



Board of State and Community Corrections

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EXECUTIVE DIRECTOR **Kathleen T. Howard**

TO: SB 1022 Appeals Panel

FROM: Kathleen Howard, Executive Director

DATE: March 5, 2014

RE: Monterey Appeal to Executive Steering Committee Process

The SB 1022 appeal from Monterey County suggests the following remedy:

“Recalculate our project score awarded by the Executive Steering Committee, and approved by the Board, after removing any scoring done by individuals from medium-sized counties with projects competing for the same funding pool.”

Additional information is provided below about the scoring process. The BSCC is confident that the process is fair and impartial. For the panel’s information, the table below shows each of the nine (9) raters’ scores for Monterey County’s proposal; Rater 1 and Rater 7 were from medium-sized counties that also applied for funding. As the county requested, the BSCC staff has recalculated Monterey County’s score with the two ESC members from medium-sized counties removed. After recalculation, Monterey County’s average score increased by 1.5 percent but remained the lowest in the medium-sized category.

County	R-01	R-02	R-03	R-04	R-05	R-06	R-07	R-08	R-09	AVG
Monterey	500	681	735	601	564	681	735	615	915	669.7
Monterey	removed	681	735	601	564	681	removed	615	915	684.6

In addition, Monterey County noted other concerns about the ESC process in its appeal. Each issue is listed below followed by a response from BSCC.

1. “. . . we believe the Executive Steering Committee process used to rate our project was flawed, in that we believe at least one of the evaluators on the Committee rating our project was from a medium-sized county who had submitted a proposal in direct competition for the same funding we were seeking with our project. If true, even if this evaluator recused himself from rating his county’s project, he should not have been allowed to rate the proposals of competing counties. Since we

were never provided with the specific details as to how these evaluators scored our project or who they were, this point is speculative.”

BSCC Response: Information about the raters’ scores is provided above. As noted above, two members of the ESC were from medium-sized counties that submitted proposals. However, an ESC member’s salary from a county that submitted a proposal does not, by itself, create a legally prohibited conflict of interest under Government Code section 1090. Section 1090 generally prohibits a member of a public board from having a financial interest in a contract. Penal Code section 6025.1 specifically provides that any member of a BSCC-created committee (such as the ESC) does not have a financial interest in a contract made by the BSCC based upon his or her public office or employment.

To the extent the county has concerns about the ESC rating process itself, the Executive Steering Committee went through an extensive training on reviewing and rating RFPs. On November 6, 2013, the BSCC conducted a four-hour public training session entitled “Proposal Evaluation Rater Training” for the ESC on how to rate the RFPs. The training was noticed on the BSCC website and all counties were welcome to attend and make comments. At the end of the session, the ESC completed a practice exercise requiring the members to read and rate a mock proposal. The results were reviewed and discussed during the meeting. The BSCC has a long history of using a peer-review process to evaluate funding and grant proposals. In order to have a diverse and representative ESC, the BSCC believes it is important to have representation from small, medium, and large counties.

Attached for your reference is the Grant Proposal Evaluation Process (Attachment A) that explains the method for evaluating grant proposals by an Executive Steering Committee on behalf of the BSCC. This process was established to disburse funds on a competitive basis and was successfully used in the recent AB900 (Phases I and II) Local Jail Construction Financing Program and the SB81 Local Youthful Offender Rehabilitative Facilities Construction.

With respect to “the specific details as to how these evaluators scored our project or who they were . . .” we note that the names of the ESC members were public and were listed in the RFP. When the counties made presentations to the ESC at a December 4-6 meeting, the scores of each rater were announced in public. At page 29 in the RFP, the proposal evaluation factors are listed as follows:

PROPOSAL EVALUATION FACTORS

The evaluation factors to be used and the maximum points that will be allocated to each factor are shown in the table below.

