California Department of Public Health
California Tobacco Control Program

Solicitation

EVAL 20-10188

California Tobacco Retail Environment Studies (CTRES)

June 1, 2020

July 3, 2020 (Amended Version)

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

A. BACKGROUND, PURPOSE, GOALS AND OBJECTIVES

1. Background and Authorizing Legislation

Background

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

Two landmark acts have been essential for supporting the efforts of the California Department of Public Health (CDPH) California Tobacco Control Program (CTCP): the Tobacco Tax and Health Protection Act of 1988, also known as Proposition 99 (Prop 99), and the California Healthcare, Research, and Prevention Tobacco Act of 2016, also known as Proposition 56 (Prop 56). Prop 99 increased the state cigarette tax by 25 cents per pack, added an equivalent amount on other tobacco products, and designated the revenue for tobacco-related research, health education and promotion, as well as health care services.

In November 2016, California voters overwhelmingly approved the California Healthcare, Research, and Prevention Tobacco Act of 2016, Prop 56, by a 64 percent to 36 percent vote. Prop 56 added an additional $2.00 tax to each pack of cigarettes and an equivalent tax on other tobacco products, including electronic tobacco products. Prop 56 designated revenues primarily to increase funding for existing healthcare programs; and additionally, to University of California physician training, dental disease prevention programs, and California's comprehensive tobacco control program tobacco-related disease research, and tobacco-related law enforcement efforts. Of the funds directed to CDPH/CTCP for a comprehensive tobacco control program, Prop 56 requires that CDPH/CTCP use a minimum of 15 percent of the funds to monitor, and accelerate, the rate of decline in tobacco-related disparities with a goal of eliminating tobacco-related disparities through social norm change.

CDPH/CTCP has conducted the California Tobacco Retail Surveillance Study (CTRSS), formerly known as the California Tobacco Advertising Study (CTAS), to monitor tobacco retail marketing every one to three years since 2000. The longest-running tobacco marketing surveillance system in any U.S. state, CTRSS has been instrumental in informing tobacco control activities in California for 20 years. CDPH/CTCP will contract to conduct three more waves of the CTRSS survey between 2021 and 2025.

Beginning in April 2015, CDPH/CTCP launched a focused Flavored Tobacco Product Campaign. The Flavored Tobacco Product Campaign provides local health departments and other CTCP-funded projects with the tools needed to educate policy makers about adoption and implementation of local policies to restrict the sale of flavored tobacco products. The campaign's long-term goals are: 1) to reduce the availability of menthol cigarettes and flavored non-cigarette tobacco products, and 2) to reduce tobacco use among population groups with higher rates of tobacco use, such as youth, young adults, and racial/ethnic and sexual minority groups.

As part of a comprehensive evaluation of the Flavored Tobacco Products Campaign, in 2018, CDPH/CTCP conducted a retail observational study in matched communities to assess differences between local jurisdictions that had implemented policies restricting flavored tobacco and communities with similar characteristics that did not have such policies. CDPH/CTCP will contract to conduct two more waves of the retail observation survey in matched communities to evaluate local flavored tobacco policies between 2021 and 2025.

CDPH/CTCP utilizes retail scanner data as an additional tool to monitor trends in tobacco product availability and price statewide. CDPH/CTCP will contract to purchase and analyze scanner data two times between 2021 and 2025.

Additionally, CDPH/CTCP utilizes Geographic Information Systems (GIS) tools to map tobacco retailers and generate state and local-level maps displaying tobacco retailer density and tobacco retailers near schools. CDPH/CTCP will contract to develop and maintain an online tool for mapping tobacco retailers between 2021 and 2025.

CDPH/CTCP is releasing this Solicitation to recruit a Contractor to monitor tobacco product marketing in the retail environment and evaluate CDPH/CTCP retail campaigns through conducting multiple surveys for distinct purposes in California, purchasing and analyzing scanner data, and developing and maintaining an online GIS mapping tool.

Authorizing Legislation

The enabling legislation for California's comprehensive tobacco control program is provided by the following: Assembly Bill (AB) 75 (Chapter 1331, Statutes of 1989), AB 99 (Chapter 278, Statutes of 1991, Section 47), AB 816 (Chapter 195, Statutes of 1994, Section 63), AB 3487 (Chapter 199, Statutes of 1996, Section 26), Senate Bill (SB) 99 (Chapter 1170, Statutes of 1991), SB 960 (Chapter 1328, Statutes of 1989), SB 493 (Chapter 194, Statutes of 1995); the annual State Budget; Health and Safety (H&S) Code 104375(b); and Revenue and Taxation Code Sections 30121-30130.

H&S Code Section 104375 authorizes CDPH/CTCP to conduct statewide surveillance of tobacco-related behaviors, knowledge, and attitudes and evaluate local and state tobacco control programs.

At a minimum, these evaluation activities are to use scientifically appropriate methods for monitoring the annual progress of the program in reducing the youth tobacco-product-use prevalence from the 1993 benchmark rate of 20 percent. These surveillance and evaluation activities may include, but need not be limited to, the following:

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

2. Purpose

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

The purpose of this Solicitation is to request competitive proposals from eligible, experienced agencies to conduct high-quality surveys related to the tobacco retail environment (including three waves of the CTRSS and two waves of the flavored tobacco products campaign retail observation survey), as well as to analyze retail scanner data and support an online mapping tool of tobacco retailers. The selected Contractor will develop the surveys, oversee data collection training, conduct data collection, conduct data analysis, report findings for the surveys, analyze scanner data, and develop and maintain an online mapping tool of tobacco retailers.

