



California Department of Public Health

California Tobacco Control Program

Solicitation

EVAL 20-10032

Tobacco Industry Monitoring Evaluation

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California Department of Public Health
California Tobacco Control Program
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CDPH - California Tobacco Control Branch

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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 percent 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

Two landmark acts support 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 percent to 36 percent vote. Prop 56 added an additional \$2.00 tax to each pack of cigarettes and an equivalent tax on other tobacco products, including electronic tobacco products. Prop 56 designated revenues primarily to increase funding for existing healthcare programs; and additionally, to University of California physician training, dental disease prevention programs, and California's comprehensive tobacco control program, tobacco-related disease research, and tobacco-related law enforcement efforts. Of the funds directed to CDPH/CTCP for a comprehensive tobacco control program, Prop 56 requires that CDPH/CTCP use a minimum of 15 percent of the funds to monitor and accelerate the rate of decline in tobacco-related disparities with a goal of eliminating tobacco-related disparities through social norm change.

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 (H&SC) 104375(b); and Revenue and Taxation Code Sections 30121-30130.

H&SC Section 104375 authorizes CDPH/CTCP to conduct statewide surveillance of tobacco-related behaviors, knowledge, and attitudes, and to 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 youth tobacco-product-use prevalence from the 1993 benchmark rate of 20 percent. These surveillance and evaluation activities may include, but are not 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. Tobacco Industry Monitoring

Changing Tobacco Landscape

Over the past two decades, the prevalence of cigarette smoking has steadily declined among youth in the United States (U.S.). However, the national use of electronic cigarettes (e-cigarettes) in youth and young adults increased rapidly over the past years. E-cigarette usage increased 135 percent in high schools and 218 percent in middle schools from 2017-2019 [4]. In 2018, due to this alarming increase in use, the Food and Drug Administration (FDA) and the U.S. Surgeon General declared youth e-cigarette use an “epidemic” and called for aggressive steps to be taken at the national, state, and local levels [5, 6].

In 2019, e-cigarettes (27.5 percent), followed by cigars (7.6 percent), continue to be the most commonly reported tobacco product used by U.S. high school students [8]. Among California high school students, e-cigarettes (10.9 percent), followed by little cigars or cigarillos (2.3 percent), and cigarettes (2.0 percent),

were the most commonly reported tobacco product used [9]. E-cigarettes and cigars often come in a variety of flavors that appeal to youth and young adults or “beginner” smokers [10]. One of the draws of e-cigarette use is their availability in flavors that are appealing to youth and young adults, such as menthol and mint, fruit, candy, and dessert flavors. Almost 70 percent of youth in the U.S. who currently use a tobacco product reported using at least one flavored tobacco product [8]. In California, 84.3 percent of high school students who currently use tobacco reported using flavored products [9]. The federal government has not strictly regulated the use of flavored tobacco, although many local jurisdictions within California have passed restrictions on flavored tobacco products. On January 6, 2020, Senator Jerry Hill introduced a bill to ban the sale of all flavored tobacco products in California. In 2019, Massachusetts became the first state in the nation to restrict the sale of all flavored tobacco products to licensed smoking bars where they may only be smoked on-site.

Tobacco Industry Practices and Policies

The 2009 Family Smoking Prevention and Tobacco Control Act requires restrictions on cigarette and smokeless tobacco product advertising and other marketing, and also grants the FDA authority to impose additional restrictions on the advertising, promotion, and other marketing of tobacco products to promote overall public health. However, 81.7 percent of youth are still exposed to cigarette or other tobacco product marketing [8]. With lack of federal comprehensive marketing restrictions on e-cigarette products, it is not surprising that 69.3 percent of youth are exposed to e-cigarette marketing, mostly in the retail environment and on the internet [8].

The advent of social media and digital marketing has provided tobacco companies with an opportunity to market their products to a new generation of users. Studies suggest that youth and young adults are particularly susceptible to the marketing of tobacco products on social media, as it uses “peer acceptance, social interaction, and identity development through the use of ‘likes,’ ‘re-tweets,’ and positive product reviews videos on YouTube” [11]. Brand ambassadors and Influencers not only promote a “lifestyle” that appeals to young consumers, but these third-party promoters often direct users to Internet Tobacco Vendor (ITV) websites using discounting and couponing strategies [12]. Directing youth users to ITV websites is concerning because age verification gates for these websites are often “weak” or ineffective [13-16].

