II. GENERAL PROPOSAL INFORMATION

A. Who May Submit a Proposal

1. Any California-based public or private non-profit entity is eligible to submit a proposal. Proposers may include, but are not limited to, hospitals, community clinics, local health departments, voluntary health organizations, Indian tribes, colleges and universities, county offices of education, school districts, health maintenance organizations, professional health associations, and professional health education associations. Pursuant to H&S Code Section 104440, local lead agencies (LLAs) are ineligible for awards under the competitive grants program unless the LLA is a participant within a consortium of community-based organizations or non-profit agencies.

2. Agencies claiming private non-profit status, **MUST SUBMIT** with the proposal one of the following:
   a. A certification from the State of California, Office of Secretary of State;
   b. A letter from the Department of the Treasury, Internal Revenue Service (IRS); or
   c. Other documentation from a state regulatory oversight agency classifying the administrative agency as a public or private non-profit.

   A sample California Secretary of State, Statement of Information form and a sample letter from the IRS are provided in Appendix B and Appendix C, respectively. **Agencies with pending non-profit applications may not apply**.

   Agencies are to scan a copy of the appropriate document indicating non-profit status, upload and submit the document with the on-line application. Information on how to upload this and other required documents will be provided at the Information Teleconference/Webinar on August 19, 2008.

3. State of California agencies, other than state universities, colleges, and community colleges, are not eligible to submit proposals.

4. Any agency that receives funding from, or has an affiliation or contractual relationship with a tobacco company, any of its subsidiaries, or parent company, during the term of the contract, is not eligible for funding under this RFP. Agency certification to this effect is required on Attachment 1. Attachment 1 is located in the RFP in Section VI, Attachments, which is available at: http://www.cdph.ca.gov/programs/Tobacco. See Appendix D for a partial list of tobacco company subsidiaries.

   After downloading and completing Attachment 1, agencies are to upload and submit the completed document with the on-line application. Information on how to upload this and other required documents will be provided at the Information Teleconference/Webinar on August 19, 2008.

With regard to universities or colleges, the Principal Investigator (PI) of the university or college must certify that he/she or any of the investigators associated with (either paid, voluntary, or in-kind) this contract have not received funding from nor had an affiliation or contractual relationship with a tobacco company, any of its subsidiaries, or parent company within the last five (5) years prior to the start date of the contract period. In addition, the PI of the university or college must certify that he/she or any of the investigators associated with this contract will not accept funding from nor have an affiliation or contractual relationship with a tobacco company, any of its subsidiaries, or parent company during the term of the contract with CDPH/CTCP. Acceptance of such funds during the term of the contract is grounds for termination. The PI's certification is required in Attachment 1. See Appendix D for a partial list of tobacco company subsidiaries.

B. **Contract Term**

1. The contract term is expected to be 36 months and is anticipated to be effective from January 1, 2009 through December 31, 2011.

2. Proposals must be submitted with a performance period for the full 36-month contract term.

3. The resulting contract will not be effective until it is signed by both parties. The Contractor is hereby advised not to commence work until all approvals have been obtained and the contract is fully executed. Should performance commence before all approvals are obtained, said services may be determined to have been volunteered.

C. **Anticipated Funding**

1. Approximately $1,100,000 from the Cigarette and Tobacco Surtax Fund is anticipated to be available to obtain the services described in this RFP.

2. Funding for this contract is dependent upon the availability of anticipated revenues from the Cigarette and Tobacco Surtax Fund and future legislative appropriations. The actual contract award amount for each fiscal year (FY) will be known when each annual State Budget is signed by the Governor. There is no guarantee that funding will be available.

   If CTCP funding is reduced due to unforeseen changes in cigarette tax revenues, CTCP reserves the right to adjust the total contract award accordingly.

   Likewise, if CTCP funding is increased due to unforeseen changes in cigarette tax revenues, CTCP reserves the right to offer and negotiate an augmentation to the total contract award to increase: a) the scope of services and b) the total

contract award amount so that the contractor may provide services to an increased number of CTCP-funded projects.

