached in which statewide policies are proposed and finally adopted in order to protect all Californians.[6] Legislative policies are an integral component to our historical and future tobacco control successes. In some areas, the adoption, implementation, and strength of tobacco control policies is associated with reductions in tobacco initiation, tobacco use, exposure to secondhand smoke, quit attempts, reduced cardiovascular events, and reduced tobacco butt litter.[7-11] As such, it becomes important to document and track local legislative tobacco control policy adoption, the strength of these policies, and to analyze their impact on tobacco-related behaviors and outcomes. Therefore, CTCP developed the Policy Evaluation Tracking System (PETS), a longitudinal policy surveillance database of tobacco control policies in local jurisdictions in California.

Initially, PETS was created to meet CTCP's tobacco control policy evaluation needs in the areas of Tobacco Retail Licensing (TRL), Outdoor Secondhand Smoke (OSHS), Multi-Unit Housing (MUH), and Sampling (SAMP) to be used by local health programs, researchers, policy makers, and others. However, with the emergence of new tobacco products, sophisticated marketing strategies used by the tobacco industry, and the need to protect vulnerable populations, additional policies are being developed that are not captured within the current PETS framework. These include Content Neutral Advertising/Signage, Menthol & Other Flavored Tobacco Products, Tobacco-Free Pharmacies & Health Care Providers, Electronic Smoking Device Sales, Tobacco Retailer Density/Zoning, Minimum Pack/Volume Size, and Minimum Retail Price. Appendix 1 defines these policies, the number of policies tracked in 2017 and 2018, and the number of objectives within currently funded CTCP-funded projects addressing these types of policies.

Therefore, after a critical review of the current scope of the PETS database and its utilization, CTCP is releasing the present Solicitation to recruit a Contractor that will:

- Collect and rate tobacco control policies;
- Create rubrics and calculate various policy indicators;
- Submit PETS meta data to CTCP;
- Prepare and deliver trainings to current and future PETS users;
- Disseminate policy reports and other publications as needed; and
- Make all policy ratings and reports accessible through a password protected CTCP maintained website.

Authorizing Legislation

The enabling legislation for California's comprehensive tobacco control program is provided by the following: Assembly Bill (AB) 75 (Chapter 1331, Statutes of 1989), AB 99 (Chapter 278, Statutes of 1991), AB 816 (Chapter 195, Statutes of 1994), AB 3487 (Chapter 199, Statutes of 1996), Senate Bill (SB) 99 (Chapter 1170, Statutes of 1991), SB 960 (Chapter 1328, Statutes of 1989), SB 493 (Chapter 194, Statutes of 1995); the annual State Budget; Health and Safety Code 104375(b); and Revenue and Taxation Code Sections 30121-30130.

H&S Code Section 104375 authorizes CDPH/CTCP to conduct statewide surveillance of tobacco-related behaviors, knowledge, and attitudes and evaluate local and state tobacco control programs. At a minimum, these evaluation activities are to use scientifically appropriate methods for monitoring the annual progress of the program in reducing the adult smoking prevalence from the 1993 benchmark rate of 20% and reducing cigarette consumption from the 1993 per capita benchmark rate of 4.84 packs per quarter. These surveillance and evaluation activities may include, but need not be limited to, the following:

- Be based on sound evaluation principles.
- Monitor the overall statewide effect of health education efforts on smoking and tobacco use, and, to the extent feasible, the resulting effects on health.
- Monitor the effect of the programs on individual target populations identified by this article or designated by the department as meriting special attention.
- Provide an evaluation of the comparative effectiveness of individual program designs that shall be used in funding decisions and program modifications.
- Incorporate other aspects into the evaluation that have been identified by the department in consultation with state and local advisory groups, Local Lead Agencies (LLA) (i.e., local health departments), and other interested parties.
- Funds permitting, utilize a sample size that is adequate to produce county, regional, and ethnic specific estimates.

2. Purpose

This procurement is exempt from Part 2 of Division 2 (commencing with Section 10100) of the Public Contract Code.

The purpose of this Solicitation is to request competitive proposals from eligible experienced agencies to identify, track, collect, and rate the quality of codified city and county tobacco control policies, and prepare summary reports. The selected Contractor will track and collect policies from all jurisdictions (county or city) in the state of California and submit them to CTCP on an established schedule.

The successful contractor will:

- Collect tobacco control policies from all California city and county jurisdictions;
- Review, code, and rate tobacco control policies;
- Conduct legal evaluation and interpretation of tobacco control policies for purposes of summarizing and coding policy characteristics;
- Rate the strength of tobacco control policies in comparison to model policies;

- Establish quality assurance and coding mechanisms that enhance data reporting and quality check;
- Create policy report templates summarizing policies adopted, changes in adoption, and populations covered by strong policies to be generated using data from the PETS database;
- Provide ongoing training to actual and potential users of tobacco control policy data submitted to PETS database; and
- Create a calendar for policy update and reporting.

Goals and Objectives
CTCP seeks to establish a partnership with an established and accomplished agency to collect, rate, prepare, and disseminate useable and relevant data on tobacco control policies for use in the PETS database. The PETS contractor will collect information on tobacco-related policies from all jurisdictions (county or city) to ensure the longitudinal analysis of policies in the state. More specifically, the contractor will:

- Create, maintain, and define the role of a PETS Advisory Committee;
- Present concise data collection methods, coding, analysis, and reporting plan, with staff roles and responsibilities;
- Conduct legal evaluation and interpretation of legislated tobacco control policies adopted by county and city governments for purposes of summarizing and coding policy characteristics;
- Provide clear documentation of rubric development and set calendar for rubric review and update;
- Give details on rubric rationale and validation process (quality assurance);
- Describe a plan for capturing different types of policies;
- Include the exact date (day, month, and year) when each policy was adopted, as well as dates for subsequent updates and changes;
- Ensure that population data used to calculate various policy indicators are correct and up-to-date;
- Collaborate with CTCP to revise and update the PETS database to reflect changes in existing policy rubrics and the creation of new rubrics;
- Collaborate with CTCP to upload coded policies and documentation to the PETS database; and
- Produce fact sheets, descriptive summary reports describing policy adoption and changes over time, and brief reports addressing such things as the extent populations or geographical communities are covered by strong key tobacco control policies.

B. ELIGIBILITY CRITERIA

The following entities and organizations are invited to apply for this Solicitation:

1. Organizational Type and Conditions

- Any public, private nonprofit or for-profit entity that is currently operating a full-service office based in California.
- Agencies able to certify that no conflict of interest with tobacco, e-cigarette or related industries exists. The *Certification of Non-Acceptance of Tobacco Company Funds* form can be downloaded from the Online Tobacco Information System. See *Part III. F, Additional Documents* for details.
- Agencies able to certify that they are in good standing, fiscally stable, and qualified to conduct business with the State of California.
- Non-profit organizations must certify their eligibility to claim nonprofit status.
- By submitting a proposal, agencies acknowledge and agree to comply with all terms and conditions in the Solicitation.

2. Required Experience

Proposer should demonstrate the following qualifications, with a minimum of five (5) years of experience for each qualification:

- Monitoring, tracking, and analyzing policies at local, state, or national levels;
- Developing rubrics and coding policies;
- Working with local organizations such as local health departments, research institutions and colleges and universities in California;
- Demonstrated experience with, or understanding of, legislated tobacco control policies in California that were adopted by county and city governments;
- Organizing and delivering various types of training sessions (e.g., webinars, face-to-face) to different groups and individuals for capacity building purpose;
- Creating useful policy reports tailored to local governments, policy makers, public health, housing, business, and environmental sectors; and,
- Managing statewide projects with a budget of $650,000 per year or greater.

C. CONTRACT TERM

The anticipated term is 60 months: November 01, 2019 to October 31, 2024. The contract term may change if CDPH makes an award earlier than expected or later if CDPH cannot execute the agreement because of unforeseen delays.

The resulting contract will be of no force or effect until signed by both parties. The Contractor is hereby advised not to commence performance until the contract is fully executed. Should performance commence before all approvals are obtained, and the contract is not fully executed, said services may be considered to have been volunteered.

