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Board of State and Community Corrections Proposition 47 Grant Request for Proposals Frequently Asked Questions

Updated January 3, 2017 – updates are in red font

1) Will the December 12, 2016 Bidders' Conference video be posted?

Yes, the video has been posted to the BSCC website and can be viewed here:
<https://www.youtube.com/watch?v=eBJA-PaIVk>

2) Page 79 says that the Budget Section is worth 15 percent, but the Rating Factors table on page 20 indicates that the Budget Section is worth 20 percent. Please advise.

The Budget Section is worth 20 percent of the total points. Page 79 contains a typographical error that was corrected in the RFP and reposted to the BSCC website on December 13, 2016.

3) What is the definition of a public agency?

For the purposes of this Request for Proposals (RFP), a public agency is defined as:

Public agency means a county, city, whether a general law city or a chartered city, or city and county, the duly constituted governing body of an Indian reservation or Rancheria, a school district, municipal corporation, district, political subdivision, or any board, commission, or agency thereof, entities that are legislative bodies of a local agency pursuant to subdivision (c) or (d) of Section 54952 of the Government Code, a housing authority organized pursuant to Part 2 (commencing with Section 34200) of Division 24 of the Health and Safety Code, a state agency, public district, or other political subdivision of the state, or any instrumentality thereof, which is authorized to engage in or assist in the development or operation of housing for persons and families of low or moderate income. (Pen. Code, §6046.1, subd. (c).)

4) Is a Superior Court a “public agency” for purposes of applying for this grant?

Yes, a Superior Court is a “public agency” for purposes of applying for this grant.

5) Is the Public Defender’s Office considered a Public Agency?

Yes, the Public Defender’s Office is considered a Public Agency.

6) What is the definition of custodial setting?

For the purposes of this RFP, a locked facility (e.g. jail, prison, etc.) is considered a custodial setting. The intent of this RFP is to prohibit the use of grant funds for programs or services provided in a custodial setting with the exception of outreach and reentry planning.

7) If a proposal plans to offer prebooking diversion, in which an individual is not in jail but is being held at the police station until s/he agrees to engage in services and the case is dropped, would that count as services provided in a custodial setting, thus disqualifying the proposal?

No. The proposal would be permissible based on the described scenario because the individual is not in a custodial setting when receiving services.

8) Is a jurisdiction-wide balance important for a proposal to be competitive? Or, is it equally important to hit areas in the jurisdiction that have the greatest need?

Applicants should consider the relative weights assigned to the required proposal components when developing their programs and subsequent implementation. The input the applicant receives from the community engagement process may also help determine what is important for inclusion in the proposal.

9) Can a 501(c)(3) non-profit, public benefit corporation consisting of representatives of public entities (e.g., an Indian Health Council comprised of Indian tribes) act as a lead agency?

No. A 501(c)(3) nonprofit is not an eligible public entity and cannot serve as a lead agency. However, a non-governmental, public benefit corporation would be an eligible community-based partner that could partner with a public agency to receive funding.

10) How will grant funds be distributed over the full grant funding period? If an applicant received \$6M, would it balance out to approximately \$2M per year? Could an applicant ask for a greater portion of the funding on the front end?

Applicants requesting \$6 million do not have to distribute the funds evenly over the three years. For example, an applicant requesting \$6 million could budget for \$3 million in Year 1, and then \$1.5 million in Years 2 and 3 (or any combination thereof). The BSCC disburses grant funding on a reimbursement basis, projects selected for funding will be reimbursed on a quarterly basis. Additional information on Invoicing can be found in the *BSCC Grant Administration Guide* on the BSCC [website](#).

11) Can an applicant apply for the Proposition 47 Grant and the BSCC's separate Law Enforcement Assisted Diversion Grant?

Yes, an applicant may apply for both grants.

12)What is the definition of Smaller or Larger scope? Please provide examples.

