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

**Updated January 31, 2017 – updates are in red font beginning with question 119.**

**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."

(Please review Page 82 of the RFP, 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. (Please review page 76 of the RFP, 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. (Please review page 76 of the RFP, 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. (Please review page 76 of the RFP, 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.” (Please review page 82 of the RFP, 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. Please review 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. To further clarify these instructions, a public agency may not apply as the Lead Agency on more than one proposal, but a public agency may submit an individual application as the Lead Agency and also appear as partner agency on an application submitted by a

different Lead Agency. For example, a county sheriff's department could submit an application as the Lead Agency and a city in that county could submit an application as the Lead Agency, listing that same county sheriff's department as a partner receiving pass-through funds.

**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. Page 8 of the RFP 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 (please review 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 (please review page 83 of the RFP). 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. Please review the response to question 62.

**64) For purposes of defining the eligible target population for participation in Prop. 47 services, is a citation considered an arrest?**

Yes, a misdemeanor citation is considered to be an arrest, per California Penal Code Section 853.6.

**65) Can a diversion component include those who are cited and released or do they have to be arrested?**

Please review the response to question 64.

**66) If a public agency applicant subcontracts with another public agency and that public agency then subcontracts with a community-based organization (CBO), could the funds passed down to the CBO be placed in the “Community Organization Subcontract” budget line item and then be counted toward the required 50 percent pass-through?**

No. Page 6 of the RFP requires that, in order to be eligible for funding, the Lead Agency 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.” The subcontract(s) must be between the Lead Agency and the non-governmental, community organizations.

**67) If a public agency subcontracts with another public agency which then passes all the funds to a community organization, how can that then be displayed in the Budget Table?**

The subcontract with the public agency should be shown in the Professional Services budget category. Funds then subcontracted from that secondary public agency to a community organization will not count toward the required 50 percent pass-through requirement and are not required to be displayed in the Budget Table. Please review the response to question 66.

**68) If the city subcontracts with a school district, can other agencies then subcontract with them?**

Yes, but those subcontracts will not apply towards the required 50 percent pass-through. Please review the response to question 66.

**69) Does the 50 percent pass through to CBOs include the funds for data collection?**

No. In addition to the 50 percent pass-through to community organizations, at least 5 percent (or \$25,000, whichever is greater) and not more than 10 percent of the grant funds requested must be dedicated to data collection and evaluation. Funds allocated to data collection and evaluation will not be counted toward the 50 percent pass-through requirement. Please see the response to Question 59.

**70) The RFP requires that a minimum of 50 percent of any grant award be set aside for “nongovernmental community organizations,” and also requires between 5-10 percent set-aside for evaluation. Can you clarify how these two requirements intersect with each other?**

- **For example, if a project is proposed at \$6 million, of which the applicant plans to pass through 70 percent, or \$4.2 million, to non-governmental community organizations, are the evaluation funds considered a component of that \$4.2 million for the purposes of calculating the pass-through percentage, or are they not considered pass-through funds?**

No, in this scenario the 5-10 percent for data collection and evaluation would be calculated from the \$6 million and these funds would not be counted toward the required 50 percent pass-through.

- **And if the evaluator is an outside agency, but is publicly funded (such as a university), is it considered a recipient of pass-through funds, even though it’s a public organization and perhaps may not be commonly thought of as a “community organization?”**

Funds allocated to data collection and evaluation will not be counted toward the 50 percent pass-through requirement.

**71) If a government agency hires a clinician, does it count towards the 50 percent mandatory pass through? If it is a contract position, does that count?**

Page 6 of the RFP requires that, in order to be eligible for funding, the Lead Agency “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.” By that definition, the clinician would have to work for a non-governmental, community organization. In order for it to count toward the 50 percent pass-through.

**72) Referring to Part H on the Applicant Information Form: Does it mean grant funds or leveraged funds?**

Part H on the Applicant Information Form refers only to the amount of grant funds subcontracted to community organizations in order to meet the minimum 50 percent pass-through requirement. Leveraged funds cannot be counted toward the 50 percent.

**73) Is there guidance on for what the mandatory 50 percent pass-through is to be used?**

No, there is no guidance provided for what the 50 percent pass-through must be used for, beyond that already provided in the RFP. It is the Lead Agency's responsibility to ensure that funds dedicated to community-based organizations support the required and supplemental services outlined in AB 1056 (i.e., mental health services, substance use disorder treatment, diversion programs, housing-related services and other supplemental community-based supportive services).

**74) If an agency provides reclassification and/or expungement services to a Prop. 47-impacted individual, could that count as "diversion?"**

Please review the response to question 58.

