California Department of Public Health
California Tobacco Control Program

Solicitation

Admin 20-10206

Tobacco Product Waste White Paper

August 26, 2020

California Department of Public Health
California Tobacco Control Program
MS 7206
1616 Capitol Avenue, Suite 74.516
Sacramento, CA 95814
https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/CTCB/Pages/CaliforniaTobaccoControlBranch.aspx

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Part I. INTRODUCTION

A. Background, Purpose, and Objectives

1. Background and Authorizing Legislation

Background

California's comprehensive state tobacco control and prevention program is widely recognized as one of the most successful programs in the United States (U.S.). California's efforts to reduce tobacco use and prevent tobacco-related diseases have reduced smoking rates in California to one of the lowest in the nation, yet tobacco-related diseases still account for approximately 40,000 deaths 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 to supporting the tobacco control efforts of the California Department of Public Health (CDPH), California Tobacco Control Program (CTCP). The Tobacco Tax and Health Protection Act of 1988, also known as Proposition 99 (Prop 99), increased the state cigarette tax by 25 cents per pack, added an equivalent amount on other tobacco products, and designated the revenue for tobacco-related research, health education and promotion, as well as health care services. In November 2016, California voters overwhelmingly approved the California Healthcare, Research, and Prevention Tobacco Act of 2016, Proposition 56 (Prop 56), by a 64 percent to 36 percent vote. Prop 56 added an additional $2.00 tax to each pack of cigarettes and an equivalent tax on other tobacco products, including electronic smoking devices. Prop 56 designates revenues to increase funding for existing healthcare programs and California's comprehensive tobacco control program, tobacco-related disease research, and tobacco-related law enforcement efforts.

The goal of CDPH/CTCP is to change the social norms surrounding tobacco use in California. In service of this goal, CDPH/CTCP is focusing on four priority areas, one of which includes reducing the effects of tobacco product waste on the environment and its impact on people and other living organisms. One type of tobacco product waste, cigarettes, are the single most collected littered item in the world, with as many as 5.6 trillion cigarettes littered each year.[5] Although the percentage of cigarette butts collected by beach cleanup programs in the U.S. decreased from 2007 to 2017 (from 34 percent to 14 percent), these items are still the most prevalent type of litter collected.[6,7] In fact, from March 2019 to March 2020, 27.7 percent of total items collected during California trash cleanups were cigarette butts.[8] Cigarette butts are made from cellulose acetate, a plastic that does not biodegrade unless exposed to specific environmental conditions.[9] In addition to being difficult to break down, there is evidence of cellulose acetate accumulating in

marine life. One study analyzing the impact of microplastics on sea turtles found evidence of plastic particles in every turtle investigated in the study.[10]

In addition to adding non-biodegradable waste into the environment, tobacco product waste is also toxic. Cigarette butts can leach chemicals, including nicotine, pesticides, polycyclic aromatic hydrocarbons, arsenic, and heavy metals, into land and marine environments.[11] One study found that chemicals leached from cigarette butts are toxic to marine species, including fish.[12,13] These toxic chemicals also pose a danger to humans because the toxic chemicals can impact food supplies from marine environments as well as the fresh water supply itself. In addition to the indirect danger that toxic tobacco product waste poses to humans through polluted food and water supplies, it can also cause direct harm if accidently ingested.

More recently, waste from discarded electronic cigarettes (e-cigarettes) has created new environmental problems. E-cigarettes pose different waste issues than traditional products like cigarettes and cigars, as they include components like batteries, metals, plastics, and liquid nicotine, which can leach toxic chemicals into the environment. The electronics and the nicotine-containing cartridges are considered hazardous waste, further complicating disposal and recycling of these products.[14]

E-cigarettes are used disproportionally by youth and young adults, and the number of youth who use these tobacco products has increased dramatically in the past few years. In fact, the number of high school students nationally who used e-cigarettes during the past year increased from 11.7 percent in 2017 to 20.8 percent in 2018.[15] In 2018, 84.3 percent of California high school students who used tobacco used an e-cigarette.[16] This large increase in the use of electronic smoking devices has resulted in the improper disposal of many of these products, often on school grounds.[17] Schools that accumulate hazardous waste from e-cigarettes and e-liquids are required to comply with specific rules for disposal of these products, putting them in legal jeopardy if they do not dispose of them in compliance with federal law.[18]

Focus groups conducted with diverse Californians who do and do not use tobacco found that educational messages about the environmental harms caused by tobacco product waste and its impact on future generations resonated extremely well with both tobacco users and non-users. A top concern and key motivator for cessation was thinking about how tobacco product waste damages the environment for future generations. Below are quotes from the tobacco product waste focus groups.[19] The focus group findings suggest that raising awareness about the environmental impact of tobacco product waste and the tobacco industry's role in perpetuating this environmental harm may facilitate tobacco use prevention and cessation efforts as well as build a foundation for policies that protect the environment from tobacco product waste.

