California Department of Public Health

Solicitation
17-10041

California Tobacco Control Program
California Tobacco Retail Environment Studies

May 1, 2017

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

A. BACKGROUND

The Mission of the California Department of Public Health (CDPH), California Tobacco Control Program (CDPH/CTCP) is to improve the health of all Californians by reducing illness and premature death attributable to the use of tobacco products. Through leadership, experience and research, CTCP empowers statewide and local health agencies to promote health and quality of life by advocating social norms that create a tobacco-free environment.

In November, 1988, California voters approved passage of the Tobacco Tax and Health Protection Act of 1988, also known as Proposition 99 (Prop 99). This initiative increased the state cigarette tax by 25 cents per pack and added an equivalent amount on other tobacco products. Revenue from Prop 99 was designated for tobacco-related research, health education and promotion of health care services.

In November 2016, California voters approved passage of the California Healthcare, Research and Prevention Tobacco Tax Act of 2016, also known as Prop 56. This initiative increased the state cigarette tax by $2.00 per pack, with equivalent increase on other tobacco products and electronic cigarettes containing nicotine. Revenue from Prop 56 was in part designated to increase funding for existing healthcare programs and also for tobacco use prevention/control programs and health and tobacco-related disease research.

The enabling legislation for CTCP includes: Assembly Bill (AB) 75 (Chapter 1331, Statutes of 1989), AB 99 (Chapter 278, Statutes of 1991), AB 816 (Chapter 195, Statutes of 1994), AB 3487 (Chapter 199, Statutes of 1996), Senate Bill (SB) 960 (Chapter 1328, Statutes of 1989), SB 99 (Chapter 1170, Statutes of 1991), SB 493 (Chapter 194, Statutes of 1995; the annual State Budget; Health and Safety (H&S) Code Section 104350-104480, 104500-104545; and Revenue and Taxation Code Section 30121-30130.55(b)(1). The enabling legislation, various State codes and the annual State Budget provide legislative authority for programs administered by CDPH and CTCP. This Solicitation is exempt from Public Contract Code pursuant to Statutes of 1994, Chapter 195, Section 63 (Assembly Bill 816).

Pursuant to California H&S Code Section 104390, CDPH may provide program support services to local tobacco use prevention programs that shall include, but need not be limited to, all of the following:

1. Data collection;
2. Educational materials;
3. Evaluation;
4. Technical assistance;
5. Training; and

6. Transfer of information among programs.

PURPOSE AND DESCRIPTION OF SERVICES

CDPH/CTCP requests applications from experienced agencies to conduct five high-quality surveys related to the tobacco retail environment. This Solicitation seeks skilled research professionals to develop the survey design, oversee data collection training, conduct data analysis, and report findings for these surveys which are integral to CDPH/CTCP surveillance of tobacco marketing in California stores. Additionally, the Contractor must have the capability to successfully complete all of the activities described in the *Appendix 1, California Tobacco Retail Environment Studies Minimum Required Scope of Work (SOW) Elements*. The goal of the Solicitation is to identify the Contractor most capable of executing the five surveys described below:

1. <u>2018 and 2020 California Tobacco Retail Surveillance Studies (CTRSS)</u>
   - Two waves of the statewide survey of tobacco marketing practices to track changes over time, monitor trends, and identify new marketing practices that may promote the uptake and maintenance of tobacco use in the state.

2. <u>2019 Healthy Stores for a Healthy Community (HSHC) Retail Marketing Surveillance Survey</u>
   - An update to the 2016 HSHC data collection instrument and protocols; instructing data collectors and conducting analyses of statewide retail data.

3. <u>Two surveys to evaluate CTCP's Flavored Tobacco Products Campaign (2018)</u>
   - Online youth and young adult survey of behaviors, awareness, and attitudes around menthol cigarettes and other flavored tobacco.
   - Tobacco retail store observation survey examining availability, price, promotion and placement of menthol cigarettes and flavored tobacco products.

B. STATEMENT OF WORK

1) Starting November 1, 2017, and ending December 31, 2020, the Contractor will coordinate with CDPH/CTCP a review of previous versions of the CTRSS and HSHC survey instruments and revise as appropriate, finalize new survey instruments, educate county data collectors, analyze data, and write interim progress and final reports summarizing both local and statewide survey findings. The Contractor will conduct a second wave of the CTRSS in 2020, and will conduct two additional surveys to specifically evaluate CTCP's Flavored Tobacco Products Campaign (2018).

