TEXAS JUVENILE JUSTICE DEPARTMENT

4900 North Lamar Blvd.
Austin, Texas 78751

REQUEST FOR PROPOSAL
644-3-12112

TO PROVIDE:

SECURE RESIDENTIAL
SPECIALIZED PROGRAM SERVICES

TEXAS JUVENILE JUSTICE DEPARTMENT

The purpose of the Texas Juvenile Justice Department (Department) Request for Proposal (RFP) 644-3-12112 is to provide for secure residential programs for male and female juvenile offenders age 10-19. These services are to commence tentatively on **May 1, 2013.**

I. BACKGROUND INFORMATION

The Texas Juvenile Justice Department (TJJD), an agency of the state of Texas, is responsible for the care and custody of juveniles with delinquent conduct who have been committed to the agency by the courts. TJJD operates training schools, halfway houses, and provides parole supervision and other services. The agency also contracts with private individuals, agencies and organizations throughout the state to provide specialized care and treatment for TJJD youth.

Human Resources Code, §61.037 provides TJJD with the authority to contract for services. TJJD is issuing **RFP 644-3-12112** to contract for secure residential specialized program services for male and female juvenile offenders age 10-19.

TJJD is seeking to provide a safe and secure environment where youth can receive individualized rehabilitative services; with a primary focus on specialized treatment programs such as alcohol and other drug dependency (AOD) treatment, mental health (MH) treatment, and/or anger management to facilitate successful community reintegration. The Provider will engage in management practices that promotes the safety and well-being of staff and youth; establish clear expectations of behavior and an accompanying system of accountability for youth and staff that promote mutual respect, self-discipline and order; protect public safety; identify and effectively respond to youth health, mental health and related behavioral problems throughout the course of confinement through the use of professionally-appropriate diagnostic, treatment and prevention protocols; provide meaningful opportunities and services for youth to improve their education and vocational competence, and effectively address underlying behavior problems and prepares them for responsible living in the community; operate the facility in a manner consistent with principles of fairness and that provide the means of ensuring and protecting each youth and family's legal rights; and prepare youth for successful reintegration into the community while they reside at facility through individualized planning from the perspective of family and community, programming and activities that prepare them for transition and continue when appropriate after the youth leaves the facility; and linkages and activities between facility and aftercare case manager with outside service providers or key community agencies.

Respondents should note the following important deadlines and requirements:

TJJD RFP # 644-3-12112 SCHEDULE OF ACTIVITIES	
January 08, 2012	• **Issue TJJD RFP 644-3-12112**
January 23, 2013	• **Pre-Proposal Conference @ 2:00 p.m.**
January 30, 2013	• **Deadline for Respondents to Submit Questions**
January 31, 2013	• **Answers to Respondents Questions will be Posted**
February 08, 2013	• **Deadline for submitting proposals @ 10:00 a.m.**
February 22, 2013	• **Phase I – Screening, Validation, and Reference Checks** • **Phase II – Evaluations**
March 04-08, 2013	• **Phase III –On-Site Visits/ Oral Presentations/negotiations and best and final offers**
March 25, 2013	• **Phase IV and V – Decision and Notification to Respondents**
April 19, 2013	• **Execute Contract**
May 01, 2013	• **Program Start-up**
May 01, 2013	• **Commence Services, Tentative**

II. GENERAL INFORMATION AND REQUIREMENTS

A. Contract Number and Name

The identifying number and title for this contract will be **TJJD RFP 644-3-12112, to provide secure residential programs for male and female juvenile offenders.**

B. Contract Specialist Contact Information

The Contract Specialist for TJJD RFP 644-3-12112 will be
Patrick McReynolds,
Texas Juvenile Justice Department,
4900 North Lamar, Austin, Texas 78751,
Telephone: (512) 424-6265; Facsimile: (512) 424-6337,
Email patrick.mcreynolds@tjjd.texas.gov

The Contract Specialist will be the point of contact throughout the RFP process.

C. Eligible Respondents

Eligible Respondents are public or private, nonprofit or for profit organizations or individuals that meet the following requirements:

1. Private nonprofit organizations shall be incorporated and maintain good standing as a nonprofit corporation. Nonprofit organizations receiving funds from TJJD shall have a governing body or board that bears full responsibility for the integrity of the fiscal and programmatic management of the organization. All Respondents must have legal authority to do business in Texas.

2. All management practices must include accountability for all funds and materials received from TJJD; compliance with TJJD rules, policies, and procedures and applicable federal and state laws, regulations; and correction of fiscal and program deficiencies identified through self-evaluation and TJJD's monitoring processes.

3. Respondent shall be in good standing with any County, State or Federal agency that has a contracting relationship with the Respondent. Therefore, TJJD will disqualify Respondents that have had a contract for similar services with a County, State or Federal agency terminated within the last 36 months for deficiencies in performance of the contract. TJJD reserves the right to disqualify any Respondent for any other factor that played a role in terminating a contract with a County, State or Federal agency within the previous 36 months.

D. Withhold Proposal Award

TJJD reserves the right to withhold a proposal award and to terminate its obligations under contract in the event that TJJD is not granted funding in whole or in part to pay for this program.

E. Proposals Subject to Public Information Act

TJJD will not consider any proposal that bears a copyright. Proposals will be subject to the Texas Public Information Act, Tex. Gov't Code, Chapter 552 and may be disclosed to the public upon request. Subject to the Act, Respondents may request protection of trade and/or confidential information from public release by clearly marking each page on which it appears with "Confidential" in bold face type at least **14 point font**, however all information submitted is subject to the Act and considered for release." The TJJD will charge for copies of written information and the cost of mailing copies requested by the public.

F. Incurring Costs

The proposal preparation and submission costs are solely the responsibility of the Respondent. The Texas Juvenile Justice Department shall not provide reimbursement for any such costs.

G. Response to Questions TJJD RFP 644-3-12112

Information will be provided through a Pre-Proposal Conference at the Brown Heatly Bldg., Texas Juvenile Justice Department, 4900 North Lamar Blvd., Austin, Texas. The conference will be devoted to explaining the RFP requirements, and clarifying any programmatic issues. The conference will be held beginning at **10:00 a.m. on January 23, 2012.**

Attendance at the Pre-Proposal Conference is optional. Persons or organizations that are considering submitting a proposal are advised and strongly encouraged to attend. Attendees will have the opportunity to ask questions of the Texas Juvenile Justice Department program staff that may further clarify TJJD expectations.

You may send questions in advance of the Pre-Proposal Conference to the Contract Specialist in writing. ATTN: Patrick McReynolds FAX # 512-424-6337 or e-mail at the following address: patrick.mcreynolds@TJJD.texas.gov

Please be advised that any oral responses are not binding and that all changes to the solicitation will be done via an addendum. All inquiries that result in a change to the solicitation or that the TJJD deems necessary for clarifications will result in a written addendum posted to the Electronic State Business Daily at: http://esbd.cpa.state.tx.us

Persons with disabilities who plan to attend the conference and who may need auxiliary aids or services are requested to contact the Contract Specialist, Patrick McReynolds, 72 hours prior to the pre-proposal conference so that appropriate arrangements can be made.

H. Deadline for Receipt of Proposals

The deadline for receipt of proposals is no later than **February 08, 2013 at 10:00a.m.** Proposals may be mailed or hand delivered so they arrive in the office of the Contract Specialist on or before the deadline. **PROPOSALS RECEIVED AFTER THIS DEADLINE WILL NOT BE CONSIDERED. No proposals will be accepted by FAX machine or E-mail.**

Mailed Proposals: To be considered, mailed proposals must be received by the Contract Specialist by the deadline at the following address:

Texas Juvenile Justice Department
P. O. Box 4260
Austin, TX 78765
ATTN: Patrick McReynolds, Contract Specialist

Hand-delivered Proposals: To be considered, hand-delivered proposals must be received in the office of the Contract Specialist by the deadline at:

Brown-Heatly Building
Texas Juvenile Justice Department
4900 North Lamar
Austin, Texas 78751
ATTN: Patrick McReynolds, Contract Specialist

The Respondent should request a receipt at the time of delivery to verify that the proposal was received by the Contract Specialist on or before the due date and time. All proposals should be sealed at submission. There will be no formal opening of proposals.

I. Oral Presentations, Written Responses and On-Site Visits

Following the submission of proposals, TJJD reserves the right to require oral presentations and/or written responses to questions submitted by the review committee for clarification by some or by all Respondents whose written proposals are determined to be responsive to the requirements established by TJJD RFP 644-3-12112. At TJJD's discretion, on-site visits of some or all of the proposed sites may be made during any phase of the evaluation process.

J. Best and Final Offer

At the option of TJJD, top ranked Respondents may be given an opportunity to submit a Best and Final Offer.

K. Validation of Proposals

As part of the evaluation process, TJJD may choose to validate any aspect of the proposal. Validation may consist of on-site visits, review of records, reference checks, and/or confirmation of the information with third parties.

L. Rejection of Proposals

The Texas Juvenile Justice Department reserves the right to reject any and all offers received in response to this RFP and to cancel the RFP if it is determined in the agency's best interest. Issuance of this RFP in no way constitutes a commitment to award a contract or to pay costs incurred by any Respondent in its preparation. In the event no qualified Respondents are received, the agency may terminate the procurement effort, amend the request for proposals in whole or in part, or extend the deadline for submission of proposals by a period of not more than 30 days. In the event that only a single qualified proposal is received, the Agency, at its sole discretion, shall either (a) proceed with contract negotiations, (b) terminate the procurement effort, (c) amend the request for proposals in whole or in part, (d) or extend the deadline for submission of proposals by a period of not more than 30 days.

M. Notification

TJJD intends to notify Respondents of the results of the proposal evaluation process. Those selected for oral presentations and site visits will be notified accordingly.

N. One or More Contracts May be Awarded

TJJD may award one or more contracts for residential services under this request for proposal. In order to meet the requirements of this solicitation, TJJD at its discretion, may elect to award multiple contracts to achieve the bed capacity required by TJJD. A separate contract will be executed with each vendor awarded. Sample contract posted separately.

O. Commencement of Services

The date for the commencement of services described in this request for proposal will be tentatively **May 1, 2013**.

P. Contract Period

The duration of this contract will be for a four (4) year initial service period with an option to renew for two (2) additional 24 month contract periods contingent on satisfactory contract performance, annual legislative appropriations, and by written mutual agreement of both parties. Any contract awarded under this solicitation shall become effective upon the execution of a contract.

III. PROPOSAL REQUIREMENTS AND FORMAT

One unbound original, five hard copies and one electronic copy either on a CD or USB flash drive of each proposal must be submitted to the Contract Specialist by the deadline and to the address in Section II, General Information and Requirements, Paragraph H. This is a minimum requirement for submission of proposals. Proposals that do not meet this requirement may be disqualified.

All proposals must be sealed and will not be opened by TJJD until after the deadline for submission; however no formal proposal opening will occur. The Contract Specialist or designee will open all proposals. **TJJD will consider only those proposals actually received within the established deadline for submission.**

A. All proposals must be typed double spaced on 8 1/2 X 11" paper and be clearly legible and secured with a clip or put in a binder or folder. The proposal must follow the sequence outlined and respond to all questions.

B. Respondent must complete and sign all required documents and forms.

C. The Respondent should include a Table of Contents with each section clearly tabbed to make the information within the proposal readily accessible. **The proposal should contain the following completed items in the following sequence as well as the required Exhibits.**

Tab 1. Respondent Data Form (Exhibit A). A completed Respondent Data Form is a minimum requirement for proposals. Proposals that do not include a completed Respondent Data Form may be disqualified.

Tab 2. Assurances and Certification Form (Exhibit B). A completed and signed Assurances and Certification Form is a minimum requirement for proposals. If any assurances are marked "NO", Respondent's proposal will be disqualified.

Tab 3. Rate and Financial Information (Exhibit C)

A. Rates and Certification Statement of Respondent.
B. Demonstrate sufficient resources necessary for start-up and continued operations.
C. Budget Information and Certification Form.
D. Description of components of central office allocated costs (if applicable).
E. Commitment to participate in USDA school lunch and breakfast programs (if applicable).
F. Most Recent Audited Financial Statement.
G. Intent to apply for all benefits available to youth. List those benefits.

Tab 4 HUB information and HUB Subcontracting Plan (Exhibit D)

A. Respondent must represent and certify as part of its offer that it ☐ is, or ☐ is not, a HUB certified by the Texas Procurement and Support Services (TPASS).
B. Respondent completes signs and submits the HUB Subcontracting Plan.

Tab 5. Respondent History, Experience, Credentials, and Requirements

A. History, experience, and qualifications, include experience with state and federal contracts.
B. Proposed Program Overview (ONE PAGE).
C. Experience in providing services to male and female juveniles.
D. Experience in providing programs for young offenders 10-14 years of age.
E. Types of treatment provided to this population, including assessment tools used.
F. Staff organizational chart of the Respondent.
G. Relationship of parent organization to Respondent.
H. List of references.
I. List of contracts terminated within the previous 36 months (if applicable).
J. Affirmative action policy or plan.
K. List of members of governing body and/or advisory group (if applicable).
L. Litigation involvement within the past 5 years.

Tab 6. Site and Facility Specifications

A. Facility Description.
B. Define other agencies or groups under contract or anticipated contracts in the same facility.
C. Type of Program/Secure or Non-secure.
D. Dorm Rooms for male and females.
E. Recreational Space for male and female juvenile offenders.
F. Medical Room.
G. Location and space for Educational services.

Tab 7. Program Implementation and Commencement of Services

A. Ability, Resources, and Commitment to Commence Services.
B. Start-up Plan/Schedule.
C. Time table of Activities.
D. Notification of state and local Officials and the community.
E. Resumes of key personnel.
F. Computer Setup.
G. Staff Training.
H. All license held by staff and faculty.