- "It's like an awakening that we need to quit right now. There would be a better future if tobacco didn't exist."–Smoker (Chinese)

- "As a smoker I think of other people. It's a good message for both smokers and non-smokers about the hazards of smoking. Now I realize it impacts the environment as well as people who die, and families get separated. There's a sense of loss there. Family is special. You always want to have your family members live long.–Smoker (Korean)

- "I am saddened by the total destruction caused by tobacco."–Smoker (Spanish)

- "After me, my kids need to live on this earth too. I'm not doing a good thing." -Smoker (Korean)

Authorizing Legislation

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

HSC Section 104390 authorizes CDPH/CTCP to provide program support services to local tobacco use prevention programs that include data collection, educational materials, evaluation, technical assistance, training, and transfer of information among programs. This solicitation is exempt from Part 2 of Division 2 (commencing with Section 10100) of the Public Contract Code.

2. Purpose

The purpose of this Solicitation is to request competitive proposals from eligible, experienced agencies to coalesce existing research from peer reviewed literature, government reports, organizational reports, tobacco industry documents, and other sources in order to produce a white paper targeted towards decision makers and public health advocates that: (1) summarizes the effects of tobacco product waste on the environment and humans; (2) the role tobacco product waste may play in contributing to social disorder and stress in urban and disadvantaged communities; (3) describes the role of the tobacco and vape industry in producing and maintaining tobacco product waste; and, (4) recommendations for action that focus on upstream solutions that go beyond anti-litter campaigns and ash can approaches to the tobacco product waste problem. Such recommendations should be consistent with CDPH/CTCP's Conflict of Interest Policy # 315 in the Local Lead Agency and Competitive Grantee Administrative and Policy Manual, 2020 and with the World Health Organization's (WHO) Guidelines for implementation of Article 5.3 of the WHO Framework Convention on Tobacco Control, including Principle 1: There is a

fundamental and irreconcilable conflict between the tobacco industry's interests and public health policy interests; and avoid stigmatizing individuals who use tobacco products.[20]

B. ELIGIBILITY CRITERIA

1. Organizational Type and Conditions
   The following entities and organizations are eligible to apply for this Solicitation:

   a. Any public or private nonprofit organizations must certify their eligibility to claim nonprofit status.
   b. Agencies able to certify that no conflict of interest with tobacco, e-cigarette, cannabis, or related industries exists (see Appendix 1: *Certification of No Conflict of Interest with Commercial Tobacco, Electronic Cigarette, or Cannabis Industries*)
   c. Agencies able to certify that they are in good standing, fiscally stable, and qualified to conduct business with the State of California.

2. Required Experience
   Proposer must demonstrate at least three (3) years of experience in each of the following:

   a. Environmental justice and public health, including work that demonstrates an understanding of the role community norms have on influencing individual behavior change;
   b. Writing and publishing informational or research reports on environmental and/or public health issues;
   c. Collaborating with government, non-profit, or non-governmental organizations on environmental justice and public health issues;
   d. Research methods, including literature reviews, key informant interviews, and data analysis.

C. CONTRACT TERM AND FUNDING

1. Contract Term
   The anticipated contract term is twelve (12) months: March 1, 2021 to February 28, 2022. 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.

2. Funding
   The anticipated funding available is up to $150,000. Proposals must be for the entire twelve (12)-month period and shall not exceed $150,000. 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. Continued funding for the contract will be dependent upon successful Contractor performance. Performance is based on the required monthly progress report.

