

**GOVERNOR'S OFFICE OF EMERGENCY SERVICES  
LAW ENFORCEMENT AND VICTIM SERVICES DIVISION**

**EXTENDED FORENSIC EVALUATION PROGRAM  
COMPETITIVE REQUEST FOR PROPOSAL**

**PART I – INFORMATION**

**A. INTRODUCTION**

This Request for Proposal (RFP) provides all of the information and forms necessary to prepare a proposal for the Governor's Office of Emergency Services (OES) grant funds. The terms and conditions described in this RFP supersede all previous RFPs and conflicting provisions stated in the *Recipient Handbook*. The *Recipient Handbook* provides helpful information for developing the proposal and can be accessed at the website, [www.oes.ca.gov](http://www.oes.ca.gov), by selecting "Plans and Publications, *Recipient Handbook*."

**B. CONTACT INFORMATION**

Questions concerning this RFP, the application process, or programmatic issues should be submitted by telephone, fax, or e-mail.

Contact information is provided below; however, OES staff cannot assist the applicant with the actual preparation of its proposal. During the period of time between the publication date of the RFP and the date the competitive proposal is due, OES can only respond to technical questions about the RFP submitted by telephone, fax, or e-mail.

Roseann St. Clair, Senior Program Specialist, Children's Section at (916) 323-7729 or [roseann.stclair@oes.ca.gov](mailto:roseann.stclair@oes.ca.gov).

**C. PROPOSAL DUE DATE AND SUBMISSION OPTIONS**

**One original and three copies** of the proposal must be delivered to OES' Law Enforcement and Victim Services Division by the date and time indicated below. **A late proposal will be deemed ineligible for funding.** Submission options are:

1. Regular or overnight mail, **postmarked by Monday, October 2, 2006** to:

Governor's Office of Emergency Services  
Law Enforcement and Victim Services Division  
Children's Section – Roseann St. Clair  
3650 Schriever Avenue  
Mather, CA 95655  
Attn: Extended Forensic Evaluation Program RFP

2. Hand delivered by **5:00 p.m. on Monday, October 2, 2006** to:

Governor's Office of Emergency Services  
Law Enforcement and Victim Services Division  
Children's Section – Roseann St. Clair  
3650 Schriever Avenue  
Mather, CA 95655  
Attn: Extended Forensic Evaluation Program RFP

#### **D. ELIGIBILITY**

Nonprofit 501(c)(3) agencies conducting multidisciplinary child forensic interviews with the ability to implement the program and achieve the objectives are eligible to apply for this funding opportunity.

#### **E. FUNDS**

The Extended Forensic Evaluation (EFE) Program is funded with federal CJA funds. Four EFE projects will be selected in four geographically diverse counties or regions throughout California. The total amount available for the program is \$200,000; the four selected projects will be funded at \$50,000 each to implement the EFE Program. This funding allocation is for the first year of a three-year program. The funds available through this RFP are for the grant period beginning January 1, 2007 and ending December 31, 2007. Please note: continuation funding is contingent on the availability of the Children's Justice Act Funds, successful project performance, and compliance with the Grant Award Agreement.

#### **F. PROGRAM INFORMATION**

The purpose of the Extended Forensic Evaluation (EFE) Program is to identify forensic interviewers to be trained on the EFE Program model, conduct extended forensic evaluations on children when appropriate, and collect data and track case information to determine the efficiency and efficacy of the EFE model. Extended forensic evaluations are recommended for alleged child abuse victims when an initial forensic interview is inconclusive but concerns remain about abuse occurring; when information gathered during the initial forensic interview requires additional clarification; when the alleged victim has disclosed to some other person, but not during the forensic interview; and when concerning behaviors or other indicators are strongly suggestive of abuse. For more information on the EFE model, go to the National Children's Advocacy Center website at [www.nationalcac.org](http://www.nationalcac.org).

Through the EFE Program, several child forensic interviewers will be trained at each project and will conduct a specific number of interviews. Specific numbers will be determined by the numbers submitted in the proposals and negotiated between OES and the successful applicant selected for funding. Partnering of counties will be encouraged in the proposal.

Extended forensic evaluations extend the forensic interview with the alleged child abuse victim over no more than five sessions. Sessions are videotaped to maintain an objective record. Through the EFE Program, specially-trained interviewers will conduct a minimum number of extended forensic evaluations and track the outcomes of the cases to determine how the implementation of the EFE Program model may have contributed to a successful outcome. Memorandums of Understanding (MOUs) or Operational Agreements (OAs) with relevant partnering agencies such as law enforcement and district attorney offices supporting the use of the extended forensic evaluations and providing assistance in tracking the case will be required.