Smaller scope projects are those that request up to \$1 million for the entire 38-month grant period. Larger Scope projects are those that request more than \$1 million and up to \$6 million for the entire 38-month grant period. Examples:

- Smaller Scope:
 - Example a) \$500,000
 - Example b) \$750,000
 - Example c) \$990,000
- Larger Scope:
 - Example a) \$1,100,000
 - Example b) \$3,500,000
 - Example c) \$5,540,000

13)Do we understand correctly that proposals up to \$1 million are Smaller Scope and between \$1 million and \$6 million are Large Scope? Is it expected that smaller counties in the state will be in the Smaller Scope pool of applicants and that larger counties will be in the Large Scope pool of applicants?

Yes. However, there is no requirement that the scope of the project be correlated with size of county, city, jurisdiction, population, etc.

14)In the event of funding reduction or elimination, will the grantee agencies be notified with time to: a) terminate the program(s), and b) be fully reimbursed for the expenses already incurred?

If there is a change in the amount of funding available, the BSCC would notify the Grantee in writing. Allowable costs already incurred by the Grantee would be reimbursed through the date of the notice to the Grantee.

15)Due to the significant percentage of funding that would be allocated to Community Based Organizations, it is reasonable to assume that the contracts would be \$50-100K or more. Typically, this would require a local RFP process, which tends to be pretty lengthy. Can service providers be selected at the time of grant award instead?

Yes. The RFP contemplates that lead agencies may not be able to enter into contracts with service providers prior to the deadline to submit applications. **Instructions in the RFP for completing the Budget Section state: "If a community partner has not been selected as of the date of the submission of the application, clearly identify the amount of grant funds that will be allocated as a placeholder." (See Page 82, Rating Factor 6b, Budget Narrative, 4.Community-Based Organization Contracts.)**

In addition, the service delivery approach for each service and/or program component must be clearly described and the roles and responsibilities for proposed service providers must be clearly identified. (See Page 76, Rating Criteria 3.4.) The applicant

must also describe the process that it will use to select service providers and describe how it will include providers that best represent the needs and interests of the target population. (See Page 76, Rating Criteria 3.5.) Service providers should be identified, if known, and Attachment J must be submitted with the application regardless as to whether service providers have been identified. (See Rating Criteria 3.4 & Attachment J.)

16) Is it mandatory to attend a Bidder's Conference prior to applying for funding?

No. Bidder's Conference attendance or viewing is not mandatory.

17) Can a government agency submit multiple applications?

No. Lead agencies (e.g., individual agencies or departments within a city, county or other jurisdiction) may not submit more than one proposal.

18) Could the BSCC provide definitions of mental health services in the Glossary for purposes of the grant, as substance abuse services are defined in the grant materials?

The RFP does not define mental health services. Applicants may wish to consult with their county behavioral health departments or review the Mental Health Services Act, enacted by Proposition 63, as amended (referenced in California Penal Code Section 6046.3(b)(2)(B) as a potential source of leveraged funding for Proposition 47 grant programs).

19) Can case management and navigation assistance provided to the target population to help them access substance abuse, mental health or housing services meet the requirement of providing substance abuse, mental health and housing services with the grant funds?

No, not as a standalone proposal. According to the RFP, "Proposition 47 grant funds must be used for mental health services, substance use disorder treatment, diversion programs, or some combination thereof." Case management and navigation assistance could be provided in addition to, but not in lieu of, these services.

20) Are there any grant funding opportunities for non-public agencies such as a Drug & Alcohol Outpatient Treatment provider?

At this time the BSCC does not have grant opportunities for non-public agencies. Non-public agencies must partner with a public agency applicant in order to receive Proposition 47 grant funding. Public agency applicants are required to subcontract a minimum of 50 percent of the Proposition 47 grant funds requested to one or more non-governmental, community organizations.

21) Can a proposal only address mental health services or must it address mental health services, substance use disorder treatment and diversion programs?

Yes. A public agency applicant may submit a proposal that addresses only mental health services. According to the RFP, "Proposition 47 grant funds must be used for mental health services, substance use disorder treatment, diversion programs, or some combination thereof."

22) Can a Los Angeles City Department list a Los Angeles County Department as a partner in its proposal?

Yes.