If there are changes in legislative mandates, court action, or other administrative changes affecting the project, the Scope of Work (SOW) shall be amended or terminated accordingly to comply with these actions. The contract may be terminated by CTCP upon a 30-day notice to the prime contractor.

3. Funding for each year of the contract will be dependent upon satisfactory contractor performance in terms of both the timeliness and quality of services provided. After completion of the first 12 months, and optionally, annually thereafter, CTCP will conduct a performance review. These reviews will determine whether the contractor is performing to the satisfaction of CTCP, meeting expectations and deadlines, and abiding by the terms of the contract, and should therefore be recommended for continuation of the contract.

4. If, after the first 12 months of the contract, the contractor does not pass the annual performance review, CTCP may elect to terminate or reduce the SOW and award amount of the initial contract with 30 days written notice.

D. **Reservation of Rights**

1. CTCP reserves the right to award any or none of the proposals and to cancel or terminate this RFP at any time.

2. CTCP may waive any immaterial deviation(s) in any proposal. CTCP's waiver of any immaterial deviation(s) shall not excuse a proposal from full compliance with the contract terms if a contract is awarded.

3. There is no guarantee that scoring 75 or above will result in a contract award.

4. CTCP reserves the right to withdraw the award if an acceptable SOW, Budget, Budget Justification, and other CTCP required forms are not received by CTCP from the awardee within 45 calendar days of being negotiated by CTCP and the awardee.

5. CTCP reserves the right to withdraw the award or negotiate the SOW and Budget, or any proposed service or activity, or proposed project components.

6. Expenses associated with preparing and submitting a proposal are the sole responsibility of the agency and will not be reimbursed by CTCP.

7. The awardee certifies, by submitting a proposal, that it has appropriate systems and controls in place to ensure that state funds will not be used in

the performance of this contract for the acquisition, operation, or maintenance of computer software in violation of copyright laws.

E. **Contract Terms and Conditions**

1. CTCP will provide the awardee a copy of the contract language. Changes to this language will not be negotiated at any time during the contract negotiation process.

2. Contract conditions will include: 1) Standard Agreement form; 2) SOW; 3) Budget and Payment Provisions; 4) General Terms and Conditions (GTC 307), (which may be viewed or downloaded at the Internet site: http://www.ols.dgs.ca.gov/Standard+Language/default.htm); 5) Special Terms and Conditions; 6) Additional Provisions; 7) Contractor's Release, and other contract conditions that will be provided to the awardee prior to contract negotiations. Contract terms and conditions are standard state requirements and are not subject to changes or negotiation by the awardee. In addition, note the following:

   a. **Intellectual Property Rights**

      The State shall be the owner of all rights, title, and interest in, but not limited to, the copyright to any and all Works, whether published or unpublished, that are created, produced, or developed under a contract awarded from this RFP. If successful in this RFP, you must comply with the Intellectual Property Rights language. Changes to this language will **not** be negotiated at any time during the RFP process nor with the awardee. See Appendix F for the Intellectual Property Rights contract language.

F. **Proposal Submission Requirements**

By submitting a proposal, proposers agree that CTCP is authorized to verify any and all claimed information and to verify any references named in the proposal. The proposals received by 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.

Proposals must be submitted electronically via the Online Tobacco Information System (OTIS) no later than 5 p.m., Pacific Standard Time (PST), Monday, September 29, 2008.

Information and training on how to access OTIS, input proposal information, and submit the proposal will be discussed at the Information Teleconference/Webinar on August 19, 2008.