It is anticipated through the implementation of the EFE Program, child abuse victims who may not have disclosed their abuse within the traditional one-time forensic interview meeting, will have a safe environment in which to disclose the abuse; this will lead to improved investigations and prosecutions of child abuse cases.

If, as a result of the EFE Program, it is determined this is a viable option for reducing trauma to child abuse victims and improves the investigation and prosecution of child abuse cases, extended forensic evaluations will be accepted and implemented more readily by child advocacy centers throughout California better serving the needs of a larger number of child abuse victims.

## **G. PREPARING A PROPOSAL**

For clarity, the forms in Part IV include a Proposal Cover Sheet. Please complete the Proposal Cover Sheet and attach it to the front of your proposal.

The following eight (8) components are required for a complete proposal:

- Proposal Cover Sheet;
- Grant Award Face Sheet (OES A301);
- Project Contact Information;
- Certification of Assurance of Compliance;
- Preference Points Certification Form (*if applicable*);
- Project Narrative;
- Budget Narrative and the Project Budget (OES A303a-c); and
- Proposal Appendix (*if applicable*).

**NOTE: Failure to include all of the required components may result in a reduced score or disqualification. OES will not advise the applicant his/her proposal is incomplete prior to rating or disqualification.**

**GOVERNOR'S OFFICE OF EMERGENCY SERVICES  
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**EXTENDED FORENSIC EVALUATION PROGRAM  
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**PART II – INSTRUCTIONS**

The instructions in this section correspond to each of the proposal components, as well as to the forms provided in Part IV.

The applicant must use the forms provided or computer-generated forms, and plain 8½"x 11" white paper for the project narrative sections. The included Project and Budget Narratives sections have been pre-formatted to OES standards. If you create your own computer-generated forms, these must duplicate the OES forms and must not allow the applicant more space than provided on the OES forms. The applicant must ensure information requested by the RFP instructions is included in the appropriate section of the proposal to receive credit. If a space limitation is specified for a component, strict adherence to the space limitation is required to avoid a reduction in the proposal's score.

Copies of the proposal must be assembled separately and individually fastened in the upper left corner. **Do not bind proposal.**

**Failure to comply with these spacing/formatting requirements is one of the factors which will negatively impact the applicant's comprehensive assessment score.**

**A. PROJECT NARRATIVE**

The project narrative is the main body of information describing the problem to be addressed, the plan to address the identified problem through appropriate and achievable objectives and activities, and the ability of the applicant to implement the proposed plan.

**1. Problem Statement**

Provide a brief statement of the problem and need for extended forensic evaluations of child sexual abuse victims. Include a description of the effect of the problem on the current system's response to child sexual abuse victims, how implementing the EFE Program model will address the problem, and the target population to be served through this program.

**2. Plan and Implementation**

**Plan:** Describe how each of the program objectives will be addressed and include a specific plan for accomplishing each of the objectives and program activities. Include a statement for each objective describing the documentation procedures and/or source documents to be used to demonstrate how objective has been achieved.

The following is a description of each of the EFE Program objectives for **Year 1**, which must be included in the proposal:

**Objective 1: Train Child Forensic Interviewers on the EFE Program Model**

Describe how existing child forensic interviewers will be identified and selected to receive the EFE Program training. Describe the qualifications, experience, and expertise necessary. Describe how the applicant will work with the National Children's Advocacy Center to provide the EFE Program training to those selected.

**Objective 2: County and Regional Partnerships**

Describe how partnerships within the county and/or region will be developed to implement the EFE Program model across a broad service area to maximize resources and to benefit the largest number of children. Describe the necessary support from relevant county agencies such as law enforcement, prosecution, and child protective services, to conduct extended forensic evaluations on child sexual abuse victims. Obtain Memorandum of Understanding (MOU) or Operational Agreements (OAs) with each of the agencies involved, which clearly define each agency's role and how the agencies agree to cooperate in the EFE Program.

**Objective 3: Conduct Extended Forensic Evaluations**

Describe how the EFE Program model will be implemented. Include criteria for how cases will be selected to receive the extended evaluation, the format of the interviews, and the anticipated number of sessions per extended evaluation. Provide a proposed quantifiable objective for the total number of children who will receive extended forensic evaluations annually.

**Objective 4: Case Management**

Describe how cases will be tracked to determine how the EFE Program was used in the prosecution of the child sexual abuse case. Include information on data to be collected to determine the outcome of the case and the efficacy of the EFE Program to improve investigation and prosecution of child sexual abuse cases, as well as to reduce trauma to child sexual abuse victims.