Tab 8. Program Components and Narrative (Exhibits E, F, G, & I)

A. Contractor Clinical Focus Narrative.

B. License and Certifications of program staff.
C. Contractor Clinical Program Policies and Procedures.
D. Target Population.
E. Transportation.
F. Staff Requirements and Training.
G. Hours of Operation and Program Schedule.
H. Assessment Tools.
I. Health Care/Medical Services.
J. Educational Services.
K. Clothing, Nutrition, and Hygiene Items.
L. Food Services.
M. Treatment Services (onsite and contracted services), include qualifications of providers.
N. Handling Youth Rights, Youth Complaint and Resolution System, and Personal Funds.
O. Behavioral Management/Modification System.
P. Privilege System.
Q. Sample of case plan utilized by program.
R. Literature review to support and validate programming offered.
S. Understanding and Acceptance of TJJD Contract Provisions, Certifications and Representations.
T. Agreement to execute Contract at time of award.

Tab 9. Quality Control Plan/Measures of Performance and Quality of Services (Exhibit H)

A. Detail of Quality Control Plan.
B. Acceptance to Allow TJJD to conduct monitoring and to full cooperation in the process.
C. Understanding of TJJD Contract Care Performance and Quality of Services Measures.
D. Take appropriate action to correct findings and deficiencies.
E. Monitor day-to-day operations.
F. Monitor activities of consultants, subcontractors, subcontractor's employees, and volunteer workers.

IV. FINANCIAL COMPONENTS

A. Respondent must provide a current audited Financial Statement of the Respondent and parent organization and it must include the name, signature and certification of the company or individual who certifies that such document is true and accurate.

B. Respondent must demonstrate the financial resources necessary for the initial program start-up and continued operations.

C. Respondent must complete the Budget Information and Certification Form, Exhibit C, page 1, providing the requested information. The Respondent, or its authorized representative, must sign page 1 of Exhibit C. A completed and signed Budget Information and Certification Form is a minimum requirement for proposals. Proposals that do not include a completed and signed Budget Information and Certification Form shall be disqualified.

D. If administrative overhead is included in Exhibit C, Budget Worksheet, page 2, Respondent must provide a short description of the items included in this cost and how this cost will benefit the proposed program.

E. Respondent must state its willingness to apply for, and participate in, the USDA school lunch and breakfast programs. Respondent must report Food Cost in Exhibit C, page 2, Budget Worksheet, net of USDA reimbursement.

F. The basis for monthly payments will be issued on a per day per youth basis. The per day per youth payments will not commence until TJJD youth are actually placed in the program. **TJJD will not accept proposals containing minimum guarantees.**

G. Respondent must state its willingness to apply for and participate in, all services available to youth.

V. RESPONDENT HISTORY, EXPERIENCE, CREDENTIALS AND REQUIREMENTS

A. Respondent must provide a narrative statement of its history, experience and qualifications including cultural diversity of the Respondent's organization as well as a description of cultural sensitivity in the provision of services. It is preferred that the respondent organization have a minimum of 5 years of experience.

B. Respondent must describe experiences in providing services to male and female juvenile offenders in a residential setting and specifically for the population described in TJJD RFP 644-3-12112.

C. Respondent must submit a complete staff organizational chart. It is preferred that key staff personnel have a minimum of 5 years of experience in secure residential placement services.

1. The Respondent's staff must be fully licensed or certified to provide any treatment services being offered. Respondents must be licensed to provide residential services under:

   a. Texas Department of State Health Services (DSHS) Standards (related to mental health, health care, substance abuse and family and protective services); or
   b. Texas Department of Family and Protective Services (DFPS) Standards.
   c. Respondent must submit a copy of the license with their proposal. TJJD will accept proposals from respondents who have begun the licensing process, provided the process will be completed and facility licensed prior to commencement of the services described herein.

2. Describe any ACA accreditation or plans to become ACA accredited. Respondents should also describe a willingness to become ACA accredited, should TJJD request such accreditation. Respondents should review Senate Bill 103, specifically Section 19, Subchapter B, Chapter 61 of Human Resource Code, Section 61.023. See attached Exhibit I. Respondent is also encouraged to consider incorporating national performance standards for juvenile correctional facilities.

D. Respondent must, if there is a parent organization, explain how the parent organization's functions relate to the proposed program.

E. Respondent must provide a list of at least three (3) references, including contact name, address, telephone numbers and e-mail addresses. These references must be knowledgeable of the Respondent's previous projects or experiences related to TJJD RFP 644-3-12112. This is a minimum requirement for proposals. Proposals that do not include at least three references may be disqualified.

Current employees of the Texas Juvenile Justice Department are not acceptable references.

F. Respondent must provide a list of contracts with any State or Federal agency that were terminated within the previous 36 months, including the agency name, services provided, and reason for termination. In addition, provide information regarding any litigation Respondent has been involved in within the last five (5) years. This information must be updated during the RFP process.

G. Describe any existing affirmative action policy or plan. If such a plan is not available, provide a statement that the Respondent will not discriminate against any employee or person seeking employment because of race, religion, sex, color, national origin or non-job-related disability.

H. **For nonprofit and for profit private or public organizations**, attach a list of current members of the governing body with the term of each member and the officers. Include the addresses and telephone numbers of the officers. Indicate whether any members are employees of the organization.
For partnerships, attach a list of partners. Include the addresses and telephone numbers of the partners.

I. If Respondent has an advisory group, include the addresses and telephone numbers of the members.

J. Historically Underutilized Business
TJJD's promotes and encourages contracting and sub-contracting opportunities for State of Texas Historically Underutilized Businesses (HUBs). Successful Respondents are strongly encouraged to sub-contract with HUBs and may obtain assistance from TJJD to identify available HUBs, prior to, and after the award of any contracts from TJJD RFP. TJJD and its contractors shall make a good faith effort to meet or exceed the statewide HUB participation goals set by the Texas Comptroller of Public Accounts for the following categories: Heavy construction other than building contracts (11.2%), Building construction contracts (21.1%), Special trade

construction contracts (32.7%), Professional service contracts (23.6%), Other service contracts (24.6%), and Commodity contracts (21.0%). TJJD uses TPASS policies regarding HUBs.

1. Respondent must state whether it is a Texas Certified Historically Underutilized Business (HUB). If yes, submit a copy of registration.

2. Respondent must submit a HUB Subcontracting Plan (HSP). The forms for completing the HSP are attached as Exhibit D. A proposal submitted in response to this RFP that does not contain a HUB Subcontracting Plan, or if the plan submitted is determined not to be in good faith, will be considered non-responsive and be disqualified. The link to the TPASS internet site for information regarding the HSP is:

   http://www.window.state.tx.us/procurement/prog/hub/hub-subcontracting-plan/

3. Respondent must state its willingness to submit monthly compliance reports regarding its HSP.

K. Please describe all procurement preferences to which you are entitled under the Texas Government Code, such as Disabled Service Veteran or Services from Economically Depressed or Blighted Areas.

VI. SITE AND FACILITY SPECIFICATIONS

In general, the proposed program must be located in a secure (i.e. manual or electronic locks on all exterior doors; bedroom doors can be locked or capable to be locked; restricted movement within the facility; can have a fence with restricted access to the public; movement across the building security perimeter can be controlled from a central location; however, this location must have the ability to override an interlock in an emergency) facility that provides adequate and appropriate space **for up to 60 TJJD youth** according to the license or certification.

- Educational services must be provided on-site.
- The proposed program may be located in a facility that houses other programs as long as:
  1. No incarcerated adults are present in the facility, and
  2. TJJD youth younger than 15 are not assigned to dorms as older juveniles.

A proposal submitted in response to this RFP in which TJJD youth are to be placed in a facility that houses incarcerated adults or which assigns TJJD to the same dorm as juveniles 15 years of age or older will be considered non-responsive and be disqualified. Youth 15 years of age and above must be separated from youth 14 years of age and below.

A. Respondent must:
1. Provide the address of the proposed facility.
2. Describe the site and surrounding environment. Facilities located in a metropolitan area will be evaluated more favorably.
3. Describe the layout of the facility and include floor plans as part of the response.
4. State whether the proposed facility will be owned or leased.
5. Provide a short and concise description of the program's emergency plan for dealing with catastrophic events.

B. If the proposed facility will also house other programs:
1. Respondent must describe these programs, providing the ages and gender of the juveniles that may be assigned.
2. Respondent must describe how TJJD youth will interact with youth in the other programs, for example, during mealtimes, medical and dental appointments, and visitation.

C. Respondent must describe features of the facility that provide space for indoor and outdoor recreational areas and equipment.

D. Respondents must provide a separate medical room to provide for the delivery of medical services. Respondent must include the medical room in the description of the facility layout and indicate the location on the floor plans.

E. Educational services are required to be on-site. Respondent must describe the classroom and other space devoted to education, in the description of the facility layout and indicate the location(s) on the floor plans. Requirements regarding on-site classrooms for instructional purposes are in VIII. Statement of Work, Program Requirements and Narrative, paragraph I.

VII. PROGRAM IMPLEMENTATION AND COMMENCEMENT OF SERVICES

A. Respondent must demonstrate the ability, resources, and the commitment to commence the services described in this request for proposal and be able to accept TJJD youth into the proposed program on [date].

B. Respondent must describe and provide a time table for the activities to be performed to operationalize the program. For example, preparation of the site, recruiting, hiring, training staff, developing policies and procedures, and start-up of services.

C. Respondent must provide documentation that state and local officials and the community have been notified and support the project as required in TJJD General Administrative Policy 81.61, which is included as Exhibit E. Because of the different circumstances facing Respondents, TJJD will assist successful Respondents in complying with TJJD General Administrative Policy 81.61.

D. Respondent must include the capability to maintain a computer setup with the following minimum requirements: Microsoft Office 2000 or XP or more recent versions (for Word documents and Excel spreadsheets), a local Internet service provider (ISP), and e-mail addresses for program management, caseworkers, and healthcare staff. Respondent must provide a sufficient number of computers for normal business communication. Provider will be required to enter youth and facility incident information into TJJD's Correctional Care System, Youth Grievance System, and Incident Reporting Center.

VIII. STATEMENT OF WORK, PROGRAM REQUIREMENTS AND NARRATIVE

All Program Components are minimum requirements and must be documented as to willingness and ability to comply with each one in order for the proposal to be considered responsive.

Respondent submit a proposal with a focus on any or all of the three main specialized program areas, Alcohol and Other Drug Treatment, Mental Health Treatment and Anger Management. Respondents will address in detail its proposal each of the specialized programs being offered. The narrative should describe how each requirement will be met and any additional pertinent information. The narrative should be concise and focused, without extraneous material that is not required by the RFP.

A. Program Focus

Respondent must describe their program to include but not limited to:

1. The goals and objectives that it will set forth to accomplish the expectations of TJJD RFP # 644-3-12112.
2. The maximum number of youth in the proposed program.
3. Whether the proposed program will be located in a boys only facility or a co-ed facility.

B. TJJD General Administrative Policies (Rules) and TJJD Standards

1. Respondent must state its willingness and ability to comply with all assigned TJJD Rules and all related Standards and any subsequent amendments to these policies and standards, which apply to residential programs. These policies can be reviewed at the TJJD Internet Home Page:

   (http://austin.TJJD.state.tx.us/Cfinternet/gap/index.html).

   If there are subsequent changes to the applicable TJJD Policies that result in a significant change in the scope of work for providing services, TJJD will negotiate in good faith regarding these changes that affect the rate. If changes are major, i.e. 25% increase or more, all documentation will be submitted to the Texas Comptroller's Contract Advisory Team for review and approval.

2. A successful Respondent must agree to the terms and conditions stated in the TJJD Contract for Residential Services before commencement of services. The provisions that apply to all residential contractors in the TJJD Contract for Residential Services are attached as Exhibit F.

C. Target Population and Admissions

TJJD will refer male and female youth to the program. For each male and female youth referred, TJJD will provide a Common Application with attachments.

The following is a profile of the youth that may be served by TJJD RFP # 644-3-12112:

- 69% Hispanic, 19% African American, and 12% Anglo
- 25% are known gang members
- Reading Grade Level at commitment was 6 years, 4 months
- Math Grade Level at commitment was 5 years, 9 months
- Classifications
  - General Offenders 54%
  - Type B Violent Offenders 23%
  - Type A Violent Offenders 11%
  - Sentenced Offenders 7%
  - Firearms Offender 4%
  - Chronic Sentenced Offender 1%

D. Transportation

TJJD will transport youth in the custody of TJJD at the time of referral, to the proposed facility and transport, or arrange for transportation, upon release. Respondent will be responsible for meeting youths' transportation needs between referral and release. Respondent will transport TJJD youth upon release from the program to a public transportation location (for example, bus station or airport) as arranged by TJJD staff.

1. Respondent must state a willingness to meet youth transportation needs.

2. Respondent must describe how transportation will be provided and how it will comply with State driving license requirements.

E. Staff Requirements

Respondent must describe its willingness to provide structure and supervision for TJJD youth under the following requirements:

1. Direct Care Staff
   a. Direct care staff to youth ratio must be:
      - 1 staff to 12 youth 6am to 10 pm.
      - 1 staff to 16 youth from 10 pm to 6 am.
   b. Direct care staff to youth ratios will include only staff providing direct supervision to TJJD youth. Supervisors, Caseworkers and Educators will not be considered as direct care staff and will not be counted for purpose of the ratio.
   c. Respondent must describe its plan to deploy staff according to the activities that youth are engaged in, for example, during school, recreation, or while in their dorm.
   d. If the proposed program is located in a facility with other programs, Respondent must describe its plan to deploy staff to manage interactions between TJJD youth and these populations.
   e. Respondent must describe its plan to deploy staff during the school day in or near classrooms.
   f. Respondent must state its willingness to deploy direct care staff so that these staff are at least 21 (twenty one) years of age.
   g. Respondent must submit schedules for direct care staff for weekdays and weekends.
   h. Respondent must submit job descriptions for direct care staff that define duties, knowledge, skills and abilities. Proposals that include a requirement for staff experience in working with juvenile male and female offenders will be evaluated more favorably.

