

State of Hawaii  
Department of Education  
Office of Curriculum, Instruction and Student Support  
School Based Behavioral Health Services Section

## **Request for Proposals**

**RFP No. F09-094**

### **Intensive Learning Centers For ages 8 to 12 years**

February 6, 2009

Note: If this Request for Proposals (“**RFP**”) was downloaded from the State Procurement Office RFP Website each applicant must provide contact information to the RFP contact person for this RFP to be notified of any changes. For your convenience, you may download the [RFP Interest form](#), complete and e-mail or mail to the RFP contact person. The State shall not be responsible for any missing addenda, attachments or other information regarding the RFP if a proposal is submitted from an incomplete RFP.

February 6, 2009

**REQUEST FOR PROPOSALS**

**INTENSIVE LEARNING CENTERS**

**RFP No. F09-094**

**For ages 8 to 12 years**

The Department of Education (the “**DOE**” or the “**Department**”), School Based Behavioral Health Services Section (“**SBBHS**”), is requesting proposals from qualified applicants to provide a comprehensive Intensive Learning Centers (“**ILC**”) to eligible students who are in need of an alternative educational program. Services should combine educational, behavioral health and therapeutic approaches in providing time limited interventions designed to assist students to effectively access the general education curriculum. The contract term will be from July 1, 2009 through June 30, 2010. Multiple contracts may be awarded under this request for proposals.

Proposals shall be mailed, postmarked by the United States Postal Service on or before March 13, 2009, and received no later than ten (10) days from the submittal deadline. Hand delivered proposals shall be received no later than 4:00 p.m. Hawaii Standard Time (HST) on March 13, 2009, at the drop-off site designated on the Proposal Mail-in and Delivery Information Sheet. Proposals postmarked or hand delivered after the submittal deadline shall be considered late and rejected. There are no exceptions to this requirement.

The DOE will conduct an orientation on February 17, 2009 from 1:00 p.m. to 4:00 p.m. HST, at Kaimuki Middle School, 631 18<sup>th</sup> Avenue, Room V105, Honolulu, Hawai‘i. All prospective applicants are encouraged to attend the orientation.

The deadline for submission of written questions is 4:00 p.m. HST on February 23, 2009. All written questions will receive a written response from the Department of Education on or about March 3, 2009.

Inquiries regarding this RFP should be directed to the RFP contact person, **Marilyn Jakeway, 641 18<sup>th</sup> Avenue, Room V-201, Honolulu, Hawaii 96816, telephone: (808) 733-4832, fax: (808) 735-6228, e-mail: < marilyn\_jakeway@notes.k12.hi.us.**

## PROPOSAL MAIL-IN AND DELIVERY INFORMATION SHEET

**NUMBER OF COPIES REQUIRED: ONE (1) ORIGINAL AND FOUR (4) COPIES**

**February 6, 2007**

All mail-ins shall be *postmarked* by the United States Postal Service (“USPS”) no later than March 13, 2009, and *received* by the DOE no later than ten (10) days from the submittal deadline.

### **All Mail-ins**

Department of Education  
School Based Behavioral Health Services  
1106 Koko Head Avenue  
Honolulu, Hawaii 96816

### **DOE RFP Coordinator**

Marilyn Jakeway  
State Educational Specialist  
For further info. or inquiries  
Phone: (808) 733-4832  
Fax: (808) 735-6228

**ALL HAND DELIVERIES SHALL BE ACCEPTED AT THE FOLLOWING SITE UNTIL 4:00 P.M., Hawaii Standard Time (HST), March 13, 2009.**

### **Drop-off Site**

Department of Education  
Procurement and Contracts Branch  
Waipahu Civic Center  
94-275 Mokuola Street, Room 200  
Waipahu, Hawai‘i 96816

**Be Advised: Mail-ins USPS postmarked after 12:00 midnight, March 13, 2009, will not be accepted for review and will be returned. Hand Deliveries will not be accepted after 4:00 p.m. March 13, 2009. Deliveries by private mail services such as FEDEX shall be considered hand deliveries and will not be accepted if received after 4:00 p.m., March 13, 2009.**

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# **Section 1**

## **Administrative Overview**

# Section 1

## Administrative Overview

**Applicants are encouraged to read each section of the RFP thoroughly. While sections such as the administrative overview may appear similar among RFP's, state purchasing agencies may add additional information as applicable. It is the responsibility of the applicant to understand the requirements of *each* RFP.**

**Throughout the RFP, the term "applicant(s)" generally refers to the organization(s) or individual(s) responding to a request for proposals by submitting a proposal application. However, this and like terms must be read in context because, if awarded a contract resulting from the RFP, the term "applicant(s)" may refer a contractor(s) or provider(s).**

### I. Procurement Timetable

**Note that the procurement timetable represents the State's best estimated schedule. Contract start dates may be subject to the issuance of a notice to proceed.**

| <u>Activity</u>  | <u>Scheduled<br/>Date</u> |
|--|---------------------------|
| Public notice announcing RFP   | 02/06/2009                |
| Distribution of RFP  | 02/06/2009                |
| RFP orientation session  | 02/17/2009                |
| Closing date for submission of written questions for written responses     | 02/23/2009                |
| State purchasing agency's response to applicants' written questions        | 03/03/2009                |
| Discussions with applicant prior to proposal submittal deadline (optional) | n/a                       |
| Proposal submittal deadline  | 03/13/09                  |
| Discussions with applicant after proposal submittal deadline (optional)    | n/a                       |
| Final revised proposals (optional)   | n/a                       |
| Proposal evaluation period   | 03/14/09 –<br>04/14/09    |
| Provider selection   | 04/15/09                  |
| Notice of Statement of findings and decision                               | 04/27/09                  |
| Contract start date  | 07/01/09                  |

## II. Website Reference

The State Procurement Office (SPO) website is [www.spo.hawaii.gov](http://www.spo.hawaii.gov)

|   | <b>For</b>   | <b>Click</b>  |
|---|--|---|
| 1 | Procurement of Health and Human Services                                       | “Health and Human Services, Chapter 103F, HRS...”   |
| 2 | RFP website  | “Health and Human Services, Ch. 103F...” and “RFP’s”  |
| 3 | Hawaii Administrative Rules (HAR) for Procurement of Health and Human Services | “Statutes and Rules” and “Procurement of Health and Human Services”   |
| 4 | Forms  | “Health and Human Services, Ch. 103F...” and “For Private Providers” and “Forms”                                  |
| 5 | Cost Principles  | “Health and Human Services, Ch. 103F...” and “For Private Providers” and “Cost Principles”                        |
| 6 | Standard Contract -General Conditions  | “Health and Human Services, Ch. 103F...” and “For Private Providers” and “Contract Template – General Conditions” |
| 7 | Protest Forms/Procedures   | “Health and Human Services, Ch. 103F...” and “For Private Providers” and “Protests”                               |

### Non-SPO websites

(Please note: website addresses may change from time to time. If a link is not active, try the DOE of Hawaii website at [www.hawaii.gov](http://www.hawaii.gov))

|    | <b>For</b>   | <b>Go to</b>   |
|----|--|--|
| 8  | Tax Clearance Forms (Department of Taxation Website)                                   | <a href="http://www.hawaii.gov/tax/">http://www.hawaii.gov/tax/</a><br>click “Forms”   |
| 9  | Wages and Labor Law Compliance, Section 103-055, HRS, (Hawaii DOE Legislature website) | <a href="http://www.capitol.hawaii.gov/">http://www.capitol.hawaii.gov/</a><br>click “Bill Status and Documents” and “Browse the HRS Section.” |
| 10 | Department of Commerce and Consumer Affairs, Business Registration                     | <a href="http://www.hawaii.gov/dcca">http://www.hawaii.gov/dcca</a><br>click “Business Registration”   |
| 11 | Campaign Spending Commission   | <a href="http://www.hawaii.gov/campaign">http://www.hawaii.gov/campaign</a>  |
| 12 | SBBH Forms (Department of Education Website)   | <a href="http://www.doe.k12.us/sbbh/">http://www.doe.k12.us/sbbh/</a><br>click “ Required Contract Documents”                                  |
| 13 | Hawaii Compliance Express  | <a href="http://vendors.ehawaii.gov/hce/splash/welcome.html">http://vendors.ehawaii.gov/hce/splash/welcome.html</a>                            |

## III. Authority

This RFP is issued under the provisions of the Hawaii Revised Statutes (“HRS”), Chapter 103F and its administrative rules. All prospective applicants are charged with presumptive knowledge of all requirements of the cited authorities. Submission of a valid executed proposal by any prospective applicant shall constitute admission of such knowledge on the part of such prospective applicant.

#### IV. **RFP Organization**

This RFP is organized into five sections:

**Section 1, Administrative Overview**--Provides applicants with an overview of the procurement process.

**Section 2, Service Specifications**--Provides applicants with a general description of the tasks to be performed, delineates applicant responsibilities, and defines deliverables (as applicable).

**Section 3, Proposal Application Instructions**--Describes the required format and content for the proposal application.

**Section 4, Proposal Evaluation**--Describes how proposals will be evaluated by the Department.

**Section 5, Attachments** --Provides applicants with information and forms necessary to complete the application.

#### V. **Contracting Office**

The Contracting Office is responsible for overseeing the contract(s) resulting from this RFP, including system operations, fiscal agent operations, and monitoring and assessing provider performance. The Contracting Office is:

**Marilyn Jakeway, State Educational Specialist**

Department of Education, Student Support Services Branch  
641 18<sup>th</sup> Avenue, Room V-201

Honolulu, Hawaii 96816

Phone (808) 733-4832 Fax: (808) 735-6228

#### VI. **Orientation**

An orientation for applicants in reference to the request for proposals will be held as follows:

**Date:** February 17, 2009 **Time:** 1:00 pm to 4:00 pm, HST

**Location:** Kamuki Middle School, 631 18<sup>th</sup> Avenue, Room V-105  
Honolulu, Hawaii 96816

Applicants are encouraged to submit written questions prior to the orientation. Written questions may be faxed to Marilyn Jakeway at (808) 733-4832, or emailed to < marilyn\_jakeway@notes.k12.hi.us >. Impromptu questions may

be permitted at the orientation and spontaneous answers provided at the DOE's discretion. However, answers provided at the orientation are only intended as general direction and may not represent the DOE's position. Formal official responses will be provided in writing. To ensure a written response, any oral questions should be submitted in writing following the close of the orientation, but no later than the submittal deadline for written questions indicated below in paragraph VII. Submission of Questions.

## VII. Submission of Questions

Applicants may submit written questions to:

**Marilyn Jakeway, State Educational Specialist**  
**Department of Education, Student support Services Branch**  
**641 18<sup>th</sup> Avenue, Room V-201**  
**Honolulu, Hawaii 96816**  
**Telephone: (808).733-4832**  
**Facsimile: (808) 735-6228**  
**E-mail: < marilyn\_jakeway@notes.k12.hi.us >**

All properly submitted written questions will receive a written response from the DOE.

Deadline for submission of written questions:

**Date:** February 23, 2009      **Time:** 4:00 p.m. HST

The DOE's responses to applicants' written questions will be posted on the website at [www.spo.hawaii.gov](http://www.spo.hawaii.gov) on or before:

**Date:** March 3, 2009      **Time:** 4:00 p.m. HST

## VIII. Submission of Proposals

**A. Forms/Formats** - Forms, with the exception of program specific requirements, may be found on the State Procurement Office website (*see* page 1-2, Websites Reference.) Refer to the Proposal Application Checklist for the location of program specific forms.

- 1. Proposal Application Identification (Form SPO-H-200)** - Provides identification of the proposal.
- 2. Proposal Application Checklist** – Provides applicants with information on where to obtain the required forms; information on program specific requirements; and which forms are required and the order in which all components should be assembled and submitted to the DOE.

3. **Table of Contents** - A sample table of contents for proposals is located in Section 5, Attachments. This is a sample and simply meant as a guide. The table of contents may vary depending on the RFP.
  4. **Proposal Application (Form SPO-H-200A)** - Applicant shall submit comprehensive narratives that address all of the issues contained in the Proposal Application Instructions, including a cost proposal/budget if required. (Refer to Section 3 of this RFP.)
- B. Program Specific Requirements** - Additional program-specific requirements are included herein in Section 2, entitled, "Service Specifications." and Section 3, entitled, "Proposal Application Instructions," as applicable. If Federal and/or State certifications are required, they are listed on the Proposal Application Checklist located in Section 5.
- C. Multiple or Alternate Proposals** - Multiple or alternate proposals shall not be accepted unless specifically authorized in Section 2 of this RFP. If alternate proposals are not authorized and an applicant submits alternate proposals, then all of those proposals will be rejected unless one of them is clearly designated as the primary proposal. If there is such a designated primary proposal, then that proposal will be evaluated as if it were the only proposal submitted by the applicant.
- D. Tax Clearance** - Pursuant to HRS Section 103-53, as a prerequisite to entering into contracts of \$25,000 or more, providers shall be required to submit a tax clearance certificate issued by the Hawaii State Department of Taxation ("**DOTAX**") and the Internal Revenue Service ("**IRS**"). The certificate shall have an original green certified copy stamp and shall be valid for six (6) months from the most recent approval stamp date on the certificate. Tax clearance applications may be obtained from the Department of Taxation website. (Refer to this section's part II. Website Reference). The applicant shall submit an original tax clearance certification upon the execution of a contract with DOE, as well as with the final invoice request. Refer to Section 4, subparagraph III.A.1, Administrative Requirements, and the Proposal Application Checklist (located in Section 5) to determine whether the tax clearance is required at time of proposal submittal for this RFP.
- E. Wages and Labor Law Compliance** - If applicable, by submitting a proposal, the applicant certifies that the applicant is in compliance with HRS Section 103-55, Wages, hours, and working conditions of employees of contractors performing services. Refer to HRS Section

103-55, at the Hawaii State Legislature website. (See part II, Website Reference.)