**75) Would having community service hours be diversion, leveraged services, etc.? Where does it fit?**

Leveraged services are those services funded by non-Proposition 47 grant funds. For additional guidance on diversion programs, please review the response to question 58.

**76) While the RFP prohibits the purchasing of real property, are there any prohibitions against leasing or conducting a master lease of real property? If the lead agency is prohibited from leasing real property, do those prohibitions extend to the community-based organization that we would subcontract with?**

No. The RFP prohibits the use of Proposition 47 grant funds for the "acquisition of real property," but does not prohibit funds being used to lease or conduct a master lease of real property. All proposals must include the provision of one or more of the required services and any housing-related assistance must use evidence-based models. The same prohibitions apply to community-based organizations.

**77) If a public agency plans on identifying service providers in its proposal, would representatives from these service providers be able to participate in its Local Advisory Committee?**

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

**78) Can organizations who sit on the Local Advisory Committee become subcontractors?**

Please review the response to question 77.

**79) What are the criteria for forming a Local Advisory Committee?**

Guidelines for forming the Proposition 47 Local Advisory Committee can be found on pages 13-14 of the RFP. Required proposal attachments pertaining to the Local Advisory Committee can be found on pages 48-49. The criteria on which this item will be scored appear on pages 74-75.

**80) For the Local Advisory Committee membership roster attachment, is it permissible for the Lead Agency to include some unnamed representatives as placeholders? For example, can we simply list “a behavioral health representative” or “a homeless services representative,” rather than name the representative? If so, will this negatively impact our score? As the RFP mentioned, we are concerned about potential conflicts of interest and do not feel comfortable inviting certain community-based organizations to participate on the Committee until after the local RFP process. Also, since we are a relatively small community there is not a very large pool of community based organizations to draw from.**

The Local Advisory Committee has responsibilities prior to the submission of any proposals to the BSCC so all of the members should be listed by name. Please also review the response to question 79.

**81) Does the Local Advisory Committee have to be put together now?**

Yes. A Proposition 47 Local Advisory Committee Membership Roster (Attachment D) must be included with the proposal. Please also review the responses to questions 79 and 80.

**82) Is there a size requirement for the Local Advisory Committee?**

There is not a size requirement for the Local Advisory Committee. Page 14 of the RFP includes examples of stakeholder types that could be included.

**83) Are the indirect costs for the community-based organization capped at 10 percent just like the public agency? Would it be listed under the indirect cost line item or the Community based organization line item?**

No. Public agency applicants are not required to limit subcontractors to the 10 percent maximum, but should maintain appropriate documentation to justify and support all indirect costs claimed by subcontractors.

Indirect costs proposed by public agency applicants may not exceed 10 percent of the grant funds requested and only indirect costs claimed by the applicant should be included in that line item on the Budget Table. Indirect costs attributable to other public agencies, consultants or community organizations should be included in the appropriate line item (e.g., Professional Services, Community-Based Partners or Data Collection & Evaluation).

**84) Does a private organization or business count as a non-governmental community organization?**

The RFP does not exclude a private organization or business as a non-governmental organization. However, the following non-governmental criteria listed on page 6 of the RFP must be met.

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.

- 85) May individual or private entities that provide licensed, clinical mental health treatment services be considered as non-governmental, community organizations? This could include (1) individual providers who offer mental health treatment services as network providers for the Medi-Cal managed care provider in our region and (2) Mental Health Medi-Cal organizational providers that are licensed and certified to directly submit mental health Medi-Cal claims.**

Yes as long as they are non-governmental and community-based. Please review the response to question 84.

- 86) For Attachment J, if we know that we will subcontract for a service, but procurement regulations do not permit us to preselect our contractor, can we include the 2-3 sentence description of the service to be provided in column 3 and write “To Be Determined” in column 2 (Name of Organization)?**

Yes. Please review the response to question 15.

- 87) Can funds be used for restorative services for youth who have not been issued a ticket yet (i.e., diversion programs)? Do they have to have a mental health diagnosis to get services?**

No, assuming that a “ticket” refers to a misdemeanor citation, grant funds cannot be used for individuals who have not yet been issued a ticket or misdemeanor citation. Services and programs proposed in response to this RFP must be designed to serve individuals who have been arrested, charged with, or convicted of a criminal offense. In addition, they must 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.

- 88) Do the community-based organizations have to be listed on the Notice of Intent?**

No. Per page 2 of the RFP, the Notice of Intent to Apply notice should include the following information:

- Name of the Lead Agency (please review page 6 for definition of Lead Agency);
- Name and title of the head of the Lead Agency;

- Contact information for interested public; and
- A brief statement indicating the agency's intent to submit a proposal.

