

**Forensic Services Team &
Felony Post-Arrest Jail Diversion Program
for Broward County**

Request for Letters of Interest (RLI)

Solicitation # 21-001

Available: March 15, 2021 – April 15, 2021

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I. BACKGROUND

Broward Behavioral Health Coalition, Inc. (BBHC) was created in 2011. It was selected by the Florida Department of Children and Families (DCF) as Broward County's Managing Entity (ME) for mental health and substance abuse services.

BBHC's mission is to advocate and ensure an effective and efficient behavioral health system of care is available in Broward County.

BBHC receives funding from the state through DCF's Office of Substance Abuse and Mental Health. These funds come primarily from federally funded Block Grants. BBHC also pursues and receives funding through state grants and directly from federal grant proposal submissions.

BBHC manages the Forensic Service Program that serves individuals who have been adjudicated Incompetent to Proceed due to mental illnesses under the provisions of Chapter 916, F.S. or individuals deemed Not Guilty by Reason of Insanity.

BBHC also manages the Felony Post-Arrest Jail Diversion Program for individuals in jail with mental illnesses, who are charged with 3rd degree or non- violent 2nd degree felonies.

II. STATEMENT OF PURPOSE

BBHC will be selecting a provider to establish and operate the Forensic Service Program and Felony Post-Arrest Jail Diversion Program in Broward County.

The Forensic Service Program and Felony Post-Arrest Jail Diversion Program aim to provide independently, community-based behavioral health treatment with dignity and fairness, in the least restrictive manner possible, ensuring the safety of the people served by BBHC, and the community. These services will be provided within the following tracks.

1. The Forensic Service Program provides care coordination thru case management and peer support services, ensuring the provision of comprehensive community-based behavioral health services by the BBHC Network Service Providers. They are also responsible for providing Competency Restoration Training as ordered by the court to allow the individual to regain competency to stand trial.
 - Pre-commitment Diversion Track, the process by which an individual is provided community-based services prior to, or in lieu of, commitment to a state forensic mental health treatment facility. The diversion process applies to adults or juveniles adjudicated as adults who have been charged with a felony offense, booked into the county jail or local detention facility, identified as having a mental illness and at risk of commitment to a state forensic treatment facility, pursuant to Chapter 916, F.S. The individual is diverted to appropriate services as a result of interventions by the forensic specialist, forensic case manager, other community mental health stakeholders or the Managing Entity.

- Post-Commitment Diversion Track, the process by which an individual is permitted by the committing court to forego admission to a secure forensic facility and reside in a less restrictive environment. The diversion process applies to adults or juveniles adjudicated as adults who have been charged with a felony offense, and adjudicated as incompetent to proceed or not guilty by reason of insanity pursuant to Chapter 916, F.S. The individual is diverted post commitment to a less restrictive community mental health treatment facility or the order of commitment is vacated, and a new order is issued conditionally releasing the individual to appropriate community-based services.
 - Post Commitment Services, services that include following up with individuals admitted to State Hospitals. This includes participating in treatment team meetings at the hospitals and coordinating with hospital discharge planners for the individual's successful return to the community.
2. Felony Post-Arrest Jail Diversion Program, is a diversion program for defendants charged with 3rd degree and 2nd degree non-violent felonies who also suffer from a mental illnesses with possible co-occurring substance use disorders. These individuals will be diverted from the criminal justice system into community-based treatment with support services. The goal is to reduce the cycle of arrests and incarceration for people who need behavioral health treatment and community support that will promote recovery and community integration. Participants in the felony diversion program are referred through several sources including the Public Defender's Office, the State Attorney's Office, private attorneys, the judiciary, the medical and behavioral health services provided from within the jail, or the individual's own family members. All participants must meet legal criteria and will be assessed using the following evidence-based screenings:

The Texas Christian University Drug Screen V (TCUDS V)
Ohio Risk Assessment: Community Supervision Tool (ORAS-CST)

In the event the successful proposer desires to utilize any other assessment tool, it must first be approved and authorized by BBHC.

Services include care coordination thru case management and peer support services, ensuring the provision of comprehensive community-based behavioral health services by the BBHC Network Service Providers.

At the time a person is accepted into the Felony Post-Arrest Jail Diversion Program, the state attorney's office informs the court of the plea the defendant will be offered contingent upon successful program completion. Legal charges may be dismissed. All program participants are assisted in accessing community-based services and supports, and their progress is monitored and reported back to the court by the Felony Post-Arrest Jail Diversion Program staff.

Forensic Team Program and Felony Post-Arrest Jail Diversion Program Responsibilities:

The Forensic Service program is intended to be an independent, safe and effective service alternative to commitment.