- **Compliance with all Applicable State Business and Employment Laws** - All providers must comply with all laws governing entities doing business in the State. Prior to contracting, owners of all forms of business doing business in the State except sole proprietorships, charitable organizations, unincorporated associations and foreign insurance companies must be registered and in good standing with the Department of Commerce and Consumer Affairs (“DCCA”), Business Registration Division. Foreign insurance companies must register with DCCA, Insurance Division. More information is on the DCCA website. (*see* paragraph II, Website Reference.)
- F. Hawaii Compliance Express (“HCE”).** Providers may register with HCE for online proof of DOTAX and IRS tax clearance Department of Labor and Industrial Relations (“DLIR”) labor law compliance, and DCCA good standing compliance. There is a nominal annual fee for the service. The “Certificate of Vendor Compliance” issued online through HCE provides the registered provider’s current compliance status as of the issuance date, and is accepted for both contracting and final payment purposes. Refer to this section’s part II. Website Reference for HCE’s website address.
- G. Campaign Contributions by State and County Contractors** - Contractors are hereby notified of the applicability of HRS Section 11-205.5, which states that campaign contributions are prohibited from specified State or county government contractors during the term of the contract if the contractors are paid with funds appropriated by a legislative body. For more information, FAQs are available at the Campaign Spending Commission webpage. (See part II, Website Reference.)
- H. Confidential Information** – If an applicant believes any portion of a proposal contains information that should be withheld as confidential, the applicant shall request in writing nondisclosure of designated proprietary data to be confidential and provide justification to support their claim of confidentiality. Such data shall accompany the proposal, be clearly marked, and shall be readily separable from the proposal to facilitate eventual public inspection of the non-confidential sections of the proposal.

***Note that price is not considered confidential and will not be withheld.***

**I. Proposal Submittal** – All mail-ins shall be postmarked by the United States Postal Service (“USPS”) and received by the DOE no later than the submittal deadline indicated on the attached Proposal Mail-in and Delivery Information Sheet. All hand deliveries shall be received by the DOE by the date and time designated on the Proposal Mail-In and Delivery Information Sheet. Proposals shall be rejected when:

- Postmarked after the designated date; or
- Postmarked by the designated date but not received within ten (10) days from the submittal deadline; or
- If hand delivered, received after the designated date and time.

The number of copies required is located on the Proposal Mail-In and Delivery Information Sheet. Deliveries by private mail services such as FEDEX shall be considered hand deliveries and shall be rejected if received after the submittal deadline. Dated USPS shipping labels are not considered postmarks.

Proposals must be mailed or delivered as prescribed above. Proposals submitted via facsimile, electronic media such as diskettes or CDs, or by other electronic means **will not** be accepted. The applicant bears the sole responsibility for any such improperly submitted proposal.

## **IX. Discussions with Applicants**

- A. Prior to Submittal Deadline** - Discussions may be conducted with potential applicants to promote understanding of the purchasing agency’s requirements.
- B. After Proposal Submittal Deadline** - Discussions may be conducted with applicants whose proposals are determined to be reasonably susceptible of being selected for award, but proposals may also be accepted without discussions, in accordance with section 3-143-403, HAR.

## **X. Opening of Proposals**

Upon receipt of proposal by the DOE at a designated location, proposals, modifications to proposals, and withdrawals of proposals shall be date-stamped, and when possible, time-stamped. All documents so received shall be held in a secure place by the DOE and not examined for evaluation purposes until the submittal deadline.

Procurement files shall be open to public inspection after a contract has been awarded and executed by all parties.

**XI. Additional Materials and Documentation**

Upon request from the DOE, each applicant shall submit any additional materials and documentation reasonably required by the DOE for its evaluation of the proposals.

**XII. RFP Amendments**

The DOE reserves the right to amend this RFP at any time prior to the closing date for the final revised proposals.

**XIII. Final Revised Proposals**

If requested, final revised proposals shall be submitted in the manner, and by the date and time specified by the DOE. If a final revised proposal is not submitted in a timely and proper manner, the previous submittal shall be construed as the applicant's best and final offer/proposal. *The applicant shall submit **only** the section(s) of the proposal that are amended, along with the Proposal Application Identification Form (SPO-H-200).* After final revised proposals are received, final evaluations will be conducted for an award.

**XIV. Cancellation of Request for Proposal**

The RFP may be canceled and any or all proposals may be rejected in whole or in part, when it is determined to be in the best interests of the State.

**XV. Costs for Proposal Preparation**

Any costs incurred by applicants in preparing or submitting a proposal are the sole responsibility of the applicant(s).

**XVI. Provider Participation in Planning**

Provider participation in the DOE's efforts to plan for or to purchase health and human services prior to the DOE's release of an RFP, including the sharing of information on community needs, best practices, and providers' resources, shall not disqualify providers from submitting proposals if conducted in accordance with HAR sections 3-142-202 and 3-142-203.

**XVII. Rejection of Proposals**

The DOE reserves the right to consider as acceptable only those proposals submitted in accordance with all requirements set forth in this RFP and which demonstrate an understanding of the problems involved and comply with the service specifications. Any proposal offering any set of terms and conditions

contradictory to or otherwise not in accord with those included in this RFP may be rejected without further notice.

A proposal may be automatically rejected for any one or more of the following reasons:

- (1) Failure to cooperate or deal in good faith. (Section 3-141-201, HAR)
- (2) Inadequate accounting system. (Section 3-141-202, HAR)
- (3) Late proposals. (Section 3-143-603, HAR)
- (4) Inadequate response to request for proposals. (Section 3-143-609, HAR)
- (5) Proposal not responsive. (Section 3-143-610(a)(1), HAR)
- (6) Applicant not responsible. (Section 3-143-610(a)(2), HAR)

### **XVIII. Notice of Award**

A statement of findings and decision shall be provided to all applicants by mail upon completion of the evaluation of competitive purchase of service proposals.

Any contract arising out of this solicitation is subject to the approval of the Department of the Attorney General as to form, and to all further approvals, including the approval of the Governor, required by statute, regulation, rule, order or other directive.

No work is to be undertaken by the awardee prior to the contract commencement date. The DOE is not liable for any costs incurred prior to the official starting date.

### **XIX. Protests**

Any applicant may file a protest against the awarding of the contract. The Notice of Protest form, SPO-H-801, is available on the SPO website. (*See* paragraph II, Website Reference.) Only the following matters may be protested:

- (1) A state purchasing agency's failure to follow procedures established by Chapter 103F of the Hawaii Revised Statutes;
- (2) A state purchasing agency's failure to follow any rule established by Chapter 103F of the Hawaii Revised Statutes; and
- (3) A state purchasing agency's failure to follow any procedure, requirement, or evaluation criterion in a request for proposals issued by the state purchasing agency.

The Notice of Protest shall be postmarked by USPS or hand delivered to: 1) the head of the DOE; and 2) the procurement officer who is conducting the procurement (as indicated below) within five (5) working days of the postmark of the Notice of Findings and Decision sent to the protestor. Delivery services other than USPS shall be considered hand deliveries and considered submitted on the date of actual receipt by the DOE.

| <b>Head of State Purchasing Agency</b>                            | <b>Procurement Officer</b>  |
|---|---|
| Name: Patricia Hamamoto   | Name: Marilyn Jakeway   |
| Title: Superintendent   | Title: State Educational Specialist   |
| Mailing Address:<br>P.O. Box 2360<br>Honolulu, Hawaii 96804       | Mailing Address:<br>641 18 <sup>th</sup> Avenue, Room V-201<br>Honolulu, Hawaii 96816 |
| Business Address:<br>1390 Miller Street<br>Honolulu, Hawaii 96813 | Business Address:<br>Same as above.   |

## **XX. Availability of Funds**

The award of a contract and any allowed renewal or extension thereof, is subject to allotments made by the Director of Finance, State of Hawaii, pursuant to Chapter 37, HRS, and subject to the availability of State and/or Federal funds.

## **XXI. Monitoring and Evaluation**

The criteria by which the performance of the contract will be monitored and evaluated are:

### **A. Performance/Outcome Measures**

- Degree to which students achieve positive functional and behavioral outcomes
- Degree to which students receive timely and smooth access to quality services
- Students and families receiving services in their own communities and homes whenever possible
- Appropriateness of services delivered to each student including use of services that are evidenced based and effective
- Ability to maintain internal processes to assure services that meet DOE performance standards and practice

**B. Output Measures**

- Sufficient staffing and resources to deliver services as required by this RFP and IPSPG
- Degree to which performance expectations are met as measured through the DOE case-based review protocols
- Degree to which access to services is maintained in accordance with this RFP and IPSPG
- Submittal of all required data, reports, and improvement or corrective action plans and deliverables
- Adequacy and timeliness of responses to any required information, program improvements, and corrective actions
- Accuracy and completeness of student records and documentation
- Degree of adherence to credentialing process and accuracy and completeness of credentialing files

**C. Quality of Care/Quality of Services**

- Degree to which eligible students are receiving services in accordance with standards and requirements as described in the contract, RFP and IPSPG
- Degree of adherence to program operations, policies and procedures, and standards
- Degree of treatment integrity and adequacy of treatment processes, use of evidence-based services, and monitoring of student progress and outcomes
- Degree of quality of supervision and training processes

**D. Financial Management**

- Accuracy and completeness of accounting files and fiscal records
- Accuracy and timeline of fiscal operations

**E. Administrative Requirements**

- Demonstrated ability to comply with training requirements and provide timely, complete and effective training modules
- Overall compliance with contract terms
- Consistent, sound administrative practices

**XXII. General and Special Conditions of Contract**

The general conditions that will be imposed contractually are on the SPO website (*see* paragraph II, Website Reference). Special conditions may also be imposed contractually by the DOE, as deemed necessary.

Section 1.4 of the General Conditions is amended by removing the word “registered” from the phrase “30 days prior written notice by registered mail.” The amended provision shall read as follows: :

1.4 Insurance Requirements. The PROVIDER shall obtain from a company authorized by law to issue such insurance in the State of Hawai‘i commercial general liability insurance (“liability insurance”) in an amount of at least TWO MILLION AND NO/100 DOLLARS (\$2,000,000.00) coverage for bodily injury and property damage resulting from the PROVIDER’s performance under this Contract. The PROVIDER shall maintain in effect this liability insurance until the STATE certifies that the PROVIDER’s work under the Contract has been completed satisfactorily.

The liability insurance shall be primary and shall cover the insured for all work to be performed under the Contract, including changes, and all work performed incidental thereto or directly or indirectly connected therewith.

A certificate of the liability insurance shall be given to the STATE by the PROVIDER. The certificate shall provide that the STATE and its officers and employees are Additional Insureds. The certificate shall provide that the coverages being certified will not be cancelled or materially changed without giving the STATE at least 30 days prior written notice by mail.

Should the “liability insurance” coverages be cancelled before the PROVIDER’s work under the Contract is certified by the STATE to have been completed satisfactorily, the PROVIDER shall immediately procure replacement insurance that complies in all respects with the requirements of this section.

Special Conditions may include, but are not limited to, the following provisions:

- A. Notification** - The contract resulting from this RFP shall stipulate that the applicant shall notify the DOE, verbally within twenty-four (24) hours, upon the occurrence of any of the events indicated below:
1. Any employee, agent or volunteer’s license to practice in the State of Hawaii is suspended, conditioned, revoked, expired, or terminated;
  2. Any employee, agent or volunteer becomes the subject of any disciplinary proceeding or action before any federal or state

agency or Board, such as the Board of Medical Examiners or the Board of Nursing;

3. Any employee, agent or volunteer is convicted of a fraud or felony;
4. An act of nature or any event occurs that substantially interrupts all or a portion of the applicant's business or practice, or that has a materially adverse effect on the applicant's ability to perform its obligations under this contract;
5. The applicant fails to maintain the insurance coverage required under Paragraph 1.4 of the General Conditions;
6. Any malpractice claim, judgment or settlement in which the applicant or any of its employees, agents or volunteers is named a defendant;
7. Change in the applicant's business address or phone number;
8. Change in the applicant's tax identification number; or
9. Any other situation that could reasonably be expected to affect the applicant's ability to carry out its obligation under this contract.