**Objective 5: Final Report with Recommendations**

Describe how the EFE Program will be evaluated. Describe how the information learned from implementing the EFE Program model will be culminated into a final report with findings, lessons learned, and recommendations for other professionals within the child sexual abuse field and communities considering implementing the EFE Program model.

**Implementation:** Provide a brief description of the applicant agency's ability to implement the EFE Program. Include the following:

- Information about the applicant agency, including size, composition, primary mission, range and focus of services, and the role of this project within the agency.
- The duties, responsibilities, time commitments, and qualifications of staff assigned to the project.
- The history, knowledge, and experience of the applicant agency in conducting multidisciplinary child forensic interviews and serving child sexual abuse victims. Include information about the agency's ability to work with professionals from a variety of disciplines within the child sexual abuse field, specifically, law enforcement, child protective services, prosecution, judicial, and medical.

**B. PROJECT BUDGET**

The purpose of the project budget is to demonstrate how the applicant will implement the proposed plan with the funds available through this program. The budget is the basis for management, fiscal review, and audit. Project costs must be directly related to the objectives and activities of the

project. The budget must cover the entire grant period. In the budget, include **only** those items covered by grant funds including match funds when applicable. Projects may supplement grant funds with funds from other sources. However, since approved line-items are subject to audit, applicant should not include in the project budget matching funds (if applicable) in excess of the required match. The budget is subject to OES modifications and approval.

OES requires the applicant to develop a **line-item** budget which will enable the project to meet the intent and requirements of the program, ensure the successful implementation of the project, and be cost-effective. The applicant should prepare a realistic and prudent budget avoiding unnecessary or unusual expenditures detracting from the accomplishment of the objectives and activities of the project. The following information is provided to assist in the preparation of the budget. Strict adherence to all required and prohibited items is expected. **Where the applicant does not budget for a required item, the applicant assumes responsibility.** Failure of the applicant to include required items in the budget does not exclude responsibility to comply with those requirements during the implementation of the project. The applicant should refer to the *Recipient Handbook* at [www.oes.ca.gov](http://www.oes.ca.gov) by selecting: "Plans and Publications, *Recipient Handbook*" for additional information concerning OES' budget policy or to determine if specific proposed expenses are allowable. Please contact the person listed on page 1, subsection B of this RFP should you have additional budget questions.

## 1. **Budget Narrative**

The applicant is required to submit a narrative with the project budget. The narrative must be typed and placed in the proposal in front of the budget pages. In the narrative describe:

- How the project's proposed budget supports the objectives and activities.
- How funds are allocated to minimize administrative costs and support direct services.
- The duties of project-funded staff including qualifications or education level necessary for the job assignment.
- How project-funded staff duties and time commitments support the proposed objectives and activities.
- Proposed staff commitment/percentage of time to other efforts, in addition to the time allocated to this project.
- The necessity for subcontracts and unusual expenditures.
- Mid-year salary range adjustments.

## 2. **Specific Budget Categories**

There is an Excel Workbook in the Forms Section (Part IV) with spreadsheets for each of the following three budget categories:

- Personal Services – Salaries/Employee Benefits;
- Operating Expenses; and
- Equipment.

Each budget category requires line-item detail including the method of calculation and justification for the expense. Enter the amount of each line-item in the right hand column of the Budget Category form. Charges must be clearly documented **and rounded off to the nearest whole dollar**. Enter the total amount of the budget category at the bottom of the form. If additional pages are needed, total only the last page of each budget category. The total of the budget including each funding source and/or match amount must correspond to the amount of the Total Project Cost (Block 10G) on the Grant Award Face Sheet.

**OR**

For each budget category on the Spreadsheet, the left column requires line-item detail including the method of calculation and justification for the expense. Enter the amount of each line-item and match in the correct column of the Budget Category form. The spreadsheet will add each addition and round off the nearest whole dollar. You may add extra lines if necessary, the spreadsheets total at the end of each budget category and total the three spreadsheets at the bottom of the last page (Equipment). The total of the budget including each funding source and/or match amount must correspond to the amount of the Total Project Cost (Block 10G) on the Grant Award Face Sheet.

**a. Personal Services – Salaries/Employee Benefits (OES A303a)**

1) Salaries

Personal services include all services performed by project staff who are directly employed by the applicant and must be identified by position and percentage of salaries. The percentages may be salaried or hourly, full-time, or part-time positions. Sick leave, vacation, holidays, overtime, and shift differentials must be budgeted as salaries. If the applicant's personnel have accrued sick leave or vacation time prior to the approval of grant funding, they may not take that time off using project funds. **Proposed salaries for staff not directly employed by the applicant must be shown as consultant costs under the Operational Expenses category.**

2) Benefits

Employee benefits must be identified by type and percentage of salaries. The applicant may use fixed percentages of salaries to calculate benefits. Budgeted benefits cannot exceed those already established by the applicant.