D. ANTICIPATED FUNDING

Up to $3,250,000 is available to fund the activities required in this PETS project. Proposals must be for the entire 60-month period and shall not exceed $3,250,000. Actual expenditures may not exceed $650,000 in any fiscal year and any fraction of fiscal year may not exceed the maximum amount as prorated to $650,000. Unexpended funds do not carry over from one fiscal year to the next fiscal year without prior approval and a contract amendment. The fiscal year begins July 1 and ends June 30 of the following year. Funding is contingent upon available revenues, appropriation by the Legislature and the Governor, multi-year spending authority, and CDPH/CTCP funding priorities and/or legal or administrative limitations. Continued funding for the contract will be dependent upon successful Contractor performance. Performance will be evaluated based on required progress reports.

E. SCOPE OF WORK (SOW)

The Contractor will develop and submit a Scope of Work (SOW) describing how they plan to execute each of the following activities to achieve the objectives of the PETS project. For each activity, indicate what will be done, how much will be done (i.e., quantity with a numerical range), start dates and end dates (Month/Year), responsible parties for completing the activity, tracking measures to verify completion, and the percent deliverable that the activity reflects (percent deliverables must total 100%).

TASK 1. Create and Maintain an Advisory Committee

The Contractor will create and maintain a PETS Advisory Committee (PAC). The PAC will be comprised of individuals who bring unique knowledge and skills needed to help the Contractor to more effectively guide the PETS work. It will provide PETS staff with a fresh perspective on programmatic issues by making recommendations and/or providing key information and materials. Members may be reimbursed for travel and per diem to in-person PAC meetings, but shall serve without compensation. The Contractor will:

- Create the PAC. PAC members will include a diverse set of members such as public health lawyers, policy makers, community leaders, and experts in tobacco control policy;
- Describe the composition, term, and role of PAC members;
- Include the calendar of PAC meetings.

TASK 2. Policy Monitoring and Tracking

The Contractor will provide a detailed plan for monitoring, collecting, and processing all tobacco control policies such as Tobacco Retail Licensing (TRL), Outdoor Secondhand Smoke (OSHS), Multi-Unit Housing (MUH), Content Neutral Advertising/Signage, Menthol & Other Flavored Tobacco Products, Tobacco-Free Pharmacies & Health Care Providers, Electronic Smoking Device Sales, Tobacco Retailer Density/Zoning, Minimum Pack/Volume Size, and Minimum Retail Price in all jurisdictions (counties and cities) in California. Such a plan must specify all steps to be followed from the monitoring phase to the reporting stage. The plan will include policies provided through (1) daily news scans using various sources, including the Tobacco.org: Tobacco News and Information website; Americans for Nonsmokers' Rights Foundation daily SHS: News Summaries (available by subscription); Google News smoking/tobacco/secondhand smoke searches; and social media; (2) daily review of CTCP Partners for new local policy information; (3) correspondence with CTCP Strategic Planning and Policy Unit and funded project staff regarding policy action; (4) review of the Center for Tobacco Policy and Organizing policy matrices; (5) review of the American Lung Association of California's (ALAC) State of Tobacco Control—California Local Grades report to identify any missed policies; (6) participation in monthly Tobacco Free Partners calls coordinated by CTCP in which local projects announce policy successes. The plan will also list parties responsible for each step of the monitoring and tracking process. See the list of policies in Appendix 1, showing the number of policies tracked in 2017 and 2018. We expect a 10-15% increase in the number of new policies passed in coming years.

TASK 3. Policy Review and PETS Database Coordination

The proposer will describe a plan for conducting an in-depth review of model policy topics such as Tobacco Retail Licensing (TRL), Outdoor Secondhand Smoke (OSHS), Multi-Unit Housing (MUH), Content Neutral Advertising/Signage, Menthol & Other Flavored Tobacco Products, Tobacco-Free Pharmacies & Health Care Providers, Electronic Smoking Device Sales, Tobacco Retailer Density/Zoning, Minimum Pack/Volume Size, and Minimum Retail Price, for creating new rubric topics. The policy review plan should include detailed information for updating and streamlining the existing rating rubrics and protocols.

The proposer should also describe how they would identify research and publications on public health policy trends to inform policy-coding processes. The proposer should describe collaboration with CTCP to update the PETS database to be aligned with modifications to existing policy rating rubrics and the creation of new ones. In addition, the proposer must explain how they intend to compile, code, and submit on a monthly basis the new policies to CTCP for uploading onto the PETS database. Those submissions will include policies waiting to be codified after being adopted by a jurisdiction. The contractor should also describe plans for updating policies currently in the PETS database for ensuring correct dates of policies passed, correct policy effective date, date of policy revision, and policy revision effective date.

The plan should include provisions for having two people independently crosscheck each policy score, describe the qualifications of coders, and describe the process to reconcile differences in interpretation. A final reconciled score for that policy will be produced and provided to CTCP for review and approval. Finally, the Contractor will explain how they plan to maintain a record of policies in various stages of approval (proposed, approved, and codified).

TASK 4. Community of Excellence (CX) and Rubric Development

The Contractor should give a detailed plan for developing CX (See Appendix 2 for CX Indicators) and tobacco control policy rubrics including:

- Development and implementation of a system for updating CX scores;
- Updating instructions for calculating the CX scores;
- Plan for reviewing and revising local policy coding rubrics to be consistent with model policies.

Rubrics should be reviewed and updated every 18-month period.

The Contractor will also describe how they will create:

- A dataset that has core variables (city/county name, five-digit Federal Information Processing Standard (FIPS) codes, date policy was passed, name of city, county FIPS, policy type, citation for policy, date effective, date of revision, revision effective date, date of model policy, city-county codified ordinance code citation, policy URL, file name, codes and citations from the municipal code for individual questions, restrictiveness score, specificity score, enforcement score, recent total points, previous graded points for comparison) and rubric scores on a monthly basis.
- A data dictionary (codebook).
- A compilation of tobacco policy text documents for the PETS database.

TASK 5. Training and Technical Assistance

The Contractor will include a detailed plan for training PETS database users and providing technical assistance to LLAs, researchers, and other PETS stakeholders. This training and technical assistance plan should explain how the Contractor will:

- Annually, develop and conduct three (3), 30-90 minute training sessions via webinar for tobacco control stakeholders. Trainings will cover topics such as how to use the policy information produced by the Contractor; how the Contractor collects and codifies policies; and how quality and reach scores are calculated;
- Conduct the evaluation of training quality;
- Respond to technical assistance requests from PETS users
- Develop and submit PETS data users' training manuals to CTCP for uploading to the Online Tobacco Information System (OTIS).

TASK 6. Communication and Reporting

The Contractor must describe plans for executing the following activities:

- The Contractor shall have **monthly** communications either by phone or in-person with CDPH/CTCP staff to ensure that SOW activities are on the right track, whether the project is on schedule, and provide informal interim findings and results;

- The Contractor shall submit written project status reports **six (6) month report**. Written project status reports shall reflect all work conducted by the Contractor and any Subcontractor(s). The reports must contain the following information at a minimum:
  - A list of policies collected, codified, and pending;
  - A list of trainings conducted, meetings held or attended, and other activities and deliverables;
  - Status of progress and accomplishments;
  - Barriers to completion of activities and,
  - Description of upcoming activities, including calendar of execution.
- The Contractor shall submit a written **annual** progress report due by **July 31** each year covering the previous full or partial calendar year. The report must contain the following information at a minimum:
  - Number of tobacco control policies collected and codified for the period;
  - Summary of historical trends by type of policy;
  - Summary of rubrics developed, if any;
  - Number and type of reports, meetings, and training sessions held, including PAC meetings;
  - Factors that hindered the completion of activities
    - Internal factors
    - External factors
    - Steps taken to overcome challenges;
  - Recommendations and plans for the next 12 months;
  - Other reporting items as relevant;
  - References and/or appendices (as applicable)
- The Contractor shall submit a draft **final** report a minimum of **six (6) weeks** prior to the end of the contract to allow CDCP/CTCP four (4) weeks to review the report and provide feedback. The final report must contain the following information at a minimum:
  - Cover/title page
  - Executive summary
  - Introduction (brief PETS overview the project: purpose, personnel, etc.)
  - Methods
    - Policy tracking approaches used
    - Data quality checking procedure
    - Coding rationale
    - Rubric development methods
  - Presentation of policies: types and trends
  - Data dictionaries
  - SAS or SPSS programs used to create final datasets
  - Main results
    - Policy analysis results

    - PAC composition, role, and contribution
    - List of presentations, manuscripts for publication, and other reporting materials
  - Lessons learned and recommendations
  - References and appendices

TASK 7. Dissemination and Evaluation

The Contractor must also describe a plan for disseminating the key results and highlights of PETS project activities through the channels below.