Rating Factors and Maximum Points

	RATING FACTOR	MAXIMUM POINTS
1	Project Need	250
2	Scope of Work	200
3	Offender Management and Programming	250
4	Administrative Work Plan	100
5	Budget Review	200
	Total	1000

2. “After submitting our application we worked closely with BSCC staff to insure we had met the critical preference criteria required for the project proposal to be successful. BSCC staff worked with us until they felt confident in telling us that, in their opinion, we had met at least three of the four preference criteria... Although additional documentation to support our position could have been provided at the time of application if we had been so directed, we were assured by BSCC staff that our documentation was sufficient.”

BSCC Response: At page 25 in the RFP, the BSCC’s technical review is described as follows:

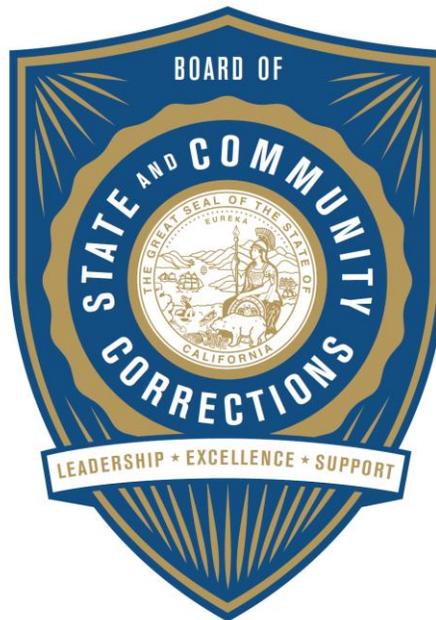
TECHNICAL REQUIREMENTS REVIEW OF DRAFT PROPOSAL

It is anticipated that BSCC staff will be available to provide a limited technical review of the draft proposals anytime up to two weeks before the submittal deadline to determine if the draft proposal complies with the technical requirements. Draft proposal reviews are not required. Reviews are informal in nature, non-binding and limited to staff assessment of compliance with state requirements. Staff can make no judgment as to the merit of draft proposals or how proposals will be evaluated by reviewers. (Emphasis added.)

It was not the responsibility nor would it be appropriate for BSCC staff to provide an opinion on whether a county’s submission for preference criteria would be successful. In the event that a member of our staff shared an opinion, it is clear in the RFP that the staff is not responsible for evaluating either the preference criteria or the proposal itself.

We note that Monterey County has also suggested a remedy related to the scoring of the preference criteria. We understand that the Department of Finance will respond to that issue under separate cover.

GRANT PROPOSAL EVALUATION PROCESS



Board of State and Community Corrections
Technical Report

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Board of State and Community Corrections

GRANT PROPOSAL EVALUATION PROCESS

One of the responsibilities of the Board of State and Community Corrections (BSCC) is to award funds to counties for projects in areas such as juvenile crime reduction, jail and juvenile facility construction, and disproportionate minority contact (DMC). This report documents the process by which the grant proposals are evaluated to ensure the awards are based on the worthiness of the proposals and the excellence of the proposed projects. The goal in the development of the proposal evaluation process is a reliable, valid and fair system for ranking proposals according to merit. The ultimate objective of the process is the selection of proposals that most completely satisfy the criteria established by the legislature, the federal government and the BSCC. The process described in this document has been used over the past ten years for multiple grant projects. We feel that it has stood the test of time.

The BSCC approved multi-step grant evaluation process is described below.

