



DEPARTMENT OF MENTAL HEALTH

REQUEST FOR PROPOSALS

FOR

CLINICAL LABORATORY SERVICES

RFP No. DMH120310B1

December 3, 2010

Prepared by
County of Los Angeles

COUNTY OF LOS ANGELES – DEPARTMENT OF MENTAL HEALTH

MENTAL HEALTH SERVICE AREAS

C O M M U N I T I E S / C I T I E S

- SERVICE AREA 1** -Lancaster, Palmdale
- SERVICE AREA 2** -Agoura Hills, Burbank, Calabasas, Glendale, Hidden Hills, L.A. (Part), La Cañada-Flintridge, San Fernando, Santa Clarita, Westlake Village
- SERVICE AREA 3** -Alhambra, Arcadia, Azusa, Baldwin Park, Bradbury, Claremont, Covina, Diamond Bar, Duarte, El Monte, Glendora, Industry, Irwindale, La Puente, La Verne, Monrovia, Monterey Park, Pasadena, Pomona, Rosemead, San Dimas, San Gabriel, San Marino, Sierra Madre, South El Monte, South Pasadena, Temple City, Walnut, West Covina
- SERVICE AREA 4** -L.A. (Part), West Hollywood
- SERVICE AREA 5** -Beverly Hills, Calabasas, Culver City, L.A. (Part), Malibu, Santa Monica
- SERVICE AREA 6** -Compton, L.A. (Part), Lynwood, Paramount
- SERVICE AREA 7** -Artesia, Bell, Bell Gardens, Bellflower, Cerritos, Commerce, Cudahy, Downey, Hawaiian Gardens, Huntington Park, L.A. (Part), La Habra Heights, La Mirada, Lakewood, Maywood, Montebello, Norwalk, Pico Rivera, Santa Fe Springs, South Gate, Vernon, Whittier
- SERVICE AREA 8** -Avalon, Carson, El Segundo, Gardena , Hawthorne, Hermosa Beach, Inglewood, L.A. (Part), Lawndale, Long Beach, Lomita, Manhattan Beach, Palos Verdes Estates, Rancho Palos Verdes, Redondo Beach, Rolling Hills, Rolling Hills Estates, Signal Hill, Torrance



COUNTY OF LOS ANGELES DEPARTMENT OF MENTAL HEALTH

MENTAL HEALTH SERVICE AREAS



The Department of Mental Health divides the County into eight service areas.

PREAMBLE

For over a decade, the County has collaborated with its community partners to enhance the capacity of the health and human services system to improve the lives of children and families. These efforts require, as a fundamental expectation, that the County's contracting partners share the County and community's commitment to provide health and human services that support achievement of the County's vision, goals, values, and adopted outcomes. Key to these efforts is the integration of service delivery systems and the adoption of the Customer Service and Satisfaction Standards.

The County of Los Angeles' Vision is to improve the quality of life in the County by providing responsive, efficient, and high quality public services that promote the self-sufficiency, well-being and prosperity of individuals, families, businesses and communities. This philosophy of teamwork and collaboration is anchored in the shared values of:

- Accountability
- A Can-Do-Attitude
- Compassion
- Compassion
- Integrity
- Professionalism
- Respect for Diversity
- Responsiveness

These shared values are encompassed in the County Mission to enrich lives through effective and caring service and the County Strategic Plan's eight goals: 1) Service Excellence; 2) Work Force Excellence; 3) Organizational Effectiveness; 4) Fiscal Responsibility; 5) Children and Families' Well-Being; 6) Community Services; 7) Health and Mental Health; and 8) Public Safety. Improving the well-being of children and families requires coordination, collaboration, and integration of services across functional and jurisdictional boundaries, by and between County departments/agencies, and community and contracting partners.

The basic conditions that represent the well-being we seek for all children and families in Los Angeles County are delineated in the following five outcomes, adopted by the Board of Supervisors in January 1993.

- Good Health;
- Economic Well-Being;
- Safety and Survival;
- Emotional and Social Well-Being; and
- Education and Workforce Readiness.

Recognizing no single strategy - in isolation - can achieve the County's outcomes of well-being for children and families, consensus has emerged among County and community leaders that making substantial improvements in integrating the County's health and human services system is necessary to significantly move toward achieving these outcomes. The County has also established the following values and goals for guiding this effort to integrate the health and human services delivery system:

- ✓ Families are treated with respect in every encounter they have with the health, educational, and social services systems.
- ✓ Families can easily access a broad range of services to address their needs, build on their strengths, and achieve their goals.
- ✓ There is no "wrong door": wherever a family enters the system is the right place.
- ✓ Families receive services tailored to their unique situations and needs.
- ✓ Service providers and advocates involve families in the process of determining service plans, and proactively provide families with coordinated and comprehensive information, services, and resources.
- ✓ The County service system is flexible, able to respond to service demands for both the Countywide population and specific population groups.
- ✓ The County service system acts to strengthen communities, recognizing that just as individuals live in families, families live in communities.
- ✓ In supporting families and communities, County agencies work seamlessly with public and private service providers, community-based organizations, and other community partners.
- ✓ County agencies and their partners work together seamlessly to demonstrate substantial progress towards making the system more strength-based, family-focused, culturally-competent, accessible, user-friendly, responsive, cohesive, efficient, professional, and accountable.
- ✓ County agencies and their partners focus on administrative and operational enhancements to optimize the sharing of information, resources, and best practices while also protecting the privacy rights of families.
- ✓ County agencies and their partners pursue multi-disciplinary service delivery, a single service plan, staff development opportunities, infrastructure

enhancements, customer service and satisfaction evaluation, and revenue maximization.

- ✓ County agencies and their partners create incentives to reinforce the direction toward service integration and a seamless service delivery system.
- ✓ The County human service system embraces a commitment to the disciplined pursuit of results accountability across systems. Specifically, any strategy designed to improve the County human services system for children and families should ultimately be judged by whether it helps achieve the County's five outcomes for children and families: good health, economic well-being, safety and survival, emotional and social well-being, and education and workforce readiness.

The County, its clients, contracting partners, and the community will continue to work together to develop ways to make County services more accessible, customer friendly, better integrated, and outcome-focused. Several departments have identified shared themes in their strategic plans for achieving these goals including: making an effort to become more consumer/client-focused; valuing community partnerships and collaborations; emphasizing values and integrity; and using a strengths-based and multi-disciplinary team approach. County departments are also working to provide the Board of Supervisors and the community with a better understanding of how resources are being utilized, how well services are being provided, and what are the results of the services: is anyone better off?

The County of Los Angeles health and human service departments and their partners are working together to achieve the following Customer ***Service and Satisfaction Standards*** in support of improving outcomes for children and families.

Personal Service Delivery

The service delivery team – staff and volunteers – will treat customers and each other with courtesy, dignity, and respect.

- Introduce themselves by name
- Listen carefully and patiently to customers
- Be responsive to cultural and linguistic needs
- Explain procedures clearly

- Build on the strengths of families and communities

Service Access

Service providers will work proactively to facilitate customer access to services.

- Provide services as promptly as possible
- Provide clear directions and service information
- Outreach to the community and promote available services
- Involve families in service plan development
- Follow-up to ensure appropriate delivery of services

Service Environment

Service providers will deliver services in a clean, safe, and welcoming environment, which supports the effective delivery of services.

- Ensure a safe environment
- Ensure a professional atmosphere
- Display vision, mission, and values statements
- Provide a clean and comfortable waiting area
- Ensure privacy
- Post complaint and appeals procedures

The basis for all County health and human services contracts is the provision of the highest level of quality services that support improved outcomes for children and families. The County and its contracting partners must work together and share a commitment to achieve a common vision, goals, outcomes, and standards for providing services.

**REQUEST FOR PROPOSALS (RFP)
CLINICAL LABORATORY SERVICES**

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1.0 INTRODUCTION

1.1 Purpose

The Los Angeles County Department of Mental Health (LACDMH) is issuing this Request for Proposals (RFP) to solicit proposals for a contract with an organization that can provide clinical laboratory services for LACDMH clients treated at directly-operated clinics/programs throughout the County.

1.1.1. The purpose of this RFP is to solicit proposals from licensed clinical laboratories interested in contracting with the County of Los Angeles and to select a Contractor to provide clinical laboratory tests for LACDMH clients treated at directly-operated clinics/programs in all eight (8) Service Areas.

1.1.2. The program components identified in this RFP are all part of comprehensive clinical laboratory services and must be provided as a part of the resulting contract. Proposer must satisfy all requirements outlined in this RFP.

1.2 Overview of Solicitation Document

This RFP is composed of the following parts:

- **INTRODUCTION:** Specifies the Proposer's minimum mandatory requirements and provides information regarding the requirements of the contract and the solicitation process.
- **PROPOSAL SUBMISSION REQUIREMENTS:** Includes instructions to Proposers in how to prepare and submit their proposal.
- **SELECTION PROCESS AND EVALUATION CRITERIA:** Includes information on how the proposals will be selected and evaluated.
- **APPENDICES:**
 - **A - SAMPLE CONTRACT:** Identifies the terms and conditions in the contract.
 - **B - STATEMENT OF WORK (SOW):** Explains in detail the required services to be performed by the Contractor(s).
 - **C - STATEMENT OF WORK (SOW) TECHNICAL EXHIBITS:** Exhibits 1-5 in the SOW

- **D - REQUIRED FORMS:** Forms (Exhibits 1 through 19) that must be completed and included in the proposal.
- **E - TRANSMITTAL FORMS TO REQUEST A SOLICITATION REQUIREMENTS REVIEW:** Transmittals sent to Department requesting a Solicitation Requirements Review.
- **F - COUNTY OF LOS ANGELES POLICY ON DOING BUSINESS WITH SMALL BUSINESS:** County policy.
- **G - COUNTY OF LOS ANGELES JURY SERVICE ORDINANCE:** County Code.
- **H - LISTING OF CONTRACTORS DEBARRED IN LOS ANGELES COUNTY:** Contractors who are not allowed to contract with the County for a specific length of time.
- **I - IRS NOTICE 1015:** Provides information on Federal Earned Income Credit.
- **J - SAFELY SURRENDERED BABY LAW:** County program.
- **K - BACKGROUND AND RESOURCES: CALIFORNIA CHARITIES REGULATION:** An information sheet intended to assist non-profit agencies with compliance with SB 1262 - the Non-profit Integrity Act of 2004 and identify available resources.
- **L - DEFAULTED PROPERTY TAX REDUCTION PROGRAM ORDINANCE:** County Code.