23) Can a Los Angeles City Department pass through grant funds (e.g. subcontract) to a Los Angeles County Department? If the answer is yes, can a Los Angeles County Department still submit a separate application requesting up to \$20 million?

Yes, a Los Angeles City Department can pass through funds to a Los Angeles County Department. Los Angeles County can still submit a separate application requesting up to \$20 million.

24) Can more than one Los Angeles City Department submit separate applications?

Yes, more than one Los Angeles City Department may submit an application.

25) Can different departments from a County organization apply separately? For example, the Probation Department may submit an application and the Health Department may submit one. Is that correct?

Yes. Different departments within the same county may apply separately, with the exception of the County of Los Angeles. Only one application may be submitted on behalf of the County of Los Angeles and its subsidiary departments and agencies. Other cities and eligible non-county, public entities within Los Angeles County may still submit individual applications.

26) In the case of Los Angeles County they have a set-aside for up to \$20 million. Does Los Angeles County have to include their non-governmental organization (NGO) partners in that application or can they apply alone then subsequently create a secondary RFP process with the \$20 million (or whatever amount is allocated)? If that's the case would they notify you of these NGOs? Without the information in the application, how would you evaluate the extra points for NGO participation, or calculate the 50 percent minimum?

According to the RFP, page 6, applicants must, "Subcontract with one or more non-governmental, community organizations for a minimum of 50 percent of the total grant award in order to demonstrate a shared partnership rooted in community engagement

and economic equity. Additional points will be awarded to applicants that pass through 60 percent or 70 percent.”

Please review the response provided to question 15. BSCC recognizes that some jurisdictions will be required to conduct a competitive RFP process after the funds are awarded. Instructions in the RFP for completing the Budget Section state: “If a community partner has not been selected as of the date of the submission of the application, clearly identify the amount of grant funds that will be allocated as a placeholder.” (See Page 82, Rating Factor 6b, Budget Narrative, 4.Community-Based Organization Contracts.) At a minimum, therefore, applicants must show on their budgets what percent of the funds will be dedicated to meet the pass-through requirement and will be scored accordingly.

27)The RFP indicates applicants may implement either new services or expand existing services. May applicants implement both?

Yes, an applicant may implement both new services and expand existing services. However the Safe Neighborhoods and Schools Fund prohibits the use of supplanting. Specifically:

“The funding established pursuant to this act shall be used to expand programs for public school pupils in kindergarten and grades 1 to 12, inclusive, victims of crime, and mental health and substance abuse treatment and diversion programs for people in the criminal justice system. These funds shall not be used to supplant existing state or local funds utilized for these purposes.” (Gov. Code, § 7599.2, subd. (a)(3).)

28)The language indicates that the eligible population to receive services is individuals arrested, charged with, or convicted of a crime. To clarify, can a project focus on individuals who have only been arrested (for instance, individuals for which charges were later dropped - this population might be considered "as risk" but not "ex-offenders")?

Yes, a project may focus on individuals who have only been arrested as long as they also have a history of mental health issues or substance use disorders. According to the RFP, “As mandated by AB 1056, services and programs proposed in response to this RFP must be designed to serve people who:

- have been arrested, charged with, or convicted of a criminal offense AND have a history of mental health issues or substance use disorders.

For purposes of this RFP, a person has a history of mental health issues or substance use disorders if the person:

- has a mental health issue or substance use disorder that limits one or more of their life activities;
- has received services for a mental health issue or substance use disorder;
- has self-reported to a provider that they have a history of mental health issues, substance use disorders, or both; or
- has been regarded as having a mental health issue or substance use disorder.”

29) Can you provide examples of state and local Conflict of Interest laws that would be relevant when selecting the Local Advisory Committee?

Government Code sections 1090 et seq and Government Code sections 81000 et seq. (the Political Reform Act) are state conflict of interest laws. You should consult with your agency's counsel for information on local ordinances and codes that may pertain to your Local Advisory Committee.

30) Can a member of a local Proposition 47 Advisory Committee submit a proposal?

Public agency applicants should consider state and local conflict of interest laws when selecting members of the Proposition 47 Local Advisory Committee. Applicants are advised to check with their legal counsel about potential conflicts.