- **Fax or e-mail documents will not be accepted. No exceptions will be made.**

- **A late or an incomplete proposal will be considered non-responsive and will not be reviewed for funding.**

- **No changes, modifications, corrections, or additions can be made to the proposal once it is submitted.**

G. **Request to Apply: Instructions for Accessing Online Submission**

Information, resources, and access to all CTCP funding opportunities are consolidated within a single website known as Tobacco Control Funding Opportunities and Resources (TCFOR). This website is accessible at http://tcfor.catcp.org. It provides the following information and functions**:**

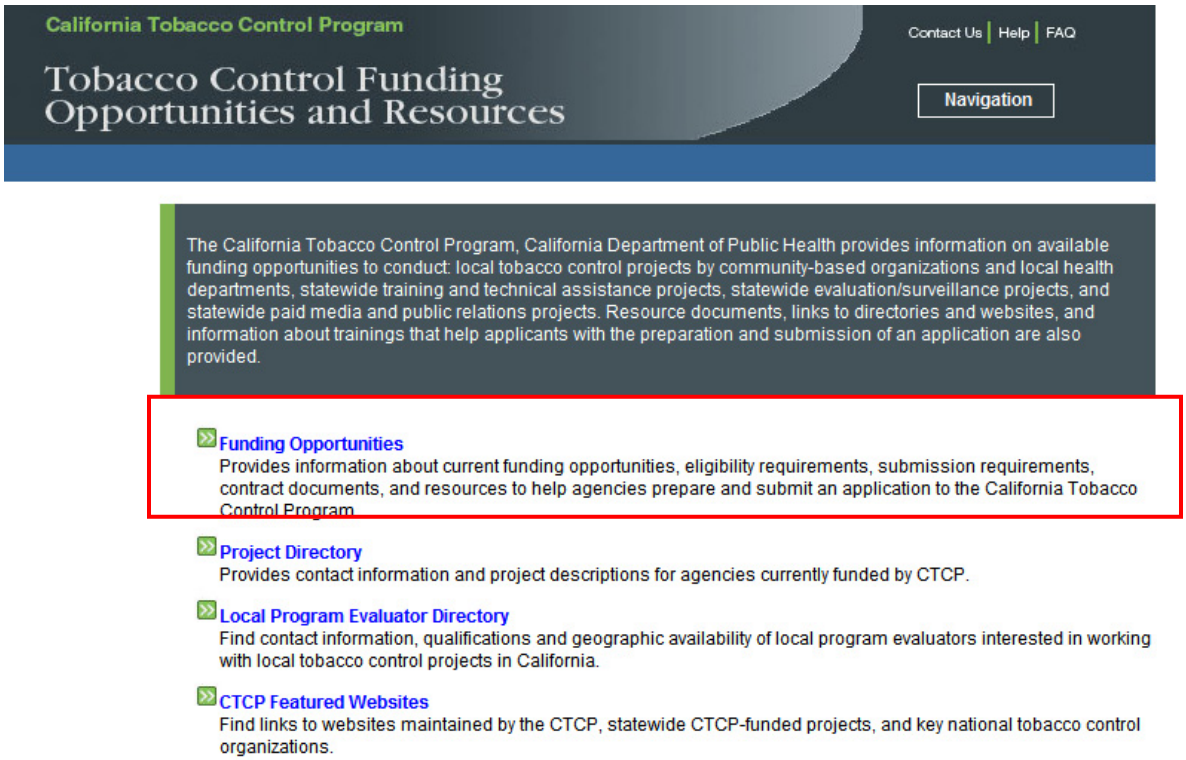
- General information about the purpose and timelines of current and archived procurements.
- The ability to download the RFP and forms that must be completed, signed, and uploaded with the submission of the proposal.
- Access to websites, directories, and downloadable resource documents that may assist your agency in the preparation of its funding request.
- The ability to create a *"User Account"* in order to *"Request to Apply"* to a funding opportunity.
  - An agency that has either an active or inactive OTIS login and password is to use their existing OTIS login and password. Only users who have never had an OTIS login and password are to create a new "*User Account.*"
  - Please allow up to (5) five business days to receive your login name and password.
- The ability to *"Request to Apply"* to a funding opportunity.
  - Submitting a "*Request to Apply"* requires the user to state the funding amount anticipated to be requested and it provides the ability to submit the "*Letter of Intent."*
  - A "*Request to Apply*" is only to be submitted by one individual per project/agency for which an application will be submitted (e.g., only one person from the *Stop Tobacco Use Now!* project at Coffee Health Clinic is to submit a "*Request to Apply*.")
  - Once the request is approved by CTCP, the original requestor can request that additional user accounts be created and linked to the application so that these additional users can assist in the preparation of the application. This is done through the "*My Agency*" section of the OTIS.
  - Within five (5) business days of submitting the *"Request to Apply"* CTCP will notify the agency of the status of the request. If the request is approved, CTCP will send the requestor an e-mail verification and link to OTIS so that the agency can begin completing the online proposal.