1. Analysis of the Funding Legislation to Determine the Grant Requirements. The first step is conducted by BSCC staff that analyzes the wording of the legislation or federal requirements to identify criteria that must be reflected in the grant proposal evaluation process. These criteria might include: a) the grant timetable; b) eligibility requirements; c) program content requirements; d) proposal evaluation factors; e) process and outcome research requirements; f) data gathering mandates (e.g., collection of common outcome data across projects); g) priority grantee characteristics (e.g., weighting factors that could include size of agency, size of county, jail population, crime rate, demonstrated need, and collaborative regional proposals); and program purpose areas.
2. The Establishment of an Executive Steering Committee (ESC). The BSCC appoints an ESC charged with: a) reviewing, developing and defining proposal-evaluation criteria and recommending the final form of the Request for Proposals (RFP) for the BSCC's review and approval. The ESC is empowered by the BSCC to review all proposals and recommend a list of proposed projects to the BSCC. The makeup of the committee is designed to bring to the selection process a wide range of perspectives including: State adult and juvenile corrections and probation, local adult and juvenile corrections and probation, corrections research, urban and rural counties, the private sector, the general public, the Legislature, and the Governor-appointed BSCC. The committee typically consists of about eight members, although the number can range from five to twelve.
3. Development of the Proposal Requirements and Evaluation Process. The ESC meets for the first time shortly after the funds have been appropriated to develop and agree on a process for soliciting and reviewing proposals. As a result of the topics discussed at this meeting, the following determinations are made:
 - the definitions of the proposal rating factors (discussed below) and the minimum standards that must be reflected in every proposal prior to review by the ESC. These “pass/fail” criteria are used by the BSCC staff to complete the initial technical compliance reviews;
 - the timetable for the mail-out of the RFP and the deadline for return of completed proposals;

- the requirements for proposal layout in terms of the maximum number of pages allowed and the display of the budget;
 - if required, the format and order for oral presentation to the ESC by bidders, including the time that will be allotted for presentations and questions/answers; and,
 - any other issues that need to be discussed and decided in order to move ahead with the proposal generation and evaluation process.
4. Determination of the Formal Rating Process. A critical first step of the ESC is the identification of rating factor by which every proposal will be assessed and, eventually, ranked. The ESC must determine the characteristics of projects most likely to succeed. These characteristics generally include the quality of the proposal, the demonstrated need for the program, the demonstrated ability to administer the program, anticipated program benefits, the program cost effectiveness, etc. These rating factors must be: a) appropriate for assessing the full worth of each proposal, b) mutually exclusive so that a characteristic is only measured once, and c) measurable, in the sense that raters can agree on the definition and objective assessment of a factor.

The second step is to assign to each rating factor an index of relative importance. For example, the ESC might consider one rating factor twice as important as another (e.g., cost effectiveness twice as important as the completeness of the proposal). Therefore, if proposal completeness were assigned 0-10 points, cost effectiveness would be assigned 0-20 points. The total number of points or “total score” that a proposal can receive is the sum of all the rating factor weights (usually somewhere between 100 and 1,000 points).

The third step involves “operationalizing” the rating factors (e.g., we operationalize the factor of “one foot in length” through the use of a standard-size ruler that is twelve inches long). To complete this step, the ESC: a) defines the rating factor; b) assigns a range of points to that factor (we typically use a scale with a five point range, from “5 = excellent” to “1 = poor”); and c) creates "anchors," or descriptions of the kind of proposal content that would be deserving of each point in the range (i.e., the characteristics of a proposal warranting an "excellent" versus a "poor" rating). In terms of the example of the ruler, the scoring anchors on a ruler are like the inch, half-inch and quarter-inch markers. Determining scoring anchors is a crucial step in that it specifies the "benchmarks" against which each will be evaluated and ranked.

A fourth step involves determining whether there will be any special selection criteria and how many points each special criterion should be assigned. For example, the legislature, or the ESC, might decide to give preference to bidders based upon type of jurisdiction, jail population, size of the funding request, amount of matching funds, or crime rate within a jurisdiction. When special selection criteria are identified, the result might be: a) awarding points depending on whether a bidder meets a criterion or not, or b) grouping bidders according to a criterion (such as large versus small jurisdiction) and ranking each proposal within its own criterion group.

When the ESC has completed these steps, BSCC staff formalize the ESC's decisions by drafting rating forms, rating factor definitions, rating anchor definitions, rating factor weights, and a draft RFP.

Example evaluation factors and the associated weights appear in Table 1. These were the factors and weights used for the Disproportionate Minority Contact (DMC) Enhanced Technical Assistance

Project. Unique evaluation criteria and rating weights are developed for each grant proposal evaluation process that is conducted by the BSCC.