   CTRSS is a statewide survey conducted every two to three years to monitor tobacco retail trends which includes pricing, advertising, and product availability. The study is a critical component of the campaign efforts to

understand the tobacco retail environment in California and its potential impact on tobacco use in the state. Knowledge gained through the campaign surveys supports local tobacco control program education and intervention activities. CTRSS guides tobacco use prevention strategies that aim to limit youth exposure to tobacco product marketing in neighborhood stores. This scientific survey tracks changes in California's tobacco retail environment by monitoring store trends in retail tobacco advertising and marketing. CTRSS provides data and an evidence base that help develop, plan, and implement interventions to counter pro-tobacco marketing and support social norm change. Because of the limitations of a relatively small sample size, only statewide level data are available from the CTRSS. During the 37 month contract, the Contractor will continue the CTRSS statewide survey according to *Appendix 1, California Tobacco Retail Environment Studies Minimum Required SOW Elements.*

The Contractor will also work with local agencies to conduct a statewide survey to evaluate the HSHC campaign according to *Appendix 1, California Tobacco Retail Environment Studies Minimum Required SOW Elements*. HSHC is a statewide campaign initiated in 2013 to reduce marketing for unhealthy products and improve healthy offerings in neighborhood stores. This campaign is conducted by CDPH/CTCP in partnership with state alcohol use prevention, nutrition education, chronic disease, and sexually transmitted diseases control programs. CDPH/CTCP funds agencies in each county to develop and implement policy interventions to address tobacco product marketing, advertising, and availability in the retail environment (see *Appendix 2, Fiscal Year (FY) 2017-2018 Healthy Stores for Healthy Community Campaign Indicators*, for a complete list of current campaign indicators). The HSHC Retail Marketing Surveillance survey measures outcomes related to specific proposed interventions and is conducted on a scale sufficient to achieve stable county-level estimates. The 2019 HSHC survey will be a follow-up to earlier waves of the survey conducted in 2013 and 2016. During the 37 month contract, the Contractor will update the survey instrument and protocols, provide instruction to data collectors and perform data analysis, interpretation, and reporting.

Additionally, the Contractor will carry out two surveys to evaluate CTCP's Flavored Tobacco Products Campaign in 2018. The aim of the evaluation study is to examine differences in flavored tobacco product marketing, and youth behaviors, attitudes, and awareness in jurisdictions with a policy restricting the sale of flavored tobacco products as compared to communities without flavored tobacco policies. The first survey will be an observational survey of tobacco retailers assessing the availability, price, promotion and placement of menthol cigarettes, and other flavored tobacco products. The second survey will consist of an online questionnaire about youth and young adult menthol cigarette smoking and other flavored tobacco product use, awareness of the issues surrounding flavored tobacco, and attitudes about flavored products.

C. ELIGIBILITY

Public and private organizations having the capacity and capability to conduct surveillance and evaluation to the extent identified in this Solicitation are eligible. Pursuant to H&S Code Section 104440, Local Lead Agencies (LLAs) are not eligible for awards under this Solicitation unless the LLA is a participant within a consortium of community-based organizations or non-profit agencies. Additionally, any agency that accepts funding from a tobacco company or one of its subsidiaries or has an affiliation or contractual relationship with a tobacco company or one of its subsidiaries during the term of this contract is not eligible for these funds. For colleges and universities, this requirement applies specifically to the Principal Investigator and any investigators associated with the funded project; this requirement applies during the term of the project and for a five-year period preceding the start date of the contract. Certification to this effect is required (see Application Requirements below). The above does not apply where an organization receives funds from a tobacco entity pursuant to a court order, a statutory directive, or a negotiated settlement between the California Attorney General's Office and a tobacco company entity.

D. KEY ACTION DATES

Key dates for this Solicitation are presented below. This is a tentative schedule. Any updates to this schedule will be posted as an addendum to this Solicitation.

ACTIVITY	ACTION DATE
Solicitation Release Date	May 1, 2017
First Day to Request to Apply	May 1, 2017
Online Tobacco Information System (OTIS) Open for Application Input	May 1, 2017
Last Day to Submit Questions	May 8, 2017, 5 P.M. Pacific Time
Solicitation Informational Webinar	May 10, 2017, 10 A.M. – 12 P.M., Pacific Time
Mandatory Letter of Intent Deadline	May 15, 2017, 5 P.M. Pacific Time
Last Day to Request to Apply	May 15, 2017
Application Submission Deadline	June 5, 2017, 5 P.M. Pacific Time
Notice of Intent to Award	June 20, 2017
Appeal Deadline	June 27, 2017, 5 P.M. Pacific Time
Appeal Hearing(s)	June 29, 2017
Appeal Decision(s) Announced	June 30, 2017

ACTIVITY	ACTION DATE
Proposed Award Date	July 3, 2017
Modification Period	July 20-31, 2017
Contract Start Date	November 1, 2017 (tentative)
Contract End Date	December 31, 2020

E. AVAILABLE FUNDING

The award amount will not exceed $2,000,000 to fund the activities required in the *Appendix 1, California Tobacco Retail Environment Studies Minimum Required SOW Elements*. One award will be made for the thirty-seven month contract term, beginning November 1, 2017, and ending December 31, 2020. Applications must be for the entire 37 month period and may not exceed $2,000,000. Funding is contingent upon available revenues, appropriation by the Legislature and the Governor, multi-year spending authority, and CDPH/CTCP funding priorities and/or legal or administrative limitations. Should additional funding become available, CDPH/CTCP reserves the right to modify the agency SOW for additional work consistent with the goals of the CTRES.