- From the *"My Agency"*[1] section of OTIS an agency can submit requests for multiple users within that agency to have access to the online application.

1. **Getting Started with the Tobacco Control Funding Opportunities and Resources (TCFOR) Website**

   a. Type in http://tcfor.catcp.org in the address line of your web browser to access the TCFOR Website.

   b. Click on "*Funding Opportunities*" to access a list of current procurements released by CTCP, CDPH.



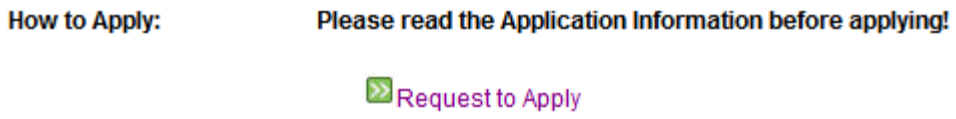
   c. Click on 08-85502 Educational Materials Development RFP.

Current Funding Opportunities

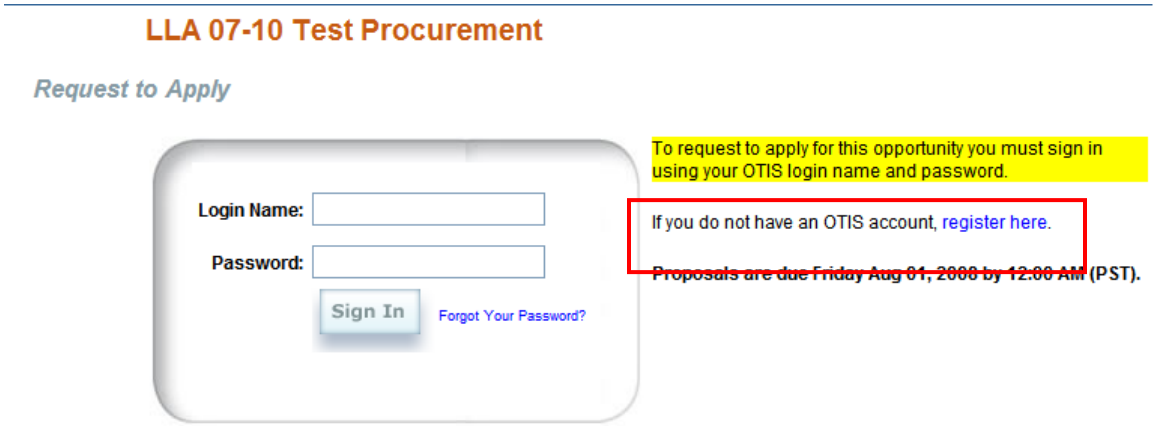
Title	Open Date	Close Date
08-085502 Educational Materials Development RFP	08-11-2008	09-29-2008

   d. Scroll down the screen to "*How to Apply*" and click on the "*Request to Apply*" link.