- The Contractor shall attend and participate in one (1) to three (3) CDPH/CTCP conferences.
- The Contractor shall produce a minimum of one (1) to two (2) manuscripts with shared authorship for submission to peer-reviewed journals prior to the final date of the contract. Manuscript topic, scope, and focus will be determined jointly by CDPH/CTCP and the Contractor.
- On an annual basis, produce and disseminate one (1) policy brief (2-3 pages) describing policy trends in California.
- Produce and disseminate a quarterly post to the Partners website that summarizes the policies that are pending to be codified and the newly codified policies that have been put into municipal code. Partners is a website designed for use by CDPH/CTCP projects to enhance access to the most current news and happenings surrounding tobacco control efforts in California.
- On an annual basis, conduct a needs assessment of PETS users to understand what users want to use PETS for, how they currently use PETS, for improvements or modifications to PETS, and trainings topics for PETS database users.

F. SUBCONTRACTORS

The use of subcontractors and/or consultants is allowed, if their use is necessary and justified to accomplish the SOW. All subcontractors are expected to certify that they have no conflict of interest with any tobacco, e-cigarette or related industry. For public universities there are limitations on the amount or percentage of subcontracting that is allowable, which is limited to up to $50,000 or 25% of the total contract, whichever is less.

A Subcontractor is an individual, a company, or an agency qualified to:

- Complete a specialized task that is directly related to the project's SOW activities.
- Execute/implement/complete a component of the project, carryout implemented solutions, and/or perform a limited-term service/activity.

- Note: Subcontracts require a budget that includes personnel, fringe benefits, operating expenses, travel and indirect expenses.

A Consultant is an individual who:

- Possesses a level or area of expertise that extends beyond those held by the Contractor's staff.
- Supports the skills and effort of the Contractor's staff but does not duplicate those skills or effort.
- Provides technical advice on programmatic activities and problem solving issues.
- Charges an hourly rate that is inclusive of all expenses.

G. KEY ACTION DATES

Below is the tentative schedule for this Solicitation:

ACTIVITY	ACTION DATE
Solicitation Release Date	Thursday, April 04, 2019
OTIS Open for Proposal Input	Thursday, April 04, 2019
Informational Webinar	Tuesday, April 09, 2019, 3:00 P.M. to 4:30 PM
Submit Written Questions to CTCP	Monday, April 15, 2019
Responses to Questions Posted	Monday, April 22, 2019
Mandatory Letter of Intent Due Date	Tuesday, April 16, 2019, 5:00 P.M. Pacific Time
Proposals Due	Tuesday, May 07, 2019, 5:00 P.M. Pacific Time
Oral Interviews (if required)	TBD
Public Notice of Intent to Award/Award Posted	Wednesday, June 19, 2019
Appeal Filing Due	Wednesday, July 03, 2019
Final Announcement of Award	Thursday, June 27, 2019
All Documents Finalized for Submission	Tuesday, October 08, 2019
Contract Start Date	Friday, November 1, 2019
Contract End Date	Thursday, October 31, 2024

CDPH reserves the right to amend dates at any time during the Solicitation process.

It is the Proposer's responsibility to check for notices and addenda for this Solicitation on the TCFOR website throughout the solicitation process. For assistance with the TCFOR website, please email CTCPEvaluation@cdph.ca.gov.

H. VOLUNTARY PRE-PROPOSAL WEBINAR

CDPH/CTCP has scheduled an optional Online GoToMeeting© Informational Webinar. Those intending to submit a proposal are strongly encouraged to participate. The purpose of the Informational Webinar is to provide interested parties with an opportunity to ask questions about the preparation and submission of the proposal.

The Webinar Information Meeting access codes are posted at https://tcfor.catcp.org/.

The Webinar Information Meeting is scheduled as indicated in "Key Action Dates."

I. QUESTIONS

All questions regarding this Solicitation, including clarification on materials, instructions or requirements, must be submitted by the deadline indicated in "Key Action Dates" to the following email address: CTCPEvaluation@cdph.ca.gov. Please include "CDPH/CTCP Solicitation 19-10016 in the subject line. All relevant questions and responses will be posted at https://tcfor.catcp.org by the deadline indicated in the "Key Action Dates". Any verbal communication with CDPH/CTCP staff concerning this Solicitation is not binding on the State and shall in no way alter a specification, term, or condition of the Solicitation.

J. MANDATORY LETTER OF INTENT

For planning the Solicitation review process, all proposers intending to submit a proposal are required to submit a letter notifying CDPH/CTCP of its intent to submit a proposal. Proposers that do not submit a mandatory letter of intent will not be considered for funding. The letter of intent is not binding and proposers submitting a letter are not required to submit a proposal. See Appendix 3 for a sample *Mandatory Letter of Intent* and Appendix 4 for *Instructions for Submitting Applications Using TCFOR*.

Upload the signed letter of intent on the TCFOR website no later than the date and time listed in the Key Action Dates (Part I, Section G). Letters submitted past the deadline will not be considered. Proposers are strongly advised not to wait until the final due date and time to upload the letter, as the deadline will not be waived for technical difficulties.

The letter of intent must be submitted on the proposer's letterhead, include the signature of the authorized proposer signatory or their official agent, and must include the name and number of the Solicitation under which the proposal will be submitted (Solicitation #19-10016). Print the letter, sign by an authorized proposer signatory or their official agent, scan the letter, and upload the letter to TCFOR.

Part II. EVALUATION CRITERIA

This section explains how the proposals will be screened, reviewed, evaluated, and scored. Each proposal will be evaluated and scored based on its response to the information requested in this Solicitation. By submitting a proposal, the Proposer agrees that CDPH/CTCP is authorized to verify any and all information and any references named in the proposal. Proposals received by CDPH/CTCP are subject to the provisions of the "California Public Records Act" (Government Code, Section 6250 et seq.) and are not considered confidential after completion of the selection process.

Administrative and Completeness Screening

CDPH/CTCP will screen proposals for on-time submission, completeness, and compliance with administrative and organizational eligibility requirements. The OTIS electronic time stamp will be used to verify on-time submission. A late or incomplete proposal will be considered non-responsive and will be disqualified and eliminated from further review.

Proposals submitted from non-eligible proposers will not be reviewed. Omission of any required document or form, failure to use required formats for response, or failure to respond to any requirement will lead to rejection of the proposal prior to review.

CDPH/CTCP may waive any immaterial deviation in a proposal; however, this waiver shall not excuse a proposal from full compliance with the contract terms if a contract is awarded.

Proposal scoring (~~100~~ 105 points)

Each written proposal will be evaluated and scored according to the selection criteria by a review committee on a scale of 0 to ~~100~~ **105** points. To be eligible for funding a proposal must receive a score of 75 points or more. However, scoring 75 or more does not guarantee funding or funding at the level requested.

The maximum point value of each section is as follows:

Written Section	Total Point Value
Agency Capability	30
Policy Rating Case History	20
Project Narrative and SOW	~~30~~ **35**
Cost Proposal	20
Total	**~~100~~ 105**

Oral Presentation, if required

Oral presentations will only be conducted if deemed necessary by CDPH/CTCP to clarify capability, capacity, understanding of the CDPH/CTCP mission and objectives, and the work plan for the PETS project. If required, up to three finalists will be contacted to schedule a time for the oral presentation. If only one finalist moves forward to the oral presentation stage, the single finalist must score 20 points or more in the oral presentation to be awarded funding. Instructions will be provided to the invited participants upon notification that oral presentations are deemed necessary. This presentation will be done before a review panel.