Continued funding for the contract will be dependent upon successful Contractor performance. Performance will be evaluated based on required progress reports.

F. RESOLUTION OF DIFFERENCES BETWEEN SOLICITATION AND CONTRACT LANGUAGE

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

G. CDPH/CTCP RIGHTS

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

1. Modify any date or deadline appearing in this Solicitation.

2. Issue clarification notices, addenda, alternate Solicitation instructions, forms, etc. If this Solicitation is clarified, corrected, or modified, CDPH/CTCP intends to post all clarification notices and/or Solicitation addenda on the CTCP Tobacco Control Funding Opportunities and Resources (TCFOR) web site at https://tcfor.catcp.org/.

3. CDPH/CTCP reserves the right to fund any or none of the applications submitted in response to this Solicitation. CDPH/CTCP may also waive any immaterial deviation in any application. CDPH/CTCP waiver of any immaterial

deviation shall not excuse an application from full compliance with the contract terms if a contract is awarded.

4. CDPH/CTCP reserves the right to withdraw any award if an acceptable final SOW, Budget, Budget Justification, and other required forms are not received by CTCP within five (5) calendar days of requesting modifications that bring the application into conformance with the Solicitation and contract requirements.

5. CDPH/CTCP reserves the right to withdraw any award or request modifications to the SOW and/or budget of any proposed projects or proposed project components as a condition of the contract award.

II. APPLICATION SUBMISSION REQUIREMENTS

A. MANDATORY LETTER OF INTENT

For the purpose of planning the Solicitation review process, all agencies intending to submit an application are required to submit a letter notifying CDPH/CTCP of its intent to submit an application. Agencies that do not submit a mandatory letter of intent will not be considered for funding. The letter of intent is not binding and agencies submitting a letter are not required to submit an application. One (1) signed letter of intent must be uploaded to the TCFOR website (https://tcfor.catcp.org/) by 5 P.M. Pacific Time, on May 15, 2017. Letters submitted past the deadline will not be considered. It is strongly advised that applicants not wait until the last day as the deadline will not be waived for technical difficulties.

The mandatory letter of intent is part of the “Request to Apply” section on the TCFOR website (see Section III: Instructions for Completing the Application and Using OTIS for more information). The letter of intent must be submitted on the agency's letterhead, signed by an authorized agency signatory or their official agent, and must state the following: the name and number of the solicitation under which the application will be submitted, the estimated budget request and a short description of the proposed project. The letter of intent instructions are provided in *Appendix 3, Mandatory Letter of Intent.*

B. SOLICITATION INFORMATIONAL WEBINAR

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

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

The informational meeting is scheduled for: May 10, 2017
10 A.M. – 12 P.M. Pacific Time

QUESTIONS

All questions regarding this Solicitation, including clarification on materials, instructions or requirements, must be submitted by May 8, 2017, 5 P.M. Pacific Time to the following email address: CTCPInbox@cdph.ca.gov. Please include "CTCP Solicitation 17-10041" in the subject line. All relevant questions and responses will be posted at https://tcfor.catcp.org by May 18, 2017. Any verbal communication with CDPH/CTCP staff concerning this Solicitation is not binding on the State and shall in no way alter a specification, term, or condition of the Solicitation.

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

C. APPLICATION REQUIREMENTS

Components of the application must be submitted through OTIS and must include the following sections:

1. Contact Information (Complete the online Contact Information form in OTIS)
2. Agency Capability, including the following components (Upload one PDF document into the Additional Documents/Other Documents section in OTIS):
    a. Work History and Competency
    b. Program Staffing
    c. Demonstrated Performance
    d. Flexibility and Responsiveness
    e. Letters of Reference
3. Proposed SOW (Upload one PDF document into the Additional Documents/Other Documents section in OTIS).
4. Budget and Budget Justification (Complete the online Budget Justification form in OTIS).

III. INSTRUCTIONS FOR COMPLETING THE APPLICATION AND USING THE ONLINE TOBACCO INFORMATION SYSTEM

Responses to this Solicitation shall be submitted through OTIS. OTIS is a secure, passcode-protected knowledge management system that is used to submit applications. The system is accessible 24 hours per day, seven (7) days per week and provides access to several reports and a communication system.

To submit an "Applicant Registration" form and letter of intent, and create an OTIS "User Account", see the Applicant Registration Instructions found on the TCFOR web site, accessible at https://tcfor.catcp.org/index.cfm?fuseaction=opportunities.overview. The May 10, 2017 Informational Webinar will also provide information on requesting a "User Account" and how to use OTIS. Instructions for requesting an OTIS "User Account" are also found in *Appendix 4, Tobacco Control Funding Opportunities and Resources User Instructions*.