3. Goals and Tasks

CDPH/CTCP seeks to contract with an established and accomplished agency to monitor tobacco product marketing in the retail environment and evaluate CDPH/CTCP retail campaigns through conducting multiple surveys for distinct purposes in California, purchasing and analyzing scanner data, and developing and maintaining an online GIS mapping tool.

The tasks of this project are to:

a. Conduct three waves of the CTRSS survey to track changes in tobacco marketing practices over time, monitor trends, and identify new practices that may promote the uptake and maintenance of tobacco use in California.

b. Conduct two waves of the Flavored Tobacco Products Campaign Evaluation Retail Observation Survey in Matched Communities to examine the availability, price, and promotion of flavored tobacco products in jurisdictions with a strong policy regulating the sale of flavored tobacco and matched comparison communities. (Note: At the discretion of CDPH/CTCP, the focus of this survey may shift to jurisdictions with policies regulating vaping product sales or to jurisdictions with policies prohibiting the sale of all tobacco products depending upon the current tobacco retail policy landscape and CDPH/CTCP priorities.)
c. Purchase and analyze retail scanner data at two time points during the contract period to monitor trends in tobacco product availability and price statewide and develop a summary report of trends over time.
d. Develop and maintain an online tool using GIS to map tobacco retailers. The tool will be used to generate state and local-level maps on tobacco retailer density and retailers near schools.
e. Disseminate CTRES study findings to local agencies, stakeholders and other public health professionals, participate in regular meetings, submit regular six-month progress reports to CDPH/CTCP.

B. ELIGIBILITY CRITERIA

1. Organizational Type and Conditions

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

   a. Any public, private nonprofit, or for-profit entity that is currently operating a full-service office based in California. Non-profit organizations must certify their eligibility to claim nonprofit status. For an example, see Appendix 2: *Sample Non-Profit Status Letter*.
   b. Agencies able to certify that no conflict of interest with tobacco, e-cigarette, cannabis, or related industries exist. (See Appendix 1: *Certification of Non-Acceptance of Tobacco Funds*). The form can also be downloaded from the Online Tobacco Information System (OTIS). See Part II. F*, Additional Documents* for details.
   c. Agencies able to certify that they are in good standing, fiscally stable, and qualified to conduct business with the State of California.

By submitting a proposal, agencies acknowledge and agree to comply with all terms and conditions in the Solicitation.

2. Required Experience

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

   a. Managing statewide projects with a budget of $700,000 per year or greater.
   b. Working in California assessing tobacco product availability and marketing in the

retail environment statewide of at least 500 stores or more per survey.

c. Developing and executing complex study design, data cleaning, and data analysis within the retail environment using a variety of statistical software programs and applications.
d. Developing online mapping tools using GIS software.
e. Designing survey instruments to assess tobacco product availability and marketing in the retail environment.
f. Working with local and statewide tobacco control audiences, groups, and organizations in California related to tobacco control-specific surveillance (including experience working with retail scanner data) and evaluation activities such as training and technical assistance, translation and dissemination of research, or policy development.

C. CONTRACT TERM

The anticipated term is five years: January 1, 2021 to December 31, 2025. The contract term may change if CDPH/CTCP makes an award earlier than expected or later if CDPH/CTCP cannot execute the agreement because of unforeseen delays.

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

D. ANTICIPATED FUNDING

Up to $3,500,000 is available to fund the activities required in this survey. Proposals must be for the entire five-year period and shall not exceed $3,500,000. Unexpended funds do not carry over from one state fiscal year to the next fiscal year without prior approval and a contract amendment. The state fiscal year begins July 1 and ends June 30 of the following year. Funding is contingent upon available revenues, appropriation by the Legislature and the Governor, multi-year spending authority, and CDPH/CTCP funding priorities and/or legal or administrative limitations. Continued funding for the contract will be dependent upon successful Contractor performance. Performance will be evaluated based on required progress reports.

E. SCOPE OF WORK (SOW) NARRATIVE

This project has five required Project Tasks, which are listed below. These tasks form the basis for the Project Narrative and Detailed Scope of Work (see sections Part II B-C of this Solicitation).

TASK 1. Conduct three waves of the California Tobacco Retail Surveillance Study (CTRSS)

For each of the three waves of the CTRSS, the Contractor will review and revise the study protocol and observation data collection form; develop the data collection instruction manual; develop a sampling plan; draw the sample; recruit data collectors; assess tobacco advertising and promotions, availability of tobacco products; and collect price in a minimum of 1,200 retail stores statewide. The Contractor will compare the store sample from previous waves provided by CDPH/CTCP with the current California Department of Tax and Fees Administration licensing list to identify which stores are no longer licensed and will select replacement stores following the sampling plan. After data collection is complete, the Contractor will clean the data and submit an analysis plan to CDPH/CTCP for review and approval prior to conducting cross-sectional and longitudinal analyses. The Contractor will prepare and submit one technical report per wave describing key survey findings and disseminate findings to local agencies via webinar or meeting presentations.

TASK 2. Conduct two waves of the Flavored Tobacco Campaign Evaluation Retail Observation Survey in Matched Communities (or two waves of an evaluation survey of vaping product sales restriction policies in matched communities, or two waves of an evaluation survey of all tobacco product sales restriction policies in matched communities).