The duties of the Forensic Service Program and the Felony Post-Arrest Jail Diversion Program are to:

1. Divert individuals pre-commitment or post-commitment, who do not require the intensity of a forensic secure placement, from the criminal justice system to community-based care.
2. Conduct trainings designed to restore individuals to competency, who have been adjudicated incompetent, so they can proceed through the judicial process.
3. Maintain quarterly contacts with clients who are committed to one of the state mental health treatment facilities and participate in their discharge planning to ensure their successful transition to the community once released.
4. Establish and maintain a collaborative relationships with Broward Sheriff's Office, WellPath and any other law enforcement or court related agency to successfully divert individuals with felony charges who experience mental illnesses with possible co-occurring substance use disorders.
5. Provide effective and efficient linkage, support, and follow-up to individuals referred to community programs by the Forensic Team Program and Felony Post-Arrest Jail Diversion Program.
6. Provide advocacy for clients who have mental health or co-occurring disorders and are involved in the felony court system in Broward County. This includes attending the Mental Health Court dockets and ensuring the completion & submission of reports to court on client progress. All reports and updates MUST be submitted timely and accurately.

III. PROGRAM SERVICE ELIGIBILITY CRITERIA

The following participation criteria are established, and will be included in the Forensic Service Program or Felony Post-Arrest Jail Diversion Program contract as follows:

1. The participant must be eligible for publicly funded mental health or co-occurring services.
2. Participants must be adults who are charged with or at-risk of being charged with a felony offense.
3. Young adults over 16 years may be candidates if they are adjudicated as adults and meet the above criteria.

IV. APPLICATION PROCESS

1. *Eligible applicants must:*
 - a. *Be pre-qualified with any Florida Managing Entity and are in good standing with that Managing Entity.*
 - b. *Demonstrate a history of having provided behavioral health services for at least three (3) years.*
 - c. *Demonstrate experience working with the forensic population.*
 - d. *Have a Medicaid number and current or pending contracts with MMAs.*
2. *The successful applicant will be precluded from making referrals to their own out-patient behavioral health service program.*

3. *Written Responses to the RLI:*

The narrative portion of the application should be no more than twelve (12) pages, not including the required budget documents and any supporting attachments, and should include the following information:

- I. **Abstract:** Provide a brief description of your agency and projected program design, as well as a description of your agency's history of working with the forensic populations and implementation of services which utilize evidence-based practices (EBPs).
 - a. Describe your agency's reasons and motivations to become the Forensic Service Team and Felony Post-Arrest Jail Diversion Program provider in Broward County?
 - b. How would you ensure clients are connected to appropriate services in an efficient manner?
 - c. How will you support clients through their legal process?

- II. **Capacity/Readiness:** Describe any efforts your agency has already taken to plan for implementing a Forensic Service Program and Felony Post-Arrest Jail Diversion Program.
 - a. What is your agency's organizational readiness for implementing the Forensic Services Team and Felony Post-Arrest Jail Diversion Program?
 - b. What are some strengths your agency has that will support the implementation?
 - c. What are some implementation barriers you anticipate, and how will you overcome those barriers?
 - d. Identify any items with which you may have concerns, along with your proposed solutions for addressing those concerns.

- III. **Proposed Program**
 - i. Describe your proposed Forensic Services Team Program and Felony Post-Arrest Jail Diversion Program. Be sure to address the following:
 - a. Target population – describe your experience serving forensic adults with mental illness and those with co-occurring disorders. Describe how your program adapts the implementation of the program to meet the unique needs of the population you will serve.
 - b. Provide the physical location of your program. Describe the challenges that you foresee in serving individuals throughout Broward County and what you intend to do to address those challenges.
 - c. Describe how you will implement your start-up in terms of:
 - i. Staffing, experience required for staff by position, caseload sizes, referrals, and outreach.
 - ii. Number to be served in the program
 - iii. Number of staff to be hired/already hired (e.g., Supervisor, Case Managers, Peer Specialists)
 - d. Explain your plan for integrating Peer Specialists who will be a part of your agency's Forensic Service Program and Felony Post-Arrest Jail Diversion Program.
 - e. Explain how your agency will be able to ensure referred clients receive the necessary services in the community and how you can ensure that all case management progress reports are submitted within the required timeframes, to all

participants of the criminal justice system, e.g., the court, the State Attorney's Office, Public Defender's Office or other defense counsel,.