OTIS includes an Applicant Orientation Training Course. This training explains how to use OTIS. See *Appendix 5, Instructions for Accessing the OTIS Applicant Training Course*.

A. CONTACT INFORMATION (REQUIRED BUT NOT SCORED)

The purpose of this section is to collect information about the Applicant, the proposed Project Director, fiscal contacts and Agency Signatory. Input the requested information into the Contact Information section in OTIS.

1. My Agency: Provide the Applicant's name, phone and fax numbers, physical and mailing addresses, and Federal Employer Identification Number.

2. Contact Information: Provide specific contact information for: Project Director, Primary Tobacco Contact, Agency Fiscal Officer, Day-to-Day Fiscal Contact, and Official Agency Signatory.

B. AGENCY CAPABILITY SECTION

This section provides information regarding the Applicant's capacity and capability to successfully complete the required SOW and manage the contract. Prepare and upload the Agency Capability document into the OTIS Additional Documents/Other Documents section. The response will be evaluated against the Scoring Criteria. Please respond to each item. Some responses relate only to the Applicant and other responses may include information about proposed subcontractors and/or consultants.

1. Work History and Agency Competency: (8 page limit)

Briefly describe the Applicant's experience in developing survey instruments, collecting data, analyzing data, disseminating information, and/or publishing results related to public health projects.

Describe the audiences, groups, and organizations that the Applicant has worked with related to surveillance and evaluation activities such as training and technical assistance, translation and dissemination of research, or policy development.

Describe any work the Applicant's principle staff has performed on tobacco control issues in California, highlighting any experience with assessing tobacco product availability and marketing in the retail environment. Provide information about work performed on a statewide basis related to informing tobacco control policies, regulation and community norm change strategies, as well as details about any statistical software, and mapping software utilized.

Organizational Start Up
Describe the Applicant's capability and resources to start up and begin implementation of activities within six weeks of the grant start date and to primarily deliver services Monday through Friday between the hours of 8 A.M. and 5 P.M., Pacific Time.

Fiscal and Contract Compliance
Describe the Applicant's (and any applicable subcontractors' and/or consultants') performance within the last three (3) years with the management of government and/or non-government funds and activities, including administrative, fiscal, program, and evaluation functions such as: timely and accurate completion of deliverables; submission of fiscal, program, and evaluation documentation; subcontract/consultant monitoring; compliance with government requirements; and fiscal ability to manage payments in arrears.

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

Audit History
Describe the Applicant's fiscal and (if any) programmatic audit history within the last three (3) years. Information is to include frequency of the audits, dates of the audits, and a summary of the major audit findings. Negative audit findings should be thoroughly explained.

Indicate if the Applicant has been audited by a governmental agency within the last three (3) years. If yes, include the name of the agency, the agency's contact person and phone number, the year the audit was conducted, and the outcome of the audit.

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

Equipment
Describe the office equipment, computer equipment, software, and other communication equipment that the Applicant and subcontractors and/or consultants (if applicable) have available for use by the proposed project.

Include in the description:

a) The number and type of equipment available (e.g., desks, chairs, facsimile machines, personal computers, printers, reproduction/duplication/copiers, scanners, etc.).

b) Approximately when the computer equipment was purchased.

c) The availability (e.g., 100 percent, 50 percent, 25 percent, etc.) for use by staff proposed for this project, if funded.

2. Program Staffing: (2 page limit)
Briefly describe the professional experience, formal education, and qualifications of key personnel that will staff the project.

Emphasis should be on the skills and qualifications related to *Appendix 1, California Tobacco Retail Environment Studies Minimum Required SOW Elements*, including expertise in survey development, study design, data cleaning, data analysis, and Geographic Information Systems (GIS) spatial analysis.

Demonstrate that staff and any subcontractors or consultants have the necessary knowledge of issues and trends in tobacco product marketing in California retail stores. Knowledge of relevant tobacco control laws in the state is highly desirable. Staff experience designing and implementing studies of the tobacco retail environment in California will also be highly valued.

Note: Use of subcontractors or consultants is limited to temporary or occasional services.

3. Demonstrated Performance: (2 page limit)
   Briefly describe at least two specific examples of projects the Applicant has worked on that are similar in nature to *Appendix 1, California Tobacco Retail Environment Studies Minimum Required SOW Elements*. Detail the relevance of the examples to the CTRES, HSHC and Flavors Campaign surveys.

4. Flexibility and Responsiveness: (2 page limit)
   Briefly describe the Applicant's ability to anticipate and adapt to emerging issues that relate to *Appendix 1, California Tobacco Retail Environment Studies Minimum Required SOW Elements*.

5. Letters of Reference: (2 letters)
   Solicit, scan, and upload two letters of reference <u>from two (2) separate agencies</u> into OTIS. Letters of reference must be written to the Agency within the last <u>two (2) years</u>. No more than two (2) letters will be accepted. If the Agency is currently receiving, or within the last two years, has received funding from a local, state or federal agency other than CDPH/CTCP, one of the references **must be** from one of those agencies.