-Proposal Rating Criteria- DMC Merit Review Rating Factor	Maximum Points
Clear and Comprehensive: The proposal is clearly written and well organized. The proposal includes all of the required components, and the responses are thorough.	25
Initial Issue Identification and Data Analysis: The proposal clearly demonstrates an understanding of the importance of addressing DMC through the identification and discussion of potential DMC issues in the jurisdiction. The proposal documents the need to further examine these issues through the inclusion and analysis of specified data.	35
Description of Infrastructure Needs: The proposal makes a clear and compelling argument for the need for requested staff positions and/or other resources to establish or strengthen the foundation for a DMC reduction effort.	35
Expert Consultant Selection and Work Plan: The proposal clearly describes the process and criteria the applicant will use to contract with an expert consult. The proposal outlines a preliminary work plan that addresses his/her roles and responsibilities.	45
Budget Appropriateness: The proposed budget is reasonable and appropriate given the nature and scope of project activities.	35
Proposed Timeline: The proposed timeline for activities is realistic given the nature and scope of the project.	25
Total Possible Points	200

5. Development of the Request for Proposal (RFP). Using criteria approved by the ESC, the Board staff develops a draft RFP to present to the ESC for review and approval. The RFP document is used by jurisdictions as a guide to develop their proposals. To ensure a fair and equitable process, the RFPs must clearly describe what bidders must do to compete effectively for the grant funds, and identify the factors to be used in evaluating and ranking the proposals, including the weight each rating factor will be given, and rating-factor definitions the ESC members will use in their review.

At the second meeting of the ESC, BSCC staff present the draft proposal-evaluation procedures, rating factors, rating-factor definitions, rating-scale anchors, and a draft of the RFP. In addition, staff presents the technical compliance forms that will be used for the initial assessment of proposal adequacy with regard to minimum standards set by the ESC.

Based upon input from the ESC, staff makes the final changes to the proposal evaluation process and the RFP.

6. BSCC Approval of Evaluation Process and RFP. The BSCC reviews the ESC recommendations and approves the RFP, associated criteria, and the proposal evaluation process. Shortly thereafter, the RFP is posted to the BSCC website.
7. Dissemination of RFP and Technical Assistance. After the RFP is posted to the BSCC website and during the proposal-writing period, BSCC staff is available on a continuous basis to provide technical support and other assistance to the authors of the proposals. When staff receives questions that may reflect general concerns, the questions and official written responses are posted within an FAQ sheet posted on the grant page of the BSCC's web site.

If time and funding allow, meetings (bidder's conferences) are held in various locations around the state to: a) clarify the BSCC's expectations regarding the proposals; b) answer any questions that jurisdictions might have about the process; and c) give technical support regarding various aspects of the proposal writing process.

8. Proposals Submitted to the BSCC by Counties. Counties are typically given between two to four months to respond to the RFPs and complete their proposals. While this might seem like a long period of time, writing a high quality proposal is difficult and time consuming, particularly if the funding requires collaborative planning and implementation.

First, data must be collected regarding community needs and values. Once the jurisdiction's needs are identified, collaborative working relationships between local organizations must be established. Frequently, partners in the collaborative venture do not have a history of working together and must spend time becoming familiar with each other's programs and priorities. Support for the program must be elicited from groups as diverse as the Boards of Supervisors, Sheriffs and Chief Probation Officers, and citizen groups that are advocates for the incarcerated, youth and the mentally ill. Complicated planning must be done to put together programs that are multi-year, multi-million dollar, innovative, feasible, cost-effective and sustainable, and have a reasonable chance of being proven to be significantly more effective than current practices.

9. BSCC Staff Review of Proposals. The evaluation process begins when the BSCC receives the completed proposals. Staff uses forms approved by the ESC to assess whether proposals meet minimum technical requirements for competing in the proposal process. The Technical Compliance Worksheet documents the presence or absence of such factors as a complete budget, the minimally acceptable match, and required proposal chapters. In the event a research/evaluation plan is required, issues such as sample size and clear hypotheses are reviewed. BSCC staff read each proposal to determine whether pass/fail criteria have been met on all factors. All counties that submit proposals informed about any non-compliance with minimum criteria and are given the opportunity to respond to deficiencies in their proposals.