[1] The link to *My Agency* is located in the footer of the OTIS Home page.



e. If you already have either an active or inactive OTIS login name and password fill in the "*Login Name*" and "*Password*" fields and click the "Sign In" button (Go to step 8 below). If you have never had an OTIS login name and password, click on the "***register here***" link. If you are a new user requesting a login name and password, please allow up to five (5) business days for CTCP to review the request and e-mail you a login name and password. To request a user account you will need to provide the following information about your agency:
   - Full and Official Agency Name
   - Shortened Agency Name (for use on reports and screens with character limitations)
   - Agency 10-digit Federal Identification Number (FEID)
   - Phone Number
   - Fax Number
   - E-mail Address
   - Physical Address
   - Mailing Address



f. After you submit your "*Request to Apply,*" CTCP will review it and within five (5) business days send an e-mail indicating the status of your request. If approved, this e-mail will include a link to the OTIS Website for you to begin completing your application.

g. More detailed instructions are available in the *"Help*" section of the TCFOR Website.

h. Once you are able to "Sign in" with a login and password, you will be asked to respond to several questions prior to finalizing your request to ensure that

your agency is eligible to apply. After responding to these questions, please hit the "submit" button.

i. After you "Sign in" you will also be asked to click on the button that lists your agency's name and its 10-digit Federal Identification Number (FEID). If the agency name is not listed, then click on the "Create New Agency" and you will be prompted to provide official information about your agency. Click "Next" to go to the next screen.

j. Anticipated Funding Request: You will also be asked to enter in the amount that you anticipate requesting for this application. Please review the RFP for information about the award amount available. This amount is only an estimate and CTCP uses this number for planning purposes only. When you submit the final application, you may request more or fewer funds.

2. Voluntary Letter of Intent

- For purposes of CTCP planning the peer review process, all prospective proposers are encouraged to upload and submit a voluntary letter notifying CTCP of the agency's intent to submit a proposal as part of their "Request to Apply."

- The letter of intent must be submitted on the agency's letterhead, be signed and state the name and number of the RFP under which the proposal will be submitted. Failure to submit a letter of intent will not affect the acceptance of any proposal. The letter of intent is not binding and prospective applicants are not required to submit a proposal merely because a letter of intent is submitted.

- CTCP requests that the prospective proposers submit their "Request to Apply" and letter of intent by **5 p.m., PST, August 22, 2008**. Letters of intent must be submitted via the TCFOR Website. Letters sent via the U.S. postal service, express mail, e-mail or fax will not be accepted.

- Prepare the letter using word processing software and upload the document as a word document or PDF and save it to your computer. To upload the letter of intent, click on "*Browse*" and search your computer files for the correct electronic file. Click on the name of the file and then click on "*Open*." The name of the file uploaded will appear in the "*Letter of Intent*" field. If you have uploaded the correct file, click on "*Next*."

Funding Opportunity

Additional Information

Fields in RED are required.

Title: Funding Opportunity
Agency Name: Tobacco Control Section, California Department of Health Services
Anticipated Funding Request: $ [ ] Please enter a number. Do not include $ or commas.
Letter of Intent: [ ] Browse...
Next

a. Verify that the "*Anticipated Funding Request*" and the "*Letter of Intent*" are correct. If they are correct, click on "*Submit Request*." If there is an error, click on "*Cancel Request*." If you cancel, you will start the "*Request to Apply*" process over.

Funding Opportunity

Request to Apply Submission

Please review the information listed below. If any of it is incorrect, click on the "Cancel Request" and start over. If it is correct, Click on "Submit Request" to send the Request to Apply to CTCP.

Once submitted you will receive E-Mail confirmation of the submission at the E-Mail listed for the account which submitted the request. You should receive a response from CTCP within five (5) business days.

Title: Funding Opportunity
Agency Name: Tobacco Control Section, California Department of Health Services
Anticipated Funding Request: $11,111.00
Letter of Intent: Uploaded Letter of Intent
Submit Request | Cancel Request

3. Verification: Following the successful submission of your request, you will receive a notice similar to the one below.