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

   a. The address, telephone number, e-mail, and title of the letter's author.

   b. A description of the capacity in which the reference provider worked or is known by Agency.

   c. A description of the Contractor's ability to complete projects and grants from the perspective of the reference provider.

   d. The Agency's fiscal and administrative ability to manage government funds through timely and accurate submission of fiscal, program, and evaluation documents.

C. DETAILED PROPOSED SCOPE OF WORK

Using *Appendix 1, California Tobacco Retail Environment Studies Minimum Required SOW Elements*, as a base, prepare and upload a fully detailed proposed SOW into the OTIS Additional Documents section** that details objectives, activities, timelines for completion of activities, identifies key

responsible parties, assigns a percent deliverable to each activity, and where appropriate, designates those activities/deliverables subject to copyright. The detailed SOW must include all objectives, activities, and deliverables listed in *Appendix 1, California Tobacco Retail Environment Studies Minimum Required SOW Elements* and provide a clear "roadmap" that describes how the Applicant would plan, implement, and perform CTRES activities in a cost-effective and timely manner. The detailed SOW must include a timeline that schedules activities to meet contract objectives within the required timeframe. The Applicant may provide "extra" narrative details by attaching additional content to the required SOW objectives. *Appendix 2, FY 2014-2017 Healthy Stores for Healthy Community Campaign Indicators*, is included for informational purposes only and is not a required component of the SOW.

**The detailed proposed SOW will be uploaded into OTIS in the Additional Documents/Other Documents section (see Section E below).

D. BUDGET AND BUDGET JUSTIFICATION

Develop a four (4) year budget that identifies and justifies the costs associated with the implementation of the proposed SOW and input the budget detail into the Budget Justification section of OTIS. Adhere to the instructions and criteria provided in this section and the budget instructions and guidelines provided in *Appendix 6, Budget Justification Instructions for Funding Opportunities*, the OTIS Wizards, and the OTIS Applicant Training Course unit: Creating Your Proposal/Plan, Budget module.

1. **Over-All**
   - Verify the proposed budget identifies all of the costs associated with the implementation of the proposed SOW for each FY.
   - Provide accurate calculations for each of the eight categorical line items and the corresponding sub-line items.
   - Provide easy to follow formulas that substantiate how the costs were calculated.
   - Provide designation of ten (10) percent of lead person's time to provide oversight for the evaluation activities.
   - Ensure the proposed budget adheres to the instructions provided in: *Appendix 6, Budget Justification Instructions for Funding Opportunities*, OTIS Wizards, and the OTIS web-based training unit: Creating Your Application/Plan (see *Appendix 5* for access instructions).
2. **Personnel, Fringe, and Indirect Cost Rate (ICR)**
   - Ensure the proposed salary/wages/rates for in-house personnel are:
     - Budgeted according to formal education, professional experience, level of responsibility, and/or percentage of time in relationship to the overall budget. *See Appendix 7, Comparable State Civil Service Classifications*.

    - Are consistent with comparable state classifications and salaries, salaries that are not consistent are substantiated with a detailed justification.
    - Are reasonable, directly support the SOW, and are consistent with the needs of the grant and level of responsibility.
  - The rate/range for all eligible personnel is identified.
  - Ensure the ICR does not exceed 25% of Personnel and Fringe Benefits.

3. **Operating, Equipment, and Other**
  - Ensure funds for operating expenses are budgeted (or an explanation provided when no funds are budgeted) for the following subcategories: CDPH/CTCP Communications Network (Partners), Space Rent/Lease, Office Expenses/Supplies, Communications, Postage, Printing, Duplicating, Equipment Lease/rental, Audit.
  - Ensure equipment purchases are necessary to accomplish the proposed SOW.
  - Ensure funds for other costs are budgeted (or an explanation is provided when no funds are budgeted) for the following subcategories: Educational Materials, Behavioral Modification Materials (BMM), Food/Refreshments BMM, Paid Media, Booth Rental/Facility Fees, Stipends.

4. **Subcontractor and Consultants**
  - Ensure the proposed salary/wages/rates for subcontractors and consultants are:
    - Budgeted according to formal education, professional experience, level of responsibility, and/or percentage of time in relationship to the overall budget. *See Appendix 7, Comparable State Civil Service Classifications*.
    - Are consistent with comparable state classifications and salaries, salaries that are not consistent are substantiated with a detailed justification.
    - Reasonable, directly support the SOW, and are consistent with the needs of the grant and level of responsibility.

5. **Travel**
   - Ensure Travel and Per Diem costs are reasonable and necessary based on the proposed SOW. *See Appendix 8, California Department of Public Health Travel Reimbursement Information.*
   - Funds are budgeted (or an explanation is provided when no funds are budgeted) for the following travel per diem and training subcategories: Project Travel/Training, CTCP Travel Training, Required CTCP Travel/Training, and Out of State Travel.