For each of the two waves of the Flavored Tobacco Campaign Evaluation Retail Observation Survey in Matched Communities, the Contractor will review and revise the 2018 survey instrument; develop the sampling plan; draw the sample; recruit and train data collectors; and assess flavored tobacco product availability and marketing in tobacco retail stores. The Contractor will identify jurisdictions with strong policies and matched jurisdictions without a local policy for inclusion in the study. The Contractor will also clean the data; develop a longitudinal and cross-sectional analysis plan in consultation with CDPH/CTCP; analyze the data; write a final report; and disseminate findings for each survey wave. (Note: At the discretion of CDPH/CTCP, the focus of this survey may shift to jurisdictions with policies regulating vaping product sales or to jurisdictions with policies prohibiting the sale of all tobacco products depending upon the current tobacco retail policy landscape and CDPH/CTCP priorities.)

TASK 3. Develop and maintain an online interactive tool to map tobacco retailers using Geographic Information Systems (GIS)

The Contractor will develop an online interactive tool to map tobacco retailers and school boundaries, including layers for community demographics, tobacco use prevalence, and other tobacco-related data that is available for public use. In consultation with CDPH/CTCP, the Contractor will identify 10-15 layers with demographic information to add to the tool. The Contractor will enable high-quality maps to be printed for use by local agencies and will maintain the website by updating

data at regular intervals and responding to user and CDPH/CTCP feedback.

TASK 4. Purchase retail scanner data, analyze data and write reports to monitor trends in tobacco retail sales for each of two separate time points

In consultation with CDPH/CTCP, the Contractor will twice purchase retail scanner data and develop and submit an analysis plan to CDPH/CTCP to track changes in tobacco product sales over time, including top-selling brands, flavors and pack sizes. The Contractor will conduct data analysis, prepare data tables and figures, and produce a final report of trends in tobacco product sales in California for each round of scanner data purchase.

TASK 5. Disseminate study findings and communicate regularly with CTCP

The Contractor will maintain consistent communication with CDPH/CTCP. The Contractor shall:

- Participate in one to two phone calls per month with the assigned CDPH/CTCP Project Officer;
- Participate in ad-hoc meetings with CDPH/CTCP staff as requested;
- Participate in 8-12 phone calls annually with other CDPH/CTCP-funded Contractors overseeing evaluation studies of flavored tobacco policies to coordinate activities; and
- Provide a written progress report covering each six-month period of each project year to CDPH/CTCP within one month of the end of the six-month project period.

F. SUBCONTRACTORS

The use of subcontractors and/or consultants is allowed, if their use is necessary and justified to accomplish the SOW. All subcontractors are expected to certify that they have no conflict of interest with any tobacco, e-cigarette, cannabis or related industry. Public universities are limited on the amount or percentage of subcontractors/consultants, up to $50,000 or 25 percent of the total contract, whichever is less. Subcontracts require a budget that includes personnel, fringe benefits, operating expenses, travel, and indirect expenses.

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

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

A Consultant is an individual who:

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

G. KEY ACTION DATES

Table 1. Tentative Schedule* for Solicitation 20-10188:

ACTIVITY	ACTION DATE (all times in Pacific Time)
Solicitation Release Date	June 1, 2020
OTIS Open for Proposal Input	June 3, 2020
Pre-Recorded Informational Webinar Posted to TCFOR Website	June 5, 2020
Submit Written Questions to CTCP	June 2, 2020 to June 16, 2020, 5:00 PM
Responses to Questions Posted	June 24, 2020
Non-Mandatory Letter of Intent Due	**July 23, 2020, 5:00 p.m.**
Proposals Due	**July 30, 2020, 5:00 p.m.**
Public Notice of Intent to Award/Award Posted	August 21, 2020
Notice of Intent to Appeal Due	August 28, 2020
Final Announcement of Award	August 31, 2020
Contract Start Date	January 1, 2021
Contract End Date	December 31, 2025

**CDPH can revise dates and release an addendum at any time during the solicitation process.*

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

H. INFORMATIONAL WEBINAR

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

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

I. QUESTIONS

All questions regarding this Solicitation, including clarification on materials, instructions or requirements, must be submitted by the deadline indicated in Table 1. *Tentative Schedule for Solicitation 20-10188* to the following email address: CTCPEvaluation@cdph.ca.gov. Please include "CDPH/CTCP Solicitation 20-10188" in the subject line. All relevant questions and responses will be posted at https://tcfor.catcp.org by the deadline indicated in Table 1. *Tentative Schedule for Solicitation 20-10188.* Any verbal communication with CDPH/CTCP staff concerning this Solicitation is not binding on the State and shall in no way alter a specification, term, or condition of the Solicitation.

J. NON-MANDATORY LETTER OF INTENT

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

Upload the signed Letter of Intent on the TCFOR website no later than the date and time listed in Table 1. *Tentative Schedule for Solicitation 20-10188.*

The Letter of Intent must be submitted on the Proposer's letterhead, include the signature of the authorized Proposer signatory or their official agent, and must include the name and number of the Solicitation under which the proposal will be submitted (Solicitation # 20-10188). Print the letter, signed by an authorized Proposer signatory or their official agent, scan the letter, and upload to the TCFOR website.