Funding Opportunity

Request to Apply Submitted

Thank you for submitting your Request to Apply for this funding opportunity.

You will shortly recieve an E-Mail confirming your submission. You should recieve a response from CTCP within five (5) business days

Return to Funding Opportunities Overview

H. **Request for Proposal Information Teleconference/Webinar**

1. An information teleconference/webinar is scheduled for the purpose of answering questions directly related to the RFP requirements and services. The teleconference/webinar will also include a training on how to submit a proposal via OTIS. TA regarding programmatic content will not be provided. The information teleconference/webinar is the only medium available for questions about the RFP. CTCP will not disseminate a summary of participant questions and responses or a list of individuals participating in the information teleconference/webinar following the meeting.

INFORMATION TELECONFERENCE/WEBINAR
Tuesday
August 19, 2008
1:30 p.m. – 5 p.m., PST

Login for web portion:
https://conference.dhs.ca.gov/
Conference Reference: 133295
Participant Code: 250627

Login for phone/audio portion:
Phone Number: (888) 323-9723
Participant Code: 250627

NOTE: YOU MUST LOGIN VIA THE INTERNET AND PHONE TO PARTICIPATE IN THE TELECONFERENCE/WEBINAR.

Information on how to access the teleconference will also be available online at the CDPH Website at: http://www.cdph.ca.gov/programs/Tobacco.

2. **Webinar Access Test Session**

Appendix E provides information on how to access the webinar meeting via the Internet. Additionally, on Monday, August 18, 2008, from 10 a.m. to 12 p.m. PST, CTCP will hold a test session for agencies to test the ability of their equipment and software settings to access the webinar meeting. The test session will provide an opportunity to eliminate technical problems in advance of the information meeting.

NOTE: **Interested parties are strongly encouraged to access the CDPH Website frequently for the most current information regarding this RFP, especially funding availability, timelines, and specifics related to the information teleconference/webinar. Any and all revisions to the RFP will be posted on the CDPH Website.**

I. Proposal Submittal and Review

1. **Proposal Submission**

Proposals must be submitted via OTIS and received no later than **5 p.m., PST, Monday, September, 29, 2008**. Proposals must be complete at the time of submission. Proposals that are submitted after this date or do not comply with the submission requirements will be considered non-responsive and will be excluded from the review. Omission of any required document or form, failure to use the required formats for response, or failure to respond to any requirement may lead to the rejection of the proposal prior to review. CTCP may waive any immaterial deviation in any proposal. However, CTCP's waiver shall not excuse any proposal from full compliance with the contract terms if a contract is awarded.

2. **Proposal Review**

Each proposal that complies with the mandatory requirements will be evaluated and scored by CTCP staff and by one or more external peer reviewers. Each proposal will be scored on a scale of 0 to 100 points and will receive a final group consensus score. Proposals receiving a final group consensus score totaling 75 points or more will be considered for funding. Receiving a final group consensus score totaling 75 points or more will not guarantee funding or the funding level requested.

CTCP reserves the right to not fund any of the proposals received for this RFP.

The maximum point value of each proposal section is as follows:

Applicant Capability Section	45 points
SOW, Evaluation, and Narrative Summary	30 points
Budget and Budget Justification	25 points

3. **Contract Award**

   a. The contract award will be to the proposer earning the highest total score.

   b. CTCP reserves the right to conduct an oral interview/presentation and/or site visits to review the proposer agencies and to determine final scores and selection. If CTCP decides to conduct the oral interview/presentation and/or site visit, criteria and instructions will be sent under separate cover to the qualifying proposers. If conducted, the oral interview/presentation will be the basis for further consideration of a contract award.

   c. In the event that CTCP is unable to execute a contract with the initial successful agency, CTCP reserves the right to award the contract to the applicant that has earned the next highest passing score and has met the requirements specified in this RFP.