Oral Presentation Section	Total Point Value
Demonstrates understanding of CTCP mission and objectives	5
Experience and capability to collect and rate tobacco control policies	5
Leadership and organizational skills	5
Collaboration with subcontractors and overall value of subcontractors/consultants	5
Responses to questions	5
Total	**25**

A. AGENCY CAPABILITY

(Point Value: 30 points)

- Agency Work History and Capability

Criterion	Point Value
The Proposer demonstrates significant experience (at least five (5) years) in monitoring or tracking policies at local, state, or national levels.	3
The Proposer demonstrates the capacity to conduct policy review and to develop tobacco control policy rubrics, including proposed staff with legal background and/or appropriate policy education and experience.	3
The Proposer demonstrates at least two (2) years of successful experience working with advisory boards.	3
The Proposer demonstrates the capacity to manage a complex policy project, ensure the scientific integrity of the project, meeting deadlines and has at least five (5) years of experience managing projects of $650,000 per year or greater.	3

Criterion	Point Value
The Proposer (Contractor and/or Subcontractors) demonstrates experience working with local jurisdictions (cities or counties) on public health issues.	3
The Proposer provides evidence of considerable expertise and experience (at least five (5) years) in designing and delivering training sessions to public health stakeholders.	3
Subtotal	18

- Administrative and Fiscal Experience

Criterion	Point Value
The Proposer demonstrates at least five (5) years of satisfactory performance with administrative, fiscal and program management of government and/or non-government funds, including timely and satisfactory submission of fiscal, program, evaluation, and subcontractor/consultant documents; fiscal stability to manage reimbursement in arrears, and no major negative audit findings.	3
The Proposer demonstrates that administrative/fiscal staff has the appropriate educational background, skills, and experience to successfully manage all aspects of payroll, bookkeeping, invoicing, subcontract/consultant monitoring, and other administrative controls associated with acceptance of government funds.	3
Subtotal	6

- Letters of Reference

Criterion	Point Value
The letters of reference demonstrate that the Proposer has successfully and satisfactorily: 1. Strong capacity to work with local jurisdictions (such as cities, counties, and health departments); 2. Experience monitoring, evaluating, rating, and compiling policy	6

records; 3. Experience developing rubrics, especially for public health policies; 4. Proven experience developing and delivering training workshops to various audiences; 5. Successfully managed grant or contract funds; and 6. Proven capacity to successfully fulfill the activities and functions identified in this Solicitation.	
Subtotal	6

B. POLICY RATING CASE HISTORY

(Point Value: 20 points)

Criterion	Point Value
The Proposer includes a 1-2 page case history describing the agency's experience and methods of collecting legislated policies, rating rubric development, review and coding, number and types of staff coding policies, and dissemination. The case history must describe: • Purpose of the policy/policies; • Data collection methods used; • Rubric development approach(es); • Challenges encountered and positive outcomes; and, • Use of the results.	20
Subtotal	20

C. PROJECT NARRATIVE AND SCOPE OF WORK

(Scoring: 35 points)

Criterion	Point Value
The proposal narrative presents a comprehensive plan for using information in the current CTCP PETS database as a basis for developing a policy monitoring and tracking strategy for completing	5

Criterion	Point Value
project activities.	
The Proposer includes a plan for conducting a case study of legislated tobacco control policies, describing policy goals, tracking and collection process, number of policies rated annually, rubric development, challenges and successes, and polices/data use.	**5**
The Proposer describes a concise plan that will allow them, or any PETS user, to examine historical trends in tobacco control policies at local and state levels.	5
The project narrative describes clearly how the Contractor will work with CTCP, LLAs, and other tobacco control stakeholders to implement the PETS database that meets users' expectations as shown in the *2018 PETS Needs Assessment Survey Results* document (Appendix 5).	5
The Proposer describes the process for creating a PETS Advisory Committee (PAC); the role of the PAC members; the frequency of the PAC meetings; and the duration and terms of PAC membership.	5
The proposed SOW adequately demonstrates a robust plan with reasonable timeline for collecting, rating, and analyzing tobacco-related policies, and legal evaluation and interpretation of such policies.	5
The Proposer describes a plan to provide useful descriptive summary reports of policy adoption and changes over time, and brief reports addressing such things as the extent populations or geographical communities are covered by strong tobacco control policies. Reports should be tailored to local governments, policy makers, public health, housing, business, and environmental sectors.	5
Subtotal	~~30~~ **35**

D. COST PROPOSAL

(Scoring: 20 points)

Criterion	Point Value
The proposer demonstrates that their agency provides the best value for the services proposed through a cost-proposal that is both cost-effective and cost-competitive based on the price per number of policies	20

Criterion	Point Value
reviewed and coded. The Proposed Budget Summary demonstrates an understanding of CDPH/CTCP's policies and regulations and aligns well with all the activities in the SOW.	
Subtotal	20

Part III. SUBMISSION REQUIREMENTS

A. PROPOSAL REQUIREMENTS

1. **Agency Capability Section**
   This section provides information regarding the Agency's capacity and capability to successfully complete the required SOW and manage the contract. Prepare in a Word or a PDF format, an Agency Capability narrative and upload into the OTIS Additional Documents section. In preparing the Agency Capability document, please respond to each of the items listed below. Some responses relate only to the proposed Contractor and other responses may include information about proposed subcontractors and/or consultants.

   - Agency Work History and Capability: (eight [8] page limit, not including the three [3] page limit for the description of Project Personnel. Use a 12-point font, single-spaced with 1-inch margins.)

     - Policy Surveillance and Tracking Experience: Briefly describe the agency experience in, or knowledge with, the collection, codification, and analysis of policy data, as well as legal evaluation and interpretation of public health policies. Describe the agency experience in developing and delivering training workshops to various audiences; capacity and experience with the dissemination of information; and experience collaborating with policy surveillance and tracking organizations and/or working with advisory boards.

     - Tobacco Control Policy Rubric Development Experience: Describe any work the principal staff have performed on developing tobacco control policy rubrics. Provide information about work performed at local and/or state levels on specific tobacco control policy rubrics, describing the coding and reporting process applied, and use of model policy language in determining the strength of specific tobacco control policies.

     - Flexibility and Responsiveness (Contractor): Briefly describe the Agency's ability to anticipate and adapt to emerging issues that relate to the Required SOW Elements (Section I, subsection E of this document).

- Fiscal and Contract Compliance: Describe the Agency's (and any applicable subcontractors' and/or consultants') performance within the last three (3) years with the management of government and/or non-government funds and activities, including administrative, fiscal, program, and evaluation functions such as: timely and accurate completion of deliverables; submission of fiscal, program, and evaluation documentation; subcontract/consultant monitoring; compliance with government requirements; and fiscal ability to manage payments in arrears. Also describe the Agency's fiscal stability and capacity to handle a contract of this size and scope (e.g., number of U.S. based employees, annual gross revenue or grants, etc.).

- Tax Debtor List: All Proposers must address the requirements of the Tax Debtor List for the reason described in Public Contract Code Section 10295.4. Vendors are ineligible to enter into, or renew any agreement with the state for goods or services if a vendor is delinquent with paying state income tax in excess of $100,000.00 to the California Franchise Tax Board. Prior to submitting a proposal and prior to executing any state agreement or renewal of goods or services, a vendor must certify that is it not on the list of ineligible vendors prohibited from doing business with the State of California. During the proposal evaluation, it is the CDPH/CTCP's responsibility to check the list of ineligible vendors to confirm that the Proposer is not on that list.

- Audit History: Describe the Proposer Agency's fiscal and (if any) programmatic audit history within the last three (3) years. Information is to include frequency of the audits, dates of the audits, and a summary of the major audit findings. Negative audit findings should be thoroughly explained. Indicate if the Proposer Agency has been audited by a governmental agency within the last three (3) years. If yes, include the name of the agency, the agency's contact person and phone number, the year the audit was conducted, and the outcome of the audit.

- Administrative Staffing: Describe the Proposer's current administrative staffing pattern for activities such as contract management and oversight, payroll, bookkeeping, invoicing, and tracking of contractual, administrative, and fiscal controls. Describe the educational background and qualifications of key administrative staff; including their experience with monitoring government funds, and overseeing and managing the administrative and contractual functions of subcontractors and/or consultants.