Failure to submit a Notice of Intent to Apply is not grounds for disqualification. Further, prospective public agency applicants that submit a Notice of Intent to Apply and decide later not to apply will not be penalized.

**89) Can funds be used to expand the number of beds already available?**

BSCC cannot provide technical assistance in the development of a proposal. Please refer to page 7 of the RFP which states: Proposition 47 grant funds must be used for mental health services, substance use disorder treatment, diversion programs, or some combination thereof. In addition to these required services and programs, applicants are encouraged to provide supplemental housing-related services and other community-based supportive services, such as job skills training, case management, and civil legal services.

In addition, page 8 of the RFP states: Public agency applicants will be allowed to EITHER implement new services or programs OR expand existing services or programs.

**90) I was referred to the Prop. 47 grant from the CA Arts Council where I have been a contractor in the Arts In Corrections program and am now working on both deterrent programs and reentry programs. Would these qualify and be competitive under Prop. 47 from a non-profit?**

BSCC cannot provide technical assistance in the development of a proposal. Please refer to page 7 of the RFP which states: Proposition 47 grant funds must be used for mental health services, substance use disorder treatment, diversion programs, or some combination thereof. In addition to these required services and programs, applicants are encouraged to provide supplemental housing-related services and other community-based supportive services, such as job skills training, case management, and civil legal services.

**91) Can non-narrative elements of the proposal narrative such as a services flow chart, or data chart, be single-spaced?**

Yes. Non-narrative elements of a proposal, such as a services flow chart or data chart may be single-spaced.

**92) Is it acceptable for the description of qualitative or quantitative data sources or research to be provided in abbreviated form in the narrative, with the full citation provided in the one page bibliography?**

Yes. A bibliography narrative is permitted if it conforms to common research formats (e.g. American Psychological Association or Modern Language Association). As a reminder, the bibliography is limited to one page.

- 93) Is the description of the impacts of Prop. 47 on local public agencies required for Attachment F limited to negative impacts, can positive impacts also be described?**

Local Government Impact Letters (Attachment F) are not limited to negative impacts and should describe any anticipated impacts.

- 94) Are Federal Workforce Innovation Opportunity Act (WIOA) funds an allowable source of leveraged resources?**

Yes. The RFP does not prohibit WIOA funds from being leveraged.

- 95) Would a service model that builds capacity of substance abuse treatment centers to meet the needs of individuals with co-occurring substance abuse and mental illness (i.e., by adding a mental health component) meet the grant requirements (i.e., to include both substance abuse and mental health services)?**

Yes, a service model that builds the capacity of existing substance abuse treatment centers to meet the needs of individuals with co-occurring substance abuse and mental illness would meet the grant requirements. Page 8 of the RFP states that public agency applicants will be allowed to EITHER implement new services or programs OR expand existing services or programs. Note, however, that applicants are not required to deliver both substance abuse and mental health services. Refer to page 7 of the RFP which states: Proposition 47 grant funds must be used for mental health services, substance use disorder treatment, diversion programs, or some combination thereof.

- 96) How can an organization not violate the Health Insurance Portability & Accountability Act (HIPAA) law to know who has mental health issues?**

Applicants are advised to consult with their legal counsel on questions related to HIPAA.

- 97) Does the LA county category only apply to county agencies? Are cities affected? What about cities that contract to the sheriff's office for law enforcement services?**

Page 12 of the RFP states that 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 in either the Small or Large category.

**98) Can other non-LA county agencies be on multiple applications?**

Yes. Page 7 of the RFP states that non-lead agencies (including community-based organizations, faith-based organizations, non-governmental or governmental entities, etc.) may serve as a partner on more than one proposal.

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.

**99) Is the criminal contact offense required to be a Proposition 47 offense?**

No. Assembly Bill 1056 restricts eligibility to proposals 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. It does not name any specific criminal offenses as a part of this definition.

**100) How many people will be reviewing the applications?**

The 18-member Proposition 47 Executive Steering Committee (ESC) will review all proposals that pass the Technical Compliance Review completed by BSCC staff.

**101) Will the ESC come together to discuss the scores?**

Yes. Once all proposals have been scored, the ESC will convene for a Rater Review meeting. This meeting is open to the public and the Agenda will be posted on the BSCC website at least ten days prior to the date of the meeting.

**102) Is there a way to ensure the subcontracting process is held to being culturally sensitive?**

BSCC cannot provide technical assistance in the development of a program or proposal.

**103) Can a grant focus on juvenile services?**

Yes, the grant can fund programs that serve adults and/or juveniles as long as all other RFP requirements are met.