1.3 Terms and Definitions

Throughout this RFP, references are made to certain persons, groups, departments/agencies, and terms. Proposers shall refer to Appendix A, Sample Contract, Paragraph 1, for Terms and Appendix C, SOW Technical Exhibits, Exhibit 1, for a “List of Acronyms, Terms, and Definitions.”

1.4 Minimum Mandatory Requirements

Interested and qualified Proposers who can demonstrate their ability to successfully provide the required services outlined in Appendix B, SOW of this RFP are invited to submit proposals, provided they meet the following mandatory requirements: You must provide a written statement or proof of documentation for the Minimum Mandatory Requirements Checklist listed below. (Please note that any proposal submitted that fails to demonstrate that Proposer meets these minimum mandatory requirements may be considered non-responsive, and the proposal may be rejected at the County's sole discretion.)

- 1.4.1** Proposer must complete Minimum Mandatory Requirements Checklist, Appendix D, Required Forms - Exhibit 18, and clearly indicate location of each of these 13 requirements.
- 1.4.2** Proposer must attend the Mandatory Proposers' Conference and sign-in legibly, and submit a Letter of Intent to submit a proposal, as set forth in the Proposal Submission Requirements, Sections 2.6 and 2.7 respectively, of this RFP.
- 1.4.3** Proposer must maintain a business office in Los Angeles County by providing their Articles of Incorporation.
- 1.4.4** Proposer must have served Los Angeles County continuously for at least seven (7) years and currently providing clinical laboratory services with at least three (3) healthcare provider networks or organizations, including at least 200 laboratory requests per month, as identified in Proposer's Background and Experience, Section 2.9.6.1 of this RFP.
- 1.4.5** Proposer must have the capability to provide clinical laboratory services within Los Angeles County for directly-operated mental health clinics/programs located in all eight (8) Service Areas, as shown in the map of Los Angeles County on page iii of this RFP.
- 1.4.6** Proposer must have demonstrated experience in contracting with Medi-Cal, Medicare, and a wide range of private insurance payors for at least five (5) years, as identified in Appendix B, SOW.
- 1.4.7** Proposer shall submit a complete Catalog of Services as part of the Proposal Package and label it Section G.
- 1.4.8** Proposer must comply with the RFP format and requirements set forth in the Proposal Submission Requirements, Section 2.0 of this RFP when submitting proposal.

- 1.4.9** Proposer must complete all Required Forms included in Appendix D, Required Forms - Exhibits 1 through 19.
- 1.4.10** Proposer must demonstrate that it understands and agrees that it will be responsible for compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and that it will take all necessary and reasonable actions to comply with the requirements of HIPAA.
- 1.4.11** Proposer must register in the County's WebVen and provide Provider ID Number. Registration can be accomplished on line via the Internet by accessing the County's home page at http://lacounty.info/doing_business/main_db.htm.
- 1.4.12** Proposer must not currently have a Settlement Agreement with DMH for repayment of County funds. (DMH has placed a moratorium on expansion and/or implementation of any new programs for Proposers with such Settlement Agreements. Any exemption under the moratorium will require justification to be approved by the Director of Mental Health or his designee that this restriction will not negatively impact planned program services).
- 1.4.13** Proposer must not be on the Los Angeles County Debarment List (http://lacounty.info/doing_business/DebarmentList.htm) or on the Office of Inspector General (OIG) Health and Human Services (HHS) Debarment List (www.oig.hhs.gov/fraud/exclusions.asp).

1.5 County Rights & Responsibilities

The County has the right to amend the RFP by written addendum. The County is responsible only for that which is expressly stated in the solicitation document and any authorized written addenda thereto. Such addendum shall be made available to each person or organization which County records indicate has received this RFP. Should such addendum require additional information not previously requested, failure to address the requirements of such addendum may result in the Proposal not being considered, as determined in the sole discretion of the County. The County is not responsible for and shall not be bound by any representations otherwise made by any individual acting or purporting to act on its behalf.

1.6 Contract Term

The contract term shall be for a period of five (5) years, which includes an initial term of one (1) year and four (4) automatic one-year renewal periods. The contract shall commence on July 1, 2011, following Board of Supervisors' approval.

1.7 Funding

The total annual funding available for this RFP is estimated at \$800,000 for Fiscal Year (FY) 2011-12 and for the following years of the contract term. The Department's funding allocation for the proposed contract is contingent upon approval of the Board of Supervisors. Any adjustment to the funding allocation after the contract is approved by the Board of Supervisors will be made through a contract amendment executed by LACDMH and Contractor.

1.8 Contract Laboratory Test Prices

Contractor's laboratory test prices as described in the Commonly Used Lab Test List, Appendix C - Exhibit 5, shall remain stable and fixed for the term of the contract unless a contract amendment is approved by County and executed by LACDMH and Contractor.

1.9 Days of Operation

Contractor must provide clinical laboratory services, five (5) business days a week, Monday through Friday, from 8:00 a.m. until 5:00 p.m. Weekend coverage and extended hours should be offered as needed. In addition, Contractor's Project Manager or County approved alternate shall have full authority to act for Contractor on all matters relating to the daily operation of this contract and shall be available during the County's regular business hours to discuss problem areas. Contractor shall provide the name, e-mail address, and telephone number of the contact person for after-hours services. Contractor is not required to provide services on County recognized holidays. Note that Appendix A, Sample Contract, Exhibit A (Clinical Laboratory Services), Sub-paragraph 2.B lists the County holidays.

1.10 Contact with County Personnel

All contact regarding this RFP or any matter relating thereto must be in writing and may be mailed, e-mailed or faxed as follows:

Richard Kushi, Chief
Contracts Development and Administration Division
County of Los Angeles – Department of Mental Health
550 South Vermont Avenue, 5th Floor, Room 500
Los Angeles, CA 90020
E-mail Address: rkushi@dmh.lacounty.gov
Fax No.: (213) 381-7092

If it is discovered that Proposer contacted and received information from any County personnel, other than the person specified above, regarding this solicitation, County, in its sole determination, may disqualify their proposal from further consideration.

1.11 Final Contract Award by the Board of Supervisors

Notwithstanding a recommendation of a Department, agency, individual, or other, the Board of Supervisors retains the right to exercise its judgment concerning the selection of a proposal and the terms of any resultant agreement, and to determine which proposal best serves the interests of the County. The Board is the ultimate decision making body and makes the final determinations necessary to arrive at a decision to award, or not award, a contract.

1.12 Mandatory Requirement to Register on County's WebVen

All potential Contractors must register in the County's WebVen. The WebVen contains the Vendor's business profile and identifies the goods/services the business provides. Registration can be accomplished online via the Internet by accessing the County's home page at http://lacounty.info/doing_business/main_db.htm.

1.13 County Option to Reject Proposals

The County may, at its sole discretion, reject any or all proposals submitted in response to this RFP. The County shall not be liable for any costs incurred by the Proposer in connection with the preparation and submission of any proposal. The County reserves the right to waive inconsequential disparities in a submitted proposal.

1.14 Protest Policy Review Process

1.14.1 Under Board Policy No. 5.055 (Services Contract Solicitation Protest), any prospective Proposer may request a review of the requirements under a solicitation for a Board-approved services contract, as described in Section 1.14.3 below. Additionally, any actual Proposer may request a review of a disqualification or of a proposed contract award under such a solicitation, as described respectively in the Sections below. It is the responsibility of the Proposer challenging the decision of a County Department to demonstrate that the Department committed a sufficiently material error in the solicitation process to justify invalidation of a solicitation of a proposed contract award.

1.14.2 Throughout the review process, the County has no obligation to delay or otherwise postpone an award of contract based on a Proposer's protest. In all cases, the County reserves the right to make an award when it is determined to be in the best interest of the County of Los Angeles to do so.

1.14.3 Grounds for Review

Unless State or federal statutes or regulations otherwise provide, the grounds for review of a solicitation for a Board-approved services contract provided for under Board Policy No. 5.055 are limited to the following:

- Review of Solicitation Requirements (Reference Sub-paragraph 2.5 in the Proposal Submission Requirements Section 2.0).
- Review of a Disqualified Proposal (Reference Sub-paragraph 3.3 in the Selection Process and Evaluation Criteria Section 3.0).
- Review of Proposed Contractor Selection (Reference Sub-paragraphs 3.1 in the Selection Process and Evaluation Criteria Section 3.0).

1.15 Notice to Proposers Regarding The Public Records Act

1.15.1 Responses to this solicitation shall become the exclusive property of the County. Absent extraordinary circumstances, at such time as (a) with respect to the recommended Proposer's proposal, LACDMH completes contract negotiations and obtains a letter from an authorized officer of the recommended Proposer that the negotiated Contract is a firm offer of the recommended Proposer, which shall not be revoked by the recommended Proposer pending the Department's completion of the process under Board Policy No. 5.055 and approval by the Board of Supervisors (Board) and (b) with respect to each Proposer requesting a County Review Panel, the County Review Panel convenes as a result of such Proposers' request, and (c) with respect to all other Proposers, LACDMH recommends the recommended Proposer(s) to the Board and such recommendation appears on the Board agenda, proposals submitted in response to this solicitation become a matter of public record, with the exception of those parts of each proposal which are justifiably defined as business or trade secrets, and, if by the Proposer, plainly marked as "Trade Secret," "Confidential," or "Proprietary."