Tobacco industry monitoring is a key strategy to inform tobacco control programming and comprehensive tobacco control policies. E-cigarette manufacturers regularly make unsubstantiated claims about the safety of e-cigarettes and have advertised these products as a smoking cessation strategy [17, 18]. Juul and other e-cigarette companies state they do not promote their products to youth. Yet, the widespread online marketing and discounting strategies, coupled with ineffective age verification gates for online sales, make tobacco products socially and financially accessible to youth. Research on

tobacco marketing and sales promotion in the digital space is still emerging. Most of the research has focused on content analyses of text from Twitter [11]. However, 41 percent of teens surveyed in 2019 prefer Snapchat and 35 percent prefer Instagram [19], which focuses more on image and photo sharing as opposed to text-based messages. Enacting comprehensive regulations on social and digital media platforms presents challenges given the difficulty distinguishing between industry versus user content. Research suggests that most of this content is industry sponsored [11]; thus, creating opportunities for policy intervention to limit online tobacco marketing, promotion, and sales targeting youth consumers.

3. 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 recruit and fund a single Proposer to systematically monitor and analyze data for the following core tobacco industry practices related to e-cigarettes, other new and emerging non-combustible nicotine products, and little cigars and cigarillos: 1) advertising and marketing on social media platforms (e.g., YouTube, Facebook, Instagram, TikTok, Snapchat), 2) direct marketing (e.g., couponing, rewards programs), and 3) underage online sales. The aforementioned tobacco industry practices were selected based on their relevance and importance to informing comprehensive tobacco control policy. The Proposer may propose one to two (1-2) additional tobacco industry practices to monitor for consideration by CDPH/CTCP.

4. Goals and Objectives

The main goal of the project is to inform comprehensive tobacco control policy efforts by monitoring core tobacco industry practices related to e-cigarettes and other new and emerging non-combustible nicotine products, and little cigars and cigarillos in three (3) core tobacco industry practices: advertising and marketing on social media platforms (e.g., YouTube, Facebook, Instagram, TikTok, or Snapchat), direct marketing (e.g., discounting, couponing, rewards programs), and underage online sales.

CDPH/CTCP is particularly interested in identifying and monitoring tobacco industry practices aimed at one or more of the following Priority Population groups: African American/Black, American Indian, Asian and Pacific Islander, Hispanic/Latino, Lesbian/Gay/Bisexual/Transgender/Queer, Rural, Behavioral Health, and Youth/Young Adult groups.

To achieve this goal, CDPH/CTCP seeks to establish a partnership with an experienced and accomplished agency to:

- Design and implement a comprehensive monitoring plan for the aforementioned three (3) tobacco industry practices stated above (the Proposer may propose one to two (1-2) additional tobacco industry practices to monitor for consideration by CDPH/CTCP).
- Design and implement a case study or smaller scale project that takes an in-depth look at tobacco industry practices within a given jurisdiction (such as city, county, or region in California) and/or specific Priority Population group.
- Analyze and interpret the findings by core tobacco industry practice and across the core practices and case study to develop a comprehensive assessment of current and significant changes to trends in tobacco industry practices in California, including marketing aimed at one or more Priority Population groups.
- Provide timely reports of current and significant changes to trends in tobacco industry practices in California, including marketing aimed at one or more Priority Population groups.
- Provide statewide, comprehensive tobacco policy recommendations based on monitoring findings of each core tobacco industry practice, as well as the comprehensive findings across the core tobacco industry practices and case study.

B. Eligibility Criteria

1. Organizational Type and Conditions

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

- Any public, private non-profit or for-profit entity that is currently operating a full-service office based in California. Non-profit organizations must certify their eligibility to claim non-profit status. For an example, see *Appendix 2: Sample Non-Profit Status Letter*.
- Agencies able to certify that no conflict of interest with tobacco, e-cigarette, cannabis, or related industries exists (see *Appendix 1: Certification of Non-Acceptance of Tobacco and Cannabis Funds*). The form can also be downloaded from the Online Tobacco Information System (OTIS). See Part II. 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.
- By submitting a proposal, agencies acknowledge and agree to comply with all terms and conditions in the Solicitation.

2. Demonstrated Experience

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

- Developing, monitoring and tracking systems related to social media monitoring, and surveillance of sales and retail data.
- Conducting qualitative and quantitative analyses, including content analysis, factor analysis, and mixed modeling.
- Understanding of legislated tobacco control policies in California at county, city, or statewide levels.
- Understanding of how tobacco industry marketing influences the uptake and maintenance of tobacco use, particularly among Priority Population groups.
- Understanding of tobacco control policies and experience creating useful reports and policy briefs to leverage project findings to inform policy efforts.
- Managing statewide projects with a budget of \$600,000 per year or greater.