These two steps are important because they give counties a chance to avoid having otherwise worthy proposals eliminated from consideration because of relatively minor and easily corrected deficiencies.

10. Grant Specific Technical Compliance Comments sent to Counties. The Technical Compliance Worksheet and county responses are forwarded to the ESC for use during the committee members' initial reading and assessment of the proposals.

11. Reading and Evaluation of Proposals by ESC. At this step, the ESC members read the proposals and provide scores for each rating factor.
12. Oral Presentations Made by Counties before the ESC (if applicable). The ESC and BSCC staff meet to review the final evaluation and proposal-ranking procedures. During that meeting the following topics are reviewed and discussed:
 - the proposal evaluation form in terms of: 1) the definition of each of the rating factors; 2) the structure of the rating scales; and, 3) the type of performance for each factor that will warrant high, medium and low scores from the raters;
 - standardized oral-presentation procedures to ensure that each applicant is treated consistently and fairly; and,
 - proposal rating procedures so that each rater knows what is expected of him or her (see Second Numerical Evaluation of Proposals, below).
13. Second Numerical Evaluation of Proposals Made by ESC (if applicable). After each presentation, the ESC members provide a score for each rating factor. The raters either repeat the rating that was given during the preliminary reading of the proposal, or provide a revised rating based upon additional information provided in the oral presentation. These ratings are made independently (that is, without discussion among the ESC members). The ratings are collected immediately and delivered to the BSCC staff for processing.

Sometimes a rater must excuse himself or herself from the rating of a proposal due to a possible conflict of interest (for example, the rater might be the Chief Probation Officer from the county making a probation-oriented proposal). In such a case, the rater does not sit among the rating panel, does not submit numerical ratings, and does not participate in any discussion regarding the relative merits of the proposal. The remaining members of the ESC complete the rating of that proposal as usual.

14. Evaluation Ratings Entered into Computation Software. Every rater's scores for each rating factor and each proposal are entered into a spreadsheet specially designed for compiling the rating data and computing the results. If there are eight ESC members and twelve rating factors, 96 rating values must be entered into the computer for every proposal. The data-entry task is performed, independently, by two data-entry personnel into two non-networked computers. Subsequently the two sets of ratings are compared with one another and with the rating forms to ensure accuracy.
15. Rating Agreement Assessed, Presented to, and Discussed by the ESC. For each rating factor, the software program identifies the highest and lowest score given by an ESC member, and the difference between the highest and lowest rating. If the range of scores spans more than half the rating scale range (e.g., if the difference is 6 or more on a 10-point scale), the software signals rater disagreement on that factor. The rating results for all the proposals, factors and raters are presented to the ESC for their examination and discussion.
16. Numerical Evaluation of Proposals. In this step, ESC members have an additional opportunity to evaluate the proposals. In contrast to the first rating that was performed independently, in this round, ESC members discuss their ratings with one another. Raters are

given a summary of all the ratings for each rating factor and each proposal. Disagreements among raters are indicated on the summary sheets.

The purpose of this step is to review the ratings and ensure that:

- each rater has been consistent in his or her ratings. ESC members rate many proposals and presentations over a brief period of time. Raters sometimes find that over the course this period, they have shifted upwards or downwards in their perceptions of proposal quality with the result that ratings of early presentations are either too high or too low relative to ratings of later presentations. This step allows them to make necessary adjustments.
- raters have the opportunity to question the ratings of other ESC members, especially in those instances where there is disagreement. If after the discussion, raters decide to change their ratings, they are free to do so.

It is not the purpose of this step to create agreement among raters. The ESC members each represent a unique and valuable perspective. It is important that a full range of perspectives be brought to bear on the evaluation process. In this way, balanced and fully informed assessments can be made.