1.15.2 The County shall not, in any way, be liable or responsible for the disclosure of any such record or any parts thereof, if disclosure is required or permitted under the California Public Records Act or otherwise by law. **A blanket statement of confidentiality or the marking of each page of the proposal as confidential shall not be deemed sufficient notice of exception. Proposers must specifically label only those provisions of their respective proposal which are "Trade Secrets," "Confidential," or "Proprietary" in nature.**

1.16 Financial Viability

1.16.1 Proposer shall demonstrate adequate financial viability, including:

- Ability to obtain required insurance; and
- Resources to meet increased payroll and supplies required in this RFP.

County shall require whatever documentation it deems necessary relative to the Proposer's financial viability, e.g., Statement of Financial Viability, Articles of Incorporation, By-Laws, and listing of Corporate Director(s) and Officers.

1.16.2 Proposer with an average annual operating revenue based on the following parameters below shall submit either a compiled, reviewed, or audited financial statement **not more than 18 months old** prior to the submission to LACDMH:

- Compiled Statement - annual operating revenue averaging up to \$49,999.
- Reviewed Statement - annual operating revenue averaging from \$50,000 - \$499,999.
- Audited Statement - annual operating revenue averaging \$500,000 or more. The opinion of the Certified Public Accountant (CPA) is to be included. If the opinion is qualified in any way, an explanation regarding the nature of the qualification is to be provided.

Do not submit Income Tax Returns to meet these requirements. Financial statements will be kept confidential if so stamped on each page. Form 990 (for Non-Profit), Department of the Treasury, Internal Revenue Service (IRS) *Return of Organization Exempt from Income Tax*, or Form 1120 (for Profit) *U. S. Corporation Income Tax Return* may be substituted for the CPA prepared financial statements when the latter are not available.

1.16.3 Proposer shall be financially viable as determined by LACDMH based on the submission and evaluation of the submitted financial statement. Such financial statement is to include the independent CPA'S letter documenting internal control and/or other findings including those from federal single audits, if applicable.

1.17 Indemnification and Insurance

Contractor shall be required to comply with the indemnification provisions contained in Appendix A, Sample Contract, Sub-paragraph 25.A. Contractor shall procure, maintain, and provide to the County proof of insurance coverage for all the programs of insurance along with associated amounts specified in the Appendix A, Sample Contract, Sub-paragraph 19.C.

1.18 SPARTA Program

A County program, known as 'SPARTA' (Service Providers, Artisan and Tradesman Activities) may be able to assist potential Contractors in obtaining affordable liability insurance. The SPARTA Program is administered by the County's insurance broker, Municipality Insurance Services, Inc. For additional information, Proposers may call Municipality Insurance Services at (800) 420-0555, or can access their website directly at www.2sparta.com.

1.19 Injury & Illness Prevention Program (IIPP)

Contractor shall be required to comply with the State of California's Cal OSHA regulations. Section 3203 of Title 8 in the California Code of Regulations requires all California employers to have a written, effective Injury and Illness Prevention Program (IIPP) that addresses hazards pertaining to the particular workplace covered by the program.

1.20 Background and Security Investigations

Background and security investigations of Contractor's staff may be required at the discretion of the County as a condition of beginning and continuing work under any resulting contract. The cost of background checks is the responsibility of the Contractor.

1.21 Confidentiality and Independent Contractor Status

As appropriate, Contractor shall be required to comply with the Confidentiality provision contained in Sub-paragraph 9 and the Independent Contractor Status provision contained in Sub-paragraph 29 in Appendix A, Sample Contract.

1.22 Conflict of Interest

No County employee whose position in the County enables him/her to influence the selection of a Contractor for this RFP, or any competing RFP, nor any spouse or economic dependent of such employees, shall be employed in any capacity by a Proposer or have any other direct or indirect financial interest in the selection of a Contractor. Proposer shall certify that he/she is aware of and has read Section 2.180.010 of the Los Angeles County Code as stated in Appendix D, Required Forms - Exhibit 5, Certification of No Conflict of Interest.

1.23 Determination of Proposer Responsibility

1.23.1 A responsible Proposer is a Proposer who has demonstrated the attribute of trustworthiness, as well as quality, fitness, capacity and experience to satisfactorily perform the contract. It is the County's policy to conduct business only with responsible Proposers.

1.23.2 Proposers are hereby notified that, in accordance with Chapter 2.202 of the Los Angeles County Code, the County may determine whether the Proposer is responsible based on a review of the Proposer's performance on any contracts, including but not limited to County contracts. Particular attention will be given to violations of labor laws related to employee compensation and benefits, and evidence of false claims made by the Proposer against public entities. Labor law violations which are the fault of the Subcontractors and of which the Proposer had no knowledge shall not be the basis of a determination that the Proposer is not responsible.

1.23.3 The County may declare a Proposer to be non-responsible for purposes of this contract if the Board of Supervisors, in its discretion, finds that the Proposer has done any of the following: (1) violated a term of a contract with the County or a non-profit corporation created by the County; (2) committed an act or omission which negatively reflects on the Proposer's quality, fitness or capacity to perform a contract with the County, any other public entity, or a non-profit corporation created by the County, or engaged in a pattern or practice which negatively reflects on same; (3) committed an act or omission which indicates a lack of business integrity or business honesty; or (4) made or submitted a false claim against the County or any other public entity.

1.23.4 If there is evidence that the apparent highest ranked Proposer may not be responsible, the Department shall notify the Proposer in writing of the evidence relating to the Proposer's responsibility, and

its intention to recommend to the Board of Supervisors that the Proposer be found not responsible. The Department shall provide the Proposer and/or the Proposer's representative with an opportunity to present evidence as to why the Proposer should be found to be responsible and to rebut evidence which is the basis for the Department's recommendation.

1.23.5 If the Proposer presents evidence in rebuttal to the Department, the Department shall evaluate the merits of such evidence, and based on that evaluation, make a recommendation to the Board of Supervisors. The final decision concerning the responsibility of the Proposer shall reside with the Board of Supervisors.

1.23.6 These terms shall also apply to proposed Subcontractors of Proposers on County contracts.

1.24 Proposer Debarment

1.24.1 The Proposer is hereby notified that, in accordance with Chapter 2.202 of the Los Angeles County Code, the County may debar the Proposer from bidding or proposing on, or being awarded, and/or performing work on other County contracts for a specified period of time, which generally will not exceed five (5) years but may exceed five (5) years or be permanent if warranted by the circumstances, and the County may terminate any or all of the Proposer's existing contracts with County, if the Board of Supervisors finds, in its discretion, that the Proposer has done any of the following: (1) violated a term of a contract with the County or a non-profit corporation created by the County; (2) committed an act or omission which negatively reflects on the Proposer's quality, fitness or capacity to perform a contract with the County, any other public entity, or a non-profit corporation created by the County, or engaged in a pattern or practice which negatively reflects on same; (3) committed an act or offense which indicates a lack of business integrity or business honesty; or (4) made or submitted a false claim against the County or any other public entity.

1.24.2 If there is evidence that the apparent highest ranked Proposer may be subject to debarment, the Department shall notify the Proposer in writing of the evidence which is the basis for the proposed debarment, and shall advise the Proposer of the scheduled date for a debarment hearing before the Contractor Hearing Board.

1.24.3 The Contractor Hearing Board shall conduct a hearing where evidence on the proposed debarment is presented. The Proposer and/or Proposer's representative shall be given an opportunity to submit evidence at that hearing. After the hearing, the Contractor

Hearing Board shall prepare a tentative proposed decision, which shall contain a recommendation regarding whether the Proposer should be debarred, and, if so, the appropriate length of time of the debarment. The Proposer and the Department shall be provided an opportunity to object to the tentative proposed decision prior to its presentation to the Board of Supervisors.

- 1.24.4** After consideration of any objections, or if no objections are received, a record of the hearing, the proposed decision and any other recommendation of the Contractor Hearing Board shall be presented to the Board of Supervisors. The Board of Supervisors shall have the right to modify, deny or adopt the proposed decision and recommendation of the Contractor Hearing Board.
- 1.24.5** If a Proposer has been debarred for a period longer than five (5) years, that Proposer may, after the debarment has been in effect for at least five (5) years, submit a written request for review of the debarment determination to reduce the period of debarment or terminate the debarment. The County may, in its discretion, reduce the period of debarment or terminate the debarment if it finds that the Proposer has adequately demonstrated one or more of the following: (1) elimination of the grounds for which the debarment was imposed; (2) a bona fide change in ownership or management; (3) material evidence discovered after debarment was imposed; or (4) any other reason that is in the best interests of the County.
- 1.24.6** The Contractor Hearing Board will consider requests for review of a debarment determination only where (1) the Proposer has been debarred for a period longer than five (5) years; (2) the debarment has been in effect for at least five (5) years; and (3) the request is in writing, states one or more of the grounds for reduction of the debarment period or termination of the debarment, and includes supporting documentation. Upon receiving an appropriate request, the Contractor Hearing Board will provide notice of the hearing on the request. At the hearing, the Contractor Hearing Board shall conduct a hearing where evidence on the proposed reduction of debarment period or termination of debarment is presented. This hearing shall be conducted and the request for review decided by the Contractor Hearing Board pursuant to the same procedures as for a debarment hearing.
- 1.24.7** The Contractor Hearing Board's proposed decision shall contain a recommendation on the request to reduce the period of debarment or terminate the debarment. The Contractor Hearing Board shall present its proposed decision and recommendation to the Board of Supervisors. The Board of Supervisors shall have the right to

modify, deny or adopt the proposed decision and recommendation of the Contractor Hearing Board.

1.24.8 These terms shall also apply to proposed Subcontractors of Proposers on County contracts.

1.24.9 Appendix H provides a link to the County's website where there is a listing of Contractors that are currently on the Debarment List for Los Angeles County.