C. CONTRACT TERM

The term of the contract is expected to be 36 months and is anticipated to be February 1, 2021, through January 31, 2024. The contract term may change if CDPH/CTCP makes an award earlier than expected or later if CDPH/CTCP 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 without State reimbursement.

CDPH/CTCP reserves the right to modify the term of the resulting contract via a formal amendment process to modify the Scope of Work (SOW) and/or budget based on changes in a rapidly evolving tobacco control environment.

D. ANTICIPATED FUNDING

Up to \$1,800,000 is available to fund the activities required in this project. Proposals must be for the entire 36-month period and shall not exceed \$1,800,000. CTCP reserves the right to require the contractor to modify the funding budgeted for each year in order to sustain necessary activities and costs during the term of the contract, including but not limited to staffing; travel; collaboration; data collection, analysis, reporting; and administrative functions.

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. TASKS

This project has a minimum of seven (7) required tasks, which are listed below. These tasks form the basis for the Detailed Proposed SOW and the Project Narrative (see Part II: Submission Requirements in this Solicitation).

TASK 1. Create and Maintain an Advisory Committee

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

- Create the Advisory Committee. Members will include a diverse set of members such as representatives from California Attorney General's Office, public health lawyers, policy makers, Priority Population group and community leaders, and other experts in tobacco control policy;
- Describe the composition, term, and role of Advisory Committee members;
- Provide CDPH/CTCP with a calendar of Advisory Committee meetings.

TASK 2. Submission of Tobacco Industry Monitoring Evaluation (TIME) Plan

The selected Contractor shall submit the final plan to CDPH/CTCP, which includes a description of the overall methodological approach to monitor each of the three (3) core tobacco industry practices that are listed below, as well as optional tobacco industry monitoring practices. *Monitoring activities should focus on those vendors, brands, and products that are sold within California. Optional tobacco industry practices should focus on those practices that disproportionately target Priority Populations.* The comprehensive monitoring plan will be due **within 60 days** of the contract start date.

The final TIME Plan will include:

- **Social Media Advertising and Marketing:** Specify the data collection approach, including which social media platforms will be sampled, the algorithms that will be used for collecting text and image data, and target sample size. The plan will detail the data management and analysis of social media data, including software, pre-determined codes, or other data analytical procedures. The data collection and analysis should identify, as appropriate, specific methodology to capture and analyze data related to one or more Priority Population groups.
- **Direct Marketing (Discounting and Coupons):** Specify the brands, product category, and vendors to be monitored, as well as the channels for direct

marketing to the consumer (e.g., apps, email, social media, and/or physical mailings). Specify the data collection approach, including the sampling unit, sampling frame, and target sample size. Provide a detailed data management plan and data analysis activities. The data collection and analysis should identify, as appropriate, specific methodology to capture and analyze data related to one or more Priority Population groups.

- **Underage Online Sales:** Specify the sampling frame, target number of brands/categories, and target number of vendor websites to be sampled, procedures on testing age verification gates for purchasing and receiving e-cigarettes, other new and emerging non-combustible nicotine products, and little cigars and cigarillos products. The data collection and analysis should identify, as appropriate, specific methodology to capture and analyze data related to one or more Priority Population groups.
- **Optional one to two (1-2) tobacco industry practices to monitor as agreed upon by CDPH/CTCP:** Specify one to two (1-2) additional tobacco industry practices to monitor. Provide a clear rationale for how monitoring the proposed tobacco industry practices will contribute to the overall goals and objectives of the Solicitation, including the amenability to voluntary, local or state legislated policy action. Detail important methodological activities, including sampling, data collection, and data analysis. The data collection and analysis should identify, as appropriate, specific methodology to capture and analyze data related to one or more Priority Population groups.

TASK 3. Implementation of TIME Plan

The selected Contractor shall implement the project activities delineated in the CDPH/CTCP approved TIME Monitoring Plan within the approved timeframes. Project tasks and activities to be completed include sampling, data collection, data management, and data analysis related to each of the core tobacco industry practices and optional proposed tobacco industry practices. The data collection and analysis should identify, as appropriate, specific methodology to capture and analyze data related to one or more Priority Population groups.

TASK 4. Submission of the Case Study Plan

The selected Contractor shall submit the final Case Study Plan for monitoring or evaluating tobacco industry practices within a specific jurisdiction (such as city, county, or region in California) and/or Priority Population group. The Case Study Plan will include a description of the overall methodological approach, including sampling, data collection, data management and data analysis activities. If the case study methodology includes human subjects research, please specify the Institutional Review Board (IRB) protocol. *Case study activities should focus on those vendors, brands, and products that are sold within California.* The comprehensive plan will be due **within 60 days** of the contract start.