**104) Will Community Organizations have contact with Lead Agency or the BSCC?**

Prior to making Prop 47 awards, the BSCC will communicate directly and exclusively with the Lead Agency applicant. After awards are made, the BSCC will routinely communicate with Lead Agency and may periodically communicate with subcontractors in conjunction with the Lead Agency.

**105) If all the supportive services are paid by other funds, can you have zero dollars in the requested funds and all the money listed in the Leveraged Funds category in the budget section?**

Applicants should only request grant funds in categories where they are needed. There is no requirement to request grant funds in all eight budget categories.

**106) Can a lead agency count leveraged funds from a community partner or a different public agency?**

Yes. Please review the response to question 51.

**107) Can a lead agency count leveraged funds that are part of an already existing subcontract?**

Yes, as long as the funds will be dedicated specifically to Prop 47 grant-related activities.

**108) Can there be two separate lead agencies from the same county?**

Yes. Different departments (i.e., lead agencies) 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.

**109) How are modifications to be handled?**

Modifications to proposals are subject to BSCC prior approval and are handled on a case-by-case basis after the grant is awarded.

**110) Can lead agencies change community organizations after they are awarded?**

It depends on the circumstances that necessitate the change. BSCC would review any proposed changes to the original proposal on a case-by-case basis to determine whether a modification would be allowable and is necessary.

**111) Will there be extensions for using funds?**

This RFP does not provide for an extension of the funds beyond the end of the cycle ending on August 15, 2020.

**112) Is the Letter of Agreement the same as a Letter of Intent?**

No. The Letter of Intent to Apply is submitted from a prospective applicant to the BSCC prior to submission of the proposal. Letters of Agreement are developed between the public agency applicant and members of the Proposition 47 Local

Advisory Committee and between the public agency applicant and any impacted local government agencies and are submitted with the proposal.

**113) If you have an existing program and you request funds to expand or augment that program, how is it not supplanting?**

You cannot replace current funds from another source with Prop 47 award funds for current programs. You can only fund new or expanded services.

Supplanting is strictly prohibited for all BSCC grant funds. According to the BSCC Grant Administration Guide, supplanting is the deliberate reduction in the amount of federal, state, or local funds being appropriated to an existing program or activity because grant funds have been awarded for the same purposes. When the Grantee replaces funds in this manner, it reduces the total amount that would have been available for the stated grant purpose.

BSCC grant funds may be used to support new program activities or to augment existing funds that expand current program activities. BSCC grant funds shall not be used to replace existing funds.

It is the responsibility of the Grantee to ensure that supplanting does not occur. The Grantee must keep clear and detailed financial records to show that grant funds are used only for allowable costs and activities.

**114) Will this grant be available to apply for in 2018? After attending the bidder's conference, my organization will be drafting our advisory committee and taking this to city council, which to be fully organized and implemented, would put us past the February deadline. Is this grant something that will come up for application each year?**

No. This RFP supports a three-year grant cycle, ending in August 2020. The BSCC anticipates that it will release a new RFP every three years, depending on the availability of Prop. 47 grant funds.

**115) Can a County apply as an individual applicant and also apply jointly with other public agencies?**

Yes, however a public agency may not apply as the Lead Agency on more than one proposal. Please also review the response to question 41.

**116) Is a government agency joint proposal different than subcontracting or partnering with a public agency?**

Please review the responses to questions 41 and 115.

**117) Is there a limit to the number of partner agencies if it is not a joint proposal?**

There is no limit to the number of agencies that may partner on either an individual or joint proposal. However a public agency may not apply as the Lead Agency on more than one proposal. Please also review the responses to questions 41 and 115.

**118) Is the Property and Business Improvement District (PBID) considered a public agency? PBIDs were originally created through the [Property and Business Improvement District Law of 1994](#) to enable a city, county, or joint powers authority to perform a variety of services through levying annual assessments.**

The city or county that creates a PBID is an entity that is eligible to apply as a lead agency. The nonprofit association assigned to manage the PBID is not eligible as a lead agency, but may be eligible to participate as a CBO provided that it meets the other criteria in the RFP.

**119) Is there a form that has to be signed for the “grantee assurance” that no funds will be used for acquisition of real property or for programs or services provided in a custodial setting (last item on “Proposal Checklist,” page 69 of the RFP)?**

No, there is not a separate form for the grantee assurance. The person authorized to sign for the Public Agency Applicant must sign the bottom of the Proposal Checklist and submit it with the proposal. The signed Proposal Checklist serves as an assurance to the BSCC that Proposition 47 grant funds will not be used for the acquisition of real property or for programs or services provided in a custodial setting.