1.25 Proposer's Adherence to County's Child Support Compliance Program

Proposers shall: 1) fully comply with all applicable State and federal reporting requirements relating to employment reporting for its employees; and 2) comply with all lawfully served Wage and Earnings Assignments Orders and Notice of Assignment and continue to maintain compliance during the term of any contract that may be awarded pursuant to this solicitation. Failure to comply may be cause for termination of a contract or initiation of debarment proceedings against the non-compliant Contractor of the Los Angeles County Code Chapter 2.202.

1.26 Gratuities

1.26.1 Attempt to Secure Favorable Treatment

It is improper for any County officer, employee or agent to solicit consideration, in any form, from a Proposer with the implication, suggestion or statement that the Proposer's provision of the consideration may secure more favorable treatment for the Proposer in the award of the contract or that the Proposer's failure to provide such consideration may negatively affect the County's consideration of the Proposer's submission. A Proposer shall not offer or give either directly or through an intermediary, consideration, in any form, to a County officer, employee or agent for the purpose of securing favorable treatment with respect to the award of the contract.

1.26.2 Proposer Notification to County

A Proposer shall immediately report any attempt by a County officer, employee or agent to solicit such improper consideration. The report shall be made either to the County manager charged with the supervision of the employee or to the County Auditor-Controller's Employee Fraud Hotline at (800) 544-6861. Failure to report such a solicitation may result in the Proposer's submission being eliminated from consideration.

1.26.3 Form of Improper Consideration

Among other items, such improper consideration may take the form of cash, discounts, services, the provision of travel or entertainment, or tangible gifts.

1.27 Notice to Proposers Regarding the County Lobbyist Ordinance

The Board of Supervisors of the County of Los Angeles has enacted an ordinance regulating the activities of persons who lobby County officials. This ordinance, referred to as the "Lobbyist Ordinance", defines a County Lobbyist and imposes certain registration requirements upon individuals meeting the definition. The complete text of the ordinance can be found in the Los Angeles County Code Chapter 2.160. In effect, each person, corporation or other entity that seeks a County permit, license, franchise or contract must certify compliance with the ordinance. As part of this solicitation process, it will be the responsibility of each Proposer to review the ordinance independently as the text of said ordinance is not contained within this RFP. Thereafter, each person, corporation or other entity submitting a response to this solicitation, must certify that each County Lobbyist, as defined by Los Angeles County Code Section 2.160.010, retained by the Proposer is in full compliance with Chapter 2.160 of the Los Angeles County Code and each such County Lobbyist is **not** on the Executive Office's List of Terminated Registered Lobbyists by completing and submitting the Familiarity with the County Lobbyist Ordinance Certification, as set forth in Appendix D, Required Forms - Exhibit 6, as part of their proposal.

1.28 Federal Earned Income Credit

The Contractor shall notify its employees, and shall require each Subcontractor to notify its employees, that they may be eligible for the Federal Earned Income Credit under the federal income tax laws. Such notice shall be provided in accordance with the requirements set forth in Internal Revenue Service (IRS) Notice No. 1015, reference Appendix I.

1.29 Consideration of GAIN/GROW Participants for Employment

As a threshold requirement for consideration for contract award, Proposers shall demonstrate a proven record of hiring participants in the County's Department of Public Social Services (DPSS) Greater Avenues for Independence (GAIN) or General Relief Opportunity for Work (GROW) Programs or shall attest to a willingness to consider GAIN/GROW participants for any future employment openings if they meet the minimum qualifications for that opening. Additionally, Proposers shall attest to a

willingness to provide employed GAIN/GROW participants access to the Proposers' employee mentoring program, if available, to assist these individuals in obtaining permanent employment and/or promotional opportunities. Proposers who are unable to meet this requirement shall not be considered for contract award. Proposers must complete and return the form, Attestation of Willingness to Consider GAIN/GROW Participants, as set forth in Appendix D, Required Forms - Exhibit 9, along with their proposal.

1.30 County's Quality Control Plan

After contract award, the County or its agent will evaluate the Contractor's performance under the contract on a periodic basis. Such evaluation will include conducting audits at random times and assessing Contractor's compliance with all terms in the contract and performance standards identified in the SOW. Contractor's deficiencies which the County determines are severe or continuing and that may jeopardize performance of the contract will be reported to the County's Board of Supervisors. The report will include improvement/corrective action measures taken by the County and Contractor. If improvement does not occur consistent with the corrective action measures, the County may terminate the contract in whole or in part, or impose other penalties as specified in the contract.

1.31 Recycled Bond Paper

Proposer shall be required to comply with the County's policy on recycled bond paper as specified in Appendix A, Sample Contract, Sub-paragraph 62.

1.32 Safely Surrendered Baby Law

The Contractor shall notify and provide to its employees, and shall require each Subcontractor to notify and provide to its employees, a fact sheet regarding the Safely Surrendered Baby Law, its implementation in Los Angeles County, and where and how to safely surrender a baby. The fact sheet is set forth in Appendix J of this solicitation document and is also available on the Internet at www.babysafela.org for printing purposes.

1.33 County Policy on Doing Business with Small Business

1.33.1 The County has multiple programs that address small businesses. The Board of Supervisors encourages small business participation in the County's contracting process by constantly streamlining and simplifying our selection process and expanding opportunities for small businesses to compete for our business.

1.33.2 The Local Small Business Enterprise Preference Program requires the company to complete a certification process. This program and how to obtain certification are further explained in Sub-paragraph 1.35 – Local Small Business Enterprise Preference Program.

1.33.3 The Jury Service Program provides exceptions to the Program if a company qualifies as a Small Business. It is important to note that each Program has a different definition for Small Business. You may qualify as a Small Business in one Program but not the other. Further explanations of this Program is provided in Sub-paragraph 1.34 - Jury Service Program.

1.33.4 The County also has a Policy on Doing Business with Small Business that is stated in Appendix F.

1.34 Jury Service Program

The prospective contract is subject to the requirements of the County's Contractor Employee Jury Service Ordinance ("Jury Service Program") of the Los Angeles County Code, Chapter 2.203. Prospective Contractors should carefully read the Jury Service Ordinance, Appendix G, and the pertinent jury service provisions of the Sample Contract, Appendix A, Sub-paragraph 65, both of which are incorporated by reference into and made a part of this RFP. The Jury Service Program applies to both Contractors and their Subcontractors.

Proposals that fail to comply with the requirements of the Jury Service Program will be considered non-responsive and excluded from further consideration.

1.34.1 The Jury Service Program requires Contractors and their Subcontractors to have and adhere to a written policy that provides that its employees shall receive from the Contractor, on an annual basis, no less than five (5) days of regular pay for actual jury service. The policy may provide that employees deposit any fees received for such jury service with the Contractor or that the Contractor deduct from the employee's regular pay the fees received for jury service. For purposes of the Jury Service Program, "employee" means any California resident who is a full-time employee of a Contractor and "full-time" means 40-hours or more worked per week, or a lesser number of hours if: 1) the lesser number is a recognized industry standard as determined by the County, or 2) the Contractor has a long-standing practice that defines the lesser number of hours as full-time. Therefore, the Jury Service Program applies to all of a Contractor's full-time California employees, even those not working specifically on the County project. Full-time employees providing short-term, temporary

services of 90 days or less within a 12-month period are not considered full-time for purposes of the Jury Service Program.

1.34.2 There are two (2) ways in which a Contractor might not be subject to the Jury Service Program. The first is if the Contractor does not fall within the Jury Service Program's definition of "Contractor". The Jury Service Program defines "Contractor" to mean a person, partnership, corporation or other entity which has a contract with the County or a Subcontract with a County Contractor and has received or will receive an aggregate sum of \$50,000 or more in any 12-month period under one or more County contracts or subcontracts. The second is if the Contractor meets one of the two exceptions to the Jury Service Program. The first exception concerns small businesses and applies to Contractors that have 1) ten (10) or fewer employees; and 2) annual gross revenues in the preceding 12 months which, if added to the annual amount of this Contract is less than \$500,000; and 3) is not an "affiliate or subsidiary of a business dominant in its field of operation". The second exception applies to Contractors that possess a collective bargaining agreement that expressly supersedes the provisions of the Jury Service Program. The Contractor is subject to any provision of the Jury Service Program not expressly superseded by the collective bargaining agreement.

1.34.3 If a Contractor does not fall within the Jury Service Program's definition of "Contractor" or if it meets any of the exceptions to the Jury Service Program, then the Contractor must so indicate in the Certification Form and Application for Exception, Appendix D, Required Forms - Exhibit 10, and include with its submission all necessary documentation to support the claim such as tax returns or a collective bargaining agreement, if applicable. Upon reviewing the Contractor's application, the County will determine, in its sole discretion, whether the Contractor falls within the definition of Contractor or meets any of the exceptions to the Jury Service Program. The County's decision will be final.

1.35 Local Small Business Enterprise (SBE) Preference Program

1.35.1 The County will give Local SBE preference during the solicitation process to businesses that meet the definition of a Local SBE, consistent with Chapter 2.204.030C.1 of the Los Angeles County Code. A Local SBE is defined as: 1) A business certified by the State of California as a small business and 2) has had its principal office located in Los Angeles County for at least one (1) year. The business must be certified by the Office of Affirmative Action Compliance as meeting the requirements set forth in 1 and 2 above

prior to requesting the Local SBE Preference in a solicitation.

1.35.2 To apply for certification as a Local SBE, businesses may register at the Office of Affirmative Action Compliance's web-site at <http://oaac.co.la.ca.us/contract/sbemain.html>.

1.35.3 Certified Local SBEs must request the SBE Preference in their solicitation responses and may not request the preference unless the certification process has been completed and certification affirmed. Businesses must attach the Local SBE Certification Letter to the Required Form - Request for Local SBE Preference Program Consideration and CBE Firm/Organization Information Form in Appendix D, Required Forms - Exhibit 7, with their proposal. Sanctions and financial penalties may apply to a business that knowingly, and with intent to defraud, seeks to obtain or maintain certification as a certified Local SBE.