TASK 5. Implementation of the Case Study Plan

The selected Contractor shall implement the project activities delineated in the CDPH/CTCP approved Case Study Plan within the approved timeframes. Project tasks and activities to be completed include sampling, data collection, data management, data analysis related to each of the core tobacco industry practices, and case study.

TASK 6. Communication and Reporting

The selected Contractor must describe plans for executing the following activities:

- The selected Contractor shall have **monthly** communications by phone 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 selected Contractor shall submit written project status **six (6) month progress reports**. Written project status reports shall reflect all work conducted by the selected Contractor and any Subcontractor(s). The reports must contain the following information at a minimum:
 - List of activities set for the reporting period
 - Status of progress and accomplishments for each activity
 - Main results
 - Factors that hindered the completion of activities
 - Recommendations for improvement
 - Plans for executing uncompleted activities
- The selected Contractor shall submit a written **annual** progress report. The annual progress report due date may change if CDPH makes an award earlier than expected or later if CDPH cannot execute the agreement because of unforeseen delays. The report must contain the following information at a minimum:
 - A brief summary of work conducted and completed within the reporting period including the methods and results achieved (including any subcontracted work)
 - A detailed report of data collected and analyzed to date, as well as significant findings and their application to current tobacco control policies
 - 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 selected Contractor shall submit a draft **final** report at 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 for each of the approved industry practice monitoring projects and case studies:
 - Cover/title page
 - Executive summary
 - Introduction (brief overview of the project: purpose, personnel, etc.)
 - Methods per core tobacco industry practice and case study
 - Sampling
 - Data sources used
 - Data collection procedures and protocols
 - Tracking Indicators: Summary of how tracking indicators were used to monitor industry practices
 - Data Analysis
 - Presentation of key findings, including data visualization aids (e.g., infographics, charts, tables)
 - Policy Recommendations: Discussion for each core industry practice and case study, as well as comprehensive recommendations across the tobacco industry practices projects and case study
 - Additional lessons learned and recommendations per core industry practice/case study as well as comprehensive lessons learned and recommendations across the TIME project, especially as the findings pertain to Priority Population groups
 - Data dictionaries
 - Data collection tools
 - Provide a cleaned, public use dataset, data dictionaries, and final code in SAS, which can be easily used by CTCP or its partners for secondary data analysis
 - List of presentations, manuscripts for publication, and other reporting materials
 - References and appendices

TASK 7. Dissemination

The selected Contractor shall describe a plan for disseminating the key results and highlights of the project activities through the channels below.

- The Contractor shall attend and participate in:
 - A minimum of three to six (3-6) CDPH/CTCP conferences, trainings, and webinars;
 - one (1) CDPH/CTCP workgroup; and
 - four to six (4-6) monthly Tobacco-Free California conference calls.

- The Contractor shall produce a minimum of one (1) manuscript with shared authorship with CDPH/CTCP for submission to a peer-reviewed journal prior to the final date of the contract. Manuscript topic, scope, and focus will be determined jointly by CDPH/CTCP and the Contractor.
- Over the course of the contract, produce and disseminate one to two (1-2) policy briefs (2-3 pages) describing trends in tobacco industry practices and their policy implications.

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 percent 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**Table 1. Tentative Schedule* for Solicitation EVAL 20-10032:**

ACTIVITY	ACTION DATE
Solicitation Release Date	Wednesday, July 1, 2020
Informational Webinar	Monday, July 6, 2020
OTIS Open for Proposal Input	Wednesday, July 15, 2020
Submit Written Questions to CTCP	Wednesday, July 15, 2020
Responses to Questions Posted	Wednesday, July 29, 2020
Non-Mandatory Letter of Intent Due Date	Friday, August 28, 2020, 5:00 P.M. Pacific Time
Proposals Due	Tuesday, September 1, 2020, 5:00 P.M. Pacific Time
Oral Interviews (if required)	TBD
Public Notice of Intent to Award/Award Posted	Wednesday, September 23, 2020
Appeal Filing Due	Wednesday, October 7, 2020
Final Announcement of Award	Monday, November 2, 2020
All Documents Finalized for Submission	Friday, November 20, 2020
Contract Start Date	Monday, February 1, 2021
Contract End Date	Wednesday, January 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 [Tobacco Control Funding Opportunities and Resources \(TCFOR\) website](#) throughout the solicitation process. For assistance with the TCFOR website, please email CTCPEvaluation@cdph.ca.gov.

H. INFORMATIONAL WEBINAR

CDPH/CTCP will post an Informational Webinar on TCFOR. Those intending to submit a proposal are strongly encouraged to view the recorded webinar.