**B. Relief Available to the DOE** - The contract resulting from this RFP may contain a stipulation that if the applicant is in non-compliance with contract requirements, the DOE may:

1. Disallow or temporarily withhold all or part of the billing cost/payments pending correction of a deficiency or a non-submission of a required deliverable by the applicant;
2. Suspend referrals to the applicant should the applicant fail to comply with any of the requirements of the RFP, IPSPG and other term(s) or condition(s) of the contract and, further, the DOE may maintain the suspension of referrals until such time as the deficiency or non-compliance is corrected and the applicant's corrective actions are determined to be acceptable by the DOE; and
3. Seek reimbursement from the applicant or withhold future payments for any funds paid to the applicant subsequent to a

determination that such was unauthorized, fraudulently obtained, or inappropriately billed.

### **C. Prohibitions**

- 1. Case Assignments** - Under the terms of this contract, the right to assign a case to a particular applicant is within the sole discretion of the DOE. Services provided to an individual under this contract shall not constitute ownership or a property right to deliver that service by either an applicant or an individual provider.
- 2. Exclusion of Specific Providers** - The DOE reserves the right to require an applicant to remove any employee, agent, or volunteer from performing work under this contract. The Contract Administrator shall notify applicant in writing and this exclusion of a specific provider(s) shall take effect as indicated on the notice. The applicant may appeal this decision to the Contract Administrator, in writing within ten (10) working days of receipt of the notice. Removal of the employee, agent, or volunteer shall remain in effect pending the outcome of the appeal. This provision shall not infringe upon the right of the applicant to employ the removed individual, but shall apply to any work involving interaction with the DOE, its employees or students.
- 3. Payment for Services not Requested by the DOE** - The DOE reserves the right to deny any claims for payment for the testimony or participation of individual providers that was not requested by the DOE. Unauthorized services include but are not limited to, the applicant pursuing litigation on behalf of itself. The applicant is not authorized to claim payment for, among other things, services relating to testimony, depositions, or other litigation matters in pursuit of its own interests.

### **D. Transitioning of Students**

- 1. Transitioning of Students** - The applicant shall assist in the orderly transitioning of students to other providers employed or contracted by the DOE, or to DOE personnel. The applicant shall work collaboratively with the student's IEP/MP team to develop an appropriate and timely transition plan for the student.

- a. In cases where a student moves from a district in which the applicant has entered into a valid contract agreement with the DOE to another district that does not hold a contract agreement with the DOE, the DOE may require the applicant to continue and if required, the applicant shall continue servicing the student during an appropriate transition period as identified by the IEP/MP team.
- b. During the transition period, the applicant shall invoice the DOE for services rendered according to the Compensation and Rate Schedule of the district in which the applicant has a valid contract.

**E. Right to Seek Market Value for Services** - In the event the applicant fails, refuses or neglects to perform the services in accordance with the requirements of these Special Conditions, the Service Specifications or the General Conditions, the DOE reserves the right to purchase, in the open market, a corresponding quantity of the services specified herein and to deduct from any monies due or that may thereafter become due to the applicant, the difference between the price named in the contract and the actual cost to the DOE. If the money due the applicant is insufficient for said purpose, the applicant shall pay the difference upon demand from the DOE. The DOE may also utilize all other remedies provided by law.

### **XXIII. Cost Principles**

In order to promote uniform purchasing practices among state purchasing agencies procuring health and human services under Chapter 103F, HRS, state purchasing agencies will utilize standard cost principles outlined in Form SPO-H-201 which is available on the SPO website (*see* paragraph II, Website Reference). Nothing in this section shall be construed to create an exemption from any cost principle arising under federal law.

# **Section 2**

## **Service Specifications**

## Section 2

# Service Specifications

### Commonly Used Abbreviations or Acronyms

| <b><u>Abbreviation/Acronym</u></b> | <b><u>Description</u></b>  |
|------------------------------------|--|
| <b>ADA</b>                         | Americans with Disabilities Act  |
| <b>APRN</b>                        | Advanced Practice Registered Nurse   |
| <b>BISS</b>                        | Behavioral Instructional Support Services  |
| <b>BSP</b>                         | Behavioral Support Plan  |
| <b>CAFAS</b>                       | Child & Adolescent Functional Assessment Scale   |
| <b>CALOCUS</b>                     | Child and Adolescent Level of Care Utilization System                                    |
| <b>CASSP</b>                       | Hawaii Child and Adolescent Service System Program                                       |
| <b>CIMIP</b>                       | Continuous Improvement Monitoring Implementation Plan                                    |
| <b>CSSS</b>                        | Comprehensive Student Support System   |
| <b>DOE</b>                         | Department of Education  |
| <b>DES</b>                         | District Educational Specialist  |
| <b>DSM IV</b>                      | 5 Axes of Diagnostic and Statistical Manual of Mental Disorders, 4 <sup>th</sup> Edition |
| <b>ECSSS</b>                       | Electronic Comprehensive Student Support System  |
| <b>ESY</b>                         | Extended School Year   |
| <b>FAPE</b>                        | Free and Appropriate Education   |
| <b>FBA</b>                         | Functional Behavioral Assessment   |
| <b>FERPA</b>                       | Family Educational Rights and Privacy Act  |
| <b>HAR</b>                         | Hawaii Administrative Rules  |
| <b>HST</b>                         | Hawaii Standard Time   |
| <b>IDEIA-2004</b>                  | Individuals with Disabilities Education Improvement Act                                  |
| <b>IEP</b>                         | Individualized Education Program   |
| <b>IPSPG</b>                       | Interagency Performance Standards and Practices Guidelines                               |
| <b>MP</b>                          | Modification Plan  |
| <b>OCISS</b>                       | Office of Curriculum, Instruction and Student Support                                    |
| <b>QAP</b>                         | Quality Assurance Plan   |
| <b>QAIP</b>                        | Quality Assurance Improvement Plan   |
| <b>RFI</b>                         | Request for Information  |
| <b>RFP</b>                         | Request for Proposal   |
| <b>SBBH</b>                        | School Based Behavioral Health Services  |
| <b>SPO</b>                         | DOE Procurement Office   |
| <b>SSC</b>                         | Student Services Coordinator   |
| <b>SSP</b>                         | Student Service Plan   |

## **I. Introduction**

### **A. Overview, purpose or need**

The Hawaii Department of Education (the “**DOE**” or the “**Department**”) administers the statewide system of public schools. The scope of education programs and services of the public schools encompasses grades kindergarten through twelve, and such pre-school programs and community/adult education curricula as may be authorized. In addition to regular programs of instruction and support services, the DOE offers special programs and services for students who are disabled, gifted, learning English as a second language, economically and culturally disadvantaged, school-alienated, or institutionally confined. Applicable Federal and State statutes and regulations govern the provision of some behavioral health services (e.g., 34 C.F.R. Section 300 and Hawaii Administrative Rules (“**HAR**”) Chapter 53 and 56).

In accordance with the IDEIA-2004 and Section 504 – Subpart D of the Rehabilitation Act of 1973 (as amended in 1974), the DOE strives to provide an integrated educational model for students with educational disabilities to realize reasonable benefits from their education.

The purpose of this RFP is to solicit private providers of Intensive Learning Centers (“**ILC**”) interested in providing behavioral health and educational services through the school based behavioral health programs within the Comprehensive Student Support System (“**CSSS**”). The DOE anticipates the need to develop contracts to augment services provided by DOE employees in the provision of a variety of intervention and treatment services that reflect the CSSS educational model.

Services shall be provided through an integrated educational model. The educational model assumes that all behaviors are functional and most behaviors are learned. Program supports and services shall focus on the context within which students learn new capacities and skills as well as the student’s internal learning resources and needs.

The CSSS education model is a strengths-based, multidisciplinary team decision-making model focusing on learning and development. It is based upon the understanding that an individual’s capacity to meet expectations is the result of unique inherent characteristics and previous learning opportunities. It promotes the early identification of new learning opportunities to further increase the social, communication, emotional and behavioral repertoire of students.

**B. Planning activities conducted in preparation for this RFP**

In preparation for the drafting of this RFP, the DOE reviewed existing workload of DOE staff, the DOE's experience with contracted services, and information and suggestions received during the course of the previous contract cycle. In addition, a notice of Request for Information was issued on November 26, 2008, and posted on State of Hawaii, State Procurement Office website.

Additional planning information, if any, may be obtained by contacting the contact person designated for this RFP.

**C. Description of the goals of the service**

School based behavioral health services are provided within the context of CSSS. As part of an integrated programmatic approach, these services are designed to provide the personalized support necessary to assist students to successfully engage in standards-based educational opportunities through overcoming individual barriers to learning. The primary goal is to remove barriers to learning through the provision of behavioral health services emphasizing the development of skills necessary to meet the social, emotional and behavioral demands of the learning and school environment. Provision of services is intended to enable the student to meet his/her annual goals and objectives on the student's IEP or MP.

Intervention and treatment services provided are to be integrated with DOE employee-provided or contracted behavioral health services in order to ensure timely and appropriate access to a full array of educational and behavioral health services that are organized in a coordinated and collaborative manner in an accountable, cost-effective, performance-based system for providing services to assist all students.

There are two basic goals for students who receive their education at the ILC:

1. Provide an appropriate educational program including all specially designed instruction and related services so that the student meets their annual IEP/MP goals and objectives; **and**
2. Provide individualized supports to enable the student to return to a less restrictive environment.

It is expected that the ILC program will be based on the Hawaii Content and Performance Standards III and best practice educational and behavioral approaches in educating students with severe disabilities. The ILC curriculum and methodology will be selected so that it articulates with the home school educational program. This will ensure smooth transition in and out of the ILC. The ILC supports will adhere to the student's IEP/MP. Provision of services is intended to enable the student to meet his/her annual goals and objectives on the student's IEP/MP.

**D. Description of the target population to be served**

Students who are eligible for the services described in this RFP must meet the following criteria:

1. The student has or is suspected of having a disability described in HAR Sections 8-56-16 to 8-56-29 or HAR sections 8-53-1 to 8-53-38; **and either:**
  - a. The student has an IEP developed under criteria described in HAR Chapter 56, that is, the student is eligible for services under the criteria set forth in HAR Chapter 56 and the student needs special education and related services because of the disability; **or**
  - b. The student has a MP developed under criteria described in HAR Chapter 53, that is, the student is eligible for services under HAR Chapter 53 criteria and the student needs a modification plan and related services because of the disability; **and**
2. The student resides in the State and comes within the following age; range: (a) at least three years of age and (b) under 20 on the first instructional day of the school year set forth by the Department of Education; **and**
3. The student is currently exhibiting severe social, emotional or behavioral deficit that is supported by multiple data sources (e.g., BASC-2, CAFAS, EBA, GAF, etc.) and is in need of behavioral or mental health services, as delineated in the IEP/MP goals and objectives, in order to benefit from his/her free and appropriate public education; **and**
4. The student by the nature and severity of his/her disability requires unique and intensive educational programming; **and**
5. The student is identified by his/her IEP/MP team as requiring highly specialized educational placement beyond those available.

In Honolulu, approximately 10 to 16 students currently require such services. A significant reduction in this number is not anticipated between the release of this RFP and June 30, 2009. However, as the DOE builds capacity to provide this service, the need for contracting for this service may decrease.

**E. Geographic coverage of service**

The services are sought for the following school district: one (1) program site for students ages 8-12 in the Honolulu area.. Refer to Section 3 POS Proposal Applications for specific requirements for submitting proposals by district and complex(es).

**F. Probable funding amounts, source, and period of availability**

It is expected that State funds will be used to support these services. The current general fund appropriation for school-based services approximates \$443,000.

Increased funding may be available subject to the availability of funds. It is expected that funding of at least this current level would be allocated for this contract period.

**II. General Requirements****A. Specific qualifications or requirements, including but not limited to licensure or accreditation**

The applicant shall comply with chapter 103F, HRS Cost Principles for Purchases of Health and Human Services identified in SPO-H-201 (effective 10/1/98), which can be found on the SPO website at:

<http://www.spo.hawaii.gov>.

Click on *Procurement of Health and Human Services*

Click on *For Private Providers*

Click on *Forms*

Click on *Budget Application Forms for Requests for Proposals*

Applicant must hold an appropriate certification or license to practice independently, for those activities restricted by licensure laws, or ensure and demonstrate the availability of appropriate supervision.

**B. Secondary purchaser participation**

(Refer to §3-143-608, HAR)

After-the-fact secondary purchases will be allowed.

Planned secondary purchases will be allowed.

**C. Multiple or alternate proposals**

(Refer to §3-143-605, HAR)

Allowed

Unallowed

**D. Single or multiple contracts to be awarded**

(Refer to §3-143-206, HAR)

Single

Multiple

Single & Multiple

Criteria for multiple awards: N/A.

**E. Single or multi-term contracts to be awarded**

(Refer to §3-149-302, HAR)

 Single term ( $\leq$  2 yrs) Multi-term ( $>$  2 yrs.)