1.35.4 Information about the State's small business enterprise certification regulations is in the California Code of Regulations, Title 2, Subchapter 8, Section 1896 et seq., and is also available on the California Department of General Services Office of Small Business Certification and Resources Web site at www.pd.dgs.ca.gov/smbus/default.

1.36 Local Small Business Enterprise (SBE) Prompt Payment Program

It is the intent of the County that Certified Local SBEs receive prompt payment for services they provide to County Departments. Prompt payment is defined as 15 calendar days after receipt of an undisputed invoice.

1.37 Notification to County of Pending Acquisitions/Mergers by Proposer

Proposer shall notify the County of any pending acquisitions/mergers of their company. This information shall be provided by the Proposer on the Proposer's Organization Questionnaire/Affidavit in Appendix D, Required Forms - Exhibit 1. Failure of the Proposer to provide this information may eliminate its proposal from any further consideration.

1.38 Transitional Job Opportunities Preference Program

1.38.1 In evaluating proposals, the County will give preference to businesses that are certified by the County as Transitional Job Opportunity vendors, consistent with Chapter 2.205 of the Los Angeles County Code. A Certified Transitional Job Opportunity

vendor is, and has been such for three (3) years, an entity: 1) that is a non-profit organization recognized as tax exempt pursuant to section 501 (c) (3) of the IRS Codes; set forth, under penalty of perjury, such information as requested by the County on either electronic or hard copy forms, along with their application form and three (3) most recent annual tax returns to the Department with their proposal response to the contracting solicitation for which they are competing; 2) has been in operation for at least one (1) year providing transitional job and the related supportive services to program participants; and 3) provide a profile of their program with a description of their program components designed to assist program participants, number of past program participants, and any other information requested by a contracting Department.

1.38.2 Transitional Job Opportunities vendors must request the preference in their solicitation response and may not receive the preference until their certification has been affirmed by the applicable Department. County must verify the Transitional Job Opportunity vendor certification prior to applying the preference. Sanctions and financial penalties may apply to a Proposer that knowingly and with intent to defraud seeks to obtain or maintain certification as a Transitional Job Opportunities vendor.

1.38.3 To request the Transitional Job Opportunities Preference, Proposer must complete the Transitional Job Opportunities Preference Application in Appendix D, Required Forms - Exhibit 15, and submit it along with all supporting documentation with their proposal.

1.39 Defaulted Property Tax Reduction Program

1.39.1 The prospective contract is subject to the requirements of the County's Defaulted Property Tax Reduction Program ("Defaulted Tax Program") of the Los Angeles County Code, Chapter 2.206. Prospective Contractors should carefully read the Defaulted Tax Program Ordinance, in Appendix L, and the pertinent provisions of the Sample Contract, Appendix A, Sub-paragraph 72, which is incorporated by reference into and made a part of this solicitation. The Defaulted Tax Program applies to both Contractors and their Subcontractors.

Proposers shall be required to certify that they are in full compliance with the provisions of the Defaulted Tax Program and shall maintain compliance during the term of any contract that may be awarded pursuant to this solicitation or shall certify that they are exempt from the Defaulted Tax Program by completing Certification of Compliance with the County's Defaulted Property Tax Reduction Program in Appendix D, Required Forms - Exhibit

12. Failure to maintain compliance, or to timely cure defects, may be cause for termination of a contract or initiation of debarment proceedings against the non-compliant Contractor of the Los Angeles County Code, Chapter 2.202.

Proposals that fail to comply with the certification requirements of the Defaulted Tax Program will be considered non-responsive and excluded from further consideration.

1.39.2 Failure of Contractor to maintain compliance with the requirements set forth in Paragraph 1.39 Defaulted Property Tax Reduction Program shall constitute default under this contract. Without limiting the rights and remedies available to County under any other provision of this contract, failure of Contractor to cure such default within ten (10) days of notice shall be grounds upon which County may terminate this contract and/or pursue debarment of Contractor, pursuant to the Los Angeles County Code Chapter 2.206.

1.39.3 Certification of Compliance with the County's Defaulted Property Tax Reduction Program must be completed in Appendix D, Required Forms - Exhibit 12A.

1.40 Contractor's Obligation as a "Business Associate" Under the Health Insurance Portability and Accountability Act of 1996 and Health Information Technology for Economic and Clinical Health Act

Contractor shall be required to comply with the Administrative Simplification requirements of the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) as in effect and as may be amended, and with applicable provision of the Health Information Technology for Economic and Clinical Health (HITECH) Act, as contained in Appendix A, Sample Contract, Sub-Paragraph 64.

1.41 Proposer's Charitable Contributions Compliance

1.41.1 California's "Supervision of Trustees and Fundraisers for Charitable Purposes Act" regulates receiving and raising charitable contributions. Among other requirements, those subject to the Charitable Purposes Act must register. The 2004 Non-Profit Integrity Act (Senate Bill (SB) 1262, Chapter 919) increased Charitable Purposes Act requirements. New rules cover California public benefit corporations, unincorporated associations, and trustee entities and may include similar foreign corporations doing business or holding property in California. Key Non-Profit Integrity

Act requirements affect executive compensation, fund-raising practices and documentation. Charities with over \$2 million of revenues (excluding funds that must be accounted for to a governmental entity) have new audit requirements.

1.41.2 All prospective Contractors must determine if they receive or raise charitable contributions which subject them to the Charitable Purposes Act and complete the Charitable Contributions Certification in Appendix D, Required Forms - Exhibit 14. A completed Exhibit 14 is a required part of any agreement with the County.

1.41.3 In Appendix D, Required Forms - Exhibit 14, prospective Contractors certify either that:

- they have determined that they do not now receive or raise charitable contributions regulated under the California Charitable Purposes Act, (including the Non-Profit Integrity Act) but will comply if they become subject to coverage of those laws during the term of a County agreement,

– OR –

- they are currently complying with their obligations under the Charitable Purposes Act, attaching a copy of their most recent filing with the Registry of Charitable Trusts.

1.41.4 Prospective County Contractors that do not complete Appendix D, Required Forms - Exhibit 14, as part of the solicitation process may, in the County's sole discretion, be disqualified from contract award. A County Contractor that fails to comply with its obligations under the Charitable Purposes Act is subject to either contract termination or debarment proceedings or both of the Los Angeles County Code Chapter 2.202.

2.0 PROPOSAL SUBMISSION REQUIREMENTS

This Section contains key project dates and activities as well as instructions to Proposers in how to prepare and submit their proposal.

2.1 County Responsibility

The County is not responsible for representations made by any of its officers or employees prior to the execution of the contract unless such understanding or representation is included in the contract.

2.2 Truth and Accuracy of Representations

False, misleading, incomplete, or deceptively unresponsive statements in connection with a proposal shall be sufficient cause for rejection of the proposal. The evaluation and determination in this area shall be at the Director's sole judgment and his/her judgment shall be final.

2.3 RFP Timetable

The timetable for this RFP is as follows:

- Release of RFP 12/03/10
- Request for a Solicitation Requirements Review Due 12/17/10
- **Mandatory Proposers' Conference** **01/04/11**
- Mandatory Letter of Intent (signed original on letterhead) **must** be delivered and signed in at 5th floor reception desk by 5:00 p.m., Pacific Standard Time 01/13/11
- Release of Proposers' Conference Transcripts 01/20/11
- **Proposals are due at the 5th floor reception desk by 5:00 p.m., Pacific Standard Time** **02/03/11**

2.4 Proposers' Questions

Questions will be answered at the Mandatory Proposers' Conference on January 4, 2011, and all responses will also be provided in the Proposers' Conference transcripts to be released on January 20, 2011. ***There will be no responses to any questions/inquiries presented after the Proposers' Conference.***

2.5 Solicitation Requirements Review

Any person or entity may seek a Solicitation Requirements Review by submitting Appendix E - Transmittal Form to Request a Solicitation Requirements Review to the Department conducting the solicitation as described in this Section. A request for a Solicitation Requirements Review may be denied, in the Department's sole discretion, if the request does not satisfy all of the following criteria:

1. The request for a Solicitation Requirements Review is made within ten (10) business days of the issuance of the solicitation document;

2. The request for a Solicitation Requirements Review includes documentation, which demonstrates the underlying ability of the person or entity to submit a proposal;
3. The request for a Solicitation Requirements Review itemizes in appropriate detail, each matter contested and factual reasons for the requested review; and
4. The request for a Solicitation Requirements Review asserts either that:
 - a. application of the minimum requirements, evaluation criteria and/or business requirements unfairly disadvantages the person or entity; or,
 - b. due to unclear instructions, the process may result in the County not receiving the best possible responses from prospective Proposers.

The Solicitation Requirements Review shall be completed, and the Department's determination shall be provided to the requesting person or entity, in writing, within a reasonable time prior to the proposal due date.

2.6 Proposers' Conference

A **Mandatory Proposers' Conference** will be held to discuss the RFP. County staff will respond to questions from potential Proposers. All potential Proposers **must** attend this conference and **sign the attendance sheet legibly**, or their proposals will be rejected and disqualified without review and eliminated from further consideration. The conference is scheduled as follows:

Tuesday, January 4, 2011

9:00 a.m. – 12:00 p.m.

**Los Angeles County Department of Mental Health
550 S. Vermont Avenue, 9th Floor Conference Room,
Los Angeles, CA 90020**

Please bring your own copy of the RFP to the Conference.