2. Clinical and Other Staff
   Respondent must describe how it will provide clinical staff. At a minimum, Respondent must provide the following:
   a. All counseling or treatment services will be provided by fully Licensed or Certified Professionals such as Chemical Dependency Counselors, Licensed Professional Counselors, or Qualified Credentialed Counselors.
   b. Clinical staff must include one Masters level therapist for every 24 youth.
   c. Respondent must provide 40 hours per week of on-site nursing care. Nursing staff must be either registered nurses (RNs) or licensed vocational nurses (LVNs), with the facility abiding by all State Board of Nursing Regulations.

d. The Facility Administrator must have experience managing or supervising a program for juvenile offenders. Respondent must submit a Resume of proposed Facility Administrator.
e. Other staff may include the positions needed for the safe and efficient operation of the proposed facility.
f. Respondent must list all proposed clinical and other staff positions and copies of certifications and licenses must be provided to the TJJD Program Evaluator.
g. Respondent must submit job descriptions for clinical and other staff positions that define duties, knowledge, skill, and abilities. Proposals that include a requirement for staff experience in working with juvenile offenders will be evaluated more favorably.

3. Training Requirements and Restraint Technique
Each employee whose primary duty includes the supervision of TJJD youth must have adequate and proper training, both classroom training and on-the-job training, before the employee can have sole supervision responsibilities. Sole supervision is defined as staff that are eligible to be included in the direct care staff to student ratio. During the contract term, TJJD anticipates assisting Respondent with training for specific content relating to TJJD requirements. The training must provide the employee with information and instruction related to the employee's duties, including the following 18 areas:
a. The juvenile justice system of Texas, including the juvenile correctional facility system;
b. Security procedures;
c. The supervision of children committed to TJJD;
d. Signs of suicide risks and suicide precautions;
e. Signs and symptoms of the abuse, assault, neglect, and exploitation of a child, including sexual abuse and sexual assault, and the manner in which to report the abuse, assault, neglect, or exploitation of a child;
f. The neurological, physical, and psychological development of adolescents;
g. TJJD rules and regulations, including rules, regulations, and tactics concerning use of force;
h. Appropriate restraint techniques;
i. The Prison Rape Elimination Act of 2003;
j. The rights and responsibilities of children in the custody of TJJD;
k. Interpersonal relationship skills;
l. The social and cultural lifestyles of children in the custody of TJJD;
m. First aid and cardiopulmonary resuscitation;
n. Counseling techniques;
o. Conflict resolution and dispute mediation, including de-escalation techniques;
p. Behavior management;
q. Mental Health issues, and
r. Employee rights, employment discrimination, and sexual harassment.
s. The Respondent must describe its staff training program for behavioral modification and correctional/clinical treatment program. Staff must have at least annual updates and skills building training on the program.
t. Staff training components should reflect developmental and social understanding for male and female juveniles. Training should include but not be limited to: developmental milestones for male and female adolescents, sexual education, and building healthy relationships. Training should also include strategies for responding to aggressiveness, post-partum depression, promoting team building, channeling excessive energy, and promoting positive behavior.

Respondent must:
a. Certify that each employee whose primary duties includes sole supervision of TJJD youth will have had adequate and proper training before assuming sole supervision responsibilities.
b. Describe plans for training staff prior to the referral of TJJD youth to the proposed program.
c. Identify the restraint technique to be used.
d. Certify that all staff, except clerical support staff, will be appropriately trained and certified in an approved restraint technique before assuming their duties.

F. Hours of Operation and Program Schedule

1. Respondent must state its willingness and intent to have the proposed facility in operation 24 hours per day, 7 days a week at the required staffing ratios.
2. Respondent must submit a daily and weekend schedule that includes all program activities.

G. Health Care

Respondent must provide a TJJD approved system for providing health care (medical, dental, prescriptions) for TJJD youth in the proposed program.

1. Respondent agrees to provide services and training as outlined in Exhibit K, Contract Care Facility Review Tool.
2. Respondent must provide a designated Health Authority (licensed physician or mid-level practitioner under the direction of a licensed physician) who has responsibility for health care services for youth at the facility.
3. TJJD will directly pay the health care provider for the care and treatment required by TJJD youth. Respondent must state its willingness to obtain authorization and an encumbrance number from TJJD prior to the delivery of services, except in the case of an emergency.
4. Respondent must identify health care providers in the local community that are interested in providing health care to TJJD youth.
5. Respondent must state its willingness to provide 40 hours per week of on-site nursing services during normal business hours and on call nursing services 24 hours a day. On-site nursing coverage must be provided either by registered nurses (RNs) or licensed vocational nurses (LVNs). The facility must follow all applicable Board of Nursing Regulations.
6. Respondent must state its willingness to provide a psychiatrist for medication management for youth on psychotropic medications.
7. Respondent must state its willingness to require that staff administering psychotropic medications will be trained in the administration and side effects for these medications. This training must be updated annually, documented in training or personnel files, and conducted by a registered nurse, pharmacist, or medical doctor.
8. Respondent must state its willingness to provide over the counter medications, medical supplies, and first aid to TJJD youth.
9. Respondent must state its willingness to provide supervision for youth sent off-site to a hospital. Supervision to be provided at a rate of 1 staff per youth for the duration of the hospital stay.
10. Respondent must state its willingness to transport TJJD youth to and from health care appointments.
11. Respondent must describe the provision of on-site or on-call nursing staff.
12. Prior to release enroll TJJD youth who are eligible in the Medicaid System.
13. TJJD will conduct a Health Contract Care Facility Review annually in compliance with Exhibit K.

H. Educational Services

Respondent is responsible for implementing and ensuring that TJJD youth are provided with educational services as required by state and federal law. Educational services must be provided by a local education agency (LEA) that is accredited by the Texas Education Agency. Describe any additional educational opportunities or services that Respondent will provide.

1. Respondent must identify the LEA that is to provide educational services for TJJD youth. The LEA must provide a full day education program **(minimum of 360 minutes of instruction)** during the full year school term. Respondent must provide documentation that the LEA is fully aware of the proposed program and its target population and that demonstrates the LEA's willingness and intent to provide the required educational services.
2. Appropriately certified teachers will provide instruction to TJJD youth.
3. Respondent must describe its efforts to advocate for services provided by the LEA that are specifically significant for male and female adolescents. Proposals that show, or ensure, that these services will be provided will be evaluated more favorably.
4. Respondent must describe the annual school schedule, including the number of instructional days. Respondent must describe activities that youth will be engaged in during school holidays.
5. Educational services must be provided on-site and:
   a. Respondent must state its willingness to provide adequate space in the facility for educational services, including classrooms for basic academic classes, special education classes, library services, and technology labs. Respondent must describe features of the education space and services that are significant for male and female adolescents, for example, the number of students assigned to a classroom or whether the library has age and gender appropriate books and other resources.
   b. Respondent must state its willingness to provide the capability in the classrooms to support telecommunications and network computer assisted instruction and Internet access in the library. Respondent must describe specifications about these capabilities.

c. Respondent must state its willingness to provide GED preparation on-site and describe the accessibility to GED testing either on-site or in the community.
d. Respondent will provide opportunities for campus work, career and technology opportunities, and vocational adjustment programs.
e. Community service can be provided during the school day if the activities are a tied to the Texas Essential Knowledge and Skills (TEKS) provided in the student's classes, and result in the development of education products for grades.

The description and location of the classrooms and other space for educational services in regards to the facility floor plan is required under VI. Site and Facility Specifications.

6. School for students at this location must be provided year round.

I. Clothing, Nutrition, and Hygiene Items

Respondent is responsible for procuring and distributing clothing and hygiene items to TJJD youth and providing for their nutritional requirements:

1. The following are the minimum articles of clothing for TJJD youth:
   - Socks
   - Underwear
   - Pants
   - Shirts
   - Shoes
   - Recreational Clothing
   - Sweatshirts, jackets or other seasonally appropriate outer clothing.

   Each youth must have their own socks, and underwear. The number of changes that a TJJD youth will need depends on the laundry schedule. At release, youth are given the clothes that they wear leaving the program (socks, underwear, shoes, pants, shirt, and seasonally appropriate outer clothing) along with at least the following: their underwear, socks.

   Respondent must:
   a. Provide a list of clothing for each TJJD youth
   b. Provide uniforms for TJJD youth, similar to khaki pants and polo shirts
   c. Describe procedures for distributing clothing
   d. State its willingness to provide clothing that is clean, properly fitted, not threadbare, and seasonally appropriate for all activities and not an impediment to the developmental progress of the youth.
   e. Submit the laundry schedule.

2. For nutrition, Respondent must submit sample menus and state its willingness to:
   a. Provide nutritional meals that meet all licensing standards.
   b. Have menus certified annually by a register dietitian. Menus should include a variety of food served.
   c. Meet nutritional requirements of TJJD youth according to age, gender, activity level, and any identified special physical or medical needs.
   d. Follow TJJD Nutrition and Food Service Manual policies and procedures.
   e. Certified Food Service Manager for the site.
   f. Respondent will participate in, and meet all the regulations of, the National School Lunch Program/School Breakfast Program.
   g. Respondent will follow all applicable state and local sanitation and health standards.
   h. Site must have two health department inspections during the school year, or as required by NSLP/SBP.
   i. Site must have a food establishment permit (if applicable).
   j. Site must keep temperature records for food storage, preparation and service.
   k. The most recent Recommended Dietary Allowances from the National Research Council must be met by the diet provided.
   l. Site must serve portions of food as indicated on their menus, and that a record of any substitutions must be kept on file for 3 years.
   m. Food production records must be completed for each meal and snack.
   n. Describe the process for the provision of special medical and religious diets, with a registered dietitian providing consultation, and that information including the diet order and service of meals, etc., should be documented and kept on file.

o. Describe the system for meal quality evaluation by the registered dietitian or designated administrative staff.
p. Respondent will follow a single menu for youth and staff (if any staff eat meals provided by the facility).
q. Describe calorie content of the mandatory three meals and a snack provided daily, with at least two hot meals daily.
r. Meals and snacks must not be used as disciplinary measures.
s. Describe tool and chemical control procedures.
t. A maximum of 14 hours from the beginning of supper to the beginning of breakfast.

3. For hygiene items, Respondent must:
   a. Provide a list of hygiene items to be made available to each TJJD youth
   b. Describe the procedures for distributing hygiene items
   c. State its willingness to provide appropriate, gender specific hygiene items, including ethnic hair and skin care products.

J. Treatment Services

The Respondent must present the correctional treatment program offered to youth while at the facility and the qualifications of the clinical staff providing services. At a minimum, Respondents will be required to provide mental health treatment services. TJJD also has a need for residential facilities that accept sex offenders and that provide sexual behavior treatment services. Respondents should clearly state whether or not they are willing to accept sex offenders. If accepting sex offenders, Respondents must provide a description of the sexual behavior treatment services they propose to provide. The Respondent must provide a list of resources/referrals to clinicians willing to provide services in the following areas: mental health, chemical dependency or sexual behavior treatment services.

1. The Respondent must show proof that the treatment provided is evidence based and appropriate for the population served, that all staff providing the program are properly trained in the treatment program offered.
2. The Respondent must provide timelines for treatment completion and treatment objectives.
3. Respondent must state its willingness to comply with TJJD's Quality Assurance and Monitoring Standards.
4. The Respondent must provide, upon request, copies of Individual Case Plans to TJJD Staff for review on approved forms.
5. The Respondent will provide Case Management through coordinated work with the TJJD Primary Service Worker and/or Parole Officer assigned, and work with families to assist in re-integration upon release.
6. Respondent must describe its behavioral modification treatment system. The system must be evidence based, modify negative behavior and enhance positive behavior and skills.
7. Individual counseling, didactic groups, and experiential groups are required components of any treatment program.
8. Recreational components should be included in the program to emphasize team building and accountability.
9. Program must include a capability to measure and document each youth's progress throughout their stay.
10. All records will be maintained by the facility and produced upon request.
11. TJJD staff may observe clinical services at anytime.

Treatment Services

The residential program will provide a minimum of 16 hours of specific Alcohol and Other Drug (AOD) treatment programming per week. Services include 1 hour of weekly individual chemical dependency counseling and 5 hours of group chemical dependency counseling. A combination of 10 hours providing specific AOD counseling should include a Life Skills Training/Substance Abuse Education program. This program must use evidence-based curriculum; of which, TJJD is willing to provide training on our *Pathways to Self Discovery Change* curriculum. Program Curriculum chosen must allow the youth to address the underlying emotional dynamics which fuel delinquent- criminogenic behavior, use of Alcohol or Other Drugs and the issues surrounding their psychological disorder, and effects on the family (society). Programming will also need to include Relapse Prevention Education, Family Involvement, and Self Help (AA/NA) Recovery programming

1. The Respondent must show proof that the treatment provided is evidence based and appropriate for the population served, that all staff providing the program are properly trained in the treatment program offered.
2. The Respondent must provide timelines for treatment completion and treatment objectives.
3. Respondent must state its willingness to comply with TJJD's Quality Assurance and Monitoring Standards.
4. The Respondent must provide, upon request, copies of Individual Case Plans to TJJD Staff for review on approved forms.
5. The Respondent will provide Case Management through coordinated work with the TJJD Primary Service Worker and/or Parole Officer assigned, and work with families to assist in re-integration upon release.