- h. Identify the evidence-based practices you will be using in your program. Your program must specifically include Wellness Recovery Action Plan (WRAP) and Motivational Interviewing (MI) treatment approaches, along with others your agency may choose to implement..
 - i. BBHC requires a salary payment system for the Forensic Service Program and Felony Post-Arrest Jail Diversion Program. Explain how your agency addresses challenges with recruitment and retention of professional staff, please include salary scales.
 - j. Staff members on the Forensic Service Program and Felony Post-Arrest Jail Diversion Program, such as Case Managers, or Peer Specialists, are expected to be employed and work on a full-time basis, providing services to Forensic clients. Explain how your agency will ensure staff will be able to provide full-time service to the Forensic Service Program or Felony Post-Arrest Jail Diversion Program.
- ii. **Partnerships:** It is highly recommended that applicants include Letters of Support from their community partners or show other documents to support this information as set forth below. Describe your current partnerships within the Adult and Forensic System of Care in Broward County, and mutual implementation efforts with the following agencies or services:
- o Behavioral Health Community Providers.
 - o Broward County Courts.
 - o State Attorney's Office
 - o Public Defender's Office
 - o Broward's Sheriff Office
 - o Recovery Support Providers.
 - o Employment Service Providers.
 - o Housing Providers
 - o Broward County Schools including technical schools.
- iii. **Medicaid:** Provide copies of current contracts with the Medical Management Agencies (MMAs), and for plans not under contract, describe your current plans or efforts to apply.

V. OTHER SELECTION CRITERIA

Address the following throughout the narrative of your proposal:

- a. Agency CEO/Executive Director's commitment to participate in an organizational change process to implement a Forensic Service Program and Felony Post-Arrest Jail Diversion Program.
- b. Strength of the agency's work plan for building consensus and implementing a Forensic Service Program and Felony Post-Arrest Jail Diversion Program.
- c. Strength of the agency's recovery practices, such as employment and housing supports.
- d. Strength of the agency by incorporating individuals with lived experience in their workforce.

VI. LINE-ITEM BUDGET/PROPOSED STAFFING

Provide a detailed line-item proposed budget for the first year of the program, assuming full

capacity. The budget should include all projected costs that will be associated with the Forensic Service Program and Felony Post-Arrest Jail Diversion Program, including flex/incidental funds. Each program must be able to employ the adequate number of the following professionals to provide the required capacity necessary to serve the persons served:

- Program Supervisor
- Case Managers
- Peer Specialists
- Competency Restoration Trainers
- Provide a detailed description of the roles and supervisory responsibility of each staff member, including the required experience for each position.

VII. SCREENING AND ASSESSMENT

All clients referred to this program must be fully screened within 15 days of referral and a bio-psychosocial and/or needs assessment developed within 30-days.

Describe your screening and bio-psychosocial and needs assessment process and any specific tools you will be utilizing in addition to the tools listed below for the Felony Post-Arrest Jail Diversion Program.

The Texas Christian University Drug Screen V (TCUDS V)
Ohio Risk Assessment: Community Supervision Tool (ORAS-CST)

VIII. SERVICE PLANNING PROCESS

The service planning process serves to identify short-term objectives to build long-term stability, resilience, and to promote wellness. A comprehensive, team-based approach is increasingly seen as the preferred mechanism for creating and monitoring service plans and is consistent with the Forensic Service Program and Felony Post-Arrest Jail Diversion Program.

Describe your proposed service planning process and provide examples of treatment planning formats.

IX. COMPETENCY RESTORATION TRAINING

The Forensic Service Program will be responsible for providing all Competency Restoration Training (CRT) groups at their facility or other designated site(s) provided by your agency in accordance with the Department of Children and Families (DCF) CRT modules. An attendance log must be maintained with reports provided to the criminal justice system participants on the client's progress, compliance, and attendance on a monthly basis. The CRT curriculum must be pre-approved by BBHC.

Pre- and post-tests will be required to be administered to identify clients who may be restored to competency or found to be non-restorable. Re-evaluations must be conducted by a Licensed Psychologist with reports submitted to the Court, the State Attorney's Office, and defense counsel.

X. Incidental Expenses

Temporary expenses may be incurred to facilitate continuing treatment and community stabilization when no other resources are available. Describe how your agency will utilize incidentals for individuals in the Forensic Service Program and Felony Post-Arrest Jail Diversion Program.

XI. Discharge

As part of the discharge planning process, describe how the Forensic Service Program and Felony Post-Arrest Jail Diversion Program will assist the client and how additional resources will be identified to help individuals maintain progress made while enrolled in the program. Throughout the client's participation in the program, the Provider should focus on preparing for a successful transition from services. As the individual moves into the discharge phase, the Forensic Service Program and Felony Post-Arrest Jail Diversion Program shall determine the need to modify the service array or frequency of services to ease their transition to less intensive services and supports.