2.7 Mandatory Letter of Intent

Proposer shall submit a Mandatory Letter of Intent on agency letterhead with original signature to submit a proposal for this RFP to LACDMH on the 5th floor on or before 5:00 p.m., Pacific Standard Time, January 13, 2011, which is seven (7) business days after the Proposers' Conference. No facsimile (fax) or electronic mail (e-mail) of the Mandatory Letter of Intent will be accepted. Proposer must include the following information on the Proposer's stationery in the Mandatory Letter of Intent:

- (1) Name of Agency
- (2) Address of Legal Entity or Agency
- (3) Clear description of laboratory service(s) to be provided countywide
- (4) Name(s) of Proposed Subcontractor(s), if applicable

The Mandatory Letter of Intent shall be delivered or mailed to:

Richard Kushi, Chief
Contracts Development and Administration Division
County of Los Angeles – Department of Mental Health
550 South Vermont Avenue, 5th Floor, Room 500
Los Angeles, CA 90020

and/or

Proposer may submit a Mandatory Letter of Intent at the end of the Mandatory Proposers' Conference. **The Mandatory Letter of Intent does not obligate a company to submit a proposal.**

2.8 Preparation of the Proposal

Two (2) separate proposals must be submitted to make up the final submission:

- Labeled as Proposal Package and Proposal Checklist (see Section 2.9).
- Labeled as Cost Proposal (see Section 2.10), including prices for each laboratory test and additional fee listed in Appendix C, Exhibit 5 (Commonly Used Laboratory Test List).

All proposals must be bound (e.g., 3-ring binder or notebook) and submitted with tabbed sections labeling each part of the Proposal

Package Format as specified throughout Section 2.9. (see sample table at the end of Section 2.9.).

The objective of the Proposal Package submission is for DMH to ascertain the Proposer's ability to provide or exceed the required service level. All Proposal Packages must be submitted in the prescribed format. **Narrative of the Proposal Package may not be longer than 20 pages, excluding cover page, transmittal letter, appendices, and exhibits and must follow the following format. Failure to follow this format and sequence order of sections in the Proposal Package may result in disqualification or a lower Proposal Package evaluation score.** Any Proposal Package that deviates from this format may be rejected without review at the County's sole discretion.

In preparing the written Proposal Package, the Proposer shall ensure the following:

- Text must be legible, typewritten, and double-spaced. The font must be an Arial or Universal typeface, and a font size of 12 points. No other font typeface or smaller point size may be used in the Proposal Narrative. (Type size in charts, tables, graphs, and footnotes will not be considered in determining compliance.) Margins must be at least one inch each (left, right, top, bottom).
- Pages must be numbered consecutively from beginning to end so that information can be located easily during review of the Proposal Package. The cover page should be page 1 and the transmittal letter should be page 2, etc. Appendices and Exhibits should be clearly labeled in the Proposal Package, and the pages should be numbered consecutively to continue the sequence.
- Transmittal letter shall be included in the Proposal Package.
- The written section of the Proposal Package sections (labeled A through H) may not total more than 20 pages.
- In preparing the written Proposal Package, the Proposer should use its own words and not copy the language in the RFP. The Proposer should ensure that the Proposal Package responds completely and thoroughly to all requirements set forth in this RFP. Specific information is requested from all Proposers to ensure that the Proposal Packages can be fairly compared and evaluated in a standard manner.
- The Proposer must respond to this RFP in accordance with the specifications for content and sequence set forth in the Proposal Package Format herein below. Failure to adhere to these specifications may be cause for rejection of the Proposal Package. **No**

correction or re-submission shall be accepted after the Proposal Package deadline.

- Odd-sized and oversized attachments such as posters will not be copied or sent to reviewers. Do not include videotapes, audiotapes, or compact disks.
- Only information that is contained in the Proposal Package will be evaluated. The County reserves the right to waive any inconsequential irregularity in a submitted Proposal Package.

2.9 Proposal Package Format and Proposal Checklist (First Separate Binder)

Proposers shall use the Proposal Checklist, in Appendix D, Required Forms - Exhibit 19, to ensure that the Proposal Package includes all the required documents in the specified sequence and include it after the Proposal Cover Page.

2.9.1 Cover Page

The cover page shall, at a minimum, identify the document as a Proposal Package stating the exact name and number of the RFP, Proposal Package submission date, and the Proposer's name. It must also state that clinical laboratory services will be provided in all eight (8) Service Areas of Los Angeles County.

2.9.2 Transmittal Letter

The transmittal letter must be printed on the Proposer's stationery. The transmittal letter must include the Proposer's name, address, telephone, e-mail address, and facsimile numbers of the person or persons to be used for contact and who will be authorized to represent the Proposer. **The transmittal letter must bear the signature of the person authorized to sign on behalf of the Proposer and to bind the Proposer in a Contract.**

2.9.3 Minimum Mandatory Requirement Checklist

Proposers applying for the Clinical Laboratory Services RFP must meet all Minimum Mandatory Requirements as stated in the RFP, Section 1.4, at the time of submission. If LACDMH deems that the Proposer does not meet these requirements, the proposal shall not receive further consideration. The documentation required to meet each proposal criteria is detailed in the Minimum Mandatory Requirement Checklist, in Appendix D, Required Forms - Exhibit 18.

2.9.4 Table of Contents

List all material included in the Proposal. Include a clear definition of the material, identified by sequential page numbers and by section reference numbers.

2.9.5 Executive Summary (labeled Section A) (limit 3 pages)

Condense and highlight the Proposer's services to be provided to LACDMH, giving a clear overview of the Proposer's mission, qualifications, experiences, and approach as reflected throughout Appendix B, SOW. Additionally, describe the organization's structure and the role of its management/Board of Directors in providing leadership. Include a current organizational chart that lists the names of personnel and their position titles and that clearly identifies the reporting structure.

2.9.6 Proposer's Qualifications (labeled Section B) (limit 5 pages)

Demonstrate that the Proposer's organization has the experience and financial capability to perform the required services. The following sections must be included:

2.9.6.1 Proposer's Background and Experience (labeled Section B.1)

Provide a summary of relevant background information to demonstrate that the Proposer meets the minimum mandatory requirement(s) stated in Paragraph 1.4 of this RFP and has the capability to perform the required services as a corporation or other entity. Please include the following:

- Provide clear documentation that Proposer has served Los Angeles County continuously for at least seven (7) years providing clinical laboratory services with at least three (3) healthcare provider networks or organizations, including at least 200 laboratory requests per month.
- Provide clear documentation of experience in contracting with Medi-Cal, Medicare, and a wide range of private insurance payors for at least five (5) years.
- Provide clear documentation of Proposer's ability to

provide clinical laboratory services within the entire eight (8) geographic Service Areas of Los Angeles County.

2.9.6.2 Proposer's References (labeled Section B.2)

Proposer shall complete Prospective Contractor Reference form in Appendix D, Required Forms - Exhibit 2 and include it as part of labeled Section B.2. It is the Proposer's sole responsibility to ensure that Appendix D, Required Forms, Exhibit 2, accurately identifies current information for each of the required three (3) references, including the firm's name, address, point of contact's name, title, phone number, and e-mail address. The same references may be listed in Appendix D, Required Forms, in both Exhibits 2 and 3.

County may disqualify a Proposer if:

- references fail to substantiate Proposer's description of the services provided; or
- references fail to support that Proposer has a continuing pattern of providing qualified and skilled laboratory personnel; or
- the Department is unable to reach the point of contact with reasonable effort. It is the Proposer's responsibility to inform the point of contact of LACDMH's normal working hours.

The Proposer must complete and include the following Required Forms:

- a. Prospective Contractor References, Exhibit 2: Proposer must provide three (3) references, who can substantiate the same or similar scope of services provided by the Proposer.
- b. Prospective Contractor List of Contracts, Exhibit 3: Listing must include all contracts for the last three (3) years. Use additional sheets if necessary.
- c. Prospective Contractor List of Terminated Contracts, Exhibit 4: Listing must include contracts terminated within the past three (3) years with a reason for termination.

2.9.6.3 Proposer's Pending Litigation and Judgments (labeled Section B.3)

Proposer shall complete "Attestation Regarding Proposer's Pending and Past Litigation and Judgments" in Appendix D, Required Form - Exhibit 17, and include it as part of labeled Section B.3. Identify by name, case, and court jurisdiction any pending litigation in which Proposer is involved, or judgments against Proposer in the past five (5) years. Provide a written statement describing the size and scope of any pending or threatening litigation against the Proposer or principals of the Proposer.

2.9.7 Proposer's Approach to Providing Required Services (labeled Section C) (limit 8 pages)

Present a description of the methodology the Proposer will use to meet contract work requirements. Describe in detail how the services will be performed to meet the intent of the SOW, Appendix B.

- How will the LACDMH directly-operated clinic/program sites be registered to order and receive laboratory results?
- How will laboratory orders be transmitted, both electronically and manually?
- How will laboratory results be obtained by directly-operated ordering providers?
- How will laboratory orders be authorized?
- What is the turnaround time for a STAT order?
- Describe the method for verifying client's payor status if not included in the laboratory order as well as accessing databases for verifying client payor source eligibility.
- How is client eligibility with alternate healthcare payors identified?
- List all methods and locations by which laboratory specimens can be submitted.
- Proposer describes measures to ensure safety and integrity of samples in transit to the laboratory, including provision of

materials and supplies required for safe handling.

2.9.8 Proposer's Quality Control Plan (labeled Section D) (limit 3 pages)

Present a comprehensive Quality Control Plan to be utilized by the Proposer as a self-monitoring tool to ensure the required services are provided as specified in RFP Section 1.30, Appendix B, SOW Section 6.0 - County's Quality Control Plan, and Appendix C, SOW

Technical Exhibits, Exhibit 4 - Performance Requirements Summary Chart.

The following factors shall be included in the Plan:

- Monitoring methods to be used to ensure accurate test results that are consistent with national laboratory quality and performance standards as well as compliance with all contract requirements;
- Frequency of monitoring;
- Samples of forms to be used in monitoring;
- Title/level and qualifications of personnel performing monitoring functions; and
- Documentation method of all monitoring results, including any corrective action(s) taken.

2.9.9 Proposer's Green Initiatives (labeled Section E) (limit 1 page)

Proposer shall describe its plan for implementing green initiatives as described in this Section and in Appendix B, SOW, Section 12.0.

Describe your company's current environmental polices and practices and those proposed to be implemented.