Part II. SUBMISSION REQUIREMENTS

PROPOSAL REQUIREMENTS

The proposal requirements will include the following sections: Agency Capability; Project Narrative; Detailed Proposed Scope of Work; and Budget Proposal, Cost Proposal and

Narrative. Each document is to be prepared as a Word or PDF document, 12-point font, single-spaced with one-inch margins, unless otherwise noted.

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

This section provides information regarding the Proposer'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 Proposer and other responses may include information about proposed subcontractors and/or consultants.

1. Agency Work History and Capability:
   (Eight-page limit. Use a 12-point font, single-spaced with 1-inch margins.)

   a. Work History and Experience: Describe the Agency's experience managing statewide projects, including experience working in California assessing statewide tobacco product availability and marketing in the retail environment. Include a description of the Agency's experience developing and executing complex study design, data cleaning, and data analysis within the retail environment using a variety of statistical software programs and applications, as well as experience developing online mapping tools using GIS software. Describe the Agency's experience working with local and statewide tobacco control audiences, groups, and organizations in California related to surveillance and evaluation activities.

   b. Flexibility and Responsiveness: Briefly describe the Agency's ability to anticipate and adapt to emerging issues that relate to the required Project Objectives.

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

      Tax Debtor List: All Proposers must address the requirements of the Tax Debtor List for the reason described in Public Contract Code Section 10295.4. Vendors are ineligible to enter into or renew any agreement with the state for goods or services if a vendor is delinquent with paying state income tax in excess of $100,000.00 to the California Franchise Tax Board. Prior to submitting a proposal

and prior to executing any state agreement or renewal of goods or services, a vendor must certify that it is not on the list of ineligible vendors prohibited from doing business with the State of California. During the proposal evaluation, it is CDPH/CTCP's responsibility to check the list of ineligible vendors to confirm that the Proposer is not on that list.

d. Audit History: Describe the Agency's fiscal and (if any) programmatic audit history within the last three years. Information is to include frequency of the audits, dates of the audits, and a summary of the major audit findings. Negative audit findings should be thoroughly explained. Indicate if the Proposer Agency has been audited by a governmental agency within the last three 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.

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

2. Project Personnel (Contractor and Subcontractors): (five-page limit, not including an organizational chart. Use a 12-point font, single-spaced with 1-inch margins)

   a. Experience: Briefly describe the professional experience, formal education, publications as relevant to this Solicitation, other funding sources, and other qualifications of key personnel that will staff the project. Describe tobacco control-specific surveillance and evaluation expertise. Detail specific experience in assessing tobacco product availability and marketing in the retail environment, including designing survey instruments, training data collectors, collecting data, cleaning and analyzing data, writing reports and disseminating findings. Include a description of experience working with retail scanner data and with GIS mapping.

   b. Organizational Chart: Provide an organizational chart that depicts the Proposer's personnel, reporting relationships among personnel, proposed subcontractors and consultants, and the reporting relationship between Proposer's personnel and proposed subcontractors and consultants. CDPH/CTCP reserves the right to require modifications to the proposed staffing and reporting relationships to ensure that the budgeted staff and budget are allocated appropriately to fully support the activities.

3. Letters of Reference: (three letters)

   Solicit three letters of reference from three separate agencies. Letters of reference must be written to the Proposer and must have been written within the last month.

No more than three letters will be accepted. If the Proposer is currently receiving or, within the last three years, has received funding from a local, state, or federal agency other than CDPH/CTCP, one of the references **must be** from one of those agencies.

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

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

The three letters of reference cumulatively demonstrate that the Proposer has:
a. Successfully and satisfactorily managed grant or contract funds; and
b. The capacity to successfully fulfill the activities and functions identified in the Project Narrative.

Upload Agency Capability Section and each Letter of Reference into the OTIS Additional Documents – Other Documents section.

B. PROJECT NARRATIVE (20-page limit)

The purpose of the Project Narrative is to define the project methodology and provide the technical and scientific rationale for all the activities necessary to achieve the five tasks detailed in Part I E: Project Tasks.

Specifically, the Project Narrative is to detail the methodological, administrative, and data analysis plans to accomplish each of the following:

1. Conduct three waves of CTRSS to track changes in tobacco marketing practices over time, monitor trends, and identify new practices that may promote the uptake and maintenance of tobacco use in California.

2. Conduct the Flavored Tobacco Products Campaign Evaluation Retail Observation Survey in Matched Communities in 2022 and 2024 to examine the availability, price, promotion of flavored tobacco products in jurisdictions with a policy regulating the sale of flavored tobacco and matched comparison communities. (Note: At the discretion of CDPH/CTCP, the focus of this survey may shift to jurisdictions with policies regulating vaping product sales or to jurisdictions with policies prohibiting the sale of all tobacco products depending upon the current tobacco retail policy landscape and CDPH/CTCP priorities.)

3. Purchase and analyze retail scanner data in 2023 and 2025 to monitor trends in tobacco product availability and price statewide and develop a summary report for each year.

4. Develop and maintain an online tool using GIS to map tobacco retailers. The tool will be used to generate state and local-level maps on tobacco retailer density and retailers near schools.

Include in the Project Narrative an annual timeline to show key stages of each wave of survey administration, scanner data purchase and analysis, and online mapping tool development and maintenance.

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

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

The purpose of the Appendix 5: *Detailed Proposed Scope of Work* is to detail the activities described in the Project Narrative that will serve as the "roadmap" for completing all project activities. It is to provide specific, measurable, attainable, and time limited activities to reach the Project Objectives. Write activities in chronological order to clearly demonstrate how activities will be implemented to achieve each objective. The Proposer may propose modified or additional activities.