    - Project Personnel (Contractor and Subcontractors/Consultants): (three [3] page limit, not including the organizational chart. Use a 12-point font and 1-inch margins.): Briefly describe the professional experience, formal education, and qualifications of key personnel that will staff the project. Provide an organizational chart that depicts the Proposer's personnel, reporting relationships among personnel, proposed subcontractors and consultants, and the reporting relationship between

Proposer's personnel and proposed subcontractors and consultants. Emphasis should be on the skills and qualifications related to policy data collection, analysis, dissemination, and legal evaluation of policy records. Knowledge of model policies, policy rubric development, and other policy measurements is required. Demonstrate that staff and any subcontractors or consultants have the necessary knowledge of issues and trends in tobacco control policy in California. Knowledge of relevant tobacco control laws in the state is required. Provide an organizational chart that depicts the proposer's personnel, reporting relationships among personnel, proposed Subcontractors and Consultants, and the reporting relationship between the proposer and Subcontractors and Consultants. CDPH/CTCP reserves the right to require modifications to the proposed staffing pattern and reporting relationships to ensure that the staff described and budget are allocated to fully support the activities

- Letters of Reference: (three [3] letters): Solicit, scan, and upload three letters of reference from three (3) separate agencies into OTIS. Letters of reference must be written to the Proposer and be within the last month. No more than three (3) letters will be accepted. If the Proposer is currently receiving, or within the last three years, has received funding from a local, state or federal agency other than CDPH/CTCP, one of the references **must be** from one of those agencies.

  Each letter must be on the reference provider's letterhead and include:

  1. The address, telephone number, e-mail, and title of the letter's author.
  2. A description of the capacity in which the reference provider worked or is known by the Proposer.
  3. A description of the Proposer's ability to complete projects and contracts from the perspective of the reference provider.
  4. The Proposer's fiscal and administrative ability to manage government funds through timely and accurate submission of fiscal, program, and evaluation documents.

B. POLICY RATING CASE HISTORY (Use a 12-point font and 1-inch margins, 2 page limit.)

Provide a one (1) to two (2) page case history describing the agency's experience and methods of collecting legislated policies, rating rubric development, review and coding, number and types of staff coding policies, and dissemination. The case history must describe:

- Purpose of the policy/policies;
- Data collection methods used;
- Rubric development approach(es);

- Challenges encountered and positive outcomes; and,
- Use of the results.

C. PROJECT NARRATIVE (20 page limit. Use a 12-point font and 1-inch margins.)

Prepare a detailed proposed Project Narrative as a Word or PDF document and upload it into the Additional Documents section of OTIS. The Project Narrative should provide a detailed description and justification of the activities to be conducted as described in the SOW (*referenced in Section I, subsection E of this document*). The Project Narrative is to describe the activities and provide the technical and scientific rationale for all activities, including detailed descriptions of tobacco control policy data collection approaches, legal assessment of tobacco control policies, case study of legislated tobacco control policies, development of training workshops, and dissemination of policy reports (e.g., at conferences and in scholarly journals).

Additionally, the Project Narrative is to address the following specific items:

- Creation of a PETS Advisory Committee (PAC), ensuring adequate representation of stakeholders from key organizations. The proposer should explain how they will recruit PAC members; the tenure terms and role of members; and meetings schedule.

- Description of tobacco control policy data collection and codification. The Project Narrative should include a description of how the Proposer will collect and rate data on tobacco control policies, such as Tobacco Retail Licensing (TRL), Outdoor Secondhand Smoke (OSHS), Multi-Unit Housing (MUH), Sampling (SAMP), Content Neutral Advertising/Signage, Menthol & Other Flavored Tobacco Products, Tobacco-Free Pharmacies & Health Care Providers, Electronic Smoking Device Sales, Tobacco Retailer Density/Zoning, Minimum Pack/Volume Size, and Minimum Retail Price.
- Description of development of one (1) case study per year highlighting legislated tobacco control policies that have passed and potential impact.
- Presentation of a plan for providing useful descriptive summary reports of policy adoption and changes over time, and production of brief reports describing the extent populations or geographical communities are covered by strong tobacco control policies. Reports should be tailored to local governments, policy makers, public health, housing, business, and environmental sectors.

D. DETAILED PROPOSED SCOPE OF WORK

Using Appendix 6: *Scope of Work Template*, develop a detailed SOW that describes all objectives and step-by-step activities that will be implemented to achieve the objective, and upload into the Additional Documents section of OTIS. The SOW is the “roadmap” for completing all activities. It is to provide Specific, Measureable, Attainable, and Time limited objectives for each of the seven tasks. For each objective, describe what will be done, how much will be done (ranges may be used, e.g., 3 to 5 webinars), who is responsible for completing activities, when activities will be conducted, and the tracking measures that will be submitted to verify completion of key activities.

The SOW is to summarize the activities described in the Narrative. It is to include quantify and describe in a logical sequence all data collection methods and policy analysis and reporting, such as plan for collecting, rating, and preparing tobacco control policy data; model policy review timeline; policy tracking method(s) (including surveillance of new policies); methods of recording policies in various stages of development; plans for recording historical trends of policies; PAC recruitment plan and meeting schedule; plan for case studies development; training activities and timeline; needs assessment timeline; data cleaning; submission of interim and final reports; and dissemination activities.

For each activity, describe:

- What tasks will be undertaken;
- The personnel responsible for completion of each activity, including Subcontractors/Consultants, if applicable;
- The product or deliverable that will be submitted to CDPH/CTCP upon completion of each activity;
- Start and end dates for each activity; and,
- The percentage of the total deliverable that the activity represents (percent deliverables must total 100%).

E. COST PROPOSAL

- Complete the Budget Proposal Form, Exhibit B, Attachment 1 downloadable from OTIS in the Additional Documents section.
- Complete the Cost Proposal (Appendix 7). This document is required. Please provide a fully loaded per-policy rated unit cost, as well as the proposed number of interviews to be completed. Policy rated cost and quantity must equal the total budget request.

F. SUBMISSION OF SOLICITATION MATERIALS

CDPH assumes no responsibility or liability for costs incurred by proposers. Costs of developing and delivering submissions and presentations will not be billable to the State of California or included in the Cost Proposal.

All Solicitation proposals are to be submitted by using OTIS. Applications submitted by any other means will not be accepted. Refer to Appendix 8 for *Instructions for Accessing the OTIS Training Course*.

Responses to this Solicitation shall be submitted through OTIS. OTIS is a secure, passcode protected knowledge management system that is used to submit applications, review and score applications, and to negotiate the SOW and budget.

The system is accessible 24 hours per day, seven days per week, and provides access to several reports and a communication system. Proposers are required to use OTIS for the submission of their applications.

- User Account Instructions: For guidance on how to submit an "Applicant Registration" form and Letter of Intent, and create an OTIS "User Account," see the *Application Registration Instructions* found on the TCFOR website.
- Webinar Training: The Informational Webinar will review the requirements of this Solicitation; provide information on requesting a "User Account," and how to use OTIS.
- Web-based Tutorial: OTIS includes a web-based training tutorial entitled, *Creating Your Application/Plan*. This training explains how to use the system and instructions for completing each of the application components. The budget instructions of this training are applicable to Proposers of this solicitation. See Appendix 8: *Instructions for Accessing the OTIS Training Course.*

For technical assistance regarding the use of the TCFOR or OTIS websites contact: Humberto Jurado (916) 449-5474.

The following email is to be used for all correspondence regarding this Solicitation, but applications submitted to this address will not be considered: CTCPEvaluation@cdph.ca.gov

G. ADDITIONAL DOCUMENTS

Provide the following **required** additional documents and upload as pdf documents into the Additional Documents or Additional Documents/Other Documents section of OTIS: (Instructions are provided in the OTIS Applicant Training Course: *Additional Documents* module).

- Letters of Reference (3 letters)
- Agency Capability (8 page limit, single-spaced, 12-point font, 1 inch margins)
- Policy Rating Case study (1-2 pages, single spaced)
- Project Personnel (3 page narrative limit, single-spaced, plus an organizational chart, 12-point font, 1 inch margins)
- Project Narrative (20 page limit, single-spaced, 12-point font, 1 inch margins)
- Appendix 6: *Scope of Work Template* (No page limit)
- Appendix 7: *Cost Proposal*
- Budget Proposal Form, Exhibit B, Attachment 1
- Certification of Non-Acceptance of Tobacco Company Funds
- Proof of Non-Profit Status (only applicable to non-governmental non-profit agencies. See Appendix 9*: Sample Non-Profit Status Letter*, either certification

from the State of California, Office of Secretary of State or a letter from the Department of the Treasury, Internal Revenue Service classifying the proposing administrative agency as a private non-profit)

- Tax Debtor List-Entity Status Letter (Generate this letter at: https://www.ftb.ca.gov/online/self_serve_entity_status_letter/index.asp **(Uploaded documentation by agency)**
- California Civil Rights Laws Attachment
- Additional Tobacco Control Funding Form

H. IMPORTANCE OF MEETING ALL SOLICITATION DEADLINES

Proposers are responsible for the ensuring that all application materials are successfully uploaded to OTIS prior to the submission deadline. Applications submitted by postal mail, email, or fax will not be accepted. Stated deadlines for submitting materials to CDPH/CTCP are strictly enforced. Submissions that are incomplete or received after the stated deadline will be rejected.