The Informational Webinar can be accessed at <https://tcfor.catcp.org/>.

I. QUESTIONS

All questions regarding this Solicitation, including clarification on materials, instructions or requirements, must be submitted by the deadline indicated in Table 1. *Tentative Schedule for Solicitation EVAL 20-10032* to the following email address: CTCPEvaluation@cdph.ca.gov. Please include "CDPH/CTCP Solicitation EVAL 20-10032" in the subject line. All relevant questions and responses will be posted at <https://tcfor.catcp.org> by the deadline indicated in Table 1. *Tentative Schedule for Solicitation EVAL 20-10032*. 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. NON-MANDATORY LETTER OF INTENT

All Proposers intending to submit a proposal are requested to submit a letter notifying CDPH/CTCP of its intent to submit a proposal. The letter of intent is not binding and Proposers submitting a letter are not required to submit a proposal. See Appendix 3: *Non-Mandatory Letter of Intent* and Appendix 4: *Instructions for Submitting Applications Using Tobacco Control Funding Opportunities and Resources (TCFOR)*.

Upload the signed Letter of Intent on the [TCFOR website](#) no later than the date and time listed in Table 1. *Tentative Schedule for Solicitation EVAL 20-10032*.

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 EVAL 20-10032). Print the letter, sign by an authorized Proposer signatory or their official agent, scan the letter, and upload the letter to the [TCFOR website](#).

PART II. SUBMISSION REQUIREMENTS

PROPOSAL REQUIREMENTS

The proposal requirements will include the following sections: Agency Capability, Project Narrative, Detailed Proposed Scope of Work, and Cost Proposal. Each document is to be prepared as a Word or PDF document, 12-point font, single-spaced with 1-inch margins, unless otherwise noted.

A. AGENCY CAPABILITY SECTION (13-page limit + Letters of Reference)

This section provides information regarding the Agency's capacity and capability to successfully complete the required SOW and manage the contract. 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.

1. Agency Work History and Capability: (eight (8) page limit, not inclusive of the three (3) page limit for the description of Project Personnel. Use a 12-point font, single-spaced with 1-inch margins.)
 - a. Monitoring and Surveillance Systems: Describe the agency and principal staff's experience in the design and development of large-scale monitoring projects and systems in the following areas: industry monitoring, social media monitoring, and surveillance of sales and retail data, as well as proposed additional monitoring practices. Please note any experience with specific data management programs and analytical software used to perform work in the aforementioned areas.
 - b. Industry Monitoring: Describe the agency and principal staff's experience in tracking and monitoring direct marketing, underage online sales, and advertising and marketing on social media platforms, as well as proposed additional monitoring practices. Experience specifically with the tobacco industry should be discussed.
 - c. Priority Population Expertise: Describe the agency and principal staff's experience in collecting, analyzing, and disseminating data that addresses tobacco-related disparities and how tobacco marketing contributes to the initiation and maintenance of tobacco use by Priority Population groups.
 - d. Tobacco Policy: Describe the agency and principal staff's experience with tobacco control policy and collaborating with tobacco control partners (e.g., public health professionals, public health lawyers, law enforcement, advocacy groups).
 - e. Trainings and Advisory Boards: Describe the agency experience in developing and delivering training workshops to various audiences (e.g., health departments, community-based organizations); capacity and experience with the dissemination of information; and experience working with advisory boards to achieve program outcomes.
 - f. Dissemination: Describe the agency and principal staff's experience with data dissemination to non-scientific audiences including the type of audience and products. Please include one example of a data-driven product that was developed for a non-scientific audience.

- a. Project Personnel Experience: Briefly describe the professional experience, formal education, and publications as relevant to this Solicitation, as well as other funding sources and qualifications of key project personnel. Emphasis should be on the skills and qualifications related to social media monitoring; surveillance of sales and industry marketing practices; qualitative and quantitative research; knowledge and sensitivity to Priority Population groups; and data dissemination to scientific and non-scientific audiences. 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.
 - b. Organizational Chart: 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. CDPH/CTCP reserves the right to require modifications to the proposed staffing and reporting relationships to ensure that the budgeted staff and budget are allocated appropriately to fully support the activities.
3. Letters of Reference: (three letters)

Solicit three (3) letters of reference from three (3) separate agencies. Letters of reference must be written to the Proposer and must have been written 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:

- a. The address, telephone number, e-mail, and title of the letter's author.
 - b. A description of the capacity in which the reference provider worked or is known by the Proposer.
 - c. A description of the Proposer's ability to complete projects and contracts from the perspective of the reference provider and the skill and capacity of the Proposer to implement the TIME Project.
 - d. The Proposer's fiscal and administrative ability to manage government funds through timely and accurate submission of fiscal, program, and evaluation documents.
4. Upload Agency Capability Section, Dissemination work example, Organization Chart, and each Letter of Reference into the [OTIS](#) Additional Documents – Other Documents section.