D. KEY ACTION DATES

Table 1. Tentative Schedule* for Solicitation 20-10206:

ACTIVITY	ACTION DATE [all times in Pacific Daylight Time (PDT)]
Solicitation Release Date	**August 26, 2020**
Submit Written Questions to CTCP	**September 4, 2020, 5:00 PM**
Responses to Questions Posted	September 15, 2020
Proposals Due	**September 30, 2020, 5:00 PM**
Public Notice of Intent to Award	November 4, 2020
Notice of Intent to Appeal Due	**November 12, 2020, 5:00 PM**
Final Announcement of Award**	November 13, 2020
Contract Start Date	March 1, 2021
Contract End Date	February 28, 2022

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

*** Final Award cannot be made until all appeals have been resolved.*

It is the Proposer's responsibility to check for notices and addenda for this Solicitation on the TCFOR website throughout the solicitation process.

Part II. SUBMISSION REQUIREMENTS AND EVALUATION CRITERIA

The proposal requirements include the following sections: Agency Capability, Project Narrative, Detailed Scope of Work (SOW), and Budget Proposal. Each document must be prepared as detailed under Section E (1), Format Requirements, unless otherwise noted.

Each proposal will be evaluated and scored based on its response to the information requested in this Solicitation, and according to the evaluation 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.

The maximum point value of each section is as follows:

Section	Total Point Value
Agency Capability	50
Project Narrative	20
Scope of Work	10
Budget Proposal	20
Total	**100**

A. AGENCY CAPABILITY SECTION REQUIREMENTS AND SCORING Five (5) page limit not including Letters of Recommendation (50 POINTS)

This section describes the Agency's capacity and capability to successfully complete the required SOW and manage the contract. When preparing the Agency Capability document, please respond to each of the criterion below.

1. Agency Work History and Capability:

    a. Agency and Project Personnel Work History and Experience: The Proposer must describe at least three (3) years of experience in the following:

Criterion	Point Value
Environmental justice and public health, including work that demonstrates an understanding of the role community norms have on influencing individual behavior change.	10
Experience writing and publishing informational or research reports on environmental and/or public health issues.	10
Collaborating with government, non-profit, or non-governmental organizations on environmental justice and public health issues.	5
Research methods, including literature reviews, key informant interviews, and data analysis.	5
Subtotal	30

b. Administrative and Fiscal Experience The Proposer must describe the following:

Criterion	**Point Value**
Experience 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.	5
Administrative/fiscal staff have the appropriate educational background, skills, and experience to successfully manage all aspects of payroll, bookkeeping, invoicing, subcontract/consultant monitoring, and other administrative controls associated with acceptance of government funds.	5
Subtotal	10

2. Project Personnel (Contractor and Subcontractors)

Criterion	**Point Value**
Proposer provides a description of key personnel, including proposed subcontractors and consultants.	5
Subtotal	5

3. Letters of Reference: (Two (2) letters)

Solicit two (2) letters of reference from two (2) separate agencies. Letters of reference must be written to the Proposer and must have been written within the last month. No more than two (2) letters will be accepted. If the Proposer is currently receiving, or within the last three (3) years has received, funding from a local, state or federal agency other than CDPH/CTCP, at least one (1) of the references **must be** from one of those agencies.

Criterion	Point Value
Each letter must be on the reference provider's letterhead and include: • The address, telephone number, e-mail, and title of the letter's author; • A description of the capacity in which the reference provider worked or is known by the Proposer; • The Proposer's capacity to successfully fulfill the activities and functions identified in this Solicitation; • The Proposer's ability to complete projects and contracts from the perspective of the reference provider; and • The Proposer's fiscal and administrative ability to manage government funds through timely and accurate submission of fiscal, program, and evaluation documents.	5
Subtotal	5

B. PROJECT NARRATIVE Four (4) page limit (20 POINTS)

The purpose of the Project Narrative is to define the project methodology and provide the technical and logical rationale for all the activities necessary to achieve the Scope of Work.

Criterion	Point Value
The Project Narrative presents a detailed and logical plan for conducting literature reviews and secondary research.	5
The Project Narrative presents a detailed and logical plan for conducting Key Informant Interviews with tobacco control, environmental, and public health law subject matter experts.	5
The Project Narrative presents a detailed and logical timeline for researching and writing activities.	5
The Project Narrative describes a detailed and logical plan for developing the Tobacco Product Waste White Paper.	5
Subtotal	20

C. SCOPE OF WORK (10 POINTS)

Complete *Exhibit A, Attachment I Detailed Scope of Work.* The purpose of the Detailed SOW is to detail the activities described in the Project Narrative to serve as a "roadmap." It is to provide specific, measureable, attainable, and time limited activities. Write activities in chronological order to clearly demonstrate how activities will be implemented to achieve the objective. Note that minimum required activities are listed in the SOW. Space is available for the proposer to include additional activities the proposer proposes to enhance the work plan and achieve the objective.