6. Respondent must describe its behavioral modification treatment system. The system must be evidence based, modify negative behavior and enhance positive behavior and skills.
7. Individual counseling, didactic groups, and experiential groups are required components of the treatment program.
8. Recreational components should be included in the program to emphasize team building and accountability.
9. The program must include the capability to measure and document each youth's progress throughout his stay.
10. All records will be maintained by the facility and produced upon request.
11. TJJD staff may observe clinical services at anytime.

K. Youth Rights, Youth Complaint and Resolution System, and Personal Funds

Each TJJD youth is entitled to have certain basic rights, have access to a complaint system that is confidential, and have her/his personal funds handled in a safe and prudent manner.

1. Respondent must state its understanding of the basic rights that each TJJD youth are entitled to. These rights are described in TJJD General Administrative Policy regarding Youth Rights and Remedies.
2. Respondent must describe the privileges afforded a youth and manner of assessment for delivery of same.
3. Respondent must describe the process for handling youth complaints, including procedures for maintaining the confidentiality of the complaint process.
4. Respondent must agree to participate in TJJD's Youth Complaint automated system as described in TJJD General Administrative Policy.
5. Respondent must be willing to and describe the procedures for handling youth funds.

IX. MEASURES OF PERFORMANCE AND QUALITY OF SERVICES

TJJD has a comprehensive system of evaluating program performance and youth outcomes. The basis for program evaluation and monitoring includes the following:

- Periodic announced and/or unannounced on-site program monitoring by TJJD.
- Compliance with the Contract for Residential Services.
- Progress toward behavioral and treatment outcomes.
- TJJD Performance Measures for Residential Contract Programs. A description is attached as Exhibit H.
- TJJD Monitoring Rating for Residential Contract Programs. A description is attached as Exhibit H.

A. Respondent must agree to allow TJJD to conduct monitoring and fully cooperate in all processes.

B. Respondent must describe its efforts to take appropriate action within the time period specified by TJJD to correct findings and deficiencies identified during any and all monitoring visits.

C. Respondent must state its willingness to be responsible for monitoring the day-to-day operations of the program and correcting deficiencies as they occur.

D. Respondent must state its willingness to monitor the activities of consultants, subcontractors, subcontractor's employees, and volunteer workers to ensure compliance with applicable requirements and achievement of performance goals.

E. The Respondent recognizes that TJJD is paying Respondent to deliver the services specified herein. Respondent will be required to meet a minimum **Acceptable Quality Level (AQL)**. The AQL is defined as the level of service at which the system will operate properly as agreed upon in the contract and below which the contract payment may be withheld until corrective actions are taken. In addition, if service remains below the AQL without required correctives being taken, damages may be assessed. The respondent is required to provide a detailed of Quality Control Plan that will insure the AQL is maintained at all times during the performance to the contract.

Respondent is expected to demonstrate in the proposal the willingness and acceptance to allow TJJD to conduct performance monitoring and to provide full cooperation in the process. In addition, respondent must demonstrate an understanding of TJJD's Contract Care Performance and Quality of Services Measures (Exhibit H) and be willing to take appropriate action to correct findings and deficiencies. Respondents will also be responsible for Monitoring the activities of consultants, subcontractors, subcontractor's employees, and volunteer workers.

X. USE OF CONTRACT BY LOCAL AND STATE AGENCIES:

This Contract shall be available for use by all local governments and state agencies also known as "Customer", provided there are no conflicts with any applicable statutes, rules, policies or procedures.

This Contract shall be competitively solicited, negotiated and awarded in accordance with applicable State of Texas purchasing statutes, rules, policies and procedures. State agencies and local governments may use the prices shown in this Contract to issue their own contract or may negotiate lower rates based on the increase in capacity. Arrangements for delivery of services are contingent upon mutual agreement of the state agency or local governments and the Contractor. The state agencies' and local government's contract shall reference the Department's contract number and be sent directly to the Contractor.

The terms and conditions set forth herein shall govern all transactions by Customers under this Contract. Customers shall not have the authority to modify the terms of this Contract, except as to receive better terms or pricing for a particular procurement than those set forth herein. In such event, Contractor shall furnish a copy of such better offerings to the Department. Any savings or rate reductions offered to the other local governments and state agencies as a result of those local governments and state agencies using this contract will be offered to TJJD. TJJD shall have the right to modify the original contract to reflect those cost savings and rate reductions. No additional term or condition of a contract issued by a Customer can modify a term or condition of this Contract unless approval is obtained from the Department. In the event of a conflict between a Customer's purchase order and this Contract, this Contract shall prevail.

The Customer shall operate residential programs and services as per the requirements, terms and conditions of the established contract. The Customer may not deviate from the material requirements of this Contract, as Contractor is not obligated to perform other than as stated within this Contract unless a change is approved by the Department.

The Customer shall use this contract exclusively while identified as an authorized user. If the Customer procures services from another provider, Customer's status as an authorized user will be terminated.

The Customer shall request service directly from Contractor.

The Customer shall receive and reconcile invoices and client participation reports independent from the Department.

The Customer shall work directly with the Contractor in resolving all issues, including by litigation, as they relate to the Contract.

The Customer shall be billed directly by the Contractor and make monthly payments from local funds as per the rates in Exhibit C (Rate Schedule) of the Contract. The Department shall have no obligation to pay Contractor for monies the Customer may owe Contractor.

The Customer agrees to indemnify and hold the Department harmless from any and all of the following, whether the same be actual or alleged: all loss, damage, claims, suits, taxes, liens, penalties, fines, liability and expense (including attorneys' fees) howsoever arising or incurred as a result of this contract including, but not limited to, damages or injuries or death to persons, or injury to or destruction of property.

XI. HISTORICALLY UNDERUTILIZED BUSINESS (HUB) REPRESENTATION

Definition: "Historically Underutilized Business" means an entity with its principal place of business in this State that is:

A. A corporation formed for the purpose of making a profit in which 51 percent or more of all classes of the shares of stock or other equitable securities are owned by one or more economically disadvantaged persons who have a proportionate interest and actively participate in the corporation's control, operation and management;

B. A sole proprietorship created for the purpose of making a profit that is completely owned, operated and controlled by an economically disadvantaged person;

C. A partnership formed for the purpose of making a profit in which 51 percent or more of the assets and interest in the partnership are owned by one or more economically disadvantaged persons who have a proportionate interest and actively participate in the partnership's control, operation, and management;

D. A joint venture in which each entity in the venture is a historically underutilized business, as determined under another paragraph of this subdivision; or

E. A supplier contract between a historically underutilized business as determined under another paragraph of this subdivision and a prime Respondent under which the historically underutilized business is directly involved in the manufacture or distribution of the goods or otherwise warehouses and ships the goods.

"Economically disadvantaged person" means a person who is economically disadvantaged because of the person's identification as a member of a certain group including Black Americans, Hispanic Americans, women, Asian Pacific Americans and Native Americans and who has suffered the effects of discriminatory practices or other similar insidious circumstances over which the person has no control.

HUB Representation

The Respondent represents and certifies as part of its offer that it ☐ is, or ☐ is not, a HUB certified by the Texas Procurement and Support Services.

XII. LOCAL GOVERNMENT CODE, CHAPTER 244

244.002. NOTICE OF PROPOSED LOCATION.

(a) An agency of the state, a political subdivision of the state, or a private vendor operating under a contract with an agency or political subdivision of the state that proposes to construct or operate a correctional or rehabilitation facility within 1,000 feet of a residential area, a primary or secondary school, property designated as a public park or public recreation area by the state or a political subdivision of the state, or a church, synagogue, or other place of worship shall:

(1) provide written notice to:

(A) the commissioners court of any county with an unincorporated area that includes all or part of the land within 1,000 feet of the proposed correctional or rehabilitation facility; and

(B) the governing body of any municipality that includes within its boundaries all or part of the land within 1,000 feet of the proposed correctional or rehabilitation facility; and

(2) post the notice required by Subsection (d).

(b) An entity required to give notice under Subsection (a) shall give notice not later than the 60th day before the date the entity begins construction or operation of the correctional or rehabilitation facility, whichever date is earlier. The entity shall include in the notice:

(1) a statement of the entity's intent to construct or operate a correctional or rehabilitation facility in an area described by Subsection (a);

(2) a description of the proposed location of the facility; and

(3) a statement that this subchapter governs the procedure for notice of and consent to the facility.

(c) For purposes of this subchapter, distance is measured along the shortest straight line between the nearest property line of the correctional or rehabilitation facility and the nearest property line of the residential area, school, park, recreation area, or place of worship, as appropriate.

(d) An entity described by Subsection (a) shall prominently post an outdoor sign at the proposed location of the correctional or rehabilitation facility stating that a correctional or rehabilitation facility is intended to be located on the premises and providing the name and business address of the entity. The sign must be at least 24 by 36 inches in size and must be written in lettering at least two inches in size. The municipality or county in which the correctional or rehabilitation facility is to be located may require the sign to be both in English and a language other than English if it is likely that a substantial number of the residents in the area speak a language other than English as their familiar language.

The ***60-day notification requirements*** do not apply to those Offerors exempt under Local Government Code, Chapter 244, Section 244.006.

RESPONDENT MUST CHECK ONE BELOW

YES_____ **NO** _____ Proposed facility is within 1,000 feet of a residential area, a primary or secondary school, property designated as a public park or public recreation area by the state or political subdivision of the state, or a church, synagogue, or other place of worship.

RESPONDENT MUST CHECK ONE BELOW

YES_____ **NO** _____ Proposed facility is a existing fully licensed and operational facility currently in use by the Respondent.

XIII. SCREENING AND EVALUATION OF PROPOSALS

Proposals will be evaluated using the following process:

EVALUATION OF PROPOSALS PROCESS	
Phase I	All proposals submitted by the deadline will be screened to verify the minimum qualifications stated in the RFP have been provided. Proposals not meeting these requirements will not be considered and the Respondent will be so informed. All qualified proposals will be validated by the Contract Specialist prior to submission to the technical review committee for evaluation. TJJD reserves the right to conduct reference or background checks including, but not limited to, Respondent's former employers or community agency personnel who have knowledge of the Respondent's work performance and the professional reputation in the community.
Phase II	A technical review committee of TJJD program and administrative staff will evaluate and score each qualified proposal. Each member of the committee shall rank order each proposal using the evaluation scores.
Phase III	On-site visits will be made to Respondents' facilities with the most highly evaluated and ranked proposals. The primary focus of the on-site visit is to have an opportunity to tour the proposed facility. The Respondent's representatives should expect to respond during the on-site visit to questions TJJDC staff. These On-site visits will be evaluated, scored and ranked as to meeting the needs and requirements of TJJD. Those Respondents' facilities being evaluated and ranked most highly and meeting TJJD requirements may be asked to make an oral presentation. The presentation will provide an overview of the proposed program of no more than one hour in length. The Respondents should expect to respond to questions from TJJD staff. At any point in the evaluation process Respondents may be asked to provide written responses to questions from TJJD staff. Answers will become part of Respondent's proposal.
Phase IV	All information summarized and submitted to the Executive Director of the Texas Juvenile Justice Department for a final decision.
Phase V	A final Contract is executed with the approval of the Executive Director of the Texas Juvenile Justice Department. Award is posted to State of Texas Electronic State Business Daily (ESBD and notifications are sent to unsuccessful Respondents.

Minor irregularities: To be considered responsive, a proposal must set forth full, accurate, and complete information and all forms must be signed as indicated and as required by this request for proposal. If the requirement that is not met is considered a minor irregularity or an inconsequential variation, an exception may be made at the discretion of TJJD and the offer considered responsive. This may occur only if the variation has negligible significance to price, quality, quantity, or delivery of services and does not affect the competitiveness of other offers. Not signing in the required places and answering "no" to any of the assurances is **not** considered a minor irregularity

The Contract Specialist will rely on the following minimum requirements for accepting Respondent proposals:

PHASE I MINIMUM REQUIREMENTS FOR RESPONDENT RESPONSES	
I.	TJJD receives original and 5 copies by deadline in TJJD RFP# 644-3-12112
II.	Completed and signed Execution of Offer form (Section XIV of RFP)
III.	Completed Respondent Data Form (Exhibit A)
IV.	Completed and signed Assurances and Certification Form (Exhibit B). If any assurances are marked "NO", Respondent's response will be disqualified.
V.	Completed and signed Rate and Budget Information Certification Form (Exhibit C)
VI.	Included at least three references with contact information; name, address, telephone number, e-mail address
VII.	Completed HUB Subcontracting Plan (Exhibit D). Plan must be determined to be developed in good faith
VIII.	Program Components and Narrative. If narrative does not contain all program components or if statements of willingness to comply with the applicable requirements are not made, proposal will be considered unresponsive and will not be evaluated.