Describe your agency's discharge process and how the determination for discharge will be made, along with the process to ensure the court and the legal team serving the client remains informed and involved.

XII. OTHER APPLICATION REQUIREMENTS

- a. Agencies may only submit one (1) Response to this RLI.
- b. Agencies responding must submit their proposal electronically. The awarded amount is: \$1,025,0,000 and will be adjusted annually based upon fiscal allocations to BBHC by DCF.
- c. Provide a line-item budget, including proposed personnel (name, credentials, years of experience with employment services, years of experience with MH/SA population), for costs associated with the provision of the work described within this RLI.
- d. Include a breakdown of your proposed units of service including:
 - i. Definition of Units to be Provided;
 - ii. Number of clients to be served;
 - iii. Estimated number of units per client; and
 - iv. Estimated cost per unit type.

XIII. AUDIT REQUIREMENTS AND FISCAL SOUNDNESS

Applicants must submit one (1) copy of their most recent annual financial statements (within 180 days after the close of the applicant's most recent fiscal year-end) that have been audited by a Certified Public Accounting (CPA) firm licensed to do business in the State of Florida and prepared in accordance with Generally Accepted Accounting Principles (GAAP) and standards contained in Government Auditing Standards and OMB 1-133. Applicant agencies with total annual revenues of less than \$500,000 may submit their most recent annual financial statements that have been reviewed or compiled by a CPA firm licensed to do business in the State of Florida and prepared in accordance with GAAP. The Independent Auditor's Report must contain an unqualified audit opinion without expressing "going concern" disclosures, and the Statement of Financial Position must show positive Net Assets.

XIV. DUE DATE – FATAL FLAW

All responses to this RLI are due Thursday, April 15, 2021, on or before Noon. Failure to timely deliver submissions is a fatal flaw rendering the submittal non-responsive and illegible for consideration.

XV. PRE-BID CONFERENCE

Participation in the **Pre-Bid Bid Virtual Conference on Thursday, March 25, 2021, at 11:00 A.M.** through Microsoft Teams is ***recommended but not required***. However, it will be the only opportunity for verbal discussion of questions and answers about this RLI solicitation. After the close of the Pre-Bid Conference, there will be an opportunity for **submission of additional written questions by email on or before Friday, March 26, 2021 on or before_12:00 P.M.**

The email to be utilized is: providers.bbhc@cariskpartners.com

To ensure that your question is readily identifiable, the subject line of the email must include the RLI number. **A summary of all written questions and answers will be posted on the BBHC website at www.bbhcflorida.org on March 31, 2021.** It will be your responsibility to check for and obtain such information.

Other than the opportunities for communication as outlined herein, a Cone of Silence will be applied for all other communications regarding this solicitation as further described in Section XXI herein below.

XVI. PERFORMANCE MEASURES AND OUTCOMES

All data will be entered into the BBHC Provider Portal or any other data collection systems specified by BBHC. Performance outcome data will be tracked in the Mental Health Performance Outcome (PERF) and by utilization of the Substance Abuse Admission/Discharge Forms.

The Provider must be able to track and submit individual outcome data as requested.

XVII. SELECTION PROCESS

All RLI responses will be evaluated by a Rating Committee comprised of community subject matter experts who will not be submitting a response to this RLI. A numerical scoring evaluation will be used to identify the most responsive, responsible proposal. Once that proposal is identified, the Rating Committee will make a recommendation to BBHC's Board of Directors which will make the final determination. BBHC retains the right to accept, modify, negotiate, or reject terms of any responses to this RLI in its sole discretion.

At any time during the selection process, BBHC reserves the right, in its sole and complete discretion, to:

- conduct face-to-face or virtual interviews with any, all, or selected applicants;
- require submission of additional or revised responses;
- terminate negotiations or re-open negotiations with any applicant; or
- take other administrative actions deemed necessary by BBHC in its sole discretion to finalize funding awards.

BBHC shall further have the right in its sole discretion in the best interest of BBHC to reject any responses or waive any minor irregularity or technicality in the responses received. BBHC further reserves the right without prejudice to reject any or all proposals.