Contract terms:

|                               |   |
|-------------------------------|---|
| Initial Term of Contract      | 1 year  |
| Length of Each Extension      | 12 months   |
| Number of Possible Extensions | Three (3) extensions  |
| Maximum Length of Contract    | Four (4) years  |
| Initial Period                | Contract shall commence on the contract start date or the date the Notice to Proceed is issued, whichever is later  |
| Conditions for Extension      | Contract may be extended provided that the agreement to extend is in writing, is contingent upon potential changes to the DOE's approach to service delivery, availability of funding, and is executed prior to expiration. |

**F. RFP contact person**

The individual listed below is the sole point of contact from the date of release of this RFP until the selection of the successful applicant or applicants. Written questions should be submitted to the RFP contact person and received on or before the day and time specified in Section 1, paragraph I (Procurement Timetable) of this RFP.

Marilyn Jakeway  
 Department of Education, Student Support Services Branch  
 641 18<sup>th</sup> Avenue, Room V-201  
 Honolulu, Hawaii 96816  
 Phone: (808) 733-4832 Fax: (808) 735-6228  
 Email: <marilyn\_jakeway@notes.k12.hi.us >

**III. Scope of Work**

The scope of work encompasses the following tasks and responsibilities.  
 All forms referenced in this Section can be found at the following website:  
<http://www.doe.k12.hi.us/sbbh/> - Click on "*Required Contract Documents*"

**A. Service Activities**

(Minimum and/or mandatory tasks and responsibilities)

All services shall be provided in accordance with the requirements outlined in this section and any other applicable requirements referenced in any portion of

this RFP. Specific requirements for specific levels of care are detailed in Section B, Work Activities.

## **1. Educational Requirements**

The applicant shall provide a structured educational placement with integrated educational and behavioral services for students exhibiting severe social, emotional or behavioral deficits that preclude FAPE in a lesser restrictive environment and places them at risk for more restrictive placements. The program shall be a twelve (12) month program lasting at least six (6) hours per day, five (5) days a week, excluding observed DOE, State and Federal holidays. Educational components will be broad enough to meet each student's unique educational needs according to the IEP/MP goals/objectives and shall include the following:

- Specialized educational programming to address deficits in reading fluency and comprehension;
- Specially designed standards-based instruction to address the student's academic needs;
- Related services as required in student's IEP/MP;
- Functional Behavioral Assessment/Behavioral Support Plan reviewed at least quarterly;
- Evidence based individual/group interventions;
- Parent counseling/training;
- Long term and discharge transition planning;
- Interpretive services, if needed;
- Participation in internal reviews or service testing;
- All curriculum and instructional materials and equipment, such as desks, computers, and classroom supplies needed to implement the student's IEP/MP;
- Provide lunches and snacks that follow federally accepted nutritional guidelines; and
- Transportation to and from the ILC site may be provided by the program, however, mid-day transportation needs must be provided by the program.

The intensity of the educational program in this setting will be sufficient to meet the student's needs without an extension of the school day, however, services must be available to accommodate any student with a need for extended school day/year programming should the IEP/MP team deem it necessary.

## **2. General Requirements**

The applicant must adhere to the following provisions for any service activity:

- Provide time-limited services based on an evidence based educational model conducive to success in meeting academic and/or social goals and objectives in the IEP/MP and Hawaii Content and Performance Standards III.
- Provide appropriate transitioning when student is entering or exiting the program. Transitioning should include discussion of the student's current level of functioning on IEP/MP goals being worked on, progress on the implementation of the Student Service Plan, discussion of a student's strengths and weaknesses, and demonstration of instructional strategies that have proven to be effective with student. The applicant is responsible for maintaining notes and records sufficient to facilitate a smooth, proper and complete transition, and shall make those notes/records available to DOE staff upon request. The applicant must exhibit an ability to maintain and administer such notes and records, including policies and procedures.
- Review student's written BSP, in collaboration with the student, family, and school prior to initiating such services as may be specified in the IEP/MP. The service plan should include the student's IEP/MP goals/objectives, and all SBBH related sections of the BSP. In addition to the BSP, the Student Service Plan should include additional specific details to the individual contract provider's services to the student which are necessary to provide effective Counseling and other SBBH services to address the student's goals and objectives.
- Provide the written SBBH Quarterly Progress Reports to the home school, utilizing the prescribed DOE format. Quarterly is defined in terms of the school year. The report must be submitted to the IEP/MP Care Coordinator two (2) weeks before the end of the quarter. Additionally, a report is due at the end of each ESY period for students who are eligible for this service during the ESY period. The SBBH Quarterly Progress Report will be subject to the use of the DOE's eCSSS, or another designated reporting system specified by the DOE. In the event eCSSS is amended or unavailable, the applicant shall use the data system specified, or alternatively, the DOE may authorize substitution of hard copy reporting utilizing a designated format. In the event a paper system is instituted, the same timelines for reports shall apply.
- Input report data into eCSSS and the SBBH supplemental database systems. (Data to be inputted includes assessment data, visit records, SBBH Quarterly Progress Reports and other required data.)
  - By the 5<sup>th</sup> day of every calendar month, input required data into eCSSS and the SBBH supplemental database, reporting on end-of-month student status, as well as student progress and service activities over the entire month. If the 5<sup>th</sup> day falls on a weekend or holiday, data input will be due on the preceding school day.
- For any data or report required to be inputted, in the event eCSSS or the SBBH supplemental database is amended or unavailable, the

provider shall use the data system specified; or the DOE may authorize substitution of hard copies in a designated report format. In the event a paper system is utilized, the same timelines for reports shall apply.

- Tracking of outcome measures shall, at a minimum, include quarterly completion of the BASC-2 Student Observation System (SOS) in the setting of difficulty. Data shall be incorporated into the SBBH Quarterly Progress Report.
- If a student that has been referred to the program without baseline BASC- data, the program must complete a full battery of BASC-2 rating scales to establish a baseline.
- Provide services according to time and frequency parameters specified by the IEP/MP and authorized by the DOE. In no event shall the provision of services exceed the time or units authorized. In the event the IEP/MP is silent as to time and frequency of service, services shall be provided according to the parameter specified by the DOE. In addition, services must be provided in a timely manner, e.g., do not provide all authorized contract hours for the month in a few sessions at the end of the month, unless such an arrangement is specified within the IEP/MP.
- Sign in at the school office when entering a school campus and sign out when leaving.
- Wear appropriate identification when visiting a school campus.
- Maintain appropriate levels of contact (as specified per service) with school staff and families, as directed by the school.
- Make contact with the school staff within one week of ‘authorization of services’ (hereinafter procurement) and be able to initiate service within two weeks of procurement.
- Engage in the timely scheduling of appointments, processing of documents, and participation in conference meetings.
- Have competency, and provide proof of such if requested by the DOE, to provide the services, specifically related to the educational implications of severe social, emotional or behavioral deficits.
- Participate in due process proceedings at the request of the DOE.
- Participate in the Internal Monitoring process at the request of the DOE.
- Participate in IEP/MP meetings, at the request of DOE, once placement has been made.
- Participate in student specific meetings. Student specific meetings are meetings such as peer review, interagency team meetings, BSP/Crisis meetings and are to be an included cost of the underlying service.
- Provide information to the DOE or IEP/MP teams on the applicant’s services within two (2) working days of a request by the DOE.
- Adhere to all DOE guidelines relating to specific programs and activities such as water-related activities.

### 3. Training Requirements

The proposal application should address how the applicant will meet the training requirements noted below and detail how the applicant's proposed training plan will address the desired learner outcomes including target population specific training.

The applicant must adhere to the following provisions for any service activity:

#### **PRIOR TO BEGINNING SERVICE DELIVERY**

The applicant must ensure that its direct services staff completes at least twenty four (24) hours of training, as approved by the DOE, before beginning service delivery and on an annual basis. The twenty four (24) hours of training shall include:

##### **A minimum of two (2) hours training in:**

- IDEIA-2004 and HAR Chapter 56 requirements, including procedures and eligibility criteria;
- Section 504 and HAR Chapter 53 requirements, including procedures and eligibility criteria; and
- FERPA and HAR Chapter 34 requirements;

##### **A minimum of eighteen (18) hours training in:**

- Educationally relevant interventions and recommendations related to the target population that includes social, emotional and behavioral issues related to the target population.

##### **A minimum of two (2) hours training in:**

- Data collection and purposes for collecting data.

##### **A minimum of two (2) hours training in:**

- An understanding of applicable contract requirements;
- Maintaining professional relationships with the DOE and families. Topics may include but are not limited to professional behavior boundary setting, communication styles, listening skills, and effective communication.

#### **ANNUAL PROFESSIONAL DEVELOPMENT/TRAINING**

The applicant must ensure that its direct services staff completes at least forty (40) hours of training, as approved by the DOE, in no event less than annually. The forty (40) hours of professional development training shall directly relate to their work responsibilities and include:

- **All topics and minimum requisite hours (24 hours) as listed under the training requirements prior to beginning service delivery; and**
- **A total of two (2) hours but not more than four (4) hours training in:**
  - HAR Chapter 19 procedures and requirements;
  - State of Hawaii laws regarding child abuse and neglect reporting, reporting of criminal behavior and threats regarding suicide and homicide;
  - CASSP principles;
  - CSSS principles; and
  - Team-based decision-making
- **Nonviolent crisis intervention training as appropriate for the target population;**
- **Crisis intervention procedures including suicide recognition as appropriate to level of service delivery; and**
- Any remaining professional development/training hours shall be spent on educationally relevant interventions and recommendations related to the target population that includes emotional, social, and behavioral issues related to the target population.

#### **DOCUMENTATION REQUIREMENTS FOR ALL TRAINING SESSIONS**

The applicant must maintain documentation of each training session or professional development session which shall include, at a minimum, the name of the in-services, the name of the instructor, date, place and time of session. Each direct services staff must sign in on an official registration sheet. A record for each direct services staff member must be kept in his/her credentialing file. The applicant shall maintain a master record of all training and professional development activities. Upon a request from the DOE, the applicant must provide the requested training or professional development documentation within two (2) working days from the request.

#### **B. Work Activities**

The DOE envisions one (1) program site to serve students ages 8-12 in the Honolulu area. The program should adhere to the specific service requirements as detailed below.

The proposal application should address how the proposed plan and services would support service delivery of school-based services within the least restrictive environment.

The applicant should also submit documentation and evidence of collaborative relationships with schools, complexes, districts, other individual providers and community agencies including the Children's Community Councils.

In the event that an applicant intends to integrate services with schools, agencies, and other DOE contracted providers, applicants presuming to utilize any community assets, staff, facilities, or instructional resources, including those of the DOE, should submit documentation of any agreements with the relevant organizations/agencies confirming the applicant's intent to participate in service delivery in the event the applicant is successful and awarded a contract.

## **1. Referral and Intervention Planning**

- a. Program staff will be available to meet with school teams for consultation and information sharing.
- b. Programs will accept students identified by IEP/MP teams as meeting entrance requirements, with a no-rejection policy. The IEP/MP team will make any change in program and/or placement.
- c. For Section 504 students, placement in the program should be temporary, time-limited intervention, with the goal of providing FAPE on a regular school campus, to allow appropriate access to the general education learning environment. Any placement decisions should be supported by a plan to transition the student back to a general education setting as soon as is appropriate.
- d. Program staff will collaborate with DOE to develop an appropriate transition plan for entry/exit into the program no longer than one week after placement determination is made. At the same time, base line data will be reviewed and exit criteria determining student transition back to a less restrictive environment will be quantified.
- e. All referral materials, including functional behavioral assessment and IEP/MP behavior support plans will be reviewed with all staff expected to be involved in instruction or service provision.
- f. Following student absences of three (3) consecutive days, program will contact student's family and document the reason for non-attendance. Program will contact student's home school to supply dates of absences and reasons. Prior to the 11<sup>th</sup> day that the student will be absent (cumulative per school year) program will notify student's home school, and school administrator will determine if an IEP/MP meeting to review educational placement is needed.
- g. When disciplining or suspending a student, program staff will follow Chapter 19 and Chapter 56 guidelines and report each occurrence to the respective school administrator and appropriate district educational specialist within twenty four (24) hours. Specifically, the program must be aware of each student's cumulative suspension record and follow the manifestation determinations requirements of IDEIA-2004 and HAR

Chapter 56. If the program is contemplating the removal or suspension of any student, who has less than 10 days cumulative suspensions, as a disciplinary measure, the student’s parent, school administrator and the appropriate DOE DES must be notified, if possible, of the removal or suspension of the student. For a student with ten (10) or more cumulative suspensions for the school year, a manifestation determination must be held PRIOR to any suspension.