B. PROJECT NARRATIVE (20-page limit)

The purpose of the Project Narrative is to define the project methodology and provide technical and scientific rationale for all the activities necessary to achieve the seven (7) tasks.

Additionally, the Project Narrative must provide detail on the following items:

- Creation and retention of an Advisory Committee, ensuring adequate representation of stakeholders. Members will include a diverse set of members such as representatives from California Attorney General's Office, public health lawyers, policy makers, Priority Population group and community leaders, and other experts in tobacco control policy. The proposer should explain how they will recruit Advisory Committee members, the tenure terms and role of members, and meetings schedule.
- Detailed plan for monitoring the following core tobacco industry practices, particularly as impact on youth/young adults and other Priority Population groups: advertising and marketing on social media platforms (e.g., YouTube, Twitter, Facebook, TikTok, or Snapchat), direct marketing (e.g., couponing, rewards programs), underage online sales, and optional one to two (1-2) proposed additional industry practices. Per core tobacco industry practices, detail the primary evaluation questions, as well as the methodological approach, including sampling, data collection, data management, and data analysis activities. Where possible, address how the methodological approach and findings across the core tobacco industry monitoring practices can provide information on the overall landscape of tobacco industry practices in California. Please, identify any potential challenges to the methodical and/or analytical approaches and how they will be addressed.
- Detailed plan for a case study or small-scale project that takes an in-depth look at tobacco industry practices within a given jurisdiction (city, county, or region in California) or specific Priority Population group. Provide a detailed rationale for how the selected topic and design for the case study will add value to the overall project.
- Describe the approach for how project data will be used to generate comprehensive tobacco control policy recommendations.
- Process for providing CDPH/CTCP with useful and timely reports of monitoring data on trends in tobacco industry practices; and
- Detailed dissemination plan for generating reports, policy briefs, conference presentations, and publications in scholarly journals. Reports may be tailored for health departments, and state and local policy makers.

Upload the Project Narrative into the OTIS Additional Documents – Other Documents section.

C. DETAILED PROPOSED SCOPE OF WORK (no page limit)

The purpose of the Appendix 5: *Detailed Proposed Scope of Work* is to detail the activities described in the Project Narrative and to serve as the “roadmap” for completing all tasks. It is to provide specific, measurable, attainable, and time limited activities to accomplish the tasks and objectives of the grant. Write activities in chronological order to clearly demonstrate how activities will be implemented to achieve each objective.

For each task, describe:

- What activities will be undertaken;
- The personnel responsible (i.e. position title) 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 percent).

Upload the proposed Detailed Proposed Scope of Work into the OTIS Additional Documents – Other Documents section.

D. BUDGET PROPOSAL, COST PROPOSAL, AND NARRATIVE

- Complete Appendix 6: *Exhibit B, Attachment I Budget Proposal* downloadable from OTIS in the Additional Documents – Other Documents section.
- Complete Appendix 7: *Cost Proposal and Narrative*. This document is required. Please provide the fully loaded cost to complete the required tasks over the term of the contract, as well as the required narrative justification.

E. 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: *Instructions for Accessing the Online Tobacco Information System (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 a 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 or Letter of Intent, or to 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 Online Tobacco Information System (OTIS) Training Course*.

For technical assistance regarding the use of the TCFOR or OTIS websites, contact Humberto Jurado at (916) 449-5474 or Daniel Barraca at (916) 324-2468.

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

F. ADDITIONAL DOCUMENTS

Provide the following **required** additional documents and upload as PDF or Word documents into the OTIS Additional Documents: (Instructions are provided in the OTIS Applicant Training Course: *Additional Documents* module).

1. Appendix 1: *Certification of Non-Acceptance of Tobacco and Cannabis Funds*
2. Agency Capability (8 page limit, single-spaced, 12-point font, 1 inch margins)*
3. Project Personnel (5 page narrative limit, single-spaced, plus an organizational chart, 12-point font, 1 inch margins)*
4. Organizational Chart*
5. Letters of Reference (3 letters)*
6. Project Narrative (20 page limit, single-spaced, 12-point font, 1 inch margins)*
7. Appendix 5: *Detailed Proposed Scope of Work* (no page limit)*
8. Appendix 6: *Exhibit B, Attachment I Budget Proposal**
9. Appendix 7: *Cost Proposal and Narrative**
10. Proof of Non-Profit Status (only applicable to non-governmental non-profit agencies. See Appendix 2: *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)

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

**Upload to the Other Documents section of Additional Documents in OTIS.*

G. 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.

H. 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 Table 1. *Tentative Schedule for Solicitation 20-10032*.
- 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 Table 1. *Tentative Schedule for Solicitation 20-10032*.
- c. CDPH/CTCP may issue an addendum to address errors in the Solicitation 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.