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

  1. Letters of Reference
  2. Agency Capability
  3. SOW
  4. Certification of Non-Acceptance of Tobacco Company Funding*
  5. Proof of Non-Profit Status (uploaded documentation by the Applicant, only applicable to non-govermental non-profit agencies. S*ee Appendix 9, Sample Non-Profit Status Letter*, either certification from the State of California, Office of Secretary of State or a letter from the Department of the Treasury, Internal Revenue Service classifying the Applicant administrative agency as a private non-profit)*
  6. Tax Debtor List-Entity Status Letter can be generated at: https://www.ftb.ca.gov/online/self_serve_entity_status_letter/index.asp (*Uploaded documentation by agency)
  7. California Civil Rights Laws Attachment*

  ** Refers to items that are required to be completed and submitted, but are not used to score the Plan*.

IV. APPLICATION SELECTION PROCESS AND CRITERIA

A. ABOUT THIS SECTION

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

B. APPLICATION REVIEW PROCESS

Stage One: Administrative and Completeness Screening
CDPH/CTCP will screen applications for on-time submission, completeness and compliance with administrative requirements. The OTIS electronic time stamp will be used to verify on-time submission. A late or incomplete application will be considered non-responsive and will be disqualified and eliminated from further review.

Applications submitted from non-eligible agencies will not be reviewed. If an Applicant submits more than one application, none of the applications will be reviewed. Omission of any required document or form, failure to use required formats for response, or failure to respond to any requirement may lead to rejection of the application prior to review.

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

Stage Two: Application scoring (100 points)

Each application passing Stage One will be evaluated and scored according to the selection criteria by a review committee on a scale of 0 to 100 points. The review committee may include representatives of CDPH/CTCP, voluntary health organizations, government organizations, public and private non-profit organizations, and state colleges and universities. To be eligible for funding an application must receive a score of 75 points or more. However, scoring 75 or more does not guarantee funding or funding at the level requested.

The maximum point value of each section is as follows:

Agency Capability	**Total Point Value 40**

a. Work History and Competency
b. Program Staffing
c. Demonstrated Performance
d. Flexibility and Responsiveness
e. Letters of Reference

Scope of Work	**Total Point Value 40**
Budget and Budget Justification	**Total Point Value 20**
Total	**100**

Stage 3: Notification of Decision

Each Applicant, whether denied or selected for funding, will be notified in writing of the decision. Those submitting an application may receive, upon written request to CDPH/CTCP, a copy of the scoring summary page which provides the score and overall strengths and weaknesses of their application.

Stage 4: Contract Modifications

CDPH/CTCP reserves the right to reject any applications or application component(s). Following the award notification, CDPH/CTCP may require modifications to the application as a condition of the award. The Applicant is required to negotiate and submit a final SOW, Budget and Budget Justification in accordance with CDPH/CTCP requirements, which will become part of the final contract. Upon completion and approval of the documents, the contract will be submitted to CDPH for review and execution. Work may not commence until the contract is fully executed.

C. APPLICATION SELECTION CRITERIA

This section explains the selection criteria that will be used to evaluate and score applications.

1. AGENCY CAPABILITY
(Point Value: 40 points)

- Work History

Criterion	Point Value
• The Applicant and principal staff demonstrate at least three years of experience working in California assessing tobacco product availability and marketing in the retail environment statewide of at least 500 stores or more per survey.	5
• The Applicant provides evidence of adequate professional experience and formal education among the key personnel which is consistent with the scope and breadth of the proposed SOW.	5
• The Applicant provides evidence of considerable tobacco control-specific surveillance expertise. • The Applicant provides evidence of at least three years of experience in complex study design, data cleaning, and data analysis within the retail environment using a variety of statistical software programs and applications, including GIS software.	5
• The Applicant provides evidence of at least three years of experience in designing survey instruments to assess tobacco product availability and marketing in the retail environment.	5
• The Applicant demonstrates at least three years of experience working with local and statewide tobacco control audiences, groups and organizations in California related to surveillance	5

and evaluation activities such as training and technical assistance, translation and dissemination of research, or policy development.	

- Organizational Start-Up

Criterion	Point Value
• The Applicant demonstrates it has the capability and resources to start up and begin implementation of activities within six weeks of the contract start date and to primarily deliver services Monday through Friday between the hours of 8 A.M. and 5 P.M., Pacific Time.	3

- Administrative and Fiscal Experience

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

- Equipment Available to the Project

Criterion	Point Value
• The Applicant demonstrates it has the capacity to provide the project with appropriate office furniture, communication equipment, copy machines, computers, printers, software, etc. to the project's needs, including, but not limited to the hard drive encryption and antiviral software requirements.	3

- Letters of Reference

Criterion	Point Value
• The letters of reference demonstrate that the Applicant has successfully and satisfactorily: 1) managed grant or contract funds; 2) has the capacity to successfully fulfill the activities and functions identified in the Project Description; 3) has established positive collaborative relationships with targeted audiences, groups, organizations, institutions, and communities identified in the SOW.	3