I. COMMUNICATION BETWEEN CDPH/CTCP AND PROPOSERS

1. Proposer Questions and Reporting of Errors in the Solicitation

   CDPH/CTCP will accept questions related to this Solicitation. Questions may include, but are not limited to, clarification of eligibility, services sought, instructions, requirements, or Solicitation materials. CDPH/CTCP shall respond to all proposers. All proposers must follow the process below to submit a question. CDPH/CTCP will not respond to questions directed to individual CDPH/CTCP employees nor verbal questions.

   If a proposer discovers any ambiguity, conflict, discrepancy, omission, or other error in the Solicitation, the proposer shall immediately notify CDPH/CTCP of such error in writing and request modification or clarification of the document. CDPH/CTCP strives to correct any errors found. Modifications or clarifications will be given by written notice. CDPH/CTCP shall not be responsible for failure to correct errors.

   How to Submit Questions or Report an Error in this Solicitation

   a) Verbal questions will not be accepted. All questions must be transmitted in written form.
   b) Submit written questions or errors by email to (CTCPEvaluation@cdph.ca.gov).
   c) CDPH/CTCP will send an email to confirm receipt of written questions. If confirmation is not received, proposers may resubmit or call (916) 449-5500 prior to the stated deadline to confirm receipt of the questions by CDPH/CTCP.
   d) Submit written questions to CDPH/CTCP by the date and time specified in Key Action Dates (Part I, Section G).
   e) Errors in the Solicitation or its instructions may be reported up to the proposal submission due date.

What to Include in an Inquiry

a) Name of inquirer, name of the organization represented, mailing address, area code and telephone number, and email address.
b) A description of the subject, concern, issue in question, or Solicitation discrepancy found.
c) Solicitation section, page number, and other information useful in identifying the specific problem, concern, or issue in question.
d) Proposed remedy sought or suggested, if any.

Response by CDPH/CTCP

a) CDPH/CTCP reserves the right to contact an inquirer to seek clarification of any inquiry received and to only answer questions considered relevant to this Solicitation. At its discretion, CDPH/CTCP may consolidate and/or paraphrase similar or related inquiries.
b) Questions and answers received through the process outlined will be published on the TCFOR website on the date identified in Key Action Dates (Part I, Section G).
c) CDPH/CTCP may issue an addendum to address errors in the RFA until the application submission deadline. These will be posted on the TCFOR website. It is the responsibility of the proposer to monitor TCFOR for addenda issued.

2. Deviations and Modifications

All submissions must be complete when received at CDPH/CTCP. No changes, modifications, corrections, or additions may be made once they are submitted to CDPH/CTCP. CDPH/CTCP may, at its sole discretion, waive any immaterial deviation or defect in a submission. However, the waiver of an immaterial deviation or defect in a submission will in no way modify the document or excuse the proposer from full compliance with the Solicitation requirements if awarded the contract. Items may be considered “immaterial” by CDPH/CTCP if, for example, they do not affect the amount of the Cost Proposal, or if allowing the deviation does not give a proposer an advantage or benefit that would not be granted to all other proposers.

CDPH/CTCP reserves the right to contact proposers at any stage of the proposal process to collect additional clarifying information, if deemed necessary.

J. PROPERTY OF CDPH/CTCP

All submission materials will not be returned to the Proposer. All proposed ideas or adaptations of the ideas contained in any submission become the property of CDPH/CTCP and CDPH/CTCP reserves the right to use them. Acceptance or rejection of the submission will not affect this right in any way.

K. COST OF SUBMISSIONS

CDPH/CTCP assumes no responsibility or liability for costs incurred by Proposers. Costs of developing and delivering submissions and presentations will not be billable to the State of California or included in the Cost Proposal.

L. PREFERENCE PROGRAMS

The following Preference Programs can be applied for qualifying proposers.

1. Disabled Veteran Business Enterprise (DVBE) Program Requirements and Incentive
   a. The DVBE Program requirement for this solicitation has been waived; however, the DVBE Incentive still applies.
   b. Disabled Veteran Business Enterprise (DVBE) Incentive
      1) In accordance with section 999.5(a) of the Military and Veterans Code, an incentive will be given to proposers who exceed the DVBE program requirement. For evaluation purposes only, the State shall apply an incentive to PROPOSALs that propose California certified DVBE participation as identified on the Proposer Declaration GSPD-05-105 and confirmed by the State. The incentive amount for awards based on high score will vary in conjunction with the percentage of DVBE participation.
      2) The following incentive award will apply. Incentive points will be applied to the non-cost points section for evaluation purposes.

Confirmed DVBE Participation of:	DVBE Incentive
5% or Over	5%
2% to 2.99% Inclusive	3%
1% to 1.99% Inclusive	1%

      3) For awards based on high score awards:
         a) The incentive shall be between 1% and 5% of the total possible available points, not including points for socioeconomic incentives or preferences.
         b) The incentive points are included in the sum of non-cost points.
         c) The incentive points cannot be used to achieve any applicable minimum point regulations.
      4) An explanation of the Disabled Veteran Enterprise Program (DVBE) Incentive can be found at the Internet web site http://www.pd.dgs.ca.gov/dvbe/dvbeincentive.
      5) Regulations are located at 2 CCR §1896.99.100 et seq.

2. Commercially Useful Function
   a. Only State of California, Office of Small Business and DVBE Services certified DVBEs who perform a commercially useful function relevant to this solicitation, may be used to satisfy the DVBE program requirements. Proposers are to verify each DVBE subcontractor's certification with OSDS to ensure DVBE eligibility.
   b. Definition of Commercially Useful Function: California Code of Regulations, Title 2, § 1896.61(l) The term "DVBE contractor, subcontractor or supplier" means any person or entity that satisfies the ownership (or management)

and control requirements of §1896.61(f); is certified in accordance with §1896.70; and provides services or goods that contribute to the fulfillment of the contract requirements by performing a commercially useful function.

c. As defined in MVC §999, a person or an entity is deemed to perform a "commercially useful function" if a person or entity does all of the following:
   1) Is responsible for the execution of a distinct element of the work of the contract (including the supplying of services and goods.);
   2) Carries out its obligation by actually performing, managing, or supervising the work involved;
   3) Performs work that is normal for its business services and functions;
   4) Is responsible, with respect to products, inventories, materials and supplies required for the contract, for negotiating price, determining quality and quantity, ordering, installing, if applicable and making payment.
   5) Is not further subcontracting a portion of the work that is greater than that expected to be subcontracted by normal industry practices.
      a. A contractor, subcontractor, or supplier will not be considered to perform a commercially useful function if the contractor's, subcontractor's, or supplier's role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of disabled veteran business enterprise participation.
      b. The CDPH Advocates listed herein can be contacted to provide assistance in identifying DBVE vendors that may perform a commercially useful function applicable to the scope of this solicitation.

3. Declaration Forms
   a. Complete the Proposer Declaration GSPD-05-105 and include it with the PROPOSAL response. When completing the declaration, proposers must identify all subcontractors proposed for participation in the contract. Proposers awarded a contract are contractually obligated to use the subcontractors for the corresponding work identified unless the State agrees to a substitution and it is incorporated by amendment to the contract. This form is located at http://www.documents.dgs.ca.gov/pd/poliproc/MASTER-PROPOSALDeclar08-09.pdf
   b. If applicable, proposers who have been certified by California as a DVBE (or who are proposing rental equipment and have obtained the participation of subcontractors certified by California as a DVBE) must also submit a completed form(s) STD. 843 (Disabled Veteran Business Enterprise Declaration). All disabled veteran owners and disabled veteran managers of the DVBE(s) must sign the form(s). This form is located at http://www.documents.dgs.ca.gov/pd/poliproc/STD-843FillPrintFields.pdf

   At the State's option prior to award, proposers may be required to submit additional written clarifying information. Failure to submit the requested written information as specified may be grounds for PROPOSAL rejection.

