

**Responses to Stakeholder Communication
Regarding Requests for Proposals
for Stakeholder Contracts**

Stakeholder organizations have voiced concern about the process that the OAC used for the Request for Proposals (RFPs) for stakeholder contracts and the results of that process. The purpose of this document is to provide information and clarification on the following issues:

- Whether the proposals and the scoring documents are public records
- Whether non-state employees may score the proposals submitted under the RFPs
- Short-term funding to avoid gap in advocacy
- Next steps for re-issuing the RFPs

Q. Are the proposals and scores of the RFPs public information?

A. Under the law, the proposals and scores are public information

The Commission received correspondence from stakeholder organizations requesting that the OAC keep confidential both proposals and scoring information from all of the RFPs. Under the law, the OAC cannot keep the documents confidential because they are considered public documents under both the Public Records Act (Government Code sections 6250 et seq.) and Public Contracts Code section 10344(c)(2).

The Public Records Act mandates public access to information unless the records are exempt from disclosure by express provisions of law. (Government Code section 6253) During competitive procurement process, Public Contract Code section 10344(c)(2) provides for an exemption to disclosure. Subdivision (c)(2) of Section 10344 recognizes the limited need for non-disclosure during the proposal scoring process and mandates that “all proposals and all evaluation and scoring sheets shall be available for public inspection at the conclusion of the committee scoring process.” This section states that once the scoring process is concluded, the documents are public. This section does not say that the documents are public only when there is an award as has been asserted by some organizations. The documents are public at the conclusion of the scoring process whether or not an award is made.

A letter to the Commission, dated August 10, 2016, requests confidentiality, arguing that, under the terms of the RFPs, the documents are confidential until after the announcement of the intent to award. The letter argued that the documents are not public because the RFPs were cancelled and no intent to award was announced. Contrary to this interpretation, the Public Contracts Code section 10344 is clear that the OAC does not have a legal basis to withhold these documents. The Public Records Act obligates the OAC to release the materials upon request.

Q. May non-state employees score the proposals submitted under the RFPs?

A. Under state procurement rules non-state employees may not score proposals

Stakeholders have voiced concerns that the RFP scoring process only included reviewers/scorers who work for the State of California. Public Contracts Code section 10344(c) dictates that voting members used in the selection process must be from the agency soliciting

the proposals or awarding the contract. The State Contracting Manual Volume 1, section 5.15 also specifically states that private consultants may not be voting members of the scoring team.

The OAC is the agency awarding the contract and would have to use its staff members to score the proposals. However, the Commission does not have sufficient staff with the subject matter expertise to score the proposals for the six different RFPs. Section 10344 of the Public Contract and the State Contracting Manual taken together clearly indicate that only state employees may score the proposals. As such, because the OAC did not have sufficient staff, individuals from other state departments were brought in to be members of the scoring team. These individuals had experience with mental health and community based work as well as represented the populations of each of the six RFPs. For instance, the scoring team for the Client/Consumer RFP had individuals that identify as consumers, the scoring team for the Veterans RFP had veterans, etc. There were six separate scoring teams, one team for each of the RFPs. Each member of the six different scoring teams underwent extensive training on scoring RFPs and each team met separately to score the proposals.

Q. Will there be a gap in advocacy services?

A. The OAC is exploring options to provide short-term funding to current stakeholder contractors to continue advocacy services

The Commission at the January and July 2016 meetings indicated that it did not want a break in the advocacy work on behalf of the communities for which the RFPs were issued. In accordance with the Commission's direction, the Executive Director sought and successfully obtained authority from the Legislature and the Department of Finance to use funds that were earmarked for the competitive stakeholder contracts for short-term funding of the current stakeholder contracts in an effort to ensure there is no gap in advocacy.

At the August 25, 2016 Commission meeting, the Executive Director will seek authority to amend the current stakeholder contracts to provide short-term funding until new contracts are issued under the competitive process.

Q. What are the next steps for re-issuing the RFPs?

A. At the August 25, 2016 meeting the Commission will consider the next steps for re-issuing the RFPs

At the August 25, 2016 meeting the Commission will consider authorizing the Executive Director to:

- Re-issue the five RFPs that were cancelled for the following populations: Clients/Consumers, Families of Clients/Consumers, Parents/Caregivers of Children and Youth, Veterans, and Diverse Racial and Ethnic Communities.
- Issue a new RFP for a LGBTQ stakeholder contract
- Issue a RFP for Transition Age Youth advocacy using the additional 2016 budget dollars that were not included in the initial RFP and award.

Before the release of the new RFPs, OAC staff will offer to provide feedback to any proposer who would like to discuss their proposal and scores from the first RFP. Additionally, OAC staff will offer technical assistance in a public meeting to all interested parties on the state's competitive process. This public meeting will provide an opportunity for individuals, who may or may not have been involved in the first RFPs, to better understand the process. All of these meetings will also provide an opportunity to explore lessons learned regarding the initial process.