The technical review committee will use the following evaluation criteria to review and score each proposal:

EVALUATION CRITERIA	
Price and Financial Components The proposed Rate per Day will be evaluated in terms of reasonableness, competitiveness with other Respondents, similar programs in the marketplace, and the ability of TJJD to pay the contract rate. The budget presentation and narrative justifications will be evaluated based on the clarity of the presentation; the effective, realistic and appropriate allocation of funds to meet program requirements; the reasonableness of administrative and indirect costs; and the competitiveness of salaries for the area. The financial statements and supporting documentation will be evaluated based on the financial condition of the business entity: the overall financial strength of the Respondent relative to the size of the proposal; ability of the Respondent to support the financial needs of the project during the start-up period; and financial resources committed to the project. **TJJD will not accept proposals containing minimum guarantees or minimum beds.**	**35 points**
Qualifications Evaluation will be based on the Respondent's past experience in providing services to juveniles, juvenile offenders. The evaluation will consider the cultural diversity of the Respondent's organization as well as the description of cultural sensitivity in the provision of services.	**15 points**
Site and Facility Specifications Evaluation will be based on the overall appropriateness of the site and facility for the proposed program. If the proposed program is in a facility that also houses older juveniles, or a co-ed facility, the features of the facility and the measures that will be implemented to prevent interaction between TJJD youth and these other populations will be critically evaluated. **Sites located in a metropolitan area will be evaluated more favorably.**	**20 points**
Program Components, Narrative and Measure of Performance and Implementation and Commencement of Services Evaluations will be based on degree of commitment to the project, community and elected officials support of the program, and demonstrated ability to commence services on May 1, 2013. Evaluations will be based on an understanding of, and willingness to comply with, all requirements and responsibilities listed in the RFP. Descriptive information relating to requirements such as treatment services, staff qualifications, job duties, and other requested information will be critically evaluated. In addition, evaluations will be based on an understanding of, and willingness to comply with all requirements for monitoring conducted by TJJD and monitoring conducted by Respondent of its own operations and those of consultants, subcontractors, subcontractor's employees, and volunteer workers.	**15 points**
Willingness to Provide Programs Willingness and ability to provide specialized treatment programming: Provision of all 3 programs equals 5 points, Provision of 2 equals 3 points, provision of 1 equals 1 point.	**15 points**
TOTAL MAXIMUM POINTS	**100 points**

XIV. EXHIBITS TO TJJD RFP # 644-3-12112

A. RESPONDENT DATA FORM
B. ASSURANCES AND CERTIFICATION FORM
C. RATES, BUDGET INFORMATION AND CERTIFICATION FORM
D. HUB SUBCONTRACTING PLAN
E. TJJD GENERAL ADMINISTRATIVE POLICY 81.61, REGARDING NOTIFICATION OF FACILITY OPENING OR RELOCATING
F. RESIDENTIAL CONTRACT PROGRAM CASE MANAGEMENT REQUIREMENTS
G. PERFORMANCE AND QUALITY OF SERVICE MEASURES FOR RESIDENTIAL CONTRACT PROGRAMS
H. ACA REQUIREMENT FOR ALL RESIDENTAIL CONTRACT PROGRAMS

XV. EXECUTION OF OFFER

NOTE: RESPONDENT SHALL COMPLETE, SIGN AND RETURN THIS SECTION WITH OFFER. FAILURE TO DO SO MAY RESULT IN DISQUALIFICATION OF THE OFFER.

By signature hereon, the Respondent certifies to the following Affirmation Clauses:

All statements and information prepared and submitted in the response to this RFP are current, complete and accurate.

He/she has not given, offered to give, nor intends to give at anytime hereafter, any economic opportunity, future employment, gift, loan gratuity, special discount, trip, favor, or service to a public servant in connection with the submitted response. Failure to sign the Execution of Offer or signing it with a false statement shall void the submitted Offer or any resulting contracts.

Neither the Respondent or the firm, corporation, partnership, or institution represented by the Respondent or anyone acting for such firm, corporation, or institution has (1) violated the antitrust laws of the State of Texas under Texas Business and Commerce Code, Chapter 15, or the Federal antitrust laws; or (2) communicated the contents of this Proposal either directly or indirectly to any competitor or any other person engaged in the same line of business during the procurement process for this RFP..

By signing this bid, bidder certifies that if a Texas address is shown as the address of the bidder, bidder qualifies as a Texas Resident Bidder as defined in Texas Administrative Code, Title 34, Part 1, Chapter 20.

Under Section 2155.006(b) of the Texas Government Code (TGC), a state agency may not accept a bid or award a contract including a contract for which purchasing authority is delegated to a state agency, that includes proposed financial participation by a person who, during the five-year period preceding the date of the bid or award, has been: (1) convicted of violating a federal law in connection with a contract awarded by the federal government for relief, recovery, or reconstruction efforts as a result of Hurricane Rita, as defined by Section 39.459, Utilities Code, Hurricane Katrina, or any other natural disaster occurring after September 24, 2005; or (2) assessed a penalty in a federal civil or administrative enforcement action in connection with a contract awarded by the federal government for relief, recovery, or reconstruction efforts as a result of Hurricane Rita, as defined by Section 39.459, Utilities Code, Hurricane Katrina, or any other natural disaster occurring after September 24, 2005; or (2) assessed a penalty in a federal civil or administrative enforcement action in connection with a contract awarded by the federal government for relief, recovery, or reconstruction efforts as a result of Hurricane Rita, as defined by Section 39.459, Utilities Code, Hurricane Katrina, or any other disaster occurring after September 24, 2005. Under Section 2155.006 of the Texas Government Code, the bidder certifies that the individual or business entity named in this bid is not ineligible to receive the specified contract and acknowledges that any contract resulting from this RFP may be terminated and payment withheld if this certification is inaccurate.

Under Government Code § 2155.004, no person who prepared the specifications or this RFP has any financial interest in Respondent's Proposal. If Respondent is not eligible, then any contract resulting from this RFP shall be immediately terminated. Furthermore, "under Section 2155.004, Government Code, the vendor [Respondent] certifies that the individual or business entity named in this bid or contract is not ineligible to receive the specified contract and acknowledges that this contract may be terminated and payment withheld if this certification is inaccurate."

Under Family Code § 231.006, relating to child support obligations, Respondent and any other individual or business entity named in this solicitation are eligible to receive the specified payment and acknowledge that this contract may be terminated and payment withheld if this certification is inaccurate.

Any Proposal submitted under this RFP shall contain the names and social security numbers of person or entity holding at least a twenty-five percent (25%) ownership interest in the business entity submitting the Proposal.

Name: Social Security Number:

Name: Social Security Number:

Name: Social Security Number:

Under Government Code §669.003, relating to contracting with an executive of a state agency, Respondent represents that no person who, in the past four years, served as an executive of the Texas Comptroller of Public Accounts, TJJD or any other state agency, was involved with or has any interest in this Proposal or any contract resulting from this RFP. If Respondent employs or has used the services of a former executive head of TJJD or other state agency, then Respondent shall provide the following information: Name of former executive, name of state agency, date of separation from state agency, position with Respondent, and date of employment with Respondent.

The following provision allows an agency to require criminal history background checks of contractor employees and subcontractors who have access to information resources technology of state agencies. Note that under Section 411.1405, Government Code, agencies must have a written policy that has been approved by the Office of the Attorney General relating to the use of background checks before such checks can be performed. If an agency has authority to require other types of background checks and wishes to perform those checks on contractors' employees, a contract provision to authorize such would be needed. Contractor's employees, applicants, interns and volunteers and the employees, applicants, interns and volunteers of Contractor's contractors identified by TJJD as having access to State of Texas information resources and information resources technologies, as defined in Texas Government Code, 127 Section 411.1405, are subject to periodic criminal history record investigations performed by the Department of Public Safety and the Federal Bureau of Investigation for TJJD. Individuals whose criminal histories are determined by TJJD to be unsatisfactory under the policy promulgated by TJJD, and approved by the Office of the Attorney General shall not be allowed access to State of Texas information resources and information resources technologies and may, at the discretion of TJJD be precluded from providing services through this Contract. Contractor shall reimburse TJJD the cost of the criminal history background investigations.

TJJD is federally mandated to adhere to the directions provided in the President's Executive Order (EO) 13224, Executive Order on Terrorist Financing – Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism, effective 9/24/2001 and any subsequent changes made to it via cross-referencing respondents/vendors with the Federal General Services Administration's Systems For Award Management (SAM, https://www.sam.gov/portal/public/SAM), which is inclusive of the United States Treasury's Office of Foreign Assets Control (OFAC) Specially Designated National (SDN) list. Contents of EO 13224 may be viewed by accessing the following website: http://www.whitehouse.gov/news/orders/.

Respondent certifies that the responding entity and its principals are eligible to participate in this transaction and have not been subjected to suspension, debarment, or similar ineligibility determined by any federal, state or local governmental entity and that Respondent is in compliance with the State of Texas statutes and rules relating to procurement and that Respondent is not listed on the federal government's terrorism watch list as described in Executive Order 13224. Entities ineligible for federal procurement are listed at: https://www.sam.gov/portal/public/SAM.

Respondent agrees that any payments due under this contract will be applied towards any debt, including but not limited to delinquent taxes and child support that is owed to the State of Texas.

Respondent represents and warrants that the individual signing this Execution of Offer is authorized to sign this document on behalf of the Respondent and to bind the Respondent under any contract resulting from this Offer.

Pursuant to Section 2262.003 of the Texas Government Code, the state auditor may conduct an audit or investigation of the vendor or any other entity or person receiving funds from the state directly under this contract or indirectly through a subcontract under this contract. The acceptance of funds by the Respondent or any other entity or person directly under this contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. Under the direction of the legislative audit committee, the Respondent or other entity that is the subject of an audit or investigation by the state auditor must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit. Respondent will ensure that this clause concerning the authority to audit funds received indirectly by subcontractors through the vendor and the requirement to cooperate is included in any subcontract it awards. Respondent certified that it has not been an employee of the Texas Juvenile Justice Department within the last twelve (12) months.

Any terms and conditions attached to a solicitation will not be considered unless specifically referred to on this solicitation by submitting a Document identified as Vendor "Terms and Conditions" and listing any exception which is taken. Vendor "Terms and Conditions" may result in disqualification.

RESPONDENT (COMPANY):

SIGNATURE (INK): _____

NAME (TYPED/PRINTED):

TITLE: DATE:

STREET:

CITY/STATE/ZIP:

TELEPHONE AND FACSMILE NO.:

PAYEE IDENTIFICATION NUMBER: _____ or

FEDERAL TAXPAYER IDENTIFICATION NUMBER: _____

EXHIBIT A
RESPONDENT DATA FORM

1. Full Legal Name of Respondent: _____

   Federal Employer's ID: _____

   or Texas Vendor ID: _____

2. Legal Status: (Please check only one)

   ☐ Public Agency

   ☐ Private, nonprofit corporation
   State of _____

   Charter Number: _____

   ☐ Partnership (Attach a copy of partnership agreement and a list of the names, addresses, and social security numbers of all partners.)

   ☐ Private, for profit corporation
   State of _____

   Charter Number: _____

   ☐ Governmental entity (please specify) _____

   ☐ Sole Proprietorship

3. Address of Respondent

   _____
   Street Address City State Zip

   _____
   Mailing Address City State Zip

4. Executive Director/Chief Executive Officer/Owner

   Name _____

   Title _____

   Phone _____

   FAX _____

   Email

5. Contact Person (person who can answer questions and take calls regarding this proposal)

   Name _____

   Title _____

   Phone _____

   FAX _____

   Email _____

TJJD RFP# 644-3-12112
Exhibit B
Assurances and Certification Form

Legal Name of Respondent: _____

ASSURANCES: (If any of the assurances are marked "No", the Respondent will not be considered.)

Yes	No		
☐	☐	1.	Respondent has no outstanding debts that would result in a lien(s) or levy(ies) to be placed on payments made to the Respondent by TJJD.
☐	☐	2.	Respondent agrees to accept training, technical assistance, and monitoring from TJJD or its monitoring contractor throughout the contract period.
☐	☐	3.	Respondent certifies that no one connected with the potential provider has participated in the development of specific criteria for this proposal.
☐	☐	4.	Respondent agrees to provide TJJD with information necessary to substantiate claims made in this application, including but not limited to on-site observation, appearance before the Proposals Evaluation Committee, third-party interviews, and inspection of records.
☐	☐	5.	If Respondent uses subcontractors in the provision of services under this contract, subcontractors will adhere to and comply with the main contract.
☐	☐	6.	Respondent has sufficient resources to operate for at least two months while waiting for initial reimbursement from TJJD.
☐	☐	7.	Respondent agrees to fully cooperate with TJJD in the design, implementation and evaluation of the effectiveness of services rendered.
☐	☐	8.	Respondent certifies that contracting with TJJD does not in any way constitute a conflict of interest.
☐	☐	9.	Respondent certifies that a State or Federal agency has not terminated any contract with the Respondent in the previous 12 months for deficiencies in performance.

CERTIFICATION:

I certify that the information reported in this proposal in response to TJJD RFP # 644-3-12112 is, to the best of my knowledge, complete and accurate.

_____

Signature of Authorized Representative/Respondent Date

_____

Name of Authorized Representative/Respondent (Typed or Printed)

_____

Title of Authorized Representative/Respondent

TJJD RFP 644-3-12112
Exhibit C

Budget Information and Certification Form
Proposed Rates

Respondents are invited to propose any number of beds up to 60 for male and or female juveniles ages 10-19.

Type of Program(s) Proposed: Female ☐ Male ☐ Ages ___ to ___

Maximum Capacity for Program Being Offered:

Please provide Rate Schedules below:

Rate Schedule		
Rate (Per Youth, Per Day)	Number of Beds	
	Minimum #	Maximum #

TJJD will not accept proposals containing minimum guarantees.

CERTIFICATION

I certify that all services will be provided according to the proposed rates in this Exhibit C, Budget Information and Certification Form, RFP# 644-3-12112. I, as the Respondent or its representative, have full authority to certify this information, to the best of my knowledge, to be complete and accurate.

Signature of Respondent/Authorized Representative **Date**

Printed Name and Title of Respondent/Authorized Representative

TJJD RFP 644-3-12112
Exhibit C

Budget Information and Certification Form
Budget Worksheet

The Budget should be based on maximum capacity being proposed.