4. CDPH Advocate
   a. CDPH Small Business and Disabled Veteran Business Enterprise Advocates are available to answer questions regarding the SB/DVBE Programs and Incentives and to help identify possible SB/DVBE vendors. If you need additional information contact:

      Theresa Snyder, CDPH Advocate
      (916) 650-0134 / Theresa.Snyder@cdph.ca.gov

5. Small Business PROPOSAL Preference
   a. Certified small businesses or microbusinesses can claim the 5% preference when submitting a PROPOSAL on a State contract. A non-small business may receive a preference of 5% if the business commits to subcontract at least 25% of its net PROPOSAL price with one or more small businesses or microbusinesses. The 5% preference is used only for computation purposes, to determine the winning proposer and does not alter the amounts of the resulting contract. The preference is will be given to the highest responsive responsible bidder's total score. A contract awarded on the basis of the 5% preference is awarded to the small business, microbusiness or non-small business for the actual amount of its PROPOSAL. A non-small business, which qualifies of this preference, may not take an award from a certified small business. See optional Appendix 10 for *Non-Small Business Subcontractor Preference Instructions*. For additional information go to http://www.dgs.ca.gov/pd/Programs/OSDS.aspx.
6. See optional Appendix 11: *Commercially Useful Function Certification.*

PART IV. CONTRACT AWARD

A. NOTICE OF INTENT TO AWARD A CONTRACT

Award of the contract will be to the most responsive and qualified Proposer who earns the highest total Solicitation score. A Notice of Intent to Award a Contract identifying the selected Contractor will be posted on the TCFOR website. All finalists will be notified by email regarding the contract award decision.

B. CONFIDENTIALITY OF PROPOSALS

Financial records received by CDPH/CTCP will be kept confidential and will be destroyed at the time of the Contract Award. All other portions of proposal responses not containing financial details requested will be subject to disclosure in accordance with the California Public Records Act (Government Code, Section 6250 et seq.) and may be reviewed and copied by the public if formally requested after CDPH/CTCP posts the Notice of Intent to Award a Contract, except those portions of the proposal that are exempt from disclosure as provided in the Public Records Act.

C. CDPH RIGHTS

1. Rejection of All Proposals

   Issuance of this Solicitation in no way constitutes a commitment by CDPH/CTCP to award a contract. CDPH/CTCP reserves the right to reject any or all proposals or portions of proposals received in response to this Solicitation, or to amend or cancel this Solicitation if it is in the best interest of the State. CDPH/CTCP may, at its sole discretion, cancel this Solicitation after the receipt of submissions if the number of submissions is inadequate or if there is insufficient competition among qualified Proposers. In the event of such cancellation, CDPH/CTCP may reissue a new Solicitation at a later date.

2. Verification of Proposer Information

   By submitting a proposal, Proposers agree to authorize CDPH/CTCP to:

   a. Verify any and all claims made by the Proposer including, but not limited to, verification of prior experience and the possession of other required qualifications.
   b. Check any reference identified by a Proposer or other resources known by the State to confirm the Proposer’s business integrity and history of providing effective, efficient, competent, and timely services.

3. Nonresponsive Proposals

   A Proposal may be deemed nonresponsive and subsequently rejected if any of the following occurs:

   a. At any time a submission is received after the exact time and date set forth in Part I, Section G, “Key Action Dates,” for receipt of each submission.

   b. The Proposer fails to meet any of the eligibility requirements as specified in Part I, Section B, “Eligibility Criteria”.

   c. The Proposer fails to submit any required information as instructed in this Solicitation.

   d. The submission contains false, inaccurate, or misleading statements or references.

   e. The Proposer is unwilling or unable to fully comply with the proposed contract provisions.

D. GROUNDS TO REJECT A PROPOSAL

A Proposal shall be rejected if:

1. It is received after the exact date and time set for receipt of applications. The OTIS date stamp will be used to verify on-time submission.

2. It contains false or intentionally misleading statements or references which do not support an attribute or condition contended by the Proposer.

3. The application is intended to erroneously and fallaciously mislead the State in its evaluation of the Proposal and the attribute, condition, or capability is a requirement of this Solicitation.

4. There is a conflict of interest.

5. It is not submitted through OTIS and prepared in the mandatory format described.

6. It does not literally comply or it contains caveats that conflict with the Solicitation and the variation or deviation is not material, or it is otherwise non-responsive.

7. Proposer has been prohibited from contracting with the following Agencies:
   a. Franchise Tax Board
   b. California Department of Tax and Fee Administration (formerly known as the Board of Equalization)
   c. Department of Fair Employment and Housing

8. Proposer has been suspended or barred from contracting with the state at the following websites:
   a. Secretary of State
   b. Air & Water Polluters pursuant to GC section 4475-4482
   c. Plastic trash bag content noncompliance
   d. Federal Excluded parties List

9. The Proposer has received a substantive negative contract performance from the State.

E. APPEAL PROCESS

1. Notice of Intent to Award shall be posted on the TCFOR website at: https://tcfor.catcp.org/. If any Proposer, prior to the award of a contract, appeals the award on the grounds that the Proposer would have been awarded the contract had CDPH/CTCP correctly applied the evaluation standard in the Solicitation, or if CDPH/CTCP followed the evaluation and scoring methods in the Solicitation, the contract shall not be awarded until either the appeal has been withdrawn or

CDPH/CTCP has decided the matter. It is suggested that appeals are submitted by certified or registered mail. Only those submitting a proposal consistent with the requirements of this Solicitation and are not awarded a contract may appeal. There is no appeal process for proposals that are submitted late, noncompliant, or incomplete. No awarded proposer may appeal the contract award-funding amount.

2. Within five (5) days after filing the initial appeal, the Proposer shall file a detailed statement specifying the grounds for the appeal with:

U.S. Mail	**Courier** (e.g., FedEx)
Caroline Peck, MD, MPH, FACOG Assistant Deputy Director Center for Healthy Communities California Department of Public Health MS 7206, P.O. Box 997377 Sacramento, CA 95899 7377 Phone: (916) 449-5500	Caroline Peck, MD, MPH, FACOG Assistant Deputy Director Center for Healthy Communities California Department of Public Health MS 7206 1616 Capitol Avenue, Suite 74.516 Sacramento, CA 95814 Phone: (916) 449-5500

3. At the sole discretion of the Assistant Deputy Director, or his/her designee, a hearing may be held. The decision of the Assistant Deputy Director or his/her designee shall be final. There is no further administrative appeal. Appellants will be notified of decisions regarding the appeal in writing within fifteen (15) working days of the hearing date or the consideration of the written material submitted, if no hearing is conducted.

4. Upon resolution of any appeal and subsequent award of the contract, Awardees will be required to complete and submit to CDPH/CTCP:

    - The Payee Data Record (STD 204), to determine if the Awardee is subject to state income tax withholding pursuant to California Revenue and Taxation Code Sections 18662 and 26131. This form can be found in OTIS. No payment shall be made unless a completed STD 204 has been returned to CDPH/CTCP.
    - Page one (1) of the Contractor Certification Clauses (CCC) which can be found in OTIS.
    - Evidence of $1,000,000 commercial general liability insurance or a certification of self-insurance signed by the authority to bind the agency.
    - Establish the Headquarters for State Travel Reimbursement for budgeted staff and subcontractors/consultants. Further information on CalHR State Travel Reimbursement policies is located here: http://www.calhr.ca.gov/employees/pages/travel-reimbursements.aspx.
    - Appendix 12: *Follow-on Consultant Contract Disclosure*.

5. One award will be made to the responsible Proposer earning the highest overall score.

F. CONTRACTS

CDPH/CTCP will confirm the contract award to the winning Proposer after the appeal deadline, if no appeals are filed, or following the resolution of all appeals. The selected Proposer will be required to sign a contract that details legal and programmatic obligations. The contract number will be 19-10016.

The successful Proposer must enter into a formal contract with CDPH/CTCP in order to receive payment for services rendered. The contract may incorporate, as an exhibit or by reference, portions of this Solicitation and responses to this Solicitation that directly identify the work to be performed, performance time lines, methods and approaches, budget or cost details, or other mandatory contract and performance requirements.

The successful Proposer should enter into a contract with CDPH/CTCP no later than ten state working days after the Proposer receives the contract from CDPH/CTCP, and must agree to the terms and conditions outlined in the contract language.