**2. Program contents will be designed to address IEP/MP goals and objectives as well as specific referral concerns.**

- a. Academic instruction
  - i. The program will implement the student’s IEP/MP.
  - ii. The program will provide specialized instruction in all academic areas appropriate to the student’s age and developmental level.
  - iii. The program will provide all educational information to the home school upon student’s return so that all credits can be issued if applicable.
  - iv. Statewide assessments will be administered by DOE personnel at the ILC site within the testing window period, for each student in a benchmark year.
  - v. A standardized annual reading comprehension assessment will be completed by DOE personnel at the ILC site at least ninety (90) days prior to each student’s annual IEP/MP due date.
  - vi. Educational services shall be consistent with the Hawaii State Content and Performance Standards III relevant to the ACCN credit desired. Documentation of the number of hours of instruction by course shall be available to the appropriate DOE school upon transition planning, to assist in granting of academic credit to and the proper placement of the student.
  - vii. The program will hire and supervise educational staff, including certified special education teachers, related service personnel and paraprofessional staff.
- b. Positive Behavioral Support
  - i. Establish a classroom climate of “positive behavioral support,” so that students achieve clearly delineated behavioral goals and objectives. The support program will be based upon a functional behavioral assessment including all behaviors necessitating an intervention of this restrictive nature, resulting in a BSP.
  - ii. The following forms of discipline are prohibited:
    1. Degrading punishment;
    2. Corporal or other physical punishment;
    3. Forced physical exercise solely for the purpose of eliminating behavior rather than for instructive or athletic value;
    4. Punitive work assignments;
    5. Group punishment for individual behavior;
    6. Medication for the purpose of punishment;

7. Extended isolation of the student;
  8. Deprivation of student rights or needs;
  9. Painful aversive stimuli;
  10. Use of seclusion or mechanical restraints;
  11. Use of any locked facilities;
  12. The administration of noxious substances
  13. Any other action that jeopardizes the health or welfare of the student; and
  14. Discipline that is inconsistent with the student's IEP/MP goals and objectives, BSP, or service plan.
- c. Medication and Medical Emergencies
- i. The ILC must be prepared to deal effectively with injuries, accidents, and illnesses and other medical and behavioral crises, as follows:
    1. Procedures for handling such situations have been developed in consultation with a health professional to protect the students;
    2. Personnel involved in direct care are trained in basic first aid and retrained at least every three (3) years or according to the requirements of RED CROSS certification.
    3. Personnel receive training in the identification of abuse and neglect and in mandated reporting requirements;
    4. One staff member on duty is trained and currently certified in cardio-pulmonary resuscitation;
    5. Telephone, first aid supplies and manuals are readily available;
    6. Individual case records contain the names of family physician, clinic or hospital used in emergencies, and written authorization from the parent/legal guardian for emergency care; and
    7. Individual student records, including crisis management plans, are reviewed with all staff that interacts with applicable students.
  - ii. Establish emergency procedures and has either a licensed physician available on-call during its hours of operation or has formal arrangements for emergency services with a nearby primary health care facility.
  - iii. Promptly report any serious accident, emergency or dangerous situation in writing to appropriate authorities. School staff will follow all mandated reporting of instances of suspected abuse. All reports will be sent to the respective school administrator and to the appropriate DES.
  - iv. Provide medication management for students taking medications that shall include all of the following:
    15. Assessing the student's ongoing need for medication.
    16. Determining overt physiological effects related to the medications used in the treatment of the student's psychiatric condition, including side effects.
    17. Consulting with parent and school staff regarding behavioral effects of medication.

18. Determining psychological effects of medications used in the treatment of the student's psychiatric condition.
  19. Monitoring compliance with prescription medication.
  20. Renewing prescription.
  21. Documentation of informed consent, including a signed description of potential benefits and possible side effects of the prescribed medication, must be placed in the record prior to initiation of medication. The consent must be signed and dated by the student's parent/legal guardian.
  22. Submit a written Psychiatric Medication Management Progress Note: See requirements under the Monitoring Student Progress Criteria section below.
- v. The ILC assists students taking medications and establishes controls governing proper assistance and storage, which include all of the following:
23. Locked storage with supervision and access by only those staff trained and authorized;
  24. Proper labeling, with name of student, dosage, name of medication, and name of prescribing physician;
  25. Destruction of out-of-date medication; and
  26. Proper disposal of unused medication, syringes, and medical waste.
- vi. Provides for a safe physical environment.
- d. Interventions
- i. Evidence based interventions will be the primary mode of service delivery used to address student specific needs,
  - ii. Applicant will provide any and all IDEIA-2004 required related services, including but not limited to occupational therapy, physical therapy, speech therapy and transportation except to and from program. In the event of a missed session of any IDEIA-2004 required related service, please refer to the Procedures on Documenting Provision of Related Services document. Should the applicant not be able to provide related service staff, applicant must contact the students home school within twenty-four (24) hours. To avoid a gap in service, the DOE may send its personnel to provide the service. Applicant will reimburse the DOE for the cost of services provided. Rate of reimbursement will be based on the hourly rate for the professional services for that discipline.
- e. Transitions/Exit
- Transitions will occur in accordance with the following steps:
- i. The IEP/MP team has met, reviewed student progress and determined that the exit criteria are met.
  - ii. The IEP/MP team reviewed the IEP/MP and revised it as needed.
  - iii. The IEP/MP team determined that placement should change.
  - iv. ILC staff and DOE personnel collaboratively developed a transition plan to support the student's success in the less restrictive environment.

- v. **There will be no exit without an IEP/MP change of placement decision.**

### 3. Staffing Requirements

- a. Qualified multidisciplinary staffing is available to address all educational, social, behavioral and communication needs of the students.
- b. The teacher is licensed in Special Education with training in educating students who exhibit a combination of severe social, emotional and behavioral deficits. At a minimum, the teacher should have knowledge of, and experience using, evidence based instructional interventions including but not limited to applied behavioral analysis principals, discrete trial teaching, functional visual communication systems, structured teaching approaches, and typical child development.
- c. Licensed related service providers in areas to include (but not limited to): Speech Language Pathologist, Occupational Therapists and others as identified in the IEP/MP.
- d. All paraprofessional staff must meet NCLB requirements.
- i. Option 1 - 48 credits when pursuing a bachelor's degree or higher
    - Credits must be 100 level or higher in any subject area.
    - If earned after June 30, 2003, credits must include 3 credits in Math and 3 credits in English.
    - Must be earned from a regionally accredited institution.
    - Agencies must have all transcripts on file.
  - ii. Option 2 - Associate's Degree, Bachelor Degree or Masters Degree
    - Degree must be earned with 100 level or higher courses.
    - For employees who earned a degree prior to January 8, 2002, the degree may include less than 100 level courses.
    - Must be earned from a regionally accredited institution.
    - Agencies must have all transcripts on file.
  - iii. Option 3 – Passing score on the Para Pro Assessment
    - A certificate with a minimum score of 459 on the Para Pro Assessment provided by Educational Testing Service.
- e. Adequate staff to student ratio is provided at all times to ensure safety for all activities and takes into consideration student needs and characteristics. This is the total responsibility of the ILC program. The DOE will not provide additional staff to cover provider shortfalls.

|   | <b>For 10 Slots</b> |
|---|---------------------|
| <b>SPED Teachers</b>                                      | 1                   |
| <b>Behavioral Specialists</b>                             | 1                   |
| <b>Educational Assistants</b>                             | 2                   |
| <b>Supervising Clinical Psychologist</b>                  | .5                  |
| <b>Ancillary Services<br/>(OT/PT/SLP/CSAC Counselors)</b> | As Required         |

- f. Staff is available to ensure student safety for early arriving or late departing students.
- g. To ensure appropriate family involvement, the agency is responsible for locating and providing interpreters for families whose limited English proficiency or mode of communication would inhibit their ability to meaningfully participate in the student's education.
- h. Staff providing Medication Management services must:
  - i. Be a Hawaii licensed physician and privileged through the PROVIDER's credentialing and privileging process to render diagnostic services; or
  - ii. Be a Board Certified Child and Adolescent Psychiatrist; or
  - iii. Be an APRN who is working under the supervision of a licensed physician or psychiatrist meeting standards above.

#### **4. Monitoring Student Progress Criteria**

- a. ILC staff will schedule and complete monthly meetings for each student to review the student's progress. ILC staff will be responsible for inviting no less than one DOE personnel to each meeting. DOE personnel includes but is not limited to the student's IEP/MP care coordinator, SPED and/or regular education teacher(s), school administrator, and student's parent where appropriate. Costs accrued for these meetings are included as part of the program.
- b. School staff will collect daily data on each IEP/MP goal being addressed on that day. Licensed/Certified school staff will aggregate and analyze the student's data and will provide written progress reports to student's IEP/MP care coordinator two weeks before the end of the quarter.
- c. The ILC staff will participate in a progress report meeting that will include the parents and school representatives. The review will address at least the following:
  - i. Specific level of student current functioning
  - ii. Review of data
  - iii. Review of exit criteria
- d. For students receiving medication monitoring, the Psychiatric Medication Management Progress Note, will be placed within the student's record, with a copy sent to the IEP/MP care coordinator within twenty-four (24) hours of the date of service and shall include:
  - iv. Name of the student;
  - v. Date and actual time the services were rendered;
  - vi. Place of service;
  - vii. Dosage and intervals when medication is to be administered;
  - viii. Side effects or adverse reactions that the student should be monitored for and the side effects or adverse reactions the student is experiencing;
  - ix. Conditions in which the student is refusing or unable to take medications as ordered or if the student is compliant in taking medications as prescribed; and
  - x. Whether the medication is effectively controlling symptoms.

- e. All agencies must participate in contract monitoring, in no event less than annually. All documentation and all students' records must be made available upon request by the DOE or for audits scheduled by DOE.

## **C. Management Requirements (Minimum and/or mandatory requirements)**

### **1. Personnel**

#### **Supervision Requirements**

The applicant may hire direct employees or establish a network of independent professional providers (hereafter agents). If the applicant utilizes a network of independent providers, each agent must meet Hawaii State requirements to provide behavioral health services as an independent provider. The applicant shall be responsible for the quality of work provided by its employees, agents, and volunteers. The applicant shall also be responsible for monitoring the work of all agents. The applicant must ensure that the expectations and responsibilities assumed by and between its employees are equally placed on agents.

The applicant must train, monitor, investigate complaints, and cooperate fully with any DOE investigations, including but not limited to taking immediate necessary action, submitting and implementing corrective action plans, and disciplining any employee or agent for violations of any term or condition under this RFP or resulting contract.

#### **Credentialing Requirements**

The applicant must maintain personnel files that include documentation of the training, supervision, appropriate credentialing, and ongoing performance of all employees, agents, and volunteers. The applicant must complete and submit the prescribed DOE credentialing application for each employee, agent or volunteer.

In addition, the applicant shall submit monthly personnel updates to reflect any changes in staffing (e.g., new hires, terminations, changes in credentialing) among the applicant's officers, direct service employees, agents, and volunteers using the prescribed DOE provider update form. The applicant shall notify the DOE, verbally within twenty four (24) hours, upon any change in staffing that could reasonably be expected to affect the applicant's ability to carry out its obligation under this RFP and contract.

The applicant must maintain written policies and procedures, subject to the DOE approval, that identifies the applicant's process for primary source verification of all personnel.

Applicants must verify and document all of their claims regarding degrees from accredited institutions at the following websites: the U.S. Department of Education Database of Accredited Postsecondary Institutions and Programs at <

[www.ope.ed.gov/accreditation](http://www.ope.ed.gov/accreditation) > and the Council for Higher Education Accreditation at < [www.chea.org](http://www.chea.org) >.

### **Criminal History Record Check Requirements**

The applicant shall conduct all reasonable investigations to determine whether a employee, agent, volunteer or prospective employee has been convicted of any criminal offense pursuant to any law enforcement or military authority which would make the employee, agent, volunteer or prospective employee unsuitable for working in close proximity to children. Furthermore, the applicant shall inform the DOE if any employee, agent, volunteer or prospective employee who is providing services under this RFP and contract has been convicted of a criminal offense. The DOE reserves the right to refuse the services of any employee, agent, volunteer, or prospective employee of the applicant for any reason or for no reason.

The applicant shall require, at a minimum, local criminal history checks on all employees, agents, and volunteers including but not limited to administrative and direct service staff members who work in close proximity to children. The required fingerprint checks shall be completed before any employee, agent or volunteer of the applicant is assigned to any work site. The applicant shall indemnify and defend the DOE for any liability or damages resulting from the applicant's failure to conduct a criminal history check.

The applicant shall maintain a record of the mandatory criminal history checks performed on each of its employees, agents, and volunteers in compliance with this Section. Additionally, the applicant shall at all times maintain a current list of all new employees, agents, and volunteers documenting the status and completion dates of the mandatory criminal history checks and other primary source verification.

The DOE reserves the right to monitor at least annually the applicant's compliance with this section through either, or both, an on-site evaluation or a documents review.

\* NOTE: Upon express statutory authority for the DOE to conduct national criminal history checks on contracted providers, a national criminal history check shall be required of all contract providers. All costs associated with conducting and processing criminal history checks of applicant's employees, agents, and volunteers shall be borne by the applicant.

### **TB Clearance Requirements**

The applicant shall require and maintain certification of TB examination for all employees, agents and volunteers issued within the twelve (12) month period preceding the start of employment of service under this contract. Certificate must DOE that the person is free of communicable tuberculosis.

## **2. Administrative**

### **Medicaid Requirements**

The DOE may engage in activities to support the DOE requests for Medicaid reimbursement of the provision of services identified in this RFP for eligible students. The DOE will require verification of licensure subject to the terms of this RFP in context of Medicaid reimbursable activities. This requirement will not supersede the provider credentials required in the service activities.