1. Salaries, Benefits, and Taxes (complete Exhibit D, Schedule 1) _____
2. Food Cost
   - a. Gross Food Cost _____
   - b. Less: USDA Revenues _____
   - c. Net Food Cost _____
3. Clothing _____
4. Recreation Fees and Supplies _____
5. Personal Care Supplies _____
6. Housekeeping _____
7. Staff Travel _____
8. Staff Training _____
9. Other Basic Care Costs (attach separate sheet with description) _____
10. Assessment, Treatment and Counseling Services _____
11. Education _____
12. In-House Medical Supplies _____
13. Psychiatrist _____
14. Other Contracted Medical (attached separate sheet with description) _____
15. Insurance (Auto, Liability and other) _____
16. Transportation (Gasoline, Oil, Repairs) _____
17. Auto Rental, Lease, or Depreciation _____
18. Workers' Comp _____
19. Contracted Maintenance _____
20. Utilities and Telecommunications _____
21. Office Supplies _____
22. Rent of Office Equipment _____
23. Other Overhead Cost (attach separate sheet with description) _____
24. Building Rent, Lease, or Depreciation _____
25. Other Costs not Listed (attach separate sheet with description) _____
26. Central Office Allocated Cost _____

27. Total Cost for Proposed Program _____

TJJD RFP 694-0-0850
Exhibit C
Budget Information and Certification Form
Schedule 1 – Salaries, Benefits & Taxes

The Budget should be based on maximum capacity being proposed.

	Number of Staff	Salaries	Benefits	Taxes	Sub-Total
1. Child Care Workers					
2. Caseworkers					
3. Other Basic Care					
4. Treatment & Counseling					
5. Food Service					
6. Education					
7. RNs					
8. LVNs					
9. Other Medical Staff					
10. Transportation					
11. Direct Administrative					
12. Maintenance Staff					
13. Other Staff not listed (attach separate sheet with description)					
Sub-Total					
14. Total Salaries, Benefits, & Taxes (Line 1 on Budget Form)					

Rev. 02/12

HUB SUBCONTRACTING PLAN (HSP)
QUICK CHECKLIST

While this HSP Quick Checklist is being provided to merely assist you in readily identifying the sections of the HSP form that you will need to complete, it is very important that you adhere to the instructions in the HSP form and instructions provided by the contracting agency.

❖ **~~If you will be awarding all of the subcontracting work you have to offer under the contract to only Texas certified HUB vendors, complete:~~**

- ☐ Section 1 – Respondent and Requisition Information
- ☐ Section 2 a. – Yes, I will be subcontracting portions of the contract
- ☐ Section 2 b. – List all the portions of work you will subcontract, and indicate the percentage of the contract you expect to award to Texas certified HUB vendors
- ☐ Section 2 c. – Yes
- ☐ Section 4 – Affirmation
- ☐ GFE Method A (Attachment A) – Complete an Attachment A for each of the subcontracting opportunities you listed in Section 2 b.

❖ **If you will be subcontracting any portion of the contract to Texas certified HUB vendors and Non-HUB vendors, and the aggregate percentage of all the subcontracting work you will be awarding to the Texas certified HUB vendors with which you have a continuous contract* in place for five (5) years or less meets or exceeds the HUB Goal the contracting agency identified in the "Agency Special Instructions/Additional Requirements", complete:**

- ☐ Section 1 – Respondent and Requisition Information
- ☐ Section 2 a. – Yes, I will be subcontracting portions of the contract
- ☐ Section 2 b. – List all the portions of work you will subcontract, and indicate the percentage of the contract you expect to award to Texas certified HUB vendors and Non-HUB vendors
- ☐ Section 2 c. – No
- ☐ Section 2 d. – Yes
- ☐ Section 4 – Affirmation
- ☐ GFE Method A (Attachment A) – Complete an Attachment A for each of the subcontracting opportunities you listed in Section 2 b.

❖ **If you will be subcontracting any portion of the contract to Texas certified HUB vendors and Non-HUB vendors or only to Non-HUB vendors, and the aggregate percentage of all the subcontracting work you will be awarding to the Texas certified HUB vendors with which you have a continuous contract* in place for five (5) years or less does not meet or exceed the HUB Goal the contracting agency identified in the "Agency Special Instructions/Additional Requirements", complete:**

- ☐ Section 1 – Respondent and Requisition Information
- ☐ Section 2 a. – Yes, I will be subcontracting portions of the contract
- ☐ Section 2 b. – List all the portions of work you will subcontract, and indicated the percentage of the contract you expect to award to Texas certified HUB vendors and Non-HUB vendors
- ☐ Section 2 c. – No
- ☐ Section 2 d. – No
- ☐ Section 4 – Affirmation
- ☐ GFE Method B (Attachment B) – Complete an Attachment B for each of the subcontracting opportunities you listed in Section 2 b.

❖ **If you will not be subcontracting any portion of the contract and will be fulfilling the entire contract with your own resources, complete:**

- ☐ Section 1 – Respondent and Requisition Information
- ☐ Section 2 a. – No, I will not be subcontracting any portion of the contract, and I will be fulfilling the entire contract with my own resources
- ☐ Section 3 – Self Performing Justification
- ☐ Section 4 – Affirmation

*Continuous Contract: *Any existing written agreement (including any renewals that are exercised) between a prime contractor and a HUB vendor, where the HUB vendor provides the prime contractor with goods or service under the same contract for a specified period of time. The frequency the HUB vendor is utilized or paid during the term of the contract is not relevant to whether the contract is considered continuous. Two or more contracts that run concurrently or overlap one another for different periods of time are considered by CPA to be individual contracts rather than renewals or extensions to the original contract. In such situations the prime contractor and HUB vendor are entering (have entered) into "new" contracts.*

Rev 02/12

HUB SUBCONTRACTING PLAN (HSP)

In accordance with Texas Gov't Code §2161.252, the contracting agency has determined that subcontracting opportunities are probable under this contract. Therefore, all respondents, including State of Texas certified Historically Underutilized Businesses (HUBs) must complete and submit this State of Texas HUB Subcontracting Plan (HSP) with their response to the bid requisition (solicitation).

NOTE: Responses that do not include a completed HSP shall be rejected pursuant to Texas Gov't Code §2161.252(b).

The HUB Program promotes equal business opportunities for economically disadvantaged persons to contract with the State of Texas in accordance with the goals specified in the 2009 State of Texas Disparity Study. The statewide HUB goals defined in 34 Texas Administrative Code (TAC) §20.13 are:

- ***11.2 percent for heavy construction other than building contracts,***
- ***21.1 percent for all building construction, including general contractors and operative builders contracts,***
- ***32.7 percent for all special trade construction contracts,***
- ***23.6 percent for professional services contracts,***
- ***24.6 percent for all other services contracts, and***
- ***21 percent for commodities contracts.***

- - Agency Special Instructions/Additional Requirements - -

In accordance with 34 TAC §20.14(d)(1)(D)(iii), a respondent (prime contractor) may demonstrate good faith effort to utilize Texas certified HUBs for its subcontracting opportunities if the total value of the respondent's subcontracts with Texas certified HUBs meets or exceeds the statewide HUB goal or the agency specific HUB goal, whichever is higher. When a respondent uses this method to demonstrate good faith effort, the respondent must identify the HUBs with which it will subcontract. If using existing contracts with Texas certified HUBs to satisfy this requirement, only contracts that have been in place for five years or less shall qualify for meeting the HUB goal. This limitation is designed to encourage vendor rotation as recommended by the 2009 Texas Disparity Study.

SECTION 1 RESPONDENT AND REQUISITION INFORMATION

a. Respondent (Company) Name: _____ State of Texas VID #: _____

Point of Contact: _____ Phone #: _____

E-mail Address: _____ Fax #: _____

b. Is your company a State of Texas certified HUB? ☐ - Yes ☐ - No

c. Requisition #: _____ Bid Open Date: _____ (mm/dd/yyyy)

Enter your company's name here: _____ Requisition #: _____

SECTION 2 SUBCONTRACTING INTENTIONS

After dividing the contract work into reasonable lots or portions to the extent consistent with prudent industry practices, and taking into consideration the scope of work to be performed under the proposed contract, including all potential subcontracting opportunities, the respondent must determine what portions of work, including goods and services, will be subcontracted. Note: In accordance with 34 TAC §20.11., an "Subcontractor" means a person who contracts with a prime contractor to work, to supply commodities, or to contribute toward completing work for a governmental entity.

a. Check the appropriate box (Yes or No) that identifies your subcontracting intentions:

☐ - ***Yes***, I will be subcontracting portions of the contract. (If ***Yes***, complete Item b, of this SECTION and continue to Item c of this SECTION.)

☐ - ***No***, I will not be subcontracting any portion of the contract, and I will be fulfilling the entire contract with my own resources. (If ***No***, continue to SECTION 3 and SECTION 4.)

b. List all the portions of work (subcontracting opportunities) you will subcontract. Also, based on the total value of the contract, identify the percentages of the contract you expect to award to Texas certified HUBs, and the percentage of the contract you expect to award to vendors that are not a Texas certified HUB (i.e., Non-HUB).

Item #	Subcontracting Opportunity Description	HUBs		Non-HUBs
		Percentage of the contract expected to be subcontracted to HUBs with which you have a continuous contract* in place for five (5) years or less.	Percentage of the contract expected to be subcontracted to HUBs with which you have a continuous contract* in place for more than five (5) years.	Percentage of the contract expected to be subcontracted to non-HUBs .
1		%	%	%
2		%	%	%
3		%	%	%
4		%	%	%
5		%	%	%
6		%	%	%
7		%	%	%
8		%	%	%
9		%	%	%
10		%	%	%
11		%	%	%
12		%	%	%
13		%	%	%
14		%	%	%
15		%	%	%
	Aggregate percentages of the contract expected to be subcontracted:	%	%	%

(Note: If you have more than fifteen subcontracting opportunities, a continuation sheet is available online at **http://window.state.tx.us/procurement/prog/hub/hub-subcontracting-plan/**)

c. Check the appropriate box (Yes or No) that indicates whether you will be using **only** Texas certified HUBs to perform **all** of the subcontracting opportunities you listed in SECTION 2, Item b.

☐ - ***Yes*** (If ***Yes***, continue to SECTION 4 **and** complete an "HSP Good Faith Effort - Method A (Attachment A)" for **each** of the subcontracting opportunities you listed.)

☐ - ***No*** (If ***No***, continue to Item d, of this SECTION.)

d. Check the appropriate box (Yes or No) that indicates whether the **aggregate expected percentage** of the contract you will subcontract with Texas certified HUBs with which you have a continuous contract* in place with for five (5) years or less **meets or exceeds** the HUB goal the contracting agency identified on page 1 in the "Agency Special Instructions/Additional Requirements".

☐ - ***Yes*** (If ***Yes***, continue to SECTION 4 **and** complete an "HSP Good Faith Effort - Method A (Attachment A)" for **each** of the subcontracting opportunities you listed.)

☐ - ***No*** (If ***No***, continue to SECTION 4 **and** complete an "HSP Good Faith Effort - Method B (Attachment B)" for **each** of the subcontracting opportunities you listed.)

**Continuous Contract:* *Any existing written agreement (including any renewals that are exercised) between a prime contractor and a HUB vendor, where the HUB vendor provides the prime contractor with goods or service under the same contract for a specified period of time. The frequency the HUB vendor is utilized or paid during the term of the contract is not relevant to whether the contract is considered continuous. Two or more contracts that run concurrently or overlap one another for different periods of time are considered by CPA to be individual contracts rather than renewals or extensions to the original contract. In such situations the prime contractor and HUB vendor are entering (have entered) into "new" contracts.*

Exhibit D

Enter your company's name here: ______________________ Requisition #: ______________

SECTION 2 SUBCONTRACTING INTENTIONS (CONTINUATION SHEET)

a. **This page can be used as a continuation sheet to the HSP Form's page 2, SECTION 2, Item b.** Continue listing the portions of work (subcontracting opportunities) you will subcontract. Also, based on the total value of the contract, identify the percentages of the contract you expect to award to Texas certified HUBs, and the percentage of the contract you expect to award to vendors that are not a Texas certified HUB (i.e., Non-HUB).

Item #	Subcontracting Opportunity Description	HUBs		Non-HUBs
		Percentage of the contract expected to be subcontracted to HUBs with which you have a continuous contract* in place for five (5) years or less.	Percentage of the contract expected to be subcontracted to HUBs with which you have a continuous contract* in place for more than five (5) years.	Percentage of the contract expected to be subcontracted to non-HUBs.
		%	%	%
		%	%	%
		%	%	%
		%	%	%
		%	%	%
		%	%	%
		%	%	%
		%	%	%
		%	%	%
		%	%	%
		%	%	%
		%	%	%
		%	%	%
		%	%	%
		%	%	%
		%	%	%
		%	%	%
		%	%	%
		%	%	%
		%	%	%
		%	%	%
		%	%	%
		%	%	%
		%	%	%
		%	%	%
		%	%	%
		%	%	%
		%	%	%
Aggregate percentages of the contract expected to be subcontracted:		%	%	%

***Continuous Contract:** *Any existing written agreement (including any renewals that are exercised) between a prime contractor and a HUB vendor, where the HUB vendor provides the prime contractor with goods or service under the same contract for a specified period of time. The frequency the HUB vendor is utilized or paid during the term of the contract is not relevant to whether the contract is considered continuous. Two or more contracts that run concurrently or overlap one another for different periods of time are considered by CPA to be individual contracts rather than renewals or extensions to the original contract. In such situations the prime contractor and HUB vendor are entering (have entered) into "new" contracts.*

Enter your company's name here: _____ Requisition #: _____

SECTION 3 SELF PERFORMING JUSTIFICATION (If you responded "*No*" to SECTION 2, Item a, you must complete this SECTION and continue to SECTION 4.)

Check the appropriate box (Yes or No) that indicates whether your response/proposal contains an explanation demonstrating how your company will fulfill the entire contract with its own resources.

☐ - **Yes** (If ***Yes***, in the space provided below **list the specific page(s)/section(s)** of your proposal which explains how your company will perform the entire contract with its own equipment, supplies, materials and/or employees.)