4. **Notification of Award Decision**

   All agencies submitting a proposal for this RFP will be notified of the award decision in writing. Agencies may receive, upon written request to CTCP, the summary page of the consensus review tool for their proposal. The summary page of the consensus review tool provides the score and overall strengths and weaknesses of the proposal. If an oral interview and/or site visit is conducted, agencies may receive, upon written request to CTCP, the summary of the reviewers' comments pertaining to their proposal.

5. **Contract Negotiation**

   Following the contract award notification, CTCP will schedule and conduct contract negotiations with the potential Contractor. CTCP reserves the right to reject and/or modify any proposed SOW and/or budget component(s).

   Following negotiations, the Contractor will be required to revise their SOW, Budget, and Budget Justification to ensure conformity with CTCP and CDPH requirements, if necessary. Once approved by CTCP and CDPH, these documents will become part of the formal contract. Work shall commence only upon completion and approval of these documents and the fully-executed contract.

NOTE: CTCP reserves the right to withdraw the contract award if an acceptable SOW, Budget, Budget Justification, and other CTCP required forms are not received by CTCP <u>from the awardee</u> within 45 calendar days of the negotiation date.

In the event that CTCP is unable to execute a contract with the initial successful agency, CTCP reserves the right to continue the evaluation of the proposals and select the proposal that most closely meets the requirements specified in this RFP, and that received a passing score of at least 75 points.

J. **Appeal Process**

Only those agencies that submit a proposal consistent with the requirements of this RFP and are not awarded the contract may appeal. There is NO appeal process for proposals that are: submitted late, non-compliant, or incomplete. The awarded applicant may not appeal the contract award level.

Letters appealing the final proposal selection must be received **by 5 p.m., PST, Monday, October 27, 2008, at the address indicated below. E-mail documents WILL NOT BE ACCEPTED**.

Appeals shall be limited to the grounds that CTCP failed to correctly apply the standards for reviewing the appealing agency's proposal in accordance with this RFP. The appellant must file a written appeal, which includes the issue(s) in dispute, or other basis for the appellant's position, and the remedy sought. Incomplete appeals will be rejected. Appeals must be mailed or faxed to:

Donald O. Lyman, M.D., Chief or Designee
Division of Chronic Disease and Injury Control
California Department of Public Health
MS 7200
P.O. Box 997377
Sacramento, CA 95899-7377
Fax number: (916) 449-5505

At the sole discretion of the Chief of the Division of Chronic Disease and Injury Control (CDIC), or his/her designee, an appeal hearing may be held. The decision of the Chief of CDIC or his/her designee shall be final. There is no further administrative appeal. Appellants will be notified of decisions regarding their appeal in writing within fifteen (15) working days of their hearing date or the consideration of the written appeal letter, if no hearing is conducted.

K. **Tentative Timelines**

August 12, 2008	Release of RFP
August 18, 2008	**Webinar access test session: 10 a.m. to 12 p.m., PST**
August 19, 2008	**Information Teleconference/Webinar: 1:30 p.m. to 5 p.m., PST**
August 20, 2008	First Day to Request to Apply. See Section II, G.1. for how-to information.
August 20, 2008	OTIS opened for proposal input
August 22, 2008	**Letters of Intent due by 5 p.m., PST**
September 15, 2008	**Last day to Request to Apply. See Section II, G.1 for how-to information.**
September 29, 2008	**Proposals due by 5 p.m., PST**
October 20, 2008	Notification of award decision
October 21, 2008	Contract negotiations begin
October 27, 2008	**Appeals due by 5 p.m. PST**
October 31, 2008	Appeal hearings
October 31, 2008	Contract negotiations end
January 1, 2009	Contract term begins
December 31, 2011	Contract term ends

NOTE: **Interested parties are strongly encouraged to access the CDPH Website frequently for the most current information regarding this RFP, especially funding availability, timelines, and specifics related to the Information Teleconference/Webinar. Any and all revisions to the RFP will be posted on the CDPH Website at:** http://www.cdph.ca.gov/programs/Tobacco.