For each activity, describe:

- What tasks will be undertaken by describing what will be done, how much will be done, and completion dates for each activity;
- The personnel responsible (position title) for completion of each activity, including Subcontractors/Consultants, if applicable;
- The tracking measure (i.e. product or deliverable) that will be submitted to CDPH/CTCP to document the process and/or completion of each activity.

Criterion	**Point Value**
The proposed Detailed SOW demonstrates a project plan that demonstrates a reasonable timeline for planning, researching, drafting, and writing the white paper.	5
The proposed Detailed SOW demonstrates activities that are sufficient in quantity and detail to achieve the project objective.	5
Subtotal	10

D. BUDGET PROPOSAL (20 Points)

Complete *Exhibit B, Attachment I Budget Proposal.*

1. Proposers must submit a Budget Proposal that includes the activities to be completed and the associated cost for each activity in each fiscal year.

2. Proposers may spend up to the project limit of $150,000.

3. The proposed budget must be separated into the following periods:
   a. March 1, 2021–June 30, 2021

   b. July 1, 2021–February 28, 2022

Criterion	Point Value
The Budget Proposal demonstrates an appropriate distribution of funds across SOW activities.	10
The Budget Proposal demonstrates a cost-effective and cost-competitive use of project funds.	10
Subtotal	20

E. SUBMISSION OF PROPOSAL AND ADDITIONAL DOCUMENTS

Each Proposer may only submit one proposal. Proposals must be submitted electronically to CDPH/CTCP no later than **5:00 p.m. (PDT), September 30, 2020,** at the email address shown below. Proposals received after the specified date and time are considered late and will not be accepted. There are no exceptions to this requirement.

Proposal Submissions
Email Address: CTCPCompetitiveGrants@cdph.ca.gov **Subject: Solicitation 20-10206 Tobacco Product Waste White Paper Submission**

2. **Format Requirements**

   a. Submit one proposal with a cover page that includes the name of the Proposer entity along with contact information.

   b. Format the narrative portion of the proposal as follows:
      i. Use one-inch margins.
      ii. Use 12 point font.
      iii. Sequentially paginate the pages of each section.
      iv. Microsoft Word document or PDF.

3. **Content Requirements**

   This section specifies the order and content of each proposal. Proposals must conform to the page limitations. Assemble the materials in the following order:

a. Proposal Cover Page

A person authorized to bind the Proposer must sign the Proposal Cover Page.

b. Table of Contents

Properly identify each section and the contents therein. Paginate all items in each section, with the exception of those items placed in the Additional Required Documents and the Appendix Section.

c. Agency Capability Section

This Section must not exceed five (5) pages in length.

i. Agency Work History and Capability
ii. Administrative and Fiscal Experience
iii. Project Personnel

d. Two (2) Letters of Recommendation

There is no page limit for Letters of Recommendation.

e. Project Narrative Section

This Section must not exceed four (4) pages in length.

i. Define the project methodology and provide the technical and logical rationale for all the activities necessary to achieve the SOW.

f. Exhibit A, Attachment I Detailed SOW

g. Exhibit B, Attachment I Budget Proposal

h. Additional Documents

The following required additional documents must be completed and submitted as PDF or Word documents:

i. Appendix 1: Certification of No Conflict of Interest with Commercial Tobacco, Electronic Cigarette, or Cannabis Industries

ii. **Proof of Non-Profit Status**

Only applicable to non-governmental non-profit agencies. Acceptable proof includes either a certification from the State of California, Office of Secretary of State or a letter from the Department of Treasury, Internal Revenue Service classifying the proposing agency as a private non-profit. See Appendix 2: *Sample Non-Profit Status Letter* for an example.

iii. **Franchise Tax Board Entity Status Letter**

Generate this letter at: https://www.ftb.ca.gov/online/self_serve_entity_status_letter/index.asp

iv. **Appendix 5: California Civil Rights Laws Attachment**

v. **Appendix 6: Additional Tobacco Control Funding**

Proposals and additional documents submitted by any other means will not be accepted. Proposers are responsible for ensuring that all proposer materials are successfully submitted by the submission deadline. No changes, modifications, corrections, or additions may be made once a proposal is submitted. 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 Proposal, or if allowing the deviation does not give a Proposer an advantage or benefit that would not be granted to all other Proposers. Submissions that are incomplete or received after the stated deadline will be rejected.