I. 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.

J. 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 *Exhibit B, Attachment I. Budget Proposal and Cost Proposal and Narrative*.

K. 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. 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 DVBE Incentive can be found at the Internet web site <https://www.dgs.ca.gov/-/media/Divisions/PD/Acquisitions/Solicitation-Document-Attachments/DVBE-Incentive.pdf>
- 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 (OSDS) 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; and
 - 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 DVBE 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 <https://www.documents.dgs.ca.gov/dgs/fmc/gspd/gspd05-105.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 DVBE Declarations form(s) DGS PD 843 (formerly STD. 843). All disabled veteran owners and disabled veteran managers of the DVBE(s) must sign the form(s). This form is located at https://www.documents.dgs.ca.gov/dgs/fmc/gspd/pd_843.pdf
4. 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.

5. CDPH Advocate

- a. CDPH Small Business (SB) and DVBE 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:

Sabel Davis, CDPH Advocate
(916) 650-0134 / Sabel.Davis@cdph.ca.gov

6. Small Business PROPOSAL Preference

- a. Certified small businesses or microbusinesses can claim the five (5) percent preference when submitting a PROPOSAL on a State contract. A non-small business may receive a preference of five (5) percent if the business commits to subcontract at least 25 percent of its net PROPOSAL price with one or more small businesses or microbusinesses. The five (5) percent preference is used only for computation purposes, to determine the winning Proposer and does not alter the amounts of the resulting contract. The preference will be given to the highest responsive responsible bidder's total score. A contract awarded on the basis of the five (5) percent 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 9: *Non-Small Business Subcontractor Preference Instructions*. For additional information go

to <https://www.dgs.ca.gov/PD/About/Page-Content/PD-Branch-Intro-Accordion-List/Office-of-Small-Business-and-Disabled-Veteran-Business-Enterprise/Certification-Program>

7. See optional Appendix 10: *Commercially Useful Function (CUF) Certification*.

PART III. 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.

A. 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 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.

B. Proposal Scoring

A review committee will evaluate and score each written proposal according to the below selection criteria. 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	25
Project Narrative	35
Scope of Work	20
Budget	20
Total	100

C. 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 methodological work plan for the project. CDPH/CTCP may contact up to three finalists for an 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. CDPH/CTCP will provide instructions 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 design, implement, and analyze monitoring studies to inform comprehensive tobacco policies	5
Collaboration with subcontractors/specialists and overall value of subcontractors/specialists	5
Responses to questions	5
Total	20

D. Agency Capability (25 points)

Work History and Capability, and Project Personnel Criteria	Point Value
Proposer demonstrates: 1) at least five (5) years of experience in the activities required to implement the SOW, including but not limited to: developing monitoring and tracking systems, social media monitoring, and surveillance of sales and retail data; 2) how they analyzed data from these projects, including conducting qualitative and quantitative analyses, including content analysis, factor analysis, and mixed-modeling; and 3) Five (5) years of experience managing a complex data collection project of at least \$600,000 per year ensuring the scientific integrity and meeting deadlines.	4

Work History and Capability, and Project Personnel Criteria	Point Value
Proposer has knowledge, experience, and sensitivity in conducting monitoring and evaluation projects focused on youth/young adults and other Priority Population groups.	3
Proposer demonstrates experience with, or understanding of, legislated tobacco control policies in California at county, city, tribal, or statewide levels.	3
Proposer demonstrates experience working with advisory boards to achieve program outcomes and developing and delivering training workshops to various audiences (e.g., health departments, community-based organizations, tribes).	2
Proposer details at least two (2) specific examples of how they have used project findings to create useful reports to inform comprehensive, statewide public health policy efforts. Proposer uploads one (1) high-quality example of a data-driven and informed product for non-scientific audiences.	2
Proposer uploads an organizational chart that depicts the Proposer's project personnel, reporting relationships among personnel, proposed subcontractors and consultants, and the reporting relationship between Proposer's personnel and proposed subcontractors and consultants.	2
Subtotal	16
Administrative and Fiscal Experience Criteria	Point Value
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
Proposer demonstrates that administrative/fiscal staff have the appropriate educational background, skills, and experience to 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 Criteria	Point Value
<p>The letters of reference cumulatively demonstrate that the Proposer has:</p> <ol style="list-style-type: none"> 1. Successfully managed grant or contract funds; 2. Successfully managed large statewide projects; 3. Developed monitoring and tracking systems, monitored social media, and conducted surveillance of sales and retail data; 4. Experience in qualitative and quantitative analyses, including content analysis, factor analysis, and mixed modeling; 5. Understanding of legislated tobacco control policies in California at city, county, or statewide level. 	3
Subtotal	3