2. SCOPE OF WORK
(Point Value: 40 points)

Criterion	Point Value
• The application provides detailed and valid justifications of how the sampling methods proposed meet the requirement of statewide representativeness for CTRSS and HSHC. • The Applicant provides detailed and valid justification of appropriate representativeness of jurisdictions with and without relevant policies for the Flavors Campaign Evaluation Surveys.	6
• The application presents a SOW timeline that is reasonable and provides sufficient time for all tasks to be accomplished.	6
• The proposed SOW appropriately assigns responsible parties for all activities and appropriate tracking measures or deliverables are identified for each activity.	8
• The proposed SOW demonstrates an appropriate plan for developing or revising all relevant survey tools which will be based on the current literature and CDPH/CTCP needs.	4
• The proposed SOW demonstrates an appropriate plan for developing or updating all relevant survey protocols which will be based on the current literature, emerging issues in the retail environment, time, and cost-efficiencies.	4
• The proposed SOW demonstrates an appropriate plan for training data collectors to accurately use the survey instruments and protocols.	4
• The proposed SOW adequately demonstrates an appropriate plan for detailed data cleaning and analysis.	4
• The proposed SOW demonstrates an appropriate plan for interpreting results and disseminating findings.	4

3. BUDGET JUSTIFICATION
(Scoring: 20 points)

Criterion	Point Value
Over-All • The proposed budget identifies all of the costs associated with the implementation of the proposed SOW for each FY. • Accurate calculations for each of the eight categorical line items and the corresponding sub-line items. • Easy to follow formulas that substantiate how the costs were calculated. • Proposed budget and adheres to the instructions provided in: *Appendix 6, Budget Justification Instructions for Funding Opportunities*, OTIS Wizards, and the OTIS web-based training	5

unit: *Creating Your Application/Plan* (see *Appendix 5* for access instructions).	

Personnel
• The proposed salary/wages/rates for in-house personnel are:
  ○ Budgeted according to formal education, professional experience, level of responsibility, and/or percentage of time in relationship to the overall budget.
  ○ Consistent with comparable state classifications and salaries, salaries that are not consistent are substantiated with a detailed justification.
  ○ Reasonable, directly support the SOW, and are consistent with the needs of the grant and level of responsibility.
 	
Fringe
• The rate/range for eligible personnel is identified.
 	
Indirect Cost Rate (ICR)
• ICR does not exceed 25% of Personnel and Fringe Benefits.
	4

Operating
• Funds for operating expenses are budgeted (or an explanation provided when no funds are budgeted) for the following subcategories:
  ○ CTCP Communications Network (Partners)
  ○ Space Rent/Lease
  ○ Office Expenses/Supplies
  ○ Communications
  ○ Postage
  ○ Printing
  ○ Duplicating
  ○ Equipment Lease/rental
  ○ Audit
 	
Equipment
• Equipment purchases are necessary to accomplish the proposed SOW.
 	
Other
• Funds for other costs are budgeted (or an explanation is provided when no funds are budgeted) for the following subcategories:
  ○ Educational Materials
  ○ Behavioral Modification Materials (BMM)
  ○ Food/Refreshments (BMM)
  ○ Paid Media
  ○ Booth Rental/Facility Fees
  ○ Stipends
	6

Subcontractors and Consultants
• The proposed salary/wages/rates for subcontractors and consultants are:
  ○ Budgeted according to formal education, professional experience, level of responsibility, and/or percentage of time in relationship to the overall budget.
  ○ Consistent with *Appendix 7, Comparable State Civil Service Classifications* and salaries, salaries that are not consistent are substantiated with a detailed justification.
  ○ Reasonable, directly support the SOW, and are consistent with the needs of the grant and level of responsibility.
	2

Travel
• Travel and Per Diem costs are reasonable and necessary based on the proposed SOW.
• Funds budgeted (or an explanation is provided when no funds are budgeted) for the following travel per diem and training subcategories:
  ○ Project Travel/Training
  ○ CTCP Travel Training
  ○ Required CTCP Travel/Training
  ○ Out of State Travel
	3

V. ADMINISTRATION

A. SOLICITATION DEFINED

The competitive method used for this procurement of services is a Solicitation. Applications submitted in response to this Solicitation will be scored and ranked based on the Review Criteria. Each application must establish, in writing, the Applicant's ability to perform the Solicitation tasks.

B. IMPORTANT ADMINISTRATIVE DETAILS

Cost of Developing Proposal

The Applicant is responsible for the cost of developing an application,and this cost cannot be charged to the State.

Confidential Information

CDPH/CTCP will not accept or retain any applications that are marked confidential in part or in their entirety.

Contract Requirements

The following are required to enter into a fully executed contract with CTCP:

1. All CTCP-funded projects are required to:

a. Coordinate with CDPH/CTCP Staff and utilize OTIS for contract management.

b. Obtain and maintain an active Partners account. Partners is a web-based communication system. CTCP-funded projects are required to access Partners at least once a week to review weekly updates.

c. Maintain an active Internet account.