☐ - **No** (If ***No***, in the space provided below **explain how** your company will perform the entire contract with its own equipment, supplies, materials and/or employees.)

SECTION 4 AFFIRMATION

As evidenced by my signature below, I affirm that I am an authorized representative of the respondent listed in SECTION 1, and that the information and supporting documentation submitted with the HSP is true and correct. Respondent understands and agrees that, if awarded any portion of the requisition:

- The respondent will provide notice as soon as practical to **all** the subcontractors (HUBs and Non-HUBs) of their selection as a subcontractor for the awarded contract. The notice must specify at a minimum the contracting agency's name and its point of contact for the contract, the contract award number, the subcontracting opportunity they (the subcontractor) will perform, the approximate dollar value of the subcontracting opportunity and the expected percentage of the total contract that the subcontracting opportunity represents. A copy of the notice required by this section must also be provided to the contracting agency's point of contact for the contract no later than ten (10) working days after the contract is awarded.
- The respondent must submit monthly compliance reports (Prime Contractor Progress Assessment Report – PAR) to the contracting agency, verifying its compliance with the HSP, including the use of and expenditures made to its subcontractors (HUBs and Non-HUBs). (The PAR is available at ***http://www.window.state.tx.us/procurement/prog/hub/hub-forms/progressassessmentrpt.xls***).
- The respondent must seek approval from the contracting agency prior to making any modifications to its HSP, including the hiring of additional or different subcontractors and the termination of a subcontractor the respondent identified in its HSP. If the HSP is modified without the contracting agency's prior approval, respondent may be subject to any and all enforcement remedies available under the contract or otherwise available by law, up to and including debarment from all state contracting.
- The respondent must, upon request, allow the contracting agency to perform on-site reviews of the company's headquarters and/or work-site where services are being performed and must provide documentation regarding staffing and other resources.

Signature	Printed Name	Title	Date (mm/dd/yyyy)

REMINDER:

- If you responded "***Yes***" to **SECTION 2, Items c or d**, you must complete an "HSP Good Faith Effort - Method A (Attachment A)" for **each** of the subcontracting opportunities you listed in SECTION 2, Item b.
- If you responded "***No***" **SECTION 2, Items c and d**, you must complete an "HSP Good Faith Effort - Method B (Attachment B)" for **each** of the subcontracting opportunities you listed in SECTION 2, Item b.

Exhibit D

Rev. 02/12

HSP Good Faith Effort - Method A (Attachment A)

Enter your company's name here: _____ Requisition #: _____

IMPORTANT: If you responded "*Yes*" to **SECTION 2, Items c or d** of the completed HSP form, you must submit a completed "HSP Good Faith Effort - Method A (Attachment A)" for **each** of the subcontracting opportunities you listed in **SECTION 2, Item b** of the completed HSP form. You may photo-copy this page or download the form at ***http://www.window.state.tx.us/procurement/prog/hub/hub-forms/HUBSubcontractingPlanAttachment-A.doc***

SECTION A-1 SUBCONTRACTING OPPORTUNITY

Enter the item number and description of the subcontracting opportunity you listed in SECTION 2, Item b, of the completed HSP form for which you are completing this attachment.

Item #: _____ **Description:** _____

SECTION A-2 SUBCONTRACTOR SELECTION

List the subcontractor(s) you selected to perform the subcontracting opportunity you listed above in SECTION A-1. Also identify whether they are a Texas certified HUB and their VID number, the approximate dollar value of the work to be subcontracted, the expected percentage of work to be subcontracted, and indicate whether the company is a Texas certified HUB.

Company Name	Texas certified HUB	VID # (Required if Texas certified HUB)	Approximate Dollar Amount	Expected Percentage of Contract
	☐ - Yes ☐ - No		$	%
	☐ - Yes ☐ - No		$	%
	☐ - Yes ☐ - No		$	%
	☐ - Yes ☐ - No		$	%
	☐ - Yes ☐ - No		$	%
	☐ - Yes ☐ - No		$	%
	☐ - Yes ☐ - No		$	%
	☐ - Yes ☐ - No		$	%
	☐ - Yes ☐ - No		$	%
	☐ - Yes ☐ - No		$	%
	☐ - Yes ☐ - No		$	%
	☐ - Yes ☐ - No		$	%
	☐ - Yes ☐ - No		$	%
	☐ - Yes ☐ - No		$	%
	☐ - Yes ☐ - No		$	%
	☐ - Yes ☐ - No		$	%
	☐ - Yes ☐ - No		$	%
	☐ - Yes ☐ - No		$	%
	☐ - Yes ☐ - No		$	%
	☐ - Yes ☐ - No		$	%
	☐ - Yes ☐ - No		$	%
	☐ - Yes ☐ - No		$	%
	☐ - Yes ☐ - No		$	%
	☐ - Yes ☐ - No		$	%

REMINDER: As specified in SECTION 4 of the completed HSP form, if you (respondent) are awarded any portion of the requisition, you are required to provide notice as soon as practical to **all** the subcontractors (HUBs and Non-HUBs) of their selection as a subcontractor. The notice must specify at a minimum the contracting agency's name and its point of contact for the contract, the contract award number, the subcontracting opportunity they (the subcontractor) will perform, the approximate dollar value of the subcontracting opportunity and the expected percentage of the total contract that the subcontracting opportunity represents. A copy of the notice required by this section must also be provided to the contracting agency's point of contact for the contract no later than ten (10) working days after the contract is awarded.

Exhibit D

Rev 02/12

HSP Good Faith Effort - Method B (Attachment B)

Enter your company's name here: _____ Requisition #: _____

IMPORTANT: If you responded "***No***" to **SECTION 2, Items c and d** of the completed HSP form, you must submit a completed "HSP Good Faith Effort - Method B (Attachment B)" for **each** of the subcontracting opportunities you listed in **SECTION 2, Item b** of the completed HSP form. You may photo-copy this page or download the form at **http://www.window.state.tx.us/procurement/prog/hub/hub-forms/HUBSubcontractingPlanAttachment-B.doc**

SECTION B-1 SUBCONTRACTING OPPORTUNITY

Enter the item number and description of the subcontracting opportunity you listed in SECTION 2, Item b, of the completed HSP form for which you are completing this attachment.

Item #: _____ **Description:** _____

SECTION B-2 MENTOR PROTÉGÉ PROGRAM

If respondent is participating as a Mentor in a State of Texas Mentor Protégé Program, submitting its Protégé (Protégé must be a State of Texas certified HUB) as a subcontractor to perform the subcontracting opportunity listed in SECTION B-1, constitutes a good faith effort to subcontract with a Texas certified HUB towards that specific portion of work.

Check the appropriate box (Yes or No) that indicates whether you will be subcontracting the portion of work you listed in SECTION B-1 to your Protégé.

☐ - **Yes** (If ***Yes***, to continue to SECTION B-4.)

☐ - **No / Not Applicable** (If ***No*** or ***Not Applicable***, continue to SECTION B-3 and SECTION B-4.)

SECTION B-3 NOTIFICATION OF SUBCONTRACTING OPPORTUNITY

When completing this section you MUST comply with items **a, b, c and d**, thereby demonstrating your Good Faith Effort of having notified Texas certified HUBs and minority or women trade organizations or development centers about the subcontracting opportunity you listed in SECTION B-1. Your notice should include the scope of work, information regarding the location to review plans and specifications, bonding and insurance requirements, required qualifications, and identify a contact person. When sending notice of your subcontracting opportunity, you are encouraged to use the attached HUB Subcontracting Opportunity Notice form, which is also available online at **http://www.window.state.tx.us/procurement/prog/hub/hub-subcontracting-plan/**

Retain supporting documentation (i.e., certified letter, fax, e-mail) demonstrating evidence of your good faith effort to notify the Texas certified HUBs and minority or women trade organizations or development centers. Also, be mindful that a working day is considered a normal business day of a state agency, not including weekends, federal or state holidays, or days the agency is declared closed by its executive officer. The initial day the subcontracting opportunity notice is sent/provided to the HUBs and to the minority or women trade organizations or development centers is considered to be "day zero" and does not count as one of the seven (7) working days.

a. Provide written notification of the subcontracting opportunity you listed in SECTION B-1, to three (3) or more Texas certified HUBs. Unless the contracting agency specified a different time period, you must allow the HUBs at least seven (7) working days to respond to the notice prior to your submitting your bid response to the contracting agency. When searching for Texas certified HUBs, ensure that you use the State of Texas' Centralized Master Bidders List (CMBL) and Historically Underutilized Business (HUB) Search directory located at **http://www.window.state.tx.us/procurement//cmbl/cmblhub.html**. HUB Status code "**A**" signifies that the company is a Texas certified HUB.

b. List the three (3) Texas certified HUBs you notified regarding the subcontracting opportunity you listed in SECTION B-1. Include the company's Vendor ID (VID) number, the date you sent notice to that company, and indicate whether it was responsive or non-responsive to your subcontracting opportunity notice.

Company Name	VID #	Date Notice Sent (mm/dd/yyyy)	Did the HUB Respond?
			☐ - Yes ☐ - No
			☐ - Yes ☐ - No
			☐ - Yes ☐ - No

c. Provide written notification of the subcontracting opportunity you listed in SECTION B-1 to two (2) or more minority or women trade organizations or development centers in Texas to assist in identifying potential HUBs by disseminating the subcontracting opportunity to their members/participants. Unless the contracting agency specified a different time period, you must provide your subcontracting opportunity notice to minority or women trade organizations or development centers at least seven (7) working days prior to submitting your bid response to the contracting agency. A list of trade organizations and development centers that have expressed an interest in receiving notices of subcontracting opportunities is available on the Statewide HUB Program's webpage at **http://www.window.state.tx.us/procurement/prog/hub/mwb-links-1/**

d. List two (2) minority or women trade organizations or development centers you notified regarding the subcontracting opportunity you listed in SECTION B-1. Include the date when you sent notice to it and indicate if it accepted or rejected your notice.

Minority/Women Trade Organizations or Development Centers	Date Notice Sent (mm/dd/yyyy)	Was the Notice Accepted?
		☐ - Yes ☐ - No
		☐ - Yes ☐ - No

Exhibit D

HSP Good Faith Effort - Method B (Attachment B) Cont.

Enter your company's name here: _____ Requisition #: _____

SECTION B-4 SUBCONTRACTOR SELECTION

a. Enter the item number and description of the subcontracting opportunity for which you are completing this Attachment B continuation page.

Item #: _____ **Description:** _____

b. List the subcontractor(s) you selected to perform the subcontracting opportunity you listed in **SECTION B-1**. Also identify whether they are a Texas certified HUB and their VID number, the approximate dollar value of the work to be subcontracted, the expected percentage of work to be subcontracted, and indicate whether the company is a Texas certified HUB.

Company Name	Texas certified HUB	VID # (Required if Texas certified HUB)	Approximate Dollar Amount	Expected Percentage of Contract
	☐ - Yes ☐ - No		$	%
	☐ - Yes ☐ - No		$	%
	☐ - Yes ☐ - No		$	%
	☐ - Yes ☐ - No		$	%
	☐ - Yes ☐ - No		$	%
	☐ - Yes ☐ - No		$	%
	☐ - Yes ☐ - No		$	%
	☐ - Yes ☐ - No		$	%
	☐ - Yes ☐ - No		$	%
	☐ - Yes ☐ - No		$	%

c. If any of the subcontractors you have selected to perform the subcontracting opportunity you listed in SECTION B-1 is **not** a Texas certified HUB, provide written justification for your selection process (attach additional page if necessary):

REMINDER: As specified in SECTION 4 of the completed HSP form, if you (respondent) are awarded any portion of the requisition, you are required to provide notice as soon as practical to **all** the subcontractors (HUBs and Non-HUBs) of their selection as a subcontractor. The notice must specify at a minimum the contracting agency's name and its point of contact for the contract, the contract award number, the subcontracting opportunity it (the subcontractor) will perform, the approximate dollar value of the subcontracting opportunity and the expected percentage of the total contract that the subcontracting opportunity represents. A copy of the notice required by this section must also be provided to the contracting agency's point of contact for the contract no later than ten (10) working days after the contract is awarded.

Rev. 02/12

HUB Subcontracting Opportunity Notification Form

In accordance with Texas Gov't Code, Chapter 2161, each state agency that considers entering into a contract with an expected value of $100,000 or more shall, before the agency solicits bids, proposals, offers, or other applicable expressions of interest, determine whether subcontracting opportunities are probable under the contract. The state agency I have identified below in **Section B** has determined that subcontracting opportunities are probable under the requisition to which my company will be responding.

34 Texas Administrative Code, §20.14 requires all respondents (prime contractors) bidding on the contract to provide notice of each of their subcontracting opportunities to at least three (3) Texas certified HUBs (who work within the respective industry applicable to the subcontracting opportunity), and allow the HUBs at least seven (7) working days to respond to the notice prior to the respondent submitting its bid response to the contracting agency. In addition, the respondent must provide notice of each of its subcontracting opportunities to two (2) or more minority or women trade organizations or development centers at least seven (7) working days prior to submitting its bid response to the contracting agency.

We respectfully request that vendors interested in bidding on the subcontracting opportunity scope of work identified in **Section C, Item 2**, reply no later than the date and time identified in **Section C, Item 1**. Submit your response to the point-of-contact referenced in **Section A**.