2.9.9.1 Contractor shall use reasonable efforts to initiate "green" practices for environmental and energy conservation benefits.

2.9.9.2 Contractor shall notify County's Project Manager of Contractor's new green initiatives prior to the contract commencement.

2.9.10 Terms and Conditions in Sample Contract and Requirements of the Statement of Work (SOW): Acceptance of/ or Exceptions to (Section F)

- A. It is the duty of every Proposer to thoroughly review the Sample Contract and SOW to ensure compliance with all terms, conditions, and requirements. It is the County's expectation that in submitting a proposal the Proposers will accept, as stated, the County's terms and conditions in the Sample Contract and the County's requirements in the SOW. However, the Proposers are provided the opportunity to take exceptions to the County's terms, conditions, and requirements.
- B. Section F of Proposer's response must include:
1. A statement offering the Proposer's acceptance of or exceptions to **all** terms and conditions listed in Appendix A, Sample Contract;
 2. A statement offering the Proposer's acceptance of or exceptions to all requirements listed in Appendix B, SOW; and
 3. For each exception, the Proposer shall provide:
 - An explanation of the reason(s) for the exception;
 - A description of the impact, if any, to the Proposer.
- C. Indicate all exceptions to the Sample Contract and/or the SOW by providing a 'red-lined' version of the language in question. The County relies on this procedure and any Proposer who fails to make timely exceptions as required herein, may be barred, at the County's sole discretion, from later making such exceptions.

The County reserves the right to determine if Proposers' exceptions are material enough to deem the proposal non-responsive and not subject to further evaluation.

The County reserves the right to make changes to the Sample Contract and its appendices and exhibits at its sole discretion.

2.9.11 Proposer's Organization Questionnaire/Affidavit and Required Supporting Documentation

The Proposer shall complete, sign and date the Proposer's Organization Questionnaire/Affidavit – Appendix D, Required Forms - Exhibit 1. **The person signing the form must be authorized to sign on behalf of the Proposer and to bind the Proposer in a contract.**

Taking into account the structure of the Proposer's organization, Proposer shall determine which of the below referenced supporting documents the County requires. If the Proposer's organization does not fit into one of these categories, upon receipt of the proposal or at some later time, the County may, in its discretion, request additional documentation regarding the Proposer's business organization and authority of individuals to sign contracts.

If the below referenced documents are not available at the time of proposal submission, Proposers must request the appropriate documents from the California Secretary of State and provide a statement on the status of the request.

Required Supporting Documents:

Corporations or Limited Liability Company (LLC):

The Proposer must submit the following documentation with the proposal:

- 1) A copy of a "Certificate of Good Standing" with the state of incorporation/organization.
- 2) A conformed copy of the most recent "Statement of Information" as filed with the California Secretary of State listing corporate officers or members and managers.

Limited Partnership:

The Proposer must submit a conformed copy of the Certificate of Limited Partnership or Application for Registration of Foreign Limited Partnership as filed with the California Secretary of State, and any amendments.

2.9.12 Proposer's Complete Catalog of Services (labeled Section G)

Submit a complete Catalog of clinical laboratory services.

2.9.13 Proposal Required Forms (Appendix D) (labeled Section H)

Include **all** forms as provided in Appendix D - Required Forms, Exhibits 1 through 19. **Complete, sign, and date all forms as required.** Note that some Required Forms (e.g., References, Exhibit 2, Certification of Independent Price Determination and Acknowledgement of RFP Restrictions, Exhibit 11, and Pending Litigation and Judgments, Exhibit 17) may also be included in other sections of the Proposal Package.

Section Label	Section Title	Page Limit
A.	Executive Summary	3
B.	Proposer's Qualifications	5
C.	Proposer's Approach to Providing Required Services	8
D.	Proposer's Quality Control Plan	3
E.	Proposer's Green Initiatives	1
F.	Terms and Conditions in Sample Contract and Requirements of the Statement of Work (SOW): Acceptance of/or Exceptions to	N/A
G.	Proposer's Complete Catalog of Services	N/A
H.	Proposal Required Forms (Appendix D)	N/A

2.10 Cost Proposal Format (Second Separate Binder)

The content and sequence of the proposal must be in order as follows:

- Cover Page identifying the RFP, Proposer's name, and the title labeled "Cost Proposal."
- Commonly Used Laboratory Test List, Appendix C, Exhibit 5: Include proposed laboratory test prices and the additional fee.
- Certification of Independent Price Determination and Acknowledgement of RFP Restrictions, Appendix D, Required Forms - Exhibit 11.
- Submission of Financial Statement in accordance with the guidelines stipulated in RFP Section 1.16 relevant to the Proposer's annual operating revenue.

Failure to follow this format and sequence order of sections in the

Proposal Package may result in disqualification or a lower Proposal Package evaluation score. Any Proposal Package that deviates from this format may be rejected without review at the County's sole discretion.

2.11 Proposal Submission

Two (2) proposal binders must be submitted as follows:

The original proposal and eight (8) copies shall be enclosed in a sealed envelope or box, plainly marked in the upper left-hand corner with the name and address of the Proposer and bear the words:

PROPOSAL FOR CLINICAL LABORATORY SERVICES

The original Cost Proposal and eight (8) copies must be submitted in a separate sealed envelope or box, plainly marked in the upper left-hand corner with the name and address of the Proposer and bear the words:

COST PROPOSAL FOR CLINICAL LABORATORY SERVICES

The proposals shall be delivered or mailed to:

Richard Kushi, Chief
Contracts Development and Administration Division
County of Los Angeles – Department of Mental Health
550 South Vermont Avenue, 5th Floor, Room 500
Los Angeles, CA 90020

It is the sole responsibility of the submitting Proposer to ensure that its proposals are received before the submission deadline. Submitting Proposers shall bear all risks associated with delays in delivery by any person or entity, including the U.S. Mail. Any proposals received after the scheduled closing date and time for receipt of proposals, as listed in Sub-paragraph 2.3, RFP Timetable, will not be accepted and returned to the sender unopened. Timely hand-delivered proposals are acceptable. No facsimile (fax) or electronic mail (e-mail) copies will be accepted.

Until the proposal submission deadline, errors in proposals may be corrected by a request in writing to withdraw the proposal and by submission of another set of proposals with the mistakes corrected. Corrections will not be accepted once the deadline for submission of proposals has passed.

The deadline for submitting the Proposal Package is:

Thursday, February 3, 2011

Proposal packages **must** be received in Room 500 on the 5th Floor of 550 South Vermont Avenue, Los Angeles, CA 90020 no later than 5:00 p.m., P.S.T.

ALL PROPOSALS SHALL BE FIRM OFFERS AND MAY NOT BE WITHDRAWN FOR A PERIOD OF 60 DAYS FOLLOWING THE LAST DAY TO SUBMIT PROPOSALS.

3.0 SELECTION PROCESS AND EVALUATION CRITERIA

3.1 Selection Process

The County reserves the sole right to judge the contents of the proposals submitted pursuant to this RFP and to review, evaluate, and select the successful proposal(s). The evaluation and selection process will begin with receipt of the proposal on February 3, 2011.

3.1.1 Evaluation of the proposals will be made by an Evaluation Committee selected by the Department, using The Informed Averaging Method (Board of Supervisors Policy No. 5.054). The Committee will evaluate the proposals and will use the evaluation approach described herein to select a prospective Contractor. All proposals will be evaluated based on the criteria listed below. All proposals will be scored and ranked in numerical sequence from high to low, and the three (3) highest ranking Proposers will be identified.

3.1.2 The County may also, at its option, invite Proposers being evaluated to make a verbal and/or written presentation to the Evaluation Committee, or the Evaluation Committee may conduct site visits as deemed necessary to obtain additional information. The Evaluation Committee may consult with appropriate subject matter experts.

3.1.3 After a prospective Contractor has been selected, the County and the prospective Contractor(s) will negotiate a contract for submission to the Board of Supervisors for its consideration and possible approval. If a satisfactory contract cannot be negotiated, the County may, at its sole discretion, begin contract negotiations with the next qualified Proposer who submitted a proposal, as determined by the County.

3.1.4 The recommendation to award a contract will not bind the Board of Supervisors to award a contract to the prospective Contractor.

3.1.5 The County retains the right to select a proposal other than the proposal receiving the highest number of points if County determines, in its sole discretion, another proposal is the most overall qualified, cost effective, responsible, financially viable, and in the best interests of the County.

3.2 Adherence to Minimum Requirements (Pass/Fail)

County shall review the Proposer's Organization Questionnaire/Affidavit – of the Required Forms, Appendix D, Exhibit 1, and determine if the Proposer meets the minimum mandatory requirements as outlined in Sub-paragraph 1.4 of this RFP. Failure of the Proposer to comply with the minimum requirements may eliminate its proposal from any further consideration. The County may elect to waive any informality in a proposal if the sum and substance of the proposal is present.

3.3 Disqualification Review

A proposal may be disqualified from consideration because the Department determined it was non-responsive at any time during the review/evaluation process. If the Department determines that a proposal is disqualified due to non-responsiveness, the Department shall notify the Proposer in writing.

Upon receipt of the written determination of non-responsiveness, the Proposer may submit a written request for a Disqualification Review within the timeframe specified in the written determination.

A request for a Disqualification Review may, in the Department's sole discretion, be denied if the request does not satisfy all of the following criteria:

1. The person or entity requesting a Disqualification Review is a Proposer;
2. The request for a Disqualification Review is submitted timely (i.e., by the date and time specified in the written determination); and
3. The request for a Disqualification Review asserts that the Department's determination of disqualification due to non-responsiveness was erroneous (e.g. factual errors, etc.) and provides factual support on each ground asserted as well as copies of all documents and other material that support the assertions.

The Disqualification Review shall be completed and the determination shall be provided to the requesting Proposer, in writing, prior to the conclusion of the evaluation process.

3.4 Proposal Evaluation and Criteria (1,000 points, 100%)

The total number of points that can be earned is 1,000. Any reviews conducted during the evaluation of the proposal may result in a point reduction.