Note: Existing law prohibits any non-governmental sub-grantee, partner or like party who participated on the Proposition 47 ESC from receiving funds from grants awarded under this RFP. Further, applicants who are awarded grants under this RFP are responsible for reviewing the Prop 47 ESC membership roster and ensuring that no grant dollars are passed through to any non-governmental entity represented by the members of the Proposition 47 ESC.

31) Is there an expectation to have an advisory committee for every application in the county or can there be one for all the applications within a county?

It is at the discretion of each public agency applicant to determine whether one Proposition 47 Local Advisory Committee per jurisdiction is sufficient or if each public agency applicant within a jurisdiction should convene its own Proposition 47 Local Advisory Committee. There is nothing in the RFP that prohibits more than one applicant within a jurisdiction from using the same Local Advisory Committee.

32) Re: Indirect costs, please confirm that this line is for the applicant's indirect costs and that subcontractors' and others' indirect costs will be included on their own budget lines.

Yes, the Indirect Cost line in the Budget Table is for the applicant's indirect costs only. Subcontractors' indirect costs should be included in their subcontract and that amount, or estimated amount if subcontracts are not yet in place) should be included in the applicable budget line in the Budget Table (i.e., Community-Based Organizations or Professional Services).

33) Does the BSCC want to see budget tables for the subcontractors or will a description in the budget narrative be sufficient?

If known, for subcontractors included in Professional Services line item, the applicant must, "List the names of all professional service contracts (e.g., contracts with other governmental entities or consultants). Itemize the services that will be provided by each and show funds allocated to each. Show hours and billing rates for all contracted

staff.” If known, for subcontractors included in the Community-Based Organizations line item, the applicant must, “List the names of all non-governmental community organizations, itemize the services that will be provided by each and show funds allocated to each. Show hours and billing rates for all community organization staff.” Use estimates if subcontractors are not known at time of proposal submission.

34) Please advise which "services" should be included on budget line 2, Services and Supplies?

The “Services and Supplies” category should contain general operating expenses. According to the BSCC Grant Administration Guide, examples of allowable operating expenses could include: equipment service and maintenance agreements, facilities costs, Internet access, janitorial services, postage, printing, rental or lease of equipment, telephone or utilities, etc. See the Guide for more details:

<http://www.bscc.ca.gov/downloads/BSCC%20Grant%20Admin%20Guide%20July%202016%20-%20Draft.pdf>

35) Please advise of the difference between budget lines 3 and 4. We understand that line 4 is the subcontractors subjected to the 50 percent minimum pass through requirement. But page 81 indicates that line 3 should include "consultants." What type of consultants would these be? Would the external evaluator's costs be on line 3 or line 2 (Services and Supplies)?

The 50 percent minimum pass-through requirement applies to non-governmental, community organizations and must be reflected in budget line 4, Community-Based Organization Subcontracts. Subcontracts with other governmental agencies or independent consultants should be included in budget line 3, Professional Services, and will not be counted toward the 50 percent pass-through requirement. All costs associated with data collection and evaluation should be included in budget line 6, Data Collection and Evaluation. According to the RFP, “Applicants must dedicate a minimum of 5 percent (or \$25,000, whichever amount is greater) up to a maximum of 10 percent of total grant funds requested to this line item. Even if Data Collection and Evaluation efforts will be performed by Professional Service consultants they must be listed here.”

36) Can we copy and paste the budget table into Excel instead of Word?

Yes, public agency applicants may copy and paste the budget table into Excel. However, all amounts must be reported in whole dollars and you may only use BSCC budget line items. Please review pages 79-83 of the RFP.

37) Can the budget table be single spaced?

Yes. The Budget Table is separate from the Budget Narrative and will not be counted toward the six-page limit.

38)Is the budget narrative for the whole 38-month period of the grant or only the first year?

The Budget Table and corresponding Budget Narrative must reflect a 38-month period.

39)May applicants include a cover, table of contents, transmittal letter, and limited supplemental materials or is the submission limited to the items on the Checklist?

No. The submission is limited to the items on the Checklist. No other materials will be considered.