Applicants awarded a contract under this RFP will be subject to administrative claiming for all eligible services regardless of licensure, and will be expected to participate in time studies by the DOE or their agent(s) three (3) times a year, or more frequently if required. All services under this RFP and contract will be subject to Medicaid audit.

### **Confidentiality Requirements**

The applicant must ensure that employees, agents and volunteers adhere to all applicable state and federal laws regarding the collection and release of confidential student information. The applicant shall adopt and implement policies and procedures that govern the provision of services in natural settings. The applicant shall generate, maintain and make available documentation that it respects students' and/or families' right to privacy when services are provided in these settings. The DOE shall have the right to inspect and approve these policies and documentary records.

The applicant's records relating to students under this contract are educational records governed under FERPA. The documents and records held by the applicant for students serviced under this RFP and resulting contracts are the property of the DOE. Any documentation that an applicant requires an employee or subcontractor to maintain shall be provided to the DOE on a quarterly basis or within two (2) working days of a request by the DOE. This includes but is not limited to copies of any progress notes, files and/or group supervision notes.

Parental consent for assessment and release of information is covered by the IEP/MP consent. No additional parental consent for assessment or release of information is needed by the applicant.

### **Sentinel Event/Incident Notification Reports**

The applicant must have policies and procedures, approved by the DOE that address sentinel events and incident notification. These policies must address: (1) how the applicant will notify the respective School Administrator and the appropriate DES within twenty four (24) hours by phone and also in writing within seventy two (72) hours of any event that compromises the safety of a student; (2) how the applicant tracks the occurrence of all sentinel events and incidents to identify trends and patterns in order to implement improvements; and (3) a complete analysis of the event as well as actions taken to address the event.

Upon a sentinel event, the applicant shall inform the DOE utilizing the prescribed DOE format.

### **Use of Restraints Policy**

The applicant must have documentation and evidence of policies and procedures, approved by the DOE, regarding the use of restraints.

### **3. Quality assurance and evaluation specifications**

The applicant must participate in contract monitoring, in no event less than annually. This contract monitoring will focus on compliance with the DOE monitoring protocol and compliance with all administrative and fiscal aspects of the contract. The areas of expected compliance include but are not limited to:

- Provision of licensed staff and credentialed staff;
- Following of the student's IEP/MP;
- Delivery of evidence based educational programming;
- Systematic data collection; and
- Analysis of data of evidence of program adjustments based on data.

All documentation and all student records must be made available for inspection and/or copying within two (2) working days of a request by the DOE.

The DOE reserves the right to evaluate the applicant's program/service delivery or financial records/billing information for program monitoring purposes through either, or both, an on-site evaluation or a documentation review at least once a year.

The applicant shall comply with the applicable District(s)/Complex(es) CIMIP. The applicant shall implement an internal QAP that has been approved by the DOE, to assure the delivery of quality educational services and a plan for program assessment and continuous improvement. The QAP will include evidence supporting their plan and will be available for DOE review.

### **4. Output and performance/outcome measurements**

At a minimum, output and performance/outcome requirements must include the following measures:

- Annual satisfaction survey of schools, students, and families;
- IEP/MP quarterly progress and outcome measures related to academic achievement and behavioral success, as appropriate, in school, at home, and in the community;
- Timeliness of services, which includes initiation of services and data collection and reports provided by due dates; and
- Services provided aligned with DOE educational philosophy and complement students' educational curriculum.

An annual report containing the results of the above outcome measures shall be provided to the DOE within thirty (30) days of the end of the contract year.

## **5. Experience**

Please refer to specific service and staffing requirements as detailed in Section 2, B, Work Activities.

## **6. Coordination of services**

Please refer to specific service and staffing requirements as detailed in Section 2, B, Work Activities.

## **7. Reporting requirements for program and fiscal data**

### **Program Requirements**

The development and implementation of an integrated student information system called “eCSSS” will enable the DOE to integrate with other existing systems and generate consolidated statistical information regarding student population, services and other related items (e.g., school lunch, attendance and graduation rates) from one location. eCSSS is web based and accessible from all schools, State offices, and district offices, etc.

In addition, the DOE desires to utilize technology in implementing such features as workflow, electronic forms, profiling, item banking of services and recommendations, electronic plan generation, case coordination, case management and the measurement of the effectiveness of services.

Applicants shall be required to input information into the eCSSS modules, if appropriate. In the event eCSSS is amended or unavailable, the applicant shall use the data system specified, or alternatively, the DOE may authorize substitution of hard copy reporting utilizing a designated format. In the event a paper system is instituted, the same timelines for reports shall apply.

Data entry into eCSSS (along with applicable requirements within each service activity) must be completed before invoice submission and payment.

At a minimum, applicants are required to have computer hardware/software that supports the operation and access to eCSSS including:

- Internet Explorer 6.x for Windows;
- Desktop Resolution set to at least 1024x768;
- Have a web browser that will allow pop-up windows when using eCSSS;
- Have the ability to temporarily hide search engine toolbars; and
- Adobe Acrobat Reader.

Applicants are responsible for arranging for their Internet connections; the DOE will not provide this service. Applicants must also provide their own equipment, training and technical support. Email may be used for all provider correspondence and the applicants will be responsible for checking accounts.

### **Fiscal Requirements**

Original monthly claims/invoices, along with the DOE billing diskette, must be submitted within fourteen (14) calendar days after the last day of each calendar month to the applicable district. A sample billing diskette may be obtained from the DOE upon the execution of a contract from the SBBH contracts office. Invoices and billing diskettes shall be submitted to the SBBH Contract Specialist of the applicable school district. All appeals and corrections for reporting/invoice rejections must be resolved within the next sixty (60) calendar days and late claims will not be accepted. Any appeals and corrections for reporting/invoice rejections shall constitute the end of the DOE's requirement to pay within thirty (30) days upon receipt of the original invoice. The DOE's requirement to pay within thirty (30) days starts on the day the corrected invoice is re-submitted and accepted by the DOE. All provider reporting data must be submitted in the manner and format specified by the DOE.

The DOE reserves the right to audit the agency's financial records and billing documentation on an annual basis, at a minimum, through either an on-site evaluation or a documentation review.

### **Final Reports and Other Documentation**

The applicant shall, at the completion of the contract period, submit a final written report summarizing contract performance to the DOE in a format to be prescribed by the DOE.

**The applicant shall submit an original tax clearance certificate upon the execution of a contract with the DOE and with the final invoice request.**

### **8. Pricing structure or pricing methodology to be used**

A fixed unit of service rate will be established by the DOE. An applicant must submit a cost proposal utilizing the unit cost pricing structure as designated by the DOE. The cost proposal must be attached to the proposal application for those specific services as listed on the DOE Rate Schedule.

The DOE will not consider proposals for services with rates that are above the maximum allowable amounts set forth in the DOE Rate Schedule.

### **9. Group Monthly Rate**

Applicant's proposal shall be submitted using a monthly group rate based on the number of students identified by the geographic area of interest. If the student enrollment should drop below the base rate number of students, the DOE will pay

the base rate. This monthly group rate should include all direct and indirect costs associated with administering the program. Lunches, snacks, attendance at IEP/MP meetings, break times and consultation with the DOE or IEP/MP teams about program services, and if applicable, transportation should be considered an included cost.

There will be no payment for wait time, no-shows, and/or cancellations, or start-up costs associated with developing a new program.

## **10. Method of compensation and payment**

In full consideration for the services performed by the applicant, the DOE agrees, subject to allotments to be made by the Director of Finance, State of Hawaii, pursuant to Chapter 37, Hawaii Revised Statutes, to pay the applicant for service units provided on a unit cost basis (unless a flat rate is so required), which shall be paid in accordance with and subject to the following:

### **Monthly Invoices, Monthly Payments**

Payments shall be made in monthly installments upon the monthly submissions by the applicant of invoices for the services provided. Payments shall be inclusive of all applicable State and Federal Taxes.

### **Monthly Claim Submissions**

The applicant shall submit monthly invoices for the program services utilizing the DOE prescribed invoice form for monthly claim submission. An original and two (2) copies, plus a billing diskette subject to the specifications of the DOE, shall be submitted within fourteen (14) calendar days after the last day of each calendar month. The monthly claim submission should be mailed to the appropriate district contract specialist.

The DOE shall make payment to the applicant within thirty (30) days of receipt of a accepted invoice. All corrections and appeals must be resolved within sixty (60) days of the original submission deadlines. Any appeals and correction for reporting invoice rejections shall constitute an end of the DOE's requirement to pay within thirty (30) days of receipt of the original invoice. The DOE's requirement to pay within thirty (30) days starts on the day the corrected invoice is re-submitted and accepted by the DOE. All applicant reporting data shall be submitted in the manner and format specified by the DOE. Any errors or omissions may cause a significant delay in payment to the applicant. The DOE shall not consider any late claims.

The monthly claim (or report) shall be reviewed by the DOE and shall be subject to the DOE's preliminary determination of appropriateness and allowability of claim (or report). The DOE reserves the right to withhold payment from the applicant for any non-compliance with the contract. The DOE's thirty (30) day

payment requirement will restart on the day the applicant and the DOE reach an agreement over the compliance of the term(s) of the contract.

**Audit, Reimbursement and Reconciliation**

The DOE's preliminary determination of appropriateness and allowability of the claim (or report) shall be subject to later verification and subsequent audit. The DOE reserves the right to seek reimbursement from the applicant upon an audit of all claims for any errors made in payment and/or for services not delivered. Final settlement of this RFP and contract shall include submission and acceptance of all claims (or reports) and other materials to be submitted by the applicant to the DOE, resolution of all discrepancies in performance of services, monthly claims (or reports), and completion of all outstanding matters under this contract.

**Final Settlement**

The DOE shall withhold fifty (50%) percent of the accepted amount for the final month of this contract until final settlement of all claims (or reports) of this contract.

**IV. Facilities**

The applicant shall provide a description of its facilities and demonstrate its adequacy in relation to the proposed services. If facilities are not presently available, describe plans to secure facilities. Also describe how the facilities meet ADA requirements, as applicable, and special equipment that may be required for the services.

Nonetheless, any facilities selected and used by the applicant to provide any services or otherwise requiring the presence or participation of student or families must be ADA compliant and otherwise safe, legal, and appropriate for the purpose(s) for which it is used in connection with this RFP.

## **Section 3**

# **Proposal Application Instructions**

## Section 3

# Proposal Application Instructions

### General instructions for completing applications:

- *Proposal Applications shall be submitted to the DOE using the prescribed format outlined in this section.*
- *The numerical outline for the application, the titles/subtitles, and the applicant organization and RFP identification information on the top right hand corner of each page should be retained. The instructions for each section however may be omitted.*
- *Page numbering of the Proposal Application should be consecutive, beginning with page one and continuing through for each section. See sample table of contents in Section 5.*
- *Proposals may be submitted in a three ring binder (Optional).*
- *Tabbing of sections (Recommended).*
- *Applicants must also include a Table of Contents with the Proposal Application. A sample format is reflected in Section 5, Attachment B of this RFP.*
- *A written response is required for **each** item unless indicated otherwise. Failure to answer any of the items will impact upon an applicant's score.*
- *Applicants are **strongly** encouraged to review evaluation criteria in Section 4, Proposal Evaluation when completing the proposal.*
- *This form (SPO-H-200A) is available on the SPO website (see Section 1, paragraph II, Website Reference). However, the form will not include items specific to each RFP. If using the website form, the applicant must include all items listed in this section.*

### The Proposal Application comprises the following sections:

- *Proposal Application Identification Form*
- *Table of Contents*
- *Program Overview*
- *Experience and Capability*
- *Project Organization and Staffing*
- *Service Delivery*
- *Financial*
- *Other*

#### **I. Program Overview**

Applicant shall give a brief overview to orient evaluators as to the program/services being offered.

## **II. Experience and Capability**

### **A. Necessary Skills**

The applicant shall demonstrate that it has the necessary skills, abilities, and knowledge relating to the delivery of the proposed services.

### **B. Experience**

The applicant shall provide a description of projects/contracts pertinent to the proposed services.

Applicant shall also include name of references, address(es), e-mail address(es) and telephone numbers. The DOE reserves the right to contact references to verify experience.

### **C. Quality Assurance and Evaluation**

The applicant shall describe its own plans for quality assurance and evaluation for the proposed services, including methodology. Applicants must create and maintain an internal quality-assurance and improvement plan (QAIP) to assure the delivery of quality educational services and a plan for program assessment and continuous improvement. This plan should explain how the agency would ensure outcomes from the services provided. As this is an educationally related service, the primary outcome measure the DOE is accustomed to is an improvement in grades, behaviors, or scholastic criteria as set forth in the student's IEP or MP. Applicant responses should seek to detail how work is evaluated and reviewed by supervisors, and to what degree providers are accountable for providing sound interventions in accordance with the requirements set forth in this RFP.

### **D. Operational Plan**

The applicant should describe in detail how it would address operational issues relating to the delivery of the services covered in this RFP. Specifically, the applicant should detail: 1) how it will handle new referrals, 2) its policies and procedures for initiating services, 3) how it will ensure that records and reports are accounted for within timelines, 4) how it monitors and verifies service delivery prior to and after billing claims have been submitted, 5) how it will comply with the terms of this RFP or subsequent contract, 6) how the applicant addresses concerns about its service providers, and 7) how it resolves questions of provider conduct or performance.