Failure to follow this format and sequence order of sections in the Proposal Package may result in disqualification or a lower Proposal Package evaluation score. Any Proposal Package that deviates from this format may be rejected without review at the County's sole discretion.

The following evaluation criteria is for the Proposal Package, which includes Sections labeled A through E.

3.4.1 Executive Summary (50 points, 5%) (Section A)

Proposer will be evaluated on its Executive Summary based on information provided in Section A of the Proposal Package Format (Referenced in Paragraph 2.9.5).

3.4.2 Proposer's Qualifications (150 points, 15%) (Section B)

1. Proposer will be evaluated on its experience and capacity as a corporation or other entity to perform the required clinical laboratory services, including geographic reach and accessibility to the client population treated at LACDMH directly-operated clinics/programs, based on information provided in Proposer's Background and Experience, Section B.1 of the Proposal Package Format (Referenced in Paragraph 2.9.6.1).
2. Proposer will be evaluated on its experience with at least three (3) healthcare entities/organizations and five (5) years of experience providing Medicare, Medi-Cal, and other third party payors (Referenced in Paragraph 2.9.6.1).
3. Proposer will be evaluated on the verification of references provided in Section B.2 of the Proposal Package Format. In addition to the references provided, a review will include the County's Contract Database, if applicable, reflecting past performance history on County contracts, and a review of terminated contracts (Referenced in Paragraph 2.9.6.2).
4. Proposer will be evaluated on the full disclosure of current, past, and pending litigation and judgments in the past five (5) years (Referenced in Paragraph 2.9.6.1).

3.4.3 Proposer's Approach to Providing Required Services (340 points, 34%) (Section C)

The Proposer will be evaluated on its ability to thoroughly describe the comprehensive array of services to be provided to LACDMH, including description of laboratory personnel and laboratory work deliverables provided in Section C of the Proposal Package Format as specified in this RFP (Referenced in Paragraph 2.9.7 and Appendix B, SOW, Section 2.0).

Proposer's approach shall include, but not be limited to:

1. Proposer describes its capability to conduct laboratory related business activities at least five (5) days a week, Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m. Proposer designates a Contract Manager who is available at all times during business hours to discuss possible problem areas relating to delivery of services.
2. Proposer describes its capability to access and utilize third party eligibility databases to verify client payor source eligibility.
3. Proposer describes its method to ensure only laboratory orders within the Authorized Order List (AOL) are processed.
4. Proposer describes its measures taken to ensure safety and integrity of samples in transit to the laboratory, including provision of materials and supplies required for safe handling.
5. Proposer describes its experience with integration of electronically delivered laboratory services with external electronic medical record systems.
6. Proposer describes its capability to provide complete and accessible/convenient clinical laboratory services (including specimen pickup/drop off locations, phlebotomy services) to all existing and potential directly-operated clinic/program sites within Los Angeles County's geographic limits.

3.4.4 Quality Control Plan (150 points, 15%) (Section D)

The Proposer will be evaluated on its description of the methodology to be used to meet the County's requirements based

on information provided in Section D of the Proposal Package Format (Referenced in Paragraph 2.9.8).

1. Proposer presents a comprehensive Quality Control Plan, which will serve as a self-monitoring tool to ensure that performance outcomes are met.
2. Proposer describes monitoring methods to ensure that contract requirements are met and test results are accurate consistent with national laboratory quality and performance standards.

3.4.5 Green Initiatives (10 points, 1%) (Section E)

Proposer describes current environmental policies and practices, including green initiatives for environmental and energy conservation benefits. (Referenced in 2.9.9 and Appendix B, SOW, 12.0)

3.5 Cost Proposal and Financial Viability Evaluation Criteria (300 points, 30%) (Second Separate Binder)

The maximum number of points for the Cost Proposal section will be assigned to the lowest cost proposal, and the maximum number of points will be assigned to each Proposer who passes the Financial Viability evaluation.

- 3.5.1** Laboratory test prices and additional fee for draw/venipuncture procedure shall reflect competitive rates and be all inclusive.
- 3.5.2** The Cost Proposal must include a price/cost for each laboratory test as well as additional fee listed in Appendix C of the SOW Technical Exhibits, Exhibit 5 - Commonly Used Laboratory Test List. All other proposals will be compared to the proposal with the overall lowest costs, and points will be awarded accordingly.
- 3.5.3** Proposer's Financial Statement, in accordance with Paragraph 1.16 – Financial Viability of this RFP, will be evaluated by LACDMH staff according to the following four (4) criteria:
 1. Quick Ratio;
 2. Current Ratio;
 3. Expense to Income Ratio; and
 4. Tangible Net Assets.

An overall rating will be given: Pass (no weak rating) or Fail (includes one (1) weak rating).

3.5.4 Should one (1) or more of the Proposers request and be granted the Local SBE Preference and/or Transitional Job Opportunities Preference, the cost component points will be determined as follows:

3.5.4.1 Local SBE Preference: Five (5) additional points shall be given to all Local SBE Proposers who requested and were granted the Local SBE Preference.

3.5.4.2 Transitional Job Opportunities Preference: Five (5) additional points shall be given to all Proposers who requested and were granted the Transitional Job Opportunities Preference.

Proposers are further notified that the County may, in its sole determination, disqualify any Proposer with whom the County cannot satisfactorily negotiate a contract.

3.6 Scoring Criteria

Proposals will be scored using the criteria below. The maximum scored points for the proposal is 1,000.

Failure to follow this format and sequence order of sections in the Proposal Package may result in disqualification or a lower Proposal Package evaluation score. Any Proposal Package that deviates from this format may be rejected without review at the County's sole discretion.

1st Separate Binder	Scoring Category	Maximum Points	%of Points
Section			
A.	Executive Summary	50	5
B.	Proposer's Qualifications	150	15
C.	Proposer's Approach to Providing Required Services	340	34
D.	Quality Control Plan	150	15
E.	Green Initiatives	10	1
2nd Separate Binder	Cost Proposal and Financial Viability	300	30
	TOTAL:	1,000	100%
TOTAL POINTS AWARDED:			

3.7 Department's Proposed Contractor Selection Review

3.7.1 Departmental Debriefing Process

Upon completion of the evaluation, the Department shall notify the remaining Proposers in writing that the Department is entering negotiations with another Proposer. Upon receipt of the letter, any non-selected Proposer may submit a written request for a Debriefing within the timeframe specified in the letter. A request for a Debriefing may, in the Department's sole discretion, be denied if the request is not received within the specified timeframe.

The purpose of the Debriefing is to compare the requesting Proposer's response to the solicitation document with the evaluation document. The requesting Proposer shall be debriefed only on its response. Because contract negotiations are not yet complete, responses from other Proposers shall not be discussed, although the Department may inform the requesting Proposer of its relative ranking.

During or following the Debriefing, the Department will instruct the requesting Proposer of the manner and timeframe in which the requesting Proposer must notify the Department of its intent to request a Proposed Contractor Selection Review (see Section 3.7.2 below), if the requesting Proposer is not satisfied with the results of the Debriefing.

3.7.2 Proposed Contractor Selection Review

Any Proposer that has timely submitted a notice of its intent to request a Proposed Contractor Selection Review as described in this Section may submit a written request for a Proposed Contractor Selection Review, in the manner and timeframe as shall be specified by the Department.

A request for a Proposed Contractor Selection Review may, in the Department's sole discretion, be denied if the request does not satisfy all of the following criteria:

1. The person or entity requesting a Proposed Contractor Selection Review is a Proposer;
2. The request for a Proposed Contractor Selection Review is submitted timely (i.e., by the date and time specified by the Department);

3. The person or entity requesting a Proposed Contractor Selection Review asserts in appropriate detail with factual reasons one or more of the following grounds for review:
 - a. The Department materially failed to follow procedures specified in its solicitation document. This includes:
 - i. Failure to correctly apply the standards for reviewing the proposal format requirements.
 - ii. Failure to correctly apply the standards, and/or follow the prescribed methods, for evaluating the proposals as specified in the solicitation document.
 - iii. Use of evaluation criteria that were different from the evaluation criteria disclosed in the solicitation document.
 - b. The Department made identifiable mathematical or other errors in evaluating proposals, resulting in the Proposer receiving an incorrect score and not being selected as the recommended Contractor.
 - c. A member of the Evaluation Committee demonstrated bias in the conduct of the evaluation.
 - d. Another basis for review as provided by State or federal law; and
4. The request for a Proposed Contractor Selection Review sets forth sufficient detail to demonstrate that, but for the Department's alleged failure, the Proposer would have been the lowest cost, responsive and responsible bid or the highest-scored proposal, as the case may be.

Upon completing the Proposed Contractor Selection Review, the Department representative shall issue a written decision to the Proposer within a reasonable time following receipt of the request for a Proposed Contractor Selection Review, and always before the date the contract award recommendation is to be heard by the Board. The written decision shall additionally instruct the Proposer of the manner and timeframe for requesting a review by a County Review Panel (see Section 3.8. below).

3.8 County Review Panel Process

Any Proposer that is not satisfied with the results of the Proposed Contractor Selection Review may submit a written request for review by a County Review Panel in the manner and timeframe specified by the Department in the Department's written decision regarding the Proposed Contractor Selection Review.

A request for review by a County Review Panel may, in the County's sole discretion, be denied if the request does not satisfy all of the following criteria:

1. The person or entity requesting review by a County Review Panel is a Proposer;
2. The request for a review by a County Review Panel is submitted timely (i.e., by the date and time specified by the Department); and
3. The person or entity requesting review by a County Review Panel has limited the request to items raised in the Proposed Contractor Selection Review and new items that (a) arise from the Department's written decision and (b) are on of the appropriate grounds for requesting a Proposed Contractor Selection Review as listed in Section 3.7.2 above.

Upon completion of the County Review Panel's review, the Panel will forward its report to the Department, which will provide a copy to the Proposer.