For each activity, describe:

- What will be done, and quantify activities, as applicable (ranges may be used, e.g. one to two conferences);
- The percentage of the total deliverable that the activity represents (percent deliverables must total 100 percent);
- Start and end dates for each activity;
- The personnel responsible (i.e. position title) for completion of each activity, including Subcontractors/Consultants; and
- The tracking measure (i.e. product or deliverable) that will be submitted to CDPH/CTCP to document the progress and/or completion of each activity.

Upload the Appendix 5: *Detailed Proposed Scope of Work* into the OTIS Additional Documents – Other Documents section.

D. BUDGET PROPOSAL, COST PROPOSAL AND NARRATIVE

- Complete Appendix 6: *Budget Proposal* and Appendix 7*: Cost Proposal and Narrative.* These forms are downloadable from OTIS in the Additional Documents – Other Documents section.
- Upload Appendix 6: *Budget Proposal* into the OTIS Additional Documents –

Other Documents section.
- Upload Appendix 7: *Cost Proposal and Narrative* into the OTIS Additional Documents section.

E. SUBMISSION OF SOLICITATION MATERIALS

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

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

OTIS is a secure, passcode protected knowledge management system that is used to submit applications, review and score applications, and to negotiate the SOW and budget.

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

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

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

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

F. ADDITIONAL DOCUMENTS

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

1. Appendix 1: *Certification of Non-Acceptance of Tobacco Funds*
2. Agency Capability (eight-page limit, single-spaced, 12-point font, one-inch margins)*
3. Project Personnel (five-page narrative limit, single-spaced, plus an organizational chart, 12-point font, one-inch margins)*
4. Letters of Reference (three letters)*
5. Project Narrative (20 page limit, single-spaced, 12-point font, one-inch margins)*
6. Appendix 5: *Detailed Proposed Scope of Work* (No page limit)*
7. Appendix 6: *Budget Proposal**
8. Appendix 7: *Cost Proposal and Narrative*
9. Proof of Non-Profit Status (only applicable to non-governmental non-profit agencies. See Appendix 2*: Sample Non-Profit Status Letter*. Acceptable proof includes either a certification from the State of California, Office of Secretary of State or a letter from the Department of the Treasury, Internal Revenue Service classifying the proposing administrative agency as a private non-profit.
10. Franchise Tax Board Entity Status Letter (Generate this letter at: https://www.ftb.ca.gov/online/self_serve_entity_status_letter/index.asp)
11. California Civil Rights Laws Attachment
12. Additional Tobacco Control Funding Form
13. Appendix 12: *Contractor's Confidentiality Statement**
14. Appendix 13: *Bidders Declaration (GSPD-05-105)*
15. Appendix 14: *Darfur Contracting Act**

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

G. IMPORTANCE OF MEETING ALL SOLICITATION DEADLINES

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

H. COMMUNICATION BETWEEN CDPH/CTCP AND PROPOSERS

1. Proposer Questions and Reporting of Errors in the Solicitation

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

   If a Proposer discovers any ambiguity, conflict, discrepancy, omission, or other error in the Solicitation, the Proposer shall immediately notify CDPH/CTCP of such error

in writing and request modification or clarification of the document. CDPH/CTCP strives to correct any errors found. Modifications or clarifications will be given by written notice. CDPH/CTCP shall not be responsible for failure to correct errors.

How to Submit Questions or Report an Error in this Solicitation:

a. Verbal questions will not be accepted. All questions must be transmitted in written form.
b. Submit written questions or errors by email to (CTCPEvaluation@cdph.ca.gov).
c. CDPH/CTCP will send an email to confirm receipt of written questions. If confirmation is not received, proposers may resubmit or call (916) 449-5500 prior to the stated deadline to confirm receipt of the questions by CDPH/CTCP.
d. Submit written questions to CDPH/CTCP by the date and time specified in Table 1. *Tentative Schedule for Solicitation 20-10188*.
e. Errors in the Solicitation or its instructions may be reported up to the proposal submission due date.

What to Include in an Inquiry:

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

Response by CDPH/CTCP:

a. CDPH/CTCP reserves the right to contact an inquirer to seek clarification of any inquiry received and to only answer questions considered relevant to this Solicitation. At its discretion, CDPH/CTCP may consolidate and/or paraphrase similar or related inquiries.
b. Questions and answers received through the process outlined will be published on the TCFOR website on the date identified in Table 1. *Tentative Schedule for Solicitation 20-10188*.
c. CDPH/CTCP may issue an addendum to address errors in the Solicitation until the application submission deadline. These will be posted on the TCFOR website. It is the responsibility of the Proposer to monitor TCFOR for addenda issued.

2. Deviations and Modifications

All submissions must be complete when received at CDPH/CTCP. No changes, modifications, corrections, or additions may be made once they are submitted to CDPH/CTCP. CDPH/CTCP may, at its sole discretion, waive any immaterial

deviation or defect in a submission. However, the waiver of an immaterial deviation or defect in a submission will in no way modify the document or excuse the Proposer from full compliance with the Solicitation requirements if awarded the contract. Items may be considered "immaterial" by CDPH/CTCP if, for example, they do not affect the amount of the Budget, or if allowing the deviation does not give a Proposer an advantage or benefit that would not be granted to all other Proposers. CDPH/CTCP reserves the right to contact proposers at any stage of the proposal process to collect additional clarifying information, if deemed necessary.