XVIII. TIMETABLE

ACTIVITY	TIMEFRAME
Dates Available:	March 15, 2021 – April 15, 2021
Solicitation Conference (Pre-Bid Conference)	March 25, 2021– at 11:00am Virtually through Microsoft Teams
Submission of Written Questions	March 26, 2021, by Noon, via email to: Providers.bbhc@cariskpartners.com
Posting of Responses to Written Questions	March 31, 2021
Deadline for Receipt of RLI Responses	April 15, 2021 by Noon at: Electronic Submission Via email to Providers.bbhc@cariskpartners.com
Interviews with Applicant Agencies	April 26, 2021; 9:00 am - 12:00 pm Virtually through Microsoft Teams - (individual meeting times TBD)
Public Meeting – Opening of RLIs	April 26, 2021, 2:00 p.m. Virtually through Microsoft Teams
Bidders Negotiations	May 3, 2021 – May 5, 2021
Recommendation of Selected Provider to Board of Directors	May 20, 2021
Notice of Award	May 21, 2021
Contract Negotiations	May, 2021
Contract Executed	June 1, 2021

XIX. TERMS OF AGREEMENT

The initial term of service for contracts awarded under this procurement is June 1, 2021, through June 30, 2022. At the sole discretion of BBHC, two (2) optional one (1) year renewals for the period of July 1, 2022, through June 30, 2023 and July 1, 2023, through June 30, 2024, may be authorized, but are contingent upon availability of funding, agency viability, positive performance, and successful re-negotiation of all terms. BBHC reserves the option of having further contract renewals.

XX. BACKGROUND SCREENING

All staff who work in direct contact with children and adults, including employees and volunteers, must successfully complete Level 2 background screening and fingerprinting requirements in accordance with Chapter 435, 402, and Sections 943.0542, and 1012.465, Florida Statutes. The program must maintain staff personnel files, which reflect that a successful screening result was received and reviewed to determine employment eligibility prior to employment and throughout participation in this program.

XXI. CONE OF SILENCE

Interested applicants responding to this solicitation, or persons acting on their behalf, may not contact any employee, agent, or board member of BBHC, or DCF concerning any aspect of this RLI, except through submission of questions as described in Section XI of this RLI. This Cone of Silence begins upon the RLI release on March 15, 2021, until the posting of award notice on May 21, 2021. Violation of this provision may be grounds for disqualification from the selection process for this RLI.

XXII. APPEAL PROCESS

Protests, appeals, and disputes are limited to procedural grounds.

An applicant that is aggrieved by a procedural determination in the competitive process may file a written claim of appeal, protest, or to dispute the decision within seventy-two (72) hours following the receipt of written notification from BBHC of the applicant's failure to advance to the next step of review due to a critical flaw, or within seventy-two (72) hours following BBHC's notice of the solicitation decision or funding award on the BBHC website. A formal written appeal or protest shall be filed within ten (10) days after the notice of appeal or protest is filed and shall state with particularity the facts and law upon which the appeal or protest is based.

Calculation of the 72-hour deadline for filing of the notice of protest shall not include weekends or BBHC holidays in the calculation of such a deadline.

Protests, appeals, or disputes may only challenge a procedural matter related to the solicitation. They may not challenge discretionary issues, such as the relative weight of the evaluation criteria or the formula specified for assigning points contained in the solicitation. A protest, appeal, or dispute is limited to challenging errors in procedural due process, errors in mathematical calculations, or omissions to score sections by the Rating Committee.

- Protests, appeals, or disputes must comply with BBHC's Procurement Policy and Procedures, posted on the BBHC website located at www.bbhcflorida.org.
- Failure to submit a notice, written protest, or bond, as discussed in more particularity below, within the required time frame shall constitute a waiver of such party's right to protest.
- When protesting, appealing, or disputing a decision, the protestor must post a bond equal

to one percent (1%) of BBHC's estimated contract amount. The bond is not to be filed with the notice of appeal, protest, or dispute but must be presented with the formal written protest, appeal, or dispute within the ten (10) day period for filing the same. The estimated contract amount shall be based upon the contract price submitted by the protestor. If no contract price was submitted, BBHC shall provide the estimated contract amount to the protestor within 72 hours after the notice of protest, appeal, or dispute has been filed. The estimated contract amount is not subject to protest. Release of the bond shall be conditioned upon the protestor's payment of all costs and charges that may be adjudicated against the protestor in the hearing on the protest or in any subsequent legal action that may be brought, as well as any subsequent appellate court proceeding arising therefrom. Failure to file the proper bond at the time of filing the formal protest, appeal, or dispute will result in a rejection of the protest. In lieu of a bond, BBHC may, in its sole discretion, accept a cashier's check, official bank check, or money order in the amount of the bond.

XXIII. RESOURCES

1. [Forensic Service Team & Felony Post-Arrest Jail Diversion Teams RLI Timeline](#)
2. [Forensic Service Team & Felony Post-Arrest Jail Diversion Teams RLI Scoring Grid](#)