E. Project Narrative (35 points)

Project Narrative and Scope of Work	Point Value
<p>The proposal project narrative details a plan for the creation and retention of an Advisory Committee. The Proposer should explain how they will recruit Advisory Committee members, the tenure terms and role of members, and meetings schedule.</p>	3
<p>The proposal project narrative presents a comprehensive plan to systematically monitor, track, and analyze data for tobacco industry practices: direct marketing (e.g., couponing, rewards programs), underage online sales, and advertising and marketing on social media platforms, as well as optional proposed industry monitoring practices. The plan must clearly address how the overall monitoring approach will inform statewide, tobacco control policy efforts, especially as they pertain to youth/young adults and other Priority Population groups.</p>	7
<p>The proposal project narrative presents a detailed plan for conducting a case study or small-scale project that takes an in-depth look at tobacco industry practices within a specific jurisdiction (such as city, county, tribe or region in California) or Priority Population group. The plan should provide a detailed rationale for how the selected topic and design for the case study will add value to the overall project.</p>	7
<p>The proposal project narrative presents a detailed plan to analyze and interpret the project's findings for each project as well as across the three (3) core tobacco industry practices, optional proposed industry monitoring practices, and case study to describe the current and</p>	7

changing landscape of tobacco industry practices for e-cigarettes, other new and emerging non-combustible nicotine products, and little cigarettes and cigarillos.	
The proposal project narrative presents a detailed plan for how project findings will be used to make policy recommendations and provide timely reports on current and significant changes to trends in industry monitoring practices to CDPH/CTCP.	7
The proposal project narrative presents a detailed plan for timely communication, reporting, and dissemination of TIME project to CDPH/CTCP and stakeholders.	4
Subtotal	35

F. Detailed Scope of Work (20 points)

Criterion	Point Value
The proposed SOW details a robust step by step plan with a reasonable and logical timeline, tracking measures that include feedback and approval from CDPH/CTCP, adequately partitioned responsible parties and adequately partitioned percent deliverables. The Detailed Proposed Scope of Work should list all the activities necessary to conduct the project as described in the Project Narrative (Appendix 5: Detailed Proposed Scope of Work).	20
Subtotal	20

G. Budget Proposal, Cost Proposal and Narrative (20 points)

Criterion	Point Value
The Budget Proposal demonstrates an appropriate distribution of funds across SOW objectives and project years. The Cost Proposal and Narrative demonstrates the best value for the services proposed through effective use of project funds.	5
The Cost Proposal and Narrative demonstrates the best value for the services proposed through effective use of project funds across SOW objectives and project years.	15
Subtotal	20

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 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 Table 1. *Tentative Schedule for Solicitation 20-10032* 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. A Proposer may appeal the award decision. The Proposer must submit a notice of intent to appeal to CTCPEvaluation@cdph.ca.gov by 5:00 p.m. PDT on the date listed in Table 1. *Tentative Schedule for Solicitation EVAL 20-10032*. Within five (5) calendar days after filing the notice of intent to appeal, the Proposer shall file a detailed written statement specifying the grounds for the appeal and send the Appeal Letter to:

U.S. Mail	Courier (e.g., FedEx)
Maria Ochoa (or designee) 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	Maria Ochoa (or designee) 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 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, the Awardee will be required to complete and submit to CDPH/CTCP the required documents listed in Section V, B. Contractor Required Documents.

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 20-10032.

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 (10) 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:

1. 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.
2. Contractor Certification Clauses (CCC), which can be found in OTIS.
3. Evidence of \$1,000,000 commercial general liability insurance or a certification of self-insurance signed by the authority to bind the agency.

4. 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>.
5. Appendix 11: *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, 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 submits invoices to CDPH/CTCP for incurred expenses from the previous work period and is then reimbursed. Invoices shall be submitted a minimum of no less than once per quarter and no more than once per month, in arrears. The State has up to 45 days to pay invoices for Contractors that are approved for "prompt payment."

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 (3) 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

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