Any rating changes made in this step are entered independently into the two computers and checked to avoid errors.

17. Composite, Overall Scores and Rankings Computed. With all individual rater scores discussed and revised as necessary, the new factor totals, total scores and ranks are computed. These computations are performed on the two computers independently and the results are compared. Any deviations in the two sets of results would indicate that an error has been made. If such an error occurs, the ESC proposal evaluation process stops while staff locates and corrects the error.
18. Presentation of the Scores and Rankings to the ESC. At this point, the BSCC staff has all the data needed to compute the rankings of the proposals based upon the total scores computed from the ESC factor ratings. The ESC members review the rankings to determine if any further discussion is necessary. For example, an ESC member might find that a proposal did not rank where he or she thought it should have based upon the perceived relative merits of the proposal.
19. Proposal Rankings Discussed by the ESC. This step provides the ESC members a first opportunity to review the proposals in terms of their overall ranking. This step also presents two competing issues. On the one hand, it is proper for ESC members to discuss the “overall worth” of a proposal, because, in the final analysis, grant funds should be awarded to the best overall proposals. On the other hand, it is not proper for raters to arbitrarily alter the rankings of proposals without regard to the individual factor ratings. We balance the competing demands through the following procedures:
 - a. ESC members are shown, and given the opportunity to discuss, the proposal rankings;
 - b. if an ESC member wants to discuss a proposal, the discussion focuses on the scores given to the rating factors (as opposed to a discussion of the proposal’s rank). In this way, a proposal’s rank will change only if some correction is made to an individual factor rating.
 - c. if an ESC member decides to change his or her factor rating based upon the discussion, he or she may do so.

- d. if a change in a factor rating does occur, the change is entered independently into the two computers, and the computational software re-computes the proposal total scores and revises the rankings.
20. Final Proposal Rankings Computed. Upon completion of the previous step, the computer software generates the final rank order of the proposals. The final product of the software is a table that identifies, in rank order, each proposal's overall score, funding request, and the cumulative amount of funding requests by rank order of the proposals. A final column indicates the point at which available grant funding is exhausted.
21. Funding Recommendations Agreed Upon by the ESC. The ESC reviews the ranked proposals, the requested funds and the available funds, and decides upon the grant award recommendations to be made to the BSCC. If the ESC agreed, in its earlier discussions, to consider funding individual/separate programs within a jurisdiction's proposal, the ESC makes this determination during this step.
22. Feedback to Counties Regarding Ratings and ESC Recommendations. Within a few days of receiving the ESC's recommendations for funding, staff informs the bidders of the results of the competitive process. Upon request, bidders may receive their proposal's factor scores and total scores, and comparisons of their proposal's factor and total scores against the group of proposals recommended for funding.
23. Funding Recommendations Submitted to the BSCC. At the first BSCC meeting following the proposal evaluation process, the ESC recommendations are presented to the BSCC. The BSCC has the responsibility to review the evaluation process for fairness and completeness, and the authority to make the final funding decisions.
24. Evaluation Process Documented and Submitted to the BSCC. It is extremely important, for a number of obvious reasons, that funding recommendations are based on a reasonable, valid and fair process. It is also important that the legislature, the BSCC, and the bidders be able to review the process and make their own assessment regarding how these important funding recommendations were made.

SUMMARY AND CONCLUSION

Developing a process for determining which jurisdictions will receive crucial funds for important programs is an awesome responsibility. Jurisdictions competing for grant funds not only have critical needs, but they also invest considerable effort and resources in planning for and constructing their proposals. It is essential that the competition for the grant money be contested on an even playing field, according to clear, standardized and fair rules. It is mandatory that the individuals having the responsibility for determining who the grantees will be make informed assessments based upon relevant criteria within a highly structured process.

We hope that the reader of this document concurs that the BSCC Grant Proposal Evaluation Process satisfies the above criteria, and helps to ensure that the most meritorious grant proposals receive grant funds. Any feedback regarding our grant evaluation process is appreciated.