All submitted 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.

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 that are requested will be subject to disclosure in accordance with the California Public Records Act (Government Code, Section 6250 et seq.). The information may be reviewed and copied by the public if formally requested after CDPH/CTCP posts the Notice of Intent to Award a Contract, except those portions of the proposal that are exempt from disclosure as provided in the Public Records Act.

F. COMMUNICATION BETWEEN CDPH/CTCP AND PROPOSERS

CDPH/CTCP will accept questions related to this Solicitation. 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 and may issue an addendum to address errors in the Solicitation until the proposal submission deadline. These will be posted on the TCFOR website. It is the responsibility of the proposer to monitor TCFOR for addenda issued. CDPH/CTCP shall not be responsible for failure to correct errors.

How to Submit Questions or Report an Error in this Solicitation

1. Submit written questions by email to CTCPCompetitiveGrants@cdph.ca.gov by the date and time specified in Table 1. *Tentative Schedule for Solicitation 20-10206*. Errors in the Solicitation or its instructions may be reported up to the proposal submission due date. The inquiry must include:
    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.

2. 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.

Response by CDPH/CTCP

1. 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.

2. Questions and answers received through the process outlined above will be published on the TCFOR website on the date identified in Table 1. *Tentative Schedule for Solicitation 20-10206*.

G. GROUNDS TO REJECT A PROPOSAL

A Proposal shall be rejected if:

1. It is received after the exact date and time set for receipt of proposals. The email receipt date and time will be used to verify on-time submission.
2. It contains false or intentionally misleading statements or references which do not support an attribute or condition contended by the Proposer.
3. The proposal is intended to erroneously and fallaciously mislead the State in its evaluation of the proposal and the attribute, condition, or capability is a requirement of this Solicitation.
4. There is a conflict of interest.
5. It is not prepared in the mandatory format described.
6. It does not comply with or it contains caveats that conflict with the Solicitation and the variation or deviation is not material, or it is otherwise non-responsive.
7. Proposer has been prohibited from contracting with the following Agencies:
   a. Franchise Tax Board
   b. California Department of Tax and Fee Administration (formerly known as the Board of Equalization)
   c. Department of Fair Employment and Housing
8. Proposer has been suspended or barred from contracting with the State at the following websites:
   a. Secretary of State
   b. Air & Water Polluters pursuant to GC section 4475-4482
   c. Plastic trash bag content noncompliance
   d. Federal Excluded parties List
9. The Proposer has received a substantive negative contract performance from the State.
10. The Proposer is unwilling or unable to fully comply with the proposed contract provisions.

H. 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. Modifications

   CDPH/CTCP reserves the right to require modifications to the SOW, Budget, or any proposal component(s) as a condition of the contract award.

4. Termination

   CDPH/CTCP reserves the right to terminate the contract if the proposal submitted, awarded, modified, 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 SOW.

Part III. 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 identifying the selected Contractor will be posted on the TCFOR website. All finalists will be notified by email regarding the contract award decision.

B. APPEAL PROCESS

1. Prior to the award of a contract, any Proposer may appeal the award on the grounds that the Proposer would have been awarded the contract had CDPH/CTCP correctly applied 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.

   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. The Proposer must submit a notice of intent to appeal to CTCPCompetitiveGrants@cdph.ca.gov by 5:00 p.m. PDT on the date listed in Table 1. *Tentative Schedule for Solicitation 20-10206*. The Proposer shall then have five (5) calendar days to file a detailed written statement specifying the grounds for the appeal and send the statement to:

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

3. At the sole discretion of the Deputy Director, or his/her designee, a hearing may be held. The decision of the 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 fifteen (15) working days of the hearing date or the consideration of the written material submitted, if no hearing is conducted.

C. CONTRACT FORMS AND EXHIBITS

CDPH/CTCP will confirm the contract award to the selected Proposer after the appeal deadline, if no appeals are filed, or following the resolution of all appeals. The selected Proposer must enter into a formal contract with CDPH/CTCP in order to receive payment for services rendered.

The selected Proposer will be required to sign a contract that details legal and programmatic obligations. The successful Proposer should enter into a contract with CDPH/CTCP no later than ten (10) state working days after the Proposer receives the contract from CDPH/CTCP. 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.