If applicable, the applicant response should detail how the plan reflects past practice, or how it has been modified from the applicant's prior method of operation. If the applicant has no prior history servicing this population in Hawaii for the Departments of Education or Health, then it should demonstrate how these policies and procedures would be fully adhered to and provide some measure of verification in the proposal that they will be faithfully implemented if a contract is awarded.

#### **E. Coordination of Services**

The applicant shall demonstrate the capability to coordinate services with other agencies and resources in the community.

The applicant shall describe policies and procedures designed to insure the smooth transition of services, including the storage, retrieval and transmission of any notes, files and documents, in any form, relevant and important to the transition of services between and among the providers and the DOE.

#### **F. Facilities**

The applicant shall provide a description of its facilities and demonstrate its adequacy in relation to the proposed services. If facilities are not presently available, describe plans to secure facilities. Also describe how the facilities are appropriate and meet all requirements, including but not limited to ADA requirements, as applicable, and special equipment that may be required for the services.

Applicants need only to respond to this section if applicable to the service. Applicants should be clear where the services are to be provided, and if they will be delivered at a specific site. If so, this section would apply.

### **III. Project Organization and Staffing**

#### **A. Staffing**

##### **1. Proposed Staffing**

The applicant shall describe the proposed staffing pattern, client/staff ratio and proposed caseload capacity appropriate for the viability of the services. (Refer to the personnel requirements in the Service Specifications, as applicable.)

This should be reflected in the supporting resumes or curriculum vitae attached as part of the applicant's response. For each service type specified in the scope of services, the applicant should illustrate what it

considers the norm for the qualifications and level of education or experience of its providers.

## 2. Staff Qualifications

The applicant shall provide the minimum qualifications (including experience) for staff assigned to the program. (Refer to the qualifications in the Service Specifications, as applicable.)

The applicant shall also describe how staff is evaluated not only for the mandatory background checks, but also for competence and ability to deliver the services in conformity with the applicant's own policies and within the requirements of this RFP.

The applicant shall describe in detail the method and means they use to ensure that all employees are free of legal entanglements which may be relevant to their work, including but not limited to criminal convictions. In particular, the applicant must describe how they conduct employee background checks encompassing all previous places of residence.

## **B. Project Organization**

### 1. Supervision and Training

The applicant shall describe its ability to supervise, train and provide administrative direction relative to the delivery of the proposed services.

The supervision ratios of supervisors to staff should be identified for each service activity. The applicant's ability to train its personnel should be specifically addressed. A description of the training program, how it will be enforced and implemented, and what it entails should be specifically described.

In addition, the applicants should describe in detail how staff is monitored to ensure they not only complete the required training, but also that they practice those training principles on the job. Furthermore, the applicant should describe any remedial actions utilized such as retraining.

### 2. Organization Chart

The applicant shall reflect the position of each staff and line of responsibility/supervision. (Include position title, name and full time equivalency). Both the "Organization-wide" and "Program" organization charts shall be attached to the Proposal Application.

## IV. Service Delivery

Applicant shall include a detailed discussion of the applicant's approach to applicable service delivery and management requirements including a work plan of all service activities and tasks to be completed, related work assignments/responsibilities and timelines/schedules.

*A generic response to how services will be addressed will not be scored highly. This section should contemplate the methodology, program integration, and allow a reviewer to differentiate one response from another.*

*Responses must include the provision of all services listed in this RFP. Applicants may not choose to omit any of the services in their response. Failure to address all of the service activities will be deemed as non-responsive and the proposal shall be rejected.*

Applicants shall provide services for all schools within the district(s) they propose to serve, including those schools in remote complex areas. Pay particular attention to the district's definition of geographic area. For a list of schools within each district, go to: <http://nssb.k12.hi.us/cgi-bin/clinks/main.cgi>.

**Table 1**

**ANTICIPATED SLOTS NEEDED BY HONOLULU DISTRICT FOR INTENSIVE LEARNING CENTERS**

| Type of Service            | Honolulu District |
|----------------------------|-------------------|
| Students age 8 to 12 years | 10                |

## V. Financial

### A. Pricing Structure

A fixed unit of service rate will be established by the DOE. An applicant must submit a cost proposal utilizing the unit cost pricing structure as designated by the DOE. The cost proposal must be attached to the proposal application for those specific services as listed on the DOE Rate Schedule.

DOE will not consider proposals for services with rates that are above the maximum allowable amounts set forth in the DOE Rate Schedule.

All budget forms, instructions and samples are located on the SPO website (<http://www.spo.hawaii.gov>). The following budget form(s) shall be submitted with the POS Proposal Application:

*SPO-H-205 Budget*

*SPO-H-206A Personnel Salaries and Wages*

*SPO-H-206B Personnel Payroll Taxes, Assessments and Fringe*

*SPO-H-206C Travel Inter-Island*

*SPO-H-206D Travel Out of State*

*SPO-H-206E Contractual Services - Administrative*

*SPO-H-206F Contractual Services - Subcontracts*

When preparing the SPO-H-205 Budget form, the first column should be used to reflect the total cost of the proposal. Applicants should use the additional columns for each specific service they are applying for to reflect the associated costs in delivering that service. If there is a set cost for some aspect of the service delivery, such as an office, the percentage of the cost should be assigned to each service as it relates to that cost. If an applicant is responding to more services than will fit on one form, they may continue on additional forms as needed.

DOE reserves the right to ask for additional information (i.e., information supporting or justifying service delivery, or monthly group rate) from each applicant. Additional information must be available for review during the proposal evaluation period.

## **B. Other Financial Related Materials**

### 1. Accounting System

In order to determine the adequacy of the applicant's accounting system as described under the administrative rules, the following documents are requested as part of the Proposal Application (may be attached):

- A description of how applicant's accounting system is organized to handle the contract;
- A description of the applicant's billing procedures including, if applicable, the procedures in which subcontractors are paid;
- Name of individual responsible for the accounting/billing system and his/her qualifications and position description;
- Applicant's most recent program annual report (if available);
- Applicant's most recent financial audit (if available);
- Description of the internal control structure used in the accounting system; and
- If accounting work is subcontracted, please describe.

### 2. Information System

The applicant shall describe the organization's current type of computer hardware, software, any plans for major changes to comply with Section 2 Service Specifications, C.7. (Reporting requirements for program and fiscal data, and the capability of your staff to use the system.)

**VI. Other**

**A. Litigation**

The applicant shall disclose any pending litigation to which they are a party, including the disclosure of any outstanding judgment. If applicable, please explain.

# **Section 4**

## **Proposal Evaluation**

## Section 4 Proposal Evaluation

### I. Introduction

The evaluation of proposals received in response to the RFP will be conducted comprehensively, fairly and impartially. Structural, quantitative scoring techniques will be utilized to maximize the objectivity of the evaluation.

### II. Evaluation Process

The procurement officer or an evaluation committee of designated reviewers selected by the head of the state purchasing agency or procurement officer shall review and evaluate proposals. When an evaluation committee is utilized, the committee will be comprised of individuals with experience in, knowledge of, and program responsibility for program service and financing.

Applicants who meet all requirements based on the rating listed in this section shall be qualified to enter into a contract with the DOE. Selection will be based upon various factors including the applicant's responsiveness to the RFP, quality of providers, specific expertise, fit of the provider, and the needs and interests of the DOE.

The evaluation will be conducted in three phases as follows:

- Phase 1 - Evaluation of Proposal Requirements
- Phase 2 - Evaluation of Proposal Application
- Phase 3 - Recommendation for Award

#### Evaluation Categories and Thresholds

##### Evaluation Categories

##### Possible Points

##### *Administrative Requirements*

##### *Pass or Rejected*

##### *Proposal Application*

##### **100 Points**

|                                   |           |
|-----------------------------------|-----------|
| Program Overview                  | 0 points  |
| Experience and Capability         | 18 points |
| Project Organization and Staffing | 20 points |
| Service Delivery                  | 55 points |
| Financial                         | 7 points  |

##### **TOTAL POSSIBLE POINTS**

##### **100 Points**

### III. Evaluation Criteria

#### A. Phase 1 - Evaluation of Proposal Requirements

##### (1) *Administrative Requirements*

- Application Checklist
- Registration (if not pre-registered with SPO)
- Federal Certifications
- Rate Schedule

##### (2) *Proposal Application Requirements*

- Proposal Application Identification Form (Form SPO-H-200)
- Table of Contents
- Program Overview
- Experience and Capability
- Project Organization and Staffing
- Service Delivery
- Financial (All required forms and documents)
- Program Specific Requirements (as applicable)

#### B. Phase 2 - Evaluation of Proposal Application (100 Points)

##### (1) *Program Overview*

- The applicant has demonstrated a thorough understanding of the purpose and scope of the service activity.
- The goals and objectives are in alignment with the proposed service activity.
- The applicant has described how the proposed service is designed to meet the pertinent issues and problems related to the service activity.
- The applicant demonstrates a clear understanding of delivery of this service through an educational and not a clinical model.
- The applicant demonstrates a clear understanding of how to deliver these services in concert with the goals and philosophical approach of the DOE, and will incorporate its efforts under the IDEIA-2004, Section 504, Subpart D, and the CASSP principles and integrate these efforts in assisting students to achieve school success.

**Note:** No points are assigned to Program Overview. The intent is to give the applicant an opportunity to orient evaluators as to the services being offered. This should not be a long drawn out narrative but a concise review of the proposal.

*Applicants should pay particular attention to the evaluation criteria for the following sections as proposal applications will be scored by sections. A generic response to how services will be addressed will not be scored highly. The*

*proposal application should contemplate the methodology, program integration, and allow a reviewer to differentiate one response from another.*

**(2) *Experience and Capability (18 Points)***

The DOE will evaluate the applicant's experience and capability relevant to the proposal contract, which shall include:

- Demonstrated skills, abilities, knowledge of, and experience relating to the delivery of the proposed services in an educationally based approach and through evidence based interventions of its supervisors. [3 points]
- Demonstrated skills, abilities, knowledge of, and experience relating to the delivery of the proposed services in an educationally based approach and through evidence based interventions of its direct service personnel. [3 points]
- The experience and capacity of its supervisors, or those overseeing the delivery of the services and their knowledge or expertise in the interventions or in working with the target population. [3 points]
- The experience and capacity of its direct service personnel and their knowledge or expertise in the interventions or in working with the target population. [3 points]
- Sufficiency of quality assurance and improvement plans (QAIP) for the proposed services, including methodology. [2 points]
- Demonstration of the applicant's specific operational plan to manage and oversee the delivery of services. [2 points]
- Demonstrated capability to coordinate services with other agencies and resources in the community. [2 point]

**(3) *Project Organization and Staffing (20 Points)***

The DOE will evaluate the applicant's overall staffing approach to the service that shall include:

- That the proposed staffing pattern, student/staff ratio, and proposed caseload capacity is reasonable to insure viability of the services:
  - Does the applicant have sufficient staff reflected in the attached resumes or curriculum vitae to provide the amount of services proposed? [2 points]
  - Does the applicant have a clearly detailed and viable plan for obtaining necessary staff? [1 point]
- Minimum qualifications (including experience) for staff assigned to the program:
  - The applicant should have detailed and demonstrated a background review process. [2 points]
  - The applicant should have a detailed screening process for determining competency of providers to deliver interventions in line with the applicant's policies and the requirements of this RFP. [2 points]

- Demonstrated ability to supervise and provide administrative direction to staff relative to the delivery of the proposed services. [2 points]
- The supervision ratios of supervisors to staff are reasonable to ensure proper oversight and that the ratios are reflective of the degree of oversight needed for the respective ability of the individual providers. [2 points]
- The applicant's ability to train its personnel is specifically addressed. [2 points]
- Evidence of the training program and what it entails, with desired learner outcomes including target population specific topics and should be specifically described. [4 points]
- How applicant will document and enforce training requirements. [2 points]
- Organization Chart (Approach and rationale for the structure, functions, and staffing of the proposed organization for the overall service activity and tasks). [1 point]

**(4) *Service Delivery (55 Points)***

Evaluation criteria for this section will assess the applicant's approach to the service activities and management requirements outlined in the POS Proposal Application.