Section A — Prime Contractor's Information

Company Name: _____ **State of Texas VID #:** _____

Point-of-Contact: _____ **Phone #:** _____

E-mail Address: _____ **Fax #:** _____

Section B — Contracting State Agency and Requisition Information

Agency Name: _____

Point-of-Contact: _____ **Phone #:** _____

Requisition #: _____ **Bid Open Date:** _____ (mm/dd/yyyy)

Section C — Subcontracting Opportunity Response Due Date, Description, Requirements and Related Information

1. Potential Subcontractor's Bid Response Due Date:	**If you would like for our company to consider your company's bid for the subcontracting opportunity identified below in Item 2, we must receive your bid response no later than** Select **Central Time on:** _____ Date (mm/dd/yyyy) *In accordance with 34 TAC §20.14, each notice of subcontracting opportunity shall be provided to at least three (3) Texas certified HUBs, and allow the HUBs at least seven (7) working days to respond to the notice prior to submitting our bid response to the contracting agency. In addition, we must provide the same notice to two (2) or more minority or women trade organizations or development centers at least seven (7) working days prior to submitting our bid response to the contracting agency.* *(A working day is considered a normal business day of a state agency, not including weekends, federal or state holidays, or days the agency is declared closed by its executive officer. The initial day the subcontracting opportunity notice is sent/provided to the HUBs and to the minority or women trade organizations or development centers is considered to be "day zero" and does not count as one of the seven (7) working days.)*
2. Subcontracting Opportunity Scope of Work:	
3. Required Qualifications: ☐ - Not Applicable	
4. Bonding/Insurance Requirements: ☐ - Not Applicable	
5. Location to review plans/specifications: ☐ - Not Applicable	

Exhibit D

HUB Subcontracting Statement

It is the policy of the Texas Juvenile Justice Department to promote and encourage contracting and subcontracting opportunities for State of Texas certified Historically Underutilized Businesses (HUBs) in all contracts in compliance with Texas Government Code, Statute 2161.001-253. Proposers are encouraged to become HUB certified. State of Texas HUB information and applications may be found at: http://www.window.state.tx.us/procurement/prog/hub/hub-certification/

Definitions for State of Texas HUB certifiable businesses can be found in Texas Administrative Code Title 34 Part 1, Subchapter B, Chapter §20.12 under the Comptroller of Pubic Accounts Procurement and Support Services (TPASS) program and HUB Rules.

Reference number: RFP# 644-3-12112
It has been determined by the Agency that there are probable subcontracting opportunities in the scope of the work for this proposal/offer.

TJJD has provided a Good Faith Effort of potential areas of subcontracting based upon the TJJD's understanding of this procurement request. Proposers are not limited to the potential subcontracting areas listed below. TJJD is relying upon the Proposer's expertise to also fully identify subcontracting opportunities that best align with their organization and this procurement request. Proposers, who intend to subcontract, are responsible for identifying **all areas that will be subcontracted** and must perform a good faith effort process for each identified subcontracting area as required by the HUB Subcontracting Plan Form documents.

Class	Item	Description
910	39	Janitorial/Custodial Services
910	54	Painting, Maintenance and Repair Services
910	60	Plumbing Maintenance and Repair
948	76	Psychologists/Psychological and Psychiatric Services
958	67	Food Service Management Services
961	02	Administrative Services, (clerical, secretarial)
990	46	Guard Services and Security Services
948	55	Medical Services Non-Physician
968	71	Waste Disposal Services, Solid & Liquid

A HUB Subcontracting Form ***must*** be filled out and returned with any bid, offer or proposal to be considered responsive. **If your response to this solicitation does not include a HUB Subcontracting Plan, your response shall be rejected as a material failure to comply with advertised specifications. All prime vendors (HUB or Non-HUB) are required to comply.**

Search the State of Texas Centralized Master Bidders List for HUB vendors by the NIGP class and item at the following link:
http://www.window.state.tx.us/procurement/prog/cmbl/

Additional minority and women owned business association resources are available for your subcontracting solicitation notices to State of Texas HUB vendors at this link:
http://www.cpa.state.tx.us/procurement/prog/hub/mwb-links-1/

If you have any questions about the HUB Subcontracting form, finding HUB vendors, or the State of Texas HUB Program, please contact Patrick McReynolds at 512-424-6265, Fax 512-424-6337 or e-mail as follows: patrick.mcreynolds@tjjd.texas.gov

TJJD RFP 644-3-12112
Exhibit E
General Administrative Policy 81.61
Notification of a Facility Opening or Relocating

RULE

a. Purpose.

The purpose of this rule is to provide for notification to the public and elected officials of the opening or relocation of certain Texas Juvenile Justice Department (TJJD) operated and contracted residential programs at selected sites.

b. Notice.

Except as provided in subsection (d) of this section, as soon as practical before beginning operation or construction of a TJJD operated or contract operated residential program that serves six (6) or more solely TJJD youth or before relocating such a program that is currently operated elsewhere, notice indicating the proposed address and general description of the program will be given to the public and certain elected officials as follows:

1. notice will be published in a newspaper of general circulation in the county in which the proposed program is to be located and include where public comment on the proposal may be sent for review; and

2. notice will be mailed to each city council member, county commissioner, state representative, and state senator who represents the area in which the proposed program is to be located.

c. Public Meeting.

Upon request by one of the elected officials, a public meeting conducted by TJJD or the contract operator will be held to inform the public about the proposed residential program and to receive public comment.

d. Sixty-day Notice for Sites 1,000 Feet from Designated Places and When Written Notice is Received by a Local Governmental Entity.

1. Pursuant to §244.002 of the Local Government Code, 60 days before beginning construction or operation, whichever occurs first, of a TJJD or contracted residential facility or parole office that is located within 1,000 feet of a residential area, a primary or secondary school, a park or public recreation area, or a place of worship, TJJD or the contract operator shall mail to the commissioners court and governing body of the municipality notice of the proposed location.

2. TJJD shall prominently post an outdoor sign at the proposed location of the correctional facility stating that a correctional facility is intended to be located on the premises and providing the name and business address of the entity. The sign must be at least 24 by 36 inches in size and must be written in lettering at least two inches in size and may be required to be both in English and a language other than English as required by the municipality or county.

e. This section does not apply to:

1. facilities that on September 1, 1997, are in operation, under construction, under contract for operation or construction, or planned for operation on land owned or leased for the purpose;
2. foster homes;
3. temporary facilities operating less than one year at the location;
4. expansion of existing facilities;
5. facilities not operating primarily for use as a correctional or rehabilitation facility, but housing TJJD youth only for a treatment or educational purpose;
6. facilities that require special or conditional use permits for operation; and
7. district offices located in commercial use areas.

f. Denial of Consent to Operate.

A TJJD operated or contract operated residential facility or parole office that is subject to the 60-day notice requirement of subsection (d) of this section may not be operated at the proposed location if not later than the 60th day after the date on which notice is received by a commissioners court or governing body as provided for in subsection (d) of this section, the commissioners court or governing body determines by resolution after a public hearing that the operation of a TJJD or contract residential facility or parole office at the proposed location is not in the best interest of the county or municipality.

(TAC effective date(s): 12/14/03; 12/16/99; 10/01/97; 12/31/96)

TJJD RFP 694-0-0850
Exhibit F

Residential Contract Program
Case Management Requirements

1. It is the responsibility of the Contracted facility to maintain clinical, medical and educational documentation of all TJJD youth in their care. These documents will be maintained in a format that is accepted by TJJD and clinical treatment service delivery practices.

2. The Contracted Facility will receive a completed risk and protective factor assessment upon the youth's arrival. The Contracted Facility will provide TJJD with a written Individualized Treatment Plan, for each youth within seven (7) days of arrival. The plan must identify risk and protective factors to be targeted for the youth based on information sent to the facility. It must include an initial thirty (30) day treatment/program goals outline for services. The case manager will develop an individualized plan based on the clinical and risk/protective factors of the youth. The plan will be written in a manner that the youth can understand and will include the following:

   a. Identify behavior risks to be targeted for clinical/behavioral interventions;
   b. Educational/vocational needs and plan for intervention;
   c. Risk factors and protective factors to be targeted in clinical services and programming;
   d. Identify any special needs of youth in order to provide appropriate services listed in the youth initial plan (Example: MH, LEP, CD, etc.);
   e. Identify plans for Family Participation/Transition planning; and,
   f. The objectives must be specific and measurable with thirty (30) day timeframes for completion until transition.

3. Youth will be assessed for clinical services needs and referred to appropriately licensed clinicians in the community. Services will be provided in accordance with youth need and clinician recommendation. Documentation of sessions will remain in the youth's file at the contract facility and made available to appropriate TJJD staff upon request.

4. Youth treatment plans must be reviewed and updated monthly. The monthly treatment plan reviews and documents the youth's progress for the previous review period and must identify risk and protective factors' interventions addressed. An updated treatment plan will be created to address risk and protective factors to be address in the upcoming thirty (30) days. Documentation of this review must be kept on a common form and placed in the youth's file within five (5) days of the review. The designated TJJD Staff member is to be provided a written copy of the progress review within five (5) workdays after the review.

5. Formally reassess risk and protective factors, via an approved assessment tool (tool to be used must be approved by TJJD prior to evaluating youth), every ninety (90) days to evaluate the youth's progress in reducing risk and increasing protective factors. At this time, the updated treatment plan will address interventions necessary to meet the best interests of the youth, to identify aftercare needs, and to review continued need for the placement based on treatment needs and assigned length of stay. The PO is requested to provide input. Families must be invited by written notice to attend and participate in the ninety (90) day reviews. A follow-up phone call is preferred.

6. Begin aftercare planning with the youth's Parole Officer within thirty (30) day of arrival. The plan includes specific referrals and services identified for youth with input from family. A final transition plan must be ready no less than thirty (30) days prior to the youth's release from the program and must have been developed with the family and Parole Officer.

7. At any time, TJJD Quality Assurance, Treatment, youth's Parole Officer or Release Review Panel Staff may request to review or receive copies of a youth's monthly treatment plans, ninety day re-assessment, clinical documentation and/or correctional therapy notes.

Exhibit G
Performance and Quality of Service Measures for Residential Contract Programs

MEASURE OF PERFORMANCE AND QUALITY OF SERVICES

The Texas Juvenile Justice Department has adopted a system of evaluating program effectiveness and promoting continuous improvement by monitoring compliance with the contract agreement; identifying and monitoring targeted performance measures; evaluating the quality of service delivery; requiring corrective action for any identified area of deficiency; conducting a program risk assessment; setting and modifying goals to maximize performance and sustaining continuous improvement.

Performance Measures

The following measures are for evaluating residential programs:

1. **Percent Positive Releases**
   Percent positive releases will be defined as the percentage of persons released from the program by either being discharged from the agency or receiving a permanent assignment to another less restrictive program as defined by agency policy.

2. **Percent Negative Releases**
   Percent negative releases will be defined as the percentage of persons releases from the program receiving a permanent assignment to another more restrictive program, or who are discharged from the agency due to further involvement in the juvenile or criminal court system.

3. **Escapes Per Year Per 10 Students**
   The number of escapes from the program per year divided by the Average Daily Population divided by 10.

4. **Percent Escapes**
   The percentage of youth permanently assigned to the program who escaped at least once.

5. **Felony Arrests Per Year Per 10 Students**
   Felony arrests per year per 10 students will be measured by the number of arrests of students for felonies for the year divided by the Average Daily Population divided by 10.

6. **Misdemeanor Arrests Per Year Per 10 Students**
   Misdemeanor arrests per year per 10 students will be measured by the number of arrests of students for misdemeanors for the year divided by the Average Daily Population divided by 10.

7. **Confirmed Mistreatment Per Year Per 10 Students**
   Confirmed mistreatments during the measurement period divided by the ADP during that period divided by 10. Only Major Rule Violation allegations that are confirmed will be included in the measure.

8. **Percent Early Movement**
   Percentage of youth exiting the program within 30 days.

Performance measures are determined for each quarter in the State fiscal year. A performance profile will be sent out to the Provider 4 times a year, and a corrective action plan (i.e. setting a numerical goal to achieve during the next quarter along with the action plan to meet that goal) will be required for all areas of deficiency. In addition to the 8 identified measures above, the Provider will also be required to identify 2 additional measures (quantifiable) for expected outcomes, of youth that successfully complete the program.

Monitoring Level

Each service provider will be assigned a monitoring level based on site reviews of the compliance with contract terms and quality of service delivery. Monitoring Levels are assigned as followed:

Level 1: **Monitoring Score of 90% or higher**
Any area of non-compliance will require a corrective action plan to be submitted to the TJJD Program Evaluator.

Level 2: **Monitoring Score between 80%-89%**
Any area of non-compliance will require a corrective action plan to be submitted to the TJJD Program Evaluator.

Level 3: **Monitoring Score between 70%-79%**
Any area of non-compliance will require a letter, by the TJJD Administrator to the service provider's management, or appropriate persons in the service provider's chain of command, documenting area(s) of non-compliance, requiring a response and corrective action plan

Level 4: **Monitoring Score below 70%**
Major sanction will be imposed to include but not be limited to moratorium on placements; limited contract period on renewals; removal of youth; withhold payments; assess liquidated damages; or contract termination. In the event the TJJD Administrator does not wish to enforce a major sanction, a justification must be submitted to the Quality Assurance Manager and/or the Director of Youth Services for review and approval

All monitoring ratings' and sanctions assigned will be included in the Sunset Review which takes place at the conclusion of the contract period. At the Sunset Review, the provider's performance will be examined based on monitoring and evaluation activities and outcome measures identified. This information along with any change to the needs of the population served, will be the determining factors in whether or not the contract will be eligible for renewal.

Exhibit H
ACA Requirements per Senate Bill 103 for all Contract Programs

ACCREDITATION BY AMERICAN CORRECTIONAL ASSOCIATION as required in Senate Bill 103

SECTION 19. Subchapter B, Chapter 61, Human Resources Code is amended by adding Section 61.023 to read as follows:

Sec. 61.023 Accreditation by American Correctional Association. Not later than September 1, 2007, the commission shall adopt a plan for and begin the process of receiving accreditation by the American Correctional Association for each correctional facility operated by or under contract with the commission.