40)For the hard copy submission, please advise whether the BSCC wants the hard copy to be clipped or bound (i.e., 3-ring, spiral, etc.), and any other directions for creating the hard copy.

There were no special instructions for hard copy submissions but we ask that you do not use a 3-ring binder.

41)If a sheriff's office is the lead, can that office name probation, mental health, and social services departments of the same county as co-applicants? – This question is not for L.A. County.

Yes. Two or more public agencies may partner to submit a joint proposal but one must be designated as Lead Agency for contracting purposes. Joint proposals must comply with all other eligibility criteria. A public agency may not apply on both an individual and a joint proposal. Please review page 7 of the RFP.

42)Can outreach and engagement—in combination with substance abuse services—meet the requirement of providing substance abuse services with the grant funds?

Yes but only in combination with one or more of the required services. According to the RFP, "Proposition 47 grant funds must be used for mental health services, substance use disorder treatment, diversion programs, or some combination thereof." Outreach and engagement alone would not meet the requirement for providing these services. The RFP contemplates that some outreach and engagement will take place, as applicants are asked to "describe the referral process used to ensure the identified target population is referred for services" and will be scored, in part, on their "plan for how to recruit individuals from the target population." Outreach and engagement have the same meaning for purposes of this response.

43) Can the 50 percent of the grant funds set aside for community-based services be put out to bid as local RFP after awarded notification, or do we need to specify community based organizations we will contract with in the RFP and their qualifications?

Yes a local bid process can occur after award notification. Please review the response provided to question 15 for more details.

44) If a public agency applies and is awarded in this round of funding, do they remain eligible for future rounds of funding after the three year award period?

This is not yet known. The Executive Steering Committee that will develop the next Proposition 47 RFP will make a recommendation to the Board on this matter and their recommendation will be subject to Board approval.

45) Do subcontracted community-based partners need to have non-profit 501(c)3 status?

No. According to the RFP, page 6: "Any non-governmental, community-based organization that receives Proposition 47 grant funds must:

- Have been duly organized, in existence, and in good standing as of October 17, 2016;
- Be registered with the California Secretary of State's Office, if applicable;
- Have a valid business license, Employer Identification Number (EIN), and/or Taxpayer ID (if sole proprietorship);
- Have any other state or local licenses or certifications necessary to provide the services requested (e.g., facility licensing by the Department of Health Care Services), if applicable.
- Have a physical address.

In addition to the administrative criteria listed above, any non-governmental, community organization that receives Proposition 47 grant funds must have a proven track record working with the target population and the capacity to support data collection and evaluation efforts."

46) We would like to participate in reentry planning in the custodial setting as part of the project, is that allowed?

Yes, as long as all other RFP requirements are met.

47)At the bidder’s conference, BSCC said that jail “in-reach” services would be an eligible expense. Is that correct? Is this an exception to the no services in custody setting rule?

Yes, this is an exception. The RFP (page 8) prohibits the use of grant funds for programs or services provided in a custodial setting with the exception of outreach and reentry planning. For purposes of this RFP, the terms “outreach and “in-reach” are being used interchangeably.

48)Will there be an e-receipt indicated the emailed proposal has been received?

Yes, we will send an email confirmation of receipt for all proposals that are submitted.

49)On the Applicant Information Form - Item I, Total Amount of Other Funds to be Leveraged, please advise how this figure should be calculated. Should we include the total project cost for projects that will be leveraged or estimate which portion of a project will be leveraged?

This figure should reflect only the dollar value of other funds leveraged against the proposed Proposition 47 project – the portion of the project cost that will be leveraged. As a reminder, a sample Budget Table is provided on page 80 of the RFP.

50)Can you provide any guidance on how to calculate the value of leveraged funds?

No, BSCC cannot provide specific guidance on how to calculate the value of leveraged funds. In general, applicants should include those salaries, services, supplies, and/or other resources specifically directed to the Proposition 47 project. Information on how those values were calculated should be included in the Budget Narrative. Note that leveraged funds may come from either the public agency applicant or from a partner agency/organization.

51)If funds belong to the partner, do we list those as leveraged funds?