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

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

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

C. SOLICITATION CANCELLATION AND ADDENDUMS

If it is in the State's best interest, CDPH/CTCP reserves the right to do any of the following:

1. Cancel this Solicitation;
2. Modify this Solicitation as needed; or,
3. Reject any or all applications received in response to this Solicitation.

If the Solicitation is modified, CDPH/CTCP will post an Addendum to the Tobacco Control Funding and Resources website at: https://tcfor.catcp.org/. Applicants are responsible for periodically checking the website for updates and may sign-up for email alerts.

D. IMMATERIAL DEFECT

In its sole discretion, CDPH/CTCP may waive any immaterial defect or deviation contained in an Agency's application. CDPH/CTCP's waiver shall in no way modify the application or excuse the successful Applicant from full compliance.

E. GROUNDS TO REJECT AN APPLICATION

An Application shall be rejected if:

1. It is received after the exact date and time set for receipt of applications. The OTIS date stamp will be used to verify on-time submission.
2. It contains false or intentionally misleading statements or references which do not support an attribute or condition contended by the Applicant.
3. The application is intended to erroneously and fallaciously mislead the State in its evaluation of the application and the attribute, condition, or capability is a requirement of this Solicitation.
4. There is a conflict of interest.
5. It contains confidential information.
6. It is not submitted through OTIS and prepared in the mandatory format described.
7. It does not literally comply or it contains caveats that conflict with the Solicitation and the variation or deviation is not material, or it is otherwise non-responsive.
8. Applicant has been prohibited from contracting with the following Agencies:
    a. Franchise Tax Board - https://www.ftb.ca.gov/aboutFTB/Delinquent_Taxpayers.shtml
    b. Board of Equalization - http://www.boe.ca.gov
    c. Department of Fair Employment and Housing - http://www.oal.ca.gov/publications/notice_register/
9. Applicant has been suspended or barred from Solicitations or contracting with the state at the following websites:
    a. Secretary of State www.sos.ca.gov
    b. Air & Water Polluters pursuant to GC section 4475-4482 https://ciwqs.waterboards.ca.gov/ciwqs/readOnly/CiwqsReportServlet?inCommand=reset&reportName=EnfOrders
    c. Plastic trash bag content noncompliance www.calrecycle.ca.gov/buyrecycled/trashbags/complylist/

d. Federal Excluded parties List www.sam.gov/portal/public/SAM/

10. The Applicant has received a substantive negative contract performance from the State.

F. APPEAL PROCESS

1. Notice of the proposed award shall be posted on the TCFOR website at: https://tcfor.catcp.org/. If any Applicant, prior to the award of an contract, appeals the award, on the grounds that the Applicant would have been awarded the contract had CDPH/CTCP correctly applied the evaluation standard in the Solicitation, or if CDPH/CTCP followed the evaluation and scoring methods in the Solicitation, the contract shall not be awarded until either the appeal has been withdrawn or CDPH has decided the matter. It is suggested that you submit any appeal by certified or registered mail. Only those submitting an application consistent with the requirements of this Solicitation and are not awarded a contract may appeal. There is no appeal process for applications that are submitted late, noncompliant, or incomplete. No awarded Applicant may appeal the contract award funding amount.

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

U.S. Mail	**Courier** (e.g., FedEx)
Caroline Peck, MD, MPH, FACOG, Chief Chronic Disease and Injury Control Division California Department of Public Health MS 7206 P.O. Box 997377 Sacramento, CA 95899-7377 Phone: (916) 449-5500	Caroline Peck, MD, MPH, FACOG, Chief Chronic Disease and Injury Control Division California Department of Public Health MS 7206 1616 Capitol Avenue, Suite 74.516 Sacramento, CA 95814 Phone: (916) 449-5500

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

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

   a. The Payee Data Record (STD 204), to determine if the Contractor is subject to state income tax withholding pursuant to California Revenue and Taxation Code Sections 18662 and 26131. This form can be found on the Internet at https://www.documents.dgs.ca.gov/dgs/fmc/pdf/std204.pdf. No payment shall be made unless a completed STD 204 has been returned to CDPH/CTCP.

b. Page one (1) of the Contractor Certification Clauses (CCC), at http://www.dgs.ca.gov/ols/Home.aspx

c. Evidence of $1,000,000 commercial general liability insurance or a certification of self-insurance signed by the authority to bind the agency.

d. Agency Documentation Requirements

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

G. DISPOSITION OF APPLICATIONS

1. Upon application opening, all documents submitted in response to this Solicitation will become the property of the State of California, and will be regarded as public records under the California Public Records Act (Government Code Section 6250 et seq.) and subject to review by the public.

2. Application packages may be returned only at the Agency's expense, unless such expense is waived by CDPH/CTCP.