I. PROPERTY OF CDPH/CTCP

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

J. COST OF SUBMISSIONS

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

K. PREFERENCE PROGRAMS

The following Preference Programs can be applied for qualifying Proposers.

1. Disabled Veteran Business Enterprise (DVBE) Program Incentive

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

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

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

2. Commercially Useful Function

   a. Only State of California, Office of Small Business and DVBE Services (OSBDS) certified DVBEs who perform a commercially useful function relevant to this Solicitation, may be used to satisfy the DVBE program requirements. Proposers are to verify each DVBE subcontractor's certification with OSBDS to ensure DVBE eligibility.
   b. Definition of Commercially Useful Function: California Code of Regulations, Title 2, § 1896.61(l) The term "DVBE contractor, subcontractor or supplier" means any person or entity that satisfies the ownership (or management) and control requirements of §1896.61(f); is certified in accordance with §1896.70; and provides services or goods that contribute to the fulfillment of the contract requirements by performing a commercially useful function.
   c. As defined in MVC §999, a person or an entity is deemed to perform a "commercially useful function" if a person or entity does all of the following:
      1) Is responsible for the execution of a distinct element of the work of the contract (including the supplying of services and goods.);
      2) Carries out its obligation by actually performing, managing, or supervising the work involved;
      3) Performs work that is normal for its business services and functions;
      4) Is responsible, with respect to products, inventories, materials and supplies required for the contract, for negotiating price, determining quality and quantity, ordering, installing, if applicable and making payment; and
      5) Is not further subcontracting a portion of the work that is greater than that expected to be subcontracted by normal industry practices.
         a) A contractor, subcontractor, or supplier will not be considered to perform a commercially useful function if the contractor's, subcontractor's, or supplier's role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of disabled veteran business enterprise participation.
         b) The CDPH Advocates listed herein can be contacted to provide assistance in identifying DBVE vendors that may perform a

commercially useful function applicable to the scope of this Solicitation.

3. Declaration Forms

   a. Complete the Proposer Declaration GSPD-05-105 and include it with the PROPOSAL response. When completing the declaration, Proposers must identify all subcontractors proposed for participation in the contract. Proposers awarded a contract are contractually obligated to use the subcontractors for the corresponding work identified unless the State agrees to a substitution and it is incorporated by amendment to the contract. This form is located at https://www.documents.dgs.ca.gov/dgs/fmc/gs/pd/gspd05-105.pdf
   b. If applicable, Proposers who have been certified by California as a DVBE (or who are proposing rental equipment and have obtained the participation of subcontractors certified by California as a DVBE) must also submit a completed DVBE Declarations form(s) DGS PD 843 (formerly STD. 843). All disabled veteran owners and disabled veteran managers of the DVBE(s) must sign the form(s). This form is located at https://www.documents.dgs.ca.gov/dgs/fmc/gs/pd/pd_843.pdf

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

5. CDPH Advocate

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

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

6. Small Business PROPOSAL Preference

   Certified small businesses or microbusinesses can claim the 5% preference when submitting a PROPOSAL on a State contract. A non-small business may receive a preference of 5% percent if the business commits to subcontract at least 25% of its net PROPOSAL price with one or more small businesses or microbusinesses. The 5% preference is used only for computation purposes, to determine the winning Proposer and does not alter the amounts of the resulting contract. The preference will be given to the highest responsive responsible bidder's total score. A contract awarded on the basis of the 5% preference is awarded to the small business, microbusiness or non-small business for the actual amount of its PROPOSAL. A non-small business, which qualifies of this preference, may not take an award from a certified small business. See optional Appendix 9: *Non-Small Business Subcontractor*

Preference Instructions. For additional information go to https://www.dgs.ca.gov/PD/About/Page-Content/PD-Branch-Intro-Accordion-List/Office-of-Small-Business-and-Disabled-Veteran-Business-Enterprise/Certification-Program.

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

Part III. EVALUATION CRITERIA

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

A. ADMINISTRATIVE AND COMPLETENESS SCREENING

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

Proposals submitted from non-eligible Proposers will not be reviewed. Omission of any required document or form, failure to use required formats for response, or failure to respond to any requirement will lead to rejection of the proposal prior to review. CDPH/CTCP may waive any immaterial deviation in a proposal; however, this waiver shall not excuse a proposal from full compliance with the contract terms if a contract is awarded.

B. PROPOSAL SCORING

A review committee will evaluate and score each written proposal according to the below selection criteria. To be eligible for funding a proposal must receive a score of 75 points or more. However, scoring 75 or more does not guarantee funding or funding at the level requested.