State contract forms and exhibits are available under “Contract Documents” in the Solicitation 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. 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.

CDPH/CTCP 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.

Part IV. Important Administrative Details

A. CONTRACTOR REQUIREMENTS

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

1. 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.

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

3. Contractor must be able to fund up to sixty (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.

B. CONTRACTOR REQUIRED POST-AWARD DOCUMENTS

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

1. Payee Data Record (STD 204). No payment shall be made unless a completed STD 204 has been returned to CDPH/CTCP.
2. Contractor Certification Clauses (CCC) 04/2017.
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 can be found on the State of

California Human Resources Travel website. Reimbursement policies are located here: http://www.calhr.ca.gov/employees/pages/travel-reimbursements.aspx.

5. Appendix 9: Follow-on Consultant Contract Disclosure.

C. USE OF FUNDS

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

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

D. 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 for review and audit purposes, adequate documentation of all expenses claimed for three (3) years beyond the term of the contract award. All invoice details, 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.

Part V. References

1. Centers for Disease Control and Prevention. *BRFSS Prevalence & Trends Data.* Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, and Division of Population Health; 2017.
2. Centers for Disease Control and Prevention. *Best Practices for Comprehensive Tobacco Control Programs-2014.* Atlanta, GA: Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health; 2014.
3. Centers for Disease Control and Prevention and National Center for Health Statistics. State and Territorial Data-Deaths: Final Data for 2014. In: 2017.
4. Max W, Sung H-Y, Shi Y, Stark B. The Cost of Smoking in California. *Nicotine & Tobacco Research.* 2016; 18(5): 1222-1229.
5. Smith EA, Novotny TE. Whose butt is it? tobacco industry research about smokers and cigarette butt waste. *Tobacco Control.* 2011; 20: i2-i9.
6. Ocean Conservancy. *International Coastal Cleanup: Start a Sea Change-Report 2007.* 2008.
7. Ocean Conservancy. *International Coastal Cleanup: Building a Clean Swell-2019 Report, 18-19.* 2018.
8. Ocean Conservancy. Summary-California, USA. In: Ocean Conservancy, ed2020.
9. World Health Organization. *Tobacco and its environmental impact: an overview.* Geneva: World Health Organization; 2017.
10. Duncan EM, Broderick AC, Fuller WJ, et al. Microplastic ingestion ubiquitous in marine turtles. *Global Change Biology.* 2019; 25(2): 744-752.
11. Moriwaki H, Kitajima S, Katahira K. Waste on the roadside, 'poi-sute' waste: its distribution and elution potential of pollutants into environment. *Waste Management.* 2009; 29(3): 1192-1197.
12. Micevska T, Warne M, Pablo F, Patra R. Variation in, and causes of, toxicity of cigarette butts to a cladoceran and microtox. *Archives of Environmental Contamination and Toxicology.* 2006; 50(2): 205-212.
13. Slaughter E, Gersberg RM, Watanabe K, Rudolph J, Stransky C, Novotny TE. Toxicity of cigarette butts, and their chemical components, to marine and freshwater fish. *Tobacco Control.* 2011; 20: i25-i29.
14. Hexum T, Kingston H. *Commercial Tobacco, Health, & the Environment: The Problems.* Public Health Law Center; 2019.
15. Cullen KA, Ambrose BK, Gentzke AS, Apelberg BJ, Jamal A, King BA. Notes from the Field: Use of Electronic Cigarettes and Any Tobacco Product Among Middle and High School Students—United States, 2011–2018. *Morbidity and*

Mortality Weekly Report. 2018; 67(45): 1276-1277.

16. Vuong TD, Zhang X, Roeseler A. *California Tobacco Facts and Figures 2019.* Sacramento, CA: California Department of Public Health; 2019.
17. Public Health Law Center. *Disposing of E-Cigarette Waste: FAQ for Schools and Others.* Public Health Law Center; 2019.
18. United States Environmental Protection Agency. Resource Conservation and Recovery Act (RCRA) Overview.

    https://www.epa.gov/rcra/resource-conservation-and-recovery-act-rcra-overview.
19. California Department of Public Health CTCP. *Environmental Strategy Focus Group Findings.* 2013.
20. World Health Organization. *Guidelines for implementation of Article 5.3 of the WHO Framework Convention on Tobacco Control.* 2008.