- Given the service description of the required services in this RFP, the response has clearly detailed an understanding of the service in terms of the service operations and service activities in an educationally based model and how this will translate to actual provision of the service as related to the target population. [10 points]
- The means in ensuring prompt responses to referral, and a detailed description of the applicant's policies and procedures on how services are referred to their providers. [5 points]
- The response should clearly demonstrate how the referral system will avoid service delays or keep the DOE apprised of service gaps. [3 points]
- The response should also address how the applicant will address the provision of substitutes. [3 points]
- The response will show how the applicant will address the issue of informing the schools of provider absences. [2 points]
- The response should address how the applicant will service the remote or out-lying areas in the proposed school district(s) and ensure services will be available throughout the districts. [2 points]
- The response should clearly detail how the ILC program and structure will support students in meeting their IEP/MP goals and objectives. [5 points]
- Evidence that the service activities are in conformity with educational best practices and are evidence based as described in peer reviewed established professional publications for the target population. [5 points]
- Demonstration of the applicant's commitment to least restrictive interventions. [5 points]
- Demonstration of the applicant's policies and procedures for identifying, addressing and managing transitions. [5 points]

- Clearly addresses how the services will be delivered collaboratively with the DOE, and will focus on assisting the student to make progress towards IEP/MP objectives. [5 points]
- Description how applicant's providers will collaborate and problem solve with classroom teachers. [5 points]

**(5) *Financial (7 Points)***

The DOE will evaluate the applicant's cost proposal(s) and description of the applicant's overall fiscal operations that will include:

- Description of how applicant's accounting system is organized to support contract implementation. [2 points]
- Description of adequacy of accounting system and infrastructure to support electronic/manual billing requirements including a demonstration of the applicant's ability to accurately track cost of related services by students served. [2 point]
- Description of the applicant's billing procedures including, if applicable, the procedures in which employees or agents are paid. [2 points]
- Description of the internal control structure used in the accounting system. [1 point]

**C. Phase 3 - Recommendation for Award**

Each notice of award shall contain a statement of findings and decision for the award or non-award of the contract to each applicant.

# **Section 5**

## **Attachments**

- A. Proposal Application Checklist
- B. Sample Table of Contents
- C. Wage Certification
- D. Rate Schedule
- F. Federal Certifications

## Proposal Application Checklist

Applicant: \_\_\_\_\_

RFP No.: \_\_\_\_\_

The applicant's proposal must contain the following components in the order shown below. This checklist must be signed, dated and returned to the purchasing agency as part of the Proposal Application. SPOH forms are on the SPO website. See Section 1, paragraph II Website Reference.\*

| Item   | Reference in RFP | Format/Instructions Provided                          | Required by Purchasing Agency | Completed by Applicant |
|--|------------------|---|-------------------------------|------------------------|
| <b>General:</b>                                      |                  |   |                               |                        |
| Proposal Application Identification Form (SPO-H-200) | Section 1, RFP   | SPO Website*  | <b>X</b>                      |                        |
| Proposal Application Checklist                       | Section 1, RFP   | Attachment A  | <b>X</b>                      |                        |
| Table of Contents                                    | Section 5, RFP   | Section 5, RFP  | <b>X</b>                      |                        |
| Proposal Application (SPO-H-200A)                    | Section 3, RFP   | SPO Website*  | <b>X</b>                      |                        |
| Tax Clearance Certificate (Form A-6)                 | Section 1, RFP   | Dept. of Taxation Website (Link on SPO website)*      |                               |                        |
| Cost Proposal (Budget)                               |                  |   |                               |                        |
| SPO-H-205  | Section 3, RFP   | SPO Website*  | <b>X</b>                      |                        |
| SPO-H-205A   | Section 3, RFP   | SPO Website*<br>Special Instructions are in Section 5 |                               |                        |
| SPO-H-205B   | Section 3, RFP,  | SPO Website*<br>Special Instructions are in Section 5 |                               |                        |
| SPO-H-206A   | Section 3, RFP   | SPO Website*  | <b>X</b>                      |                        |
| SPO-H-206B   | Section 3, RFP   | SPO Website*  | <b>X</b>                      |                        |
| SPO-H-206C   | Section 3, RFP   | SPO Website*  | <b>X</b>                      |                        |
| SPO-H-206D   | Section 3, RFP   | SPO Website*  | <b>X</b>                      |                        |
| SPO-H-206E   | Section 3, RFP   | SPO Website*  | <b>X</b>                      |                        |
| SPO-H-206F   | Section 3, RFP   | SPO Website*  | <b>X</b>                      |                        |
| SPO-H-206G   | Section 3, RFP   | SPO Website*  |                               |                        |
| SPO-H-206H   | Section 3, RFP   | SPO Website*  |                               |                        |
| SPO-H-206I   | Section 3, RFP   | SPO Website*  |                               |                        |
| SPO-H-206J   | Section 3, RFP   | SPO Website*  |                               |                        |
| <b>Certifications:</b>                               |                  |   |                               |                        |
| <b>Federal Certifications</b>                        |                  | Section 5, RFP  |                               |                        |
| Debarment & Suspension                               |                  | Section 5, RFP  | <b>X</b>                      |                        |
| Drug Free Workplace                                  |                  | Section 5, RFP  | <b>X</b>                      |                        |
| Lobbying   |                  | Section 5, RFP  | <b>X</b>                      |                        |
| Program Fraud Civil Remedies Act                     |                  | Section 5, RFP  | <b>X</b>                      |                        |
| Environmental Tobacco Smoke                          |                  | Section 5, RFP  | <b>X</b>                      |                        |
| <b>Program Specific Requirements:</b>                |                  |   |                               |                        |
| Financial Report (if available)                      |                  |   | <b>X</b>                      |                        |
| Program Annual Report (if available)                 |                  |   | <b>X</b>                      |                        |

\_\_\_\_\_

Authorized Signature

\_\_\_\_\_

Date

## Proposal Application Table of Contents

|             |  |           |
|-------------|--|-----------|
| <b>I.</b>   | <b>Program Overview.....</b>   | <b>1</b>  |
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| <b>III.</b> | <b>Project Organization and Staffing .....</b>   | <b>7</b>  |
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|             | <b>B.</b> Project Organization .....   | 10        |
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| <b>IV.</b>  | <b>Service Delivery.....</b>   | <b>12</b> |
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|             | SPO-H-205 Proposal Budget  |           |
|             | SPO-H-206A Budget Justification - Personnel: Salaries & Wages                                      |           |
|             | SPO-H-206B Budget Justification - Personnel: Payroll Taxes and<br>Assessments, and Fringe Benefits |           |
|             | SPO-H-206C Budget Justification - Travel: Interisland  |           |
|             | SPO-H-206E Budget Justification - Contractual Services – Administrative                            |           |
|             | <b>B.</b> Other Financial Related Materials  |           |
|             | Financial Audit for fiscal year ended June 30, 1996  |           |
|             | <b>C.</b> Organization Chart   |           |
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|             | Organization-wide  |           |
|             | <b>D.</b> Performance and Output Measurement Tables  |           |
|             | Table A  |           |
|             | Table B  |           |
|             | Table C  |           |
|             | <b>E.</b> Program Specific Requirements  |           |

**WAGE CERTIFICATE**

Subject: Project No.     RFP F09-050    

Description of Project:     Provision of Educational Services at  
    Residential Treatment Facilities    

Pursuant to §103-55, HRS, I hereby certify that, if awarded a contract of \$25,000.00 or more, and that either:

- I. Services to be performed will be performed in accordance with the following conditions:
  - a. The services to be rendered shall be performed by employees paid at wages or salaries not less than wages paid to the public officers and employees for similar work, if similar positions are listed in the classification plan of the public sector, and
  - b. All applicable laws of the Federal and State governments relating to workers' compensation, unemployment compensation, payment of wages, and safety will be fully complied with.

PROVIDER shall be obliged to notify its employees performing work under this contract of the provisions of §103-55, HRS, and the current wage rate for public employees performing similar work. The PROVIDER may meet this obligation by posting a notice to this effect in the PROVIDER's place of business accessible to all employees, or the PROVIDER may include such notice with each paycheck or pay envelope furnished to the employee

I understand that, in addition to the base wages required by §103-55, HRS, all payments required by Federal and State laws that employers must make for the benefit of their employees shall be paid.

OR

- II. I am exempt from these requirements as provided for under to §103-55(c), HRS.

PROVIDER: \_\_\_\_\_

By Its (signature): \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

APPLICANT: \_\_\_\_\_  
 GEOGRAPHIC AREA: \_\_\_\_\_

Rate and Cost Summary worksheet for RFP F09-094 – Intensive Learning Center

| Type of Service (Unit Measure)       | Cost per Student | Unit Measure       | Projected Number of Slots | Proposed Unit Rate | Total Annual Cost |
|--------------------------------------|------------------|--------------------|---------------------------|--------------------|-------------------|
| Intensive Learning Centers Ages 8-12 |                  |                    |                           |                    |                   |
| ***Honolulu                          | \$ 3691.88       | Monthly Group Rate | 10                        | \$ 36,918.80       | \$ 443,025.60     |
| <b>GRAND TOTAL</b>                   |                  |                    |                           |                    |                   |

\*\*\* For a program that proposes to provide its own transportation, an additional \$650 per student per month will be added to the cost per student. Thus, the cost per student will increase to \$4,341.80 and the proposed unit rate will increase to \$43,418.00. Adjusted total annual cost will be \$521,016.

## CERTIFICATIONS

PHS-5161-1-CERTIFICATIONS (7/00)

OMB Approval No. 0920-0428

### 1. CERTIFICATION REGARDING DEBARMENT AND SUSPENSION.

The undersigned (authorized official signing for the applicant organization) certifies to the best of his or her knowledge and belief, that the applicant, defined as the primary participant in accordance with 45 CFR Part 76, and its principals:

- (a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal Department or agency;
- (b) have not within a 3-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) are not presently indicted or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and
- (d) have not within a 3-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

Should the applicant not be able to provide this certification, an explanation as to why should be placed after the assurances page in the application package.

The applicant agrees by submitting this proposal that it will include, without modification, the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion--Lower Tier Covered Transactions" in all lower tier covered transactions (i.e., transactions with sub-grantees and/or contractors) and in all solicitations for lower tier covered transactions in accordance with 45 CFR Part 76.

### 2. CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS.

The undersigned (authorized official signing for the applicant organization) certifies that the applicant will, or will continue to, provide a drug-free workplace in accordance with 45 CFR Part 76 by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an ongoing drug-free awareness program to inform employees about-
  - (1) The dangers of drug abuse in the workplace;
  - (2) The grantee's policy of maintaining a drug-free workplace;
  - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
  - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a) above;
- (d) Notifying the employee in the statement required by paragraph (a), above, that, as a condition of employment under the grant, the employee will--
  - (1) Abide by the terms of the statement; and
  - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency in writing within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d) (2), with respect to any employee who is so convicted--
  - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
  - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

For purposes of paragraph (e) regarding agency notification of criminal drug convictions, the DHHS has designated the following central point for receipt of such notices: Office of Grants and Acquisition Management Office of Grants Management Office of the Assistant Secretary for Management and Budget Department of Health and Human Services 200 Independence Avenue, S.W., Room 517-D Washington, D.C. 20201

### 3. CERTIFICATION REGARDING LOBBYING

Title 31, United States Code, Section 1352, entitled "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions," generally prohibits recipients of Federal grants and cooperative agreements from using Federal (appropriated) funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a SPECIFIC grant or cooperative agreement. Section 1352 also requires that each person who requests or receives a Federal grant or cooperative

agreement must disclose lobbying undertaken with non-Federal (non-appropriated) funds. These requirements apply to grants and cooperative agreements EXCEEDING \$100,000 in total costs (45 CFR Part 93).

The undersigned (authorized official signing for the applicant organization) certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions. (If needed, Standard Form-LLL, "Disclosure of Lobbying Activities," its instructions, and continuation sheet are included at the end of this application form.)
- (3) The undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including subcontracts, sub grants, and contracts under grants, loans and cooperative agreements) and that all sub recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

**4. CERTIFICATION REGARDING PROGRAM FRAUD CIVIL REMEDIES ACT (PFCRA)**

The undersigned (authorized official signing for the applicant organization) certifies that the statements herein are true, complete, and accurate to the best of his or her knowledge, and that he or she is aware that any false, fictitious, or fraudulent statements or claims may subject him or her to criminal, civil, or administrative penalties. The undersigned agrees that the applicant organization will comply with the Public Health Service terms and conditions of award if a grant is awarded as a result of this application.

**5. CERTIFICATION REGARDING ENVIRONMENTAL TOBACCO SMOKE.**

Public Law 103-227, also known as the Pro-Children Act of 1994 (Act), requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the provision of health, day care, early childhood development services, education or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law also applies to children's services that are provided in indoor facilities that are constructed, operated, or maintained with such Federal funds. The law does not apply to children's services provided in private residence, portions of facilities used for inpatient drug or alcohol treatment, service providers whose sole source of applicable Federal funds is Medicare or Medicaid, or facilities where WIC coupons are redeemed.

Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1,000 for each violation and/or the imposition of an administrative compliance order on the responsible entity.

By signing the certification, the undersigned certifies that the applicant organization will comply with the requirements of the Act and will not allow smoking within any portion of any indoor facility used for the provision of services for children as defined by the Act.

The applicant organization agrees that it will require that the language of this certification be included in any sub awards which contain provisions for children's services and that all sub recipients shall certify accordingly.

The Public Health Services strongly encourages all grant recipients to provide a smoke-free workplace and promote the non-use of tobacco products. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

|  |                          |
|--|--------------------------|
| <b>II. Signature of Authorized Certifying Official</b> | <b>III. Title</b>        |
| <b>IV. Applicant Organization</b>                      | <b>V. Date Submitted</b> |