The maximum point value of each section is as follows:

Written Section	Total Point Value
Agency Capability	30
Project Narrative	30
Scope of Work	20
Budget Proposal, Cost Proposal and Narrative	20
Total	**100**

C. ORAL PRESENTATION, IF REQUIRED

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

Oral Presentation Section	Total Point Value
Demonstrates understanding of CTCP mission and objectives.	5
Experience and capability to conduct surveys in the tobacco retail environment and analyze retail scanner data.	5
Demonstration of the capability to develop and maintain an online mapping tool.	5
Collaboration with subcontractors/consultants and overall value of subcontractors/consultants	5
Responses to questions	5
Total	**25**

D. AGENCY CAPABILITY (30 POINTS)

Criterion	Point Value
The Proposer demonstrates a minimum of five years of experience managing statewide projects with a budget of $700,000 per year or greater.	3
The Proposer and principal staff demonstrate a minimum of five years of experience working in California assessing tobacco product availability and marketing in the retail environment statewide of at least 500 stores per survey.	3

The Proposer 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.	3
The Proposer provides evidence of at least five years of tobacco control-specific surveillance expertise, including experience working with retail scanner data.	3
The Proposer provides evidence of at least five 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.	3
The Proposer provides evidence of at least five years of experience in designing survey instruments to assess tobacco product availability and marketing in the retail environment.	3
The Proposer demonstrates at least five years of experience working with local and statewide tobacco control audiences, groups and organizations in California related to surveillance and evaluation activities such as training and technical assistance, and translation and dissemination of research, or policy development.	3
Subtotal	21

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

Criterion	Point Value
The letters of reference demonstrate that the Proposer has: 1) Successfully and satisfactorily managed grant or contract funds; and 2) The capacity to successfully fulfill the activities and functions identified in the Project Narrative	3
Subtotal	3

E. PROJECT NARRATIVE (30 POINTS)

Criterion	Point Value
The Proposer provides detailed and valid justifications of how the sampling methods proposed meet the requirement of statewide representativeness for each wave of the CTRSS. The Proposer presents a summary of the planned survey instrument development, data collection, data cleaning and analysis for each wave of the CTRSS that would meet the project goals and accurately represent the tobacco retail environment.	8
The Proposer provides detailed and valid justification of appropriate representativeness of jurisdictions with and without relevant policies for each wave of the Flavored Tobacco Campaign Evaluation Retail Observation Survey. The Proposer presents a summary of the planned survey instrument development, data collection, data cleaning and analysis for each wave of the Flavored Tobacco Campaign Evaluation Retail Observation Survey that would meet the project goals and accurately represent jurisdictions with and without flavored tobacco sales restrictions policies.	8
The Proposer presents a detailed and accurate summary of the plan to analyze retail scanner data at two time points.	7
The Proposer presents a detailed summary of the steps needed to develop and maintain an online interactive mapping tool of the tobacco retail environment and school boundaries.	7
Subtotal	30

F. DETAILED SCOPE OF WORK (20 POINTS)

Criterion	Point Value
The application presents a SOW timeline that is reasonable, provides sufficient time for all tasks to be accomplished, assign responsible parties, and appropriate tracking measures.	4
The proposed SOW demonstrates an appropriate plan for developing or revising all relevant survey tools and protocols which will be based on the current literature, emerging issues in the retail environment, time, and cost-efficiencies, and 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, analysis, interpreting and disseminating results for relevant surveys.	4
The proposed SOW demonstrates an appropriate plan for the purchase and analysis of scanner data.	4
The proposed SOW demonstrates an appropriate plan to develop and maintain an interactive online GIS tool to map tobacco retailers and school boundaries.	4
Subtotal	20

G. BUDGET PROPOSAL, COST PROPOSAL AND NARRATIVE (20 POINTS)

Criterion	Point Value
The Budget Proposal demonstrates an understanding of CDPH/CTCP's policies and regulations and aligns well with all the activities in the proposed Detailed Scope of Work.	5
The Cost Proposal and Narrative demonstrates that the Proposer's agency provides services that are both cost-effective and cost-competitive based on the price per number of surveys completed and based on the Narrative.	15
Subtotal	20

PART IV. CONTRACT AWARD

A. NOTICE OF INTENT TO AWARD A CONTRACT

Award of the contract will be to the most responsive and qualified Proposer who earns

the highest total score. A Notice of Intent to Award a Contract identifying the selected Contractor will be posted on the TCFOR website. All finalists will be notified by email regarding the contract award decision.

B. CONFIDENTIALITY OF PROPOSALS

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

C. CDPH RIGHTS

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

2. Verification of Proposer Information: By submitting a proposal, Proposers agree to authorize CDPH/CTCP to:

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

3. Nonresponsive Proposals: A proposal may be deemed nonresponsive and subsequently rejected if any of the following occurs:

   a. At any time a submission is received after the exact time and date set forth in Table 1. *Tentative Schedule for Solicitation 20-10188* for receipt of each submission.
   b. The Proposer fails to meet any of the eligibility requirements as specified in Part I, Section B, "Eligibility Criteria".
   c. The Proposer fails to submit any required information as instructed in this

Solicitation.

d. The submission contains false, inaccurate, or misleading statements or references.
e. The Proposer is unwilling or unable to fully comply with the proposed contract provisions.