**120) How many days should be budgeted for the orientation in Sacramento?**

Please review the response to question 53.

**121) Can tables within the project narrative be in 10-point font and single-spaced?**

Yes. Please review the response to question 91.

**122) Can required citations be in footnotes in 10-point font and single-spaced?**

Yes.

**123) We are unclear as to the requirements of Attachment F (Local Government Impact Letters) as they pertain to LA County. Pursuant to RFP requirements specific to LA County, the County is submitting its application inclusive of its subsidiary departments including the Departments of Mental Health, Public Health, Substance Abuse Prevention and Control, Health Services,**

**the District Attorney's Office, Sheriff's Department, etc. The County's proposal will undoubtedly result in impacts to these 'service delivery' departments however, the proposal is being developed with these departments' direct input and specifically contemplates integration and coordination amongst these departments. Accordingly, we seek clarification as to whether the County of Los Angeles is required to submit "Local Government Impact Letters" from each of its subsidiary departments or whether Attachment F is not applicable to Los Angeles County.**

All applicants must either submit a Local Government Impact Letter, or a letter acknowledging that there are no anticipated impacts to other government agencies (which could include city agencies, the courts or other non-county agencies or departments). To that end, page 50 of the RFP states: "If the Lead Agency concludes that the Proposition 47 project will not impact any other local government agency, the Lead Agency must include a letter to that effect." In the scenario you describe, Los Angeles County could include a Local Government Impact Letter identifying all of the county departments that will be involved on the grant project, along with an acknowledgement that there are no anticipated impacts to any public agencies beyond those listed.

**124) What would a county do to meet the requirement to pass through 50 percent of the grant funds to community-based organizations if the only provider within the county for outpatient substance use disorder treatment and mental health treatment is the county government agency? We do not have community-based organizations that are licensed and or certified for substance use disorder or mental health services. Does that make us ineligible to apply for the grant funds?**

No. All public agency applicants must subcontract with one or more CBOs for 50 percent of the grant funds requested. However, there is no requirement that those CBOs provide the required substance use disorder treatment, mental health services or diversion programs. In the scenario you describe, the applicant could look to CBOs to provide other supplemental services beyond those required, to include housing-related assistance or other community-based supportive services, such as job skills training or case management (see page 8 of the RFP).

**125) May these funds be used for victims involved in the criminal justice system? There is a population of individuals who may have been witnesses for the prosecution and have developed mental illnesses and/or substance use disorders as a result of the trauma and have since entered into homelessness.**

Only if those victims also meet all of the eligibility criteria described in the RFP may they participate in programs and services funded by the Proposition 47 grant.

As mandated by AB 1056, services and programs proposed in response to this RFP must be designed to serve people who at some point in their history "have

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

**126) Regarding housing assistance, would BSCC accept Transitional Housing as an adequate housing option?**

Yes, transitional housing is permitted (see Attachment C, Glossary of Terms, page 45) but it must be delivered in conjunction with or in addition to one or more of the required services (mental health services, substance use disorder treatment, or diversion programs, or some combination thereof). Transitional housing as a standalone program is not permissible.

**127) Can grant funds be used to purchase transitional housing buildings or for supportive services such as job training and case management?**

The RFP prohibits the use of Proposition 47 grant funds for the “acquisition of real property.” Proposition 47 grant funds must be used for mental health services, substance use disorder treatment, diversion programs, or some combination thereof. Supportive services such as job training and case management may be offered, but only in conjunction with or in addition to one or more of the required services.

**128) In the FAQ, BSCC responded that Proposition 47 funds could be used for new construction, but not the purchase of real property, as long as the building/housing meets the RFP service requirements. Can the Proposition 47 funds also be used to renovate an existing building on currently owned property, if it meets the RFP service requirements (evidenced-based, etc.)?**

Yes, Proposition 47 funds may be used to renovate an existing building on currently owned property, as long as all other RFP requirements are met.

**129) If a community organization will be identifying housing assistance opportunities, do the funds for the housing assistance count as part of the 50% pass-through? For example, the community organization partner identifies a landlord who will rent an apartment to a probation client. Do the funds to assist with initial rent payments count towards the pass-through?**

Yes, in the described scenario funding could count towards the 50 percent if all other RFP requirements are met. Specifically, 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.

**130) Where the RFP states “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,” leads me to believe that public agencies can, through MOU, work collaboratively on grant goals but the lead agency must provide a grant fiscal manager to process claims for reimbursement for other participating public agency partners; and that the total combined amount requested by all of the public agencies cannot total more than 50% of the funds allocated for the CBO. Is this correct?**

Yes.