G. CONTRACT FORMS AND EXHIBITS

State contract forms and exhibits are available under "Contract Documents" in the Solicitation on the Funding Opportunity page of the TCFOR website. Proposers should read these documents carefully to ensure that they will be able to comply with state contract terms. The terms and conditions in the contract forms and exhibits are not negotiable. The contract resulting from this Solicitation will be prepared on a "Standard Agreement" (Form STD 213).

CDPH reserves the right to adjust the language in the contract awarded from this Solicitation. Therefore, final contract language may deviate from the provisions provided. Changes after award of the contract will be accomplished by written amendment to the contract, agreeable to both parties.

If an inconsistency or conflict arises between the terms and conditions appearing in the final contract and the proposed terms and conditions appearing in this Solicitation, any inconsistency or conflict will be resolved by giving precedence to the final contract.

PART V. IMPORTANT ADMINISTRATIVE DETAILS

A. CONTRACTOR REQUIREMENTS

The following are required to enter into a fully executed agreement with CDPH/CTCP:

1. Maintain an active Internet account.

2. The Contractor incurs expenses for the previous work period and is then reimbursed by invoice(s) submitted to CDPH/CTCP no more than once per month. The State has up to 45 days to pay invoices for Contractor's that are approved for "prompt

payment." To learn more about the prompt payment program please visit the Department of General Services website.

3. The Contractor shall employ fiscal/administrative staff with the appropriate training and experience to maintain fiscal accountability and track CDPH/CTCP funds. Staff shall be knowledgeable of and practice: standard accounting and payroll practices (including state and federal tax withholding requirements), maintenance of fiscal/administrative records/documents, appropriate tracking and review/approval of expenditures, and other administrative policies and procedures which will maintain the fiscal integrity of the funds awarded to the Contractor.

4. The Contractor should maintain accounting records that reflect actual expenditures including, but not limited to accounting books, ledgers, documents, and payroll records, including signed timesheets, etc., and will follow standard accounting procedures and practices that properly reflect all direct and indirect expenses related to the funding. These records shall be kept and made available to CDPH/CTCP for three (3) years from the date of the final contract payment.

B. CONTRACTOR REQUIRED DOCUMENTS

Upon award of the contract, the Contractor will be required to complete and submit:

- The Payee Data Record (STD 204), to determine if the Awardee is subject to state income tax withholding pursuant to California Revenue and Taxation Code Sections 18662 and 26131. This form can be found in OTIS. No payment shall be made unless a completed STD 204 has been returned to CDPH/CTCP.
- Page one (1) of the CCC which can be found in OTIS.
- Evidence of $1,000,000 commercial general liability insurance or a certification of self-insurance signed by the authority to bind the agency.
  Establish the Headquarters for State Travel Reimbursement for budgeted staff and subcontractors/consultants. Further information on CalHR State Travel Reimbursement policies is located here: http://www.calhr.ca.gov/employees/pages/travel-reimbursements.aspx.
- Appendix 12: *Follow-on Consultant Contract Disclosure*.

C. USE OF FUNDS

1. Funding may not be used for any of the following:
   a. Purchase or improvement of land, or building alterations, renovations or construction;
   b. Support of religious activities, including, but not limited to, religious instruction, worship, prayer, or proselytizing;
   c. Fundraising activities;
   d. Lobbying;
   e. Reimbursement of costs incurred prior to the effective date of the Agreement;

f. Reimbursement of costs currently covered by another CDPH contract or agreement;
g. Reimbursement of costs that are not consistent or allowable according to local and state guidelines or regulations; or
h. Reimbursement of professional licensure.

D. INVOICES

1. Documentation: Contractor shall maintain for review and audit purposes, adequate documentation of all expenses claimed. All invoice detail, fiscal records, or backup documentation shall be prepared in accordance with generally accepted accounting principles. CDPH/CTCP has the right to request documentation at any time to determine an agency's allowable expenses.

2. Submission of Invoices: Contractor must be able to fund up to 60 days of payroll, indirect expenses, and operating costs, as well as expenditures incurred by a subcontractor or consultant prior to reimbursement by the State. The Contractor incurs expenses for the previous work period and is then reimbursed by invoice(s) submitted to CDPH/CTCP a minimum of no less than once per quarter, no more than once per month, in arrears. The State has up to 30 days to pay invoices for Contractors that are approved for "prompt payment" and up to 45 days to pay invoices for others.

E. AUDIT REQUIREMENTS

Prop 56, subsection 30130.56 (a) states that the California State Auditor shall at least biennially conduct an independent financial audit of the state and local agencies who are recipients of Prop 56 funds. As such, Contractors are to maintain fiscal and program records documenting expenditures and program implementation for three years beyond the term of the contract award.

F. DISPUTE RESOLUTION, CDPH RIGHTS, AND CONTRACT TERMINATION

1. Resolution of Differences Between Solicitation and Contract Language:
   If an inconsistency or conflict arises between the terms and conditions appearing in the final contract and the proposed terms and conditions appearing in this Solicitation, any inconsistency or conflict will be resolved by giving precedence to the contract.

2. CDPH Rights:
   In addition to the rights discussed elsewhere in this Solicitation, CDPH/CTCP reserves the right to do any of the following:

   a. Modify any date or deadline appearing in this Solicitation.
   b. Issue clarification notices, addenda, alternate Solicitation instructions, forms, etc. If this Solicitation is clarified, corrected, or modified, CDPH/CTCP intends

to post all clarification notices and/or Solicitation addenda on the CDPH/CTCP TCFOR website.

c. CDPH/CTCP reserves the right to fund any or none of the applications submitted in response to this Solicitation. CDPH/CTCP may also waive any immaterial deviation in any application. CDPH/CTCP waiver of any immaterial deviation shall not excuse an application from full compliance with the contract terms if a contract is awarded.
d. CDPH/CTCP reserves the right to withdraw any award or request modifications to the SOW and/or Budget of any application component(s) as a condition of the contract award.

3. Termination:
CDPH/CTCP reserves the right to terminate the contract if the application submitted, awarded, negotiated, and approved by CDPH/CTCP as a result of this Solicitation is not implemented satisfactorily, or if work is not completed by the due dates prescribed in the Solicitation SOW.

PART VI. REFERENCES

1. Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, and Division of Population Health. *BRFSS Prevalence & Trends Data*. 2017. February 23, 2018; Available from: http://www.cdc.gov/brfss/brfssprevalence/.
2. Centers for Disease Control and Prevention, *Best Practices for Comprehensive Tobacco Control Programs — 2014*, U.S. Department of Health and Human Services. 2014, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health: Atlanta
3. Centers for Disease Control and Prevention and National Center for Health Statistics. *State and Territorial Data - Deaths: Final Data for 2014. 2017*. July 14, 2017; Available from: https://www.cdc.gov/nchs/fastats/state-and-territorial-data.htm.
4. Max, W., et al., *The Cost of Smoking in California.* Nicotine Tob Res, 2016. 18(5): p. 1222-9.
5. California Health Interview Survey, 2015-2016. December 2017, UCLA Center for Health Policy Research Los Angeles, CA.
6. Francis, J.A., Abramsohn, E.M., & Pary H-Y. *Policy-driven tobacco control*. Tobacco Control, 2010;19 (Suppl 1): i16-i20.
7. Joanne E. Callinan, Anna Clarke, Kirsten Doherty, and Cecily Kelleher. “Legislative Smoking Bans for Reducing Secondhand Smoke Exposure, Smoking Prevalence and Tobacco Consumption,” Cochrane Database Systematic Review 14, no. 4 (2010).

8. Guide to Community Preventive Services. Reducing tobacco use and secondhand smoke exposure: interventions to increase the unit price for tobacco products. 2012; http://www.thecommunityguide.org/tobacco/increasingunitprice.html.
9. Astor, Roee L., et al. "Tobacco Retail Licensing and Youth Product Use." Pediatrics 143.2 (2019): e20173536.
10. Lee, Joseph G L, Leah M Ranney, and Adam O Goldstein. "Cigarette Butts near Building Entrances: What Is the Impact of Smoke-Free College Campus Policies?" Tobacco Control 22.2 (2013): 107-12.
11. Fallin, Amanda, Maria Roditis, and Stanton A. Glantz. "Association of Campus Tobacco Policies with Secondhand Smoke Exposure, Intention to Smoke on Campus, and Attitudes About Outdoor Smoking Restrictions." American Journal of Public Health 105.6 (2015): 1098-100.