D. GROUNDS TO REJECT A PROPOSAL

1. Proposal shall be rejected if:

   a. 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.
   b. It contains false or intentionally misleading statements or references, which do not support an attribute or condition contended by the Proposer.
   c. The application is intended to erroneously and fallaciously mislead the State in its evaluation of the Proposal and the attribute, condition, or capability is a requirement of this Solicitation.
   d. There is a conflict of interest.
   e. It is not submitted through OTIS and prepared in the mandatory format described.
   f. 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.
   g. Proposer has been prohibited from contracting with the following Agencies:
      1) Franchise Tax Board
      2) California Department of Tax and Fee Administration (formerly known as the Board of Equalization)
      3) Department of Fair Employment and Housing
   h. Proposer has been suspended or barred from contracting with the state at the following websites:
      1) Secretary of State
      2) Air & Water Polluters pursuant to GC section 4475-4482
      3) Plastic trash bag content noncompliance
      4) Federal Excluded parties list

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

E. APPEAL PROCESS

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

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

2. A Proposer may appeal the award decision. The Proposer must submit a notice of intent to appeal to CTCPEvaluation@cdph.ca.gov by 5:00 p.m. PDT on the date listed in Table 1. *Tentative Schedule for Solicitation 20-10188*. The Proposer shall then have five calendar days to file a detailed written statement specifying the grounds for the appeal with:

U.S. Mail	**Courier** (e.g., FedEx)
Maria Ochoa (or designee)	Maria Ochoa (or designee)
Assistant Deputy Director	Assistant Deputy Director
Center for Healthy Communities California Department of Public Health MS 7206	Center for Healthy Communities California Department of Public Health MS 7206
P.O. Box 997377	1616 Capitol Avenue, Suite 74.422
Sacramento, CA 95899-7377	Sacramento, CA 95814
Phone: (916) 449-5500	Phone: (916) 449-5500

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

Upon resolution of any appeal and subsequent award of the contract, the Awardee will be required to complete and submit to CDPH/CTCP the required documents listed in Section V. B. Contractor Required Documents.

F. CONTRACTS

CDPH/CTCP will confirm the contract award to the winning Proposer after the appeal deadline, if no appeals are filed, or following the resolution of all appeals. The selected Proposer will be required to sign a contract that details legal and programmatic obligations. The contract number will be 20-10188.

The successful Proposer must enter into a formal contract with CDPH/CTCP in order to receive payment for services rendered. The contract may incorporate, as an exhibit or

by reference, portions of this Solicitation and responses to this Solicitation that directly identify the work to be performed, performance time lines, methods and approaches, budget or cost details, or other mandatory contract and performance requirements.

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

G. CONTRACT FORMS AND EXHIBITS

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

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

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

PART V. IMPORTANT ADMINISTRATIVE DETAILS

A. CONTRACTOR REQUIREMENTS

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

1. Maintain an active Internet account.

2. The Contractor incurs expenses for the previous work period and is then reimbursed by invoice(s) submitted to CDPH/CTCP no more than once per month. The State has up to 45 days to pay invoices for Contractors that are approved for "prompt payment". To learn more about the prompt payment program please visit the Department of General Services website.

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

expenditures, and other administrative policies and procedures which will maintain the fiscal integrity of the funds awarded to the Contractor.

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

B. CONTRACTOR REQUIRED DOCUMENTS

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

1. The Payee Data Record (STD. 204), to determine if the Awardee is subject to state income tax withholding pursuant to California Revenue and Taxation Code Sections 18662 and 26131. This form can be found in OTIS. No payment shall be made unless a completed STD. 204 has been returned to CDPH/CTCP.
2. Page one of the CCC, which can be found in OTIS.
3. Evidence of $1,000,000 commercial general liability insurance or a certification of self-insurance signed by the authority to bind the agency.
4. Establish the Headquarters for State Travel Reimbursement for budgeted staff and subcontractors/consultants. Further information on CalHR State Travel Reimbursement policies is located here: http://www.calhr.ca.gov/employees/pages/travel-reimbursements.aspx.
5. Appendix 11: *Follow-on Consultant Contract Disclosure*.

C. USE OF FUNDS

1. Funding may not be used for any of the following:

    a. Purchase or improvement of land, or building alterations, renovations or construction.
    b. Support of religious activities, including, but not limited to, religious instruction, worship, prayer, or proselytizing.
    c. Fundraising activities.
    d. Lobbying.
    e. Reimbursement of costs incurred prior to the effective date of the Agreement.
    f. Reimbursement of costs currently covered by another CDPH contract or agreement.
    g. Reimbursement of costs that are not consistent or allowable according to local and state guidelines or regulations.
    h. Reimbursement of professional licensure.

D. INVOICES

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

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

E. AUDIT REQUIREMENTS

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

F. DISPUTE RESOLUTION, CDPH RIGHTS, AND CONTRACT TERMINATION

1. Resolution of Differences Between Solicitation and Contract Language:

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

2. CDPH Rights:

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

   a. Modify any date or deadline appearing in this Solicitation.
   b. Issue clarification notices, addenda, alternate Solicitation instructions, forms, etc. If this Solicitation is clarified, corrected, or modified, CDPH/CTCP intends to post all clarification notices and/or Solicitation addenda on the CDPH/CTCP TCFOR website.

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

3. Termination:

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

PART VI. REFERENCES

1. Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, and Division of Population Health. *BRFSS Prevalence & Trends Data*. 2017. February 23, 2018; Available from: http://www.cdc.gov/brfss/brfssprevalence/.
2. Centers for Disease Control and Prevention, *Best Practices for Comprehensive Tobacco Control Programs — 2014*, U.S. Department of Health and Human Services. 2014, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health: Atlanta
3. Centers for Disease Control and Prevention and National Center for Health Statistics. *State and Territorial Data - Deaths: Final Data for 2014. 2017*. July 14, 2017; Available from: https://www.cdc.gov/nchs/fastats/state-and-territorial-data.htm.
4. Max, W., et al., *The Cost of Smoking in California.* Nicotine Tob Res, 2016. 18(5): p. 1222-9.