Yes, list all funds that will be leveraged to implement the proposed project. Leveraged funds may come from either the applicant agency or any of the partner agencies.

52)Can you provide examples of leveraged funds and to what extent the leveraged funds need to be committed at the time of application?

Leveraged funds need to be identified and included in the budget at the time of application. Assembly Bill 1056 includes examples of leveraged funds:

“Prioritize proposals that leverage other federal, state, and local funds or other social investments, such as the following sources of funding (see Page 7 of the RFP).

53) Are the two conferences in Sacramento yearly requirements or over the life of the grant? Are they one day or two days?

Public agency applicants are asked to budget for two trips to Sacramento for grantee meetings (Page 83). These will likely occur over the life of the grant and will be one-day meetings.

54) In order to be eligible for Proposition 47 services, does an individual have to be diagnosed as seriously or chronically mentally ill?

Services and programs proposed in response to this RFP must be designed to serve people who:

- have been arrested, charged with, or convicted of a criminal offense and have a history of mental health issues or substance use disorders.

For purposes of this RFP, a person has a history of mental health issues or substance use disorders if the person:

- has a mental health issue or substance use disorder that limits one or more of their life activities;
- has received services for a mental health issue or substance use disorder;
- has self-reported to a provider that they have a history of mental health issues, substance use disorders, or both; or
- has been regarded as having a mental health issue or substance use disorder.

55) Is there a definition for civil legal services?

No. Civil legal services is a term taken directly from Assembly Bill 1056 and no further definition was included. Proposals should describe in more detail what civil legal services are being proposed as applicable.

56) Is there a deadline for asking questions?

The BSCC will accept and respond to questions about this RFP from November 18, 2016 to January 20, 2017. Questions and answers will be posted on the BSCC website up to January 31, 2017.

57) Does the bibliography or budget table count in the 15 page limit?

The one page bibliography and Budget Table are not counted towards the 15 page limit. Please review the Proposal Checklist on page 69.

58)Can you describe what the required diversion program should look like for the proposed project? For instance, are applicants required to implement a reentry court tied to the proposed project? Or is the leveraging of an existing drug court (or other diversion program) sufficient to meet the requirement? Are the eligible diversion program(s) only those state/judicially recognized programs?

BSCC cannot provide technical assistance in the development of a proposal. “Diversion program” was not defined in either Proposition 47 or Assembly Bill 1056. Therefore, applicants have some discretion in how to define, develop or expand a diversion program in their own jurisdiction as long as it continues to conform to the required target population (arrested, charged or convicted of a crime). Please review Attachment C, Glossary of Terms, page 41 for a general definition of a diversion program.

59)If Data Collection and Evaluation is subcontracted to a CBO or non-profit university, will the cost be included in the 50 percent pass-through requirement?

No. All funds dedicated to data collection and evaluation should be listed in line item 6 in the Budget Table. Regardless of who the applicant is subcontracting with this cost will not be counted toward the 50 percent pass-through requirement.

60)Has the BSCC issued any additional guidance around how the housing assistance should be provided (e.g. caps on assistance, how to calculate assistance received, etc.) or will that be up to the applicant?

Housing-specific guidance is provided in Assembly Bill 1056 and this language can be found in the RFP under Eligible Activities, 3B on page 8. Additional information is also provided in the Glossary of Key Terms on pages 43-45.

61)Can funds be used to assist community-based organizations to acquire housing where treatment and support services will be required?

Housing-related assistance using evidence-based models is permitted but must be in conjunction with delivery of one or more of the required services. Housing as a standalone program is not permissible.

62)Can the Lead Agency request that funds be used for the construction of a housing facility to be built on owned land?

Yes. The RFP prohibits the use of Proposition 47 grant funds for the “acquisition of real property,” but does not prohibit funds being used for construction of a housing facility on owned land. However, the proposal must include the provision of one or more of the required services and the housing-related assistance (a housing facility in your question) must use an evidence-based model.

63) Can a community-based organization, providing services under a Lead Agency, request that funds be used for the construction of a housing facility to be built on owned land?

Yes. See response to question 62.