Employer contributions or expenses for social security, employee life and health insurance plans, unemployment insurance, and/or pension plans are allowable budget items. Benefits, such as uniforms or California Bar Association dues are allowable budget items if negotiated as a part of an employee benefit package.

A line-item is required for each different position/classification, but not for each individual employee. If several people will be employed full-time or part-time in the same position/classification, provide the number of full-time equivalents (e.g., three half-time clerical personnel should be itemized as 1.5 clerical positions).

**b. Operating Expenses (OES A303b)**

Operating expenses are defined as necessary expenditures exclusive of personal salaries, benefits, and equipment. Such expenses may include specific items directly charged to the project, and in some cases when permitted by the funding source, an indirect cost allowance. The expenses must be grant-related (e.g., to further the program objectives as defined in the grant award), and be encumbered during the grant period.

The following items fall within this category: consultant services such as subcontractors who are not employed by the applicant, travel, office supplies, training materials, research forms, equipment maintenance, software equipment rental/lease, telephone, postage, printing, facility rental, vehicle maintenance, answering service fees, and other consumable items. Furniture and office equipment with an acquisition cost of less than \$5,000 (including tax, installation, and freight) and/or with a useful life of less than one year fall within this category. Otherwise, these fall under equipment expenses.

Salaries for staff not directly employed by the applicant must be shown as consultant costs under the Operating Expenses category. These costs must be supported by a Memorandum of Understanding (MOU), contract, or Operational Agreement (OA), which must be kept on file by the applicant and made available for review during an OES site visit, monitoring visit, or audit. In the case of grants being passed through an applicant to be operated by another agency, the staff from the second agency will be shown in the Operating Expenses category.

Budget for all anticipated training related to the project. The applicant must budget for a minimum of one OES-sponsored training session during the grant year. A minimum of two project staff from each participating agency must attend each training conference. The applicant must include sufficient per diem and travel allocations for persons to attend required OES training conferences or workshops. The applicant must budget a minimum of \$200 for registration fees for each project staff. If several project staff will be attending the same event, budget for the total number of people.

**c. Equipment (OES A303c)**

Equipment is defined as nonexpendable tangible personal property having **a useful life of more than one year** and an acquisition cost of \$5,000 or more per unit (including tax, installation, and freight).

A line-item is required for each type of equipment, but not for each specific piece of equipment (e.g., three laser jet printers must be one line-item, not three).

**C. PROPOSAL APPENDIX**

The proposal appendix provides OES with additional information from the applicant to support components of the proposal. The following must be included:

- **Organizational Chart:** The Organizational Chart should provide a clear and detailed depiction of the structure of the applicant's organization, and the specific unit within the organization responsible for the implementation of the project. This chart should also depict supporting units within the organization (e.g., the Accounting Unit) and depict the lines of authority within the organization. Job titles on the Organizational Chart should match those in the Budget and Budget Narrative.
- **Operational Agreements:** OAs must be dated and contain original signatures, titles, and agency names for both parties. This document must demonstrate a formal system of networking and coordination with the applicant and other agencies. Those submitted with the proposal must be effective for the proposed grant year. For the purpose of this RFP, the terms OA and MOU are synonymous. A sample OA is provided in the Forms Section (Part IV) of this RFP.

- Additional Signature Authorization (if applicable)
- Project Summary
- Noncompetitive Bid Request
- Out-of-State Travel Request, OES 700, Appendix S (if applicable)
- Emergency Fund Procedures
- Sample of Disbursement of Confidential Funds
- Other Funding Sources
- Prior, Current, and Proposed OES Funding
- Project Service Area Information
- Computer and Automated Systems Purchase Justification Guidelines
- Map of California

**D. PREFERENCE POINTS CERTIFICATION**

*California Government Code Section 7082* requires OES to give preference to applicants from areas in the state designated as Enterprise Zones. These are areas which have been identified to receive state contract preference points due to high unemployment, lower incomes, and population density. The goal of the Enterprise Zone Program is to stimulate growth in economically distressed areas. Five percent (5%) of the proposal's total score will be added to the proposal for the applicant specifically targeting a designated Enterprise Zone for services. Two percent (2%) of the applicant's total score will be added to the proposal for applicant whose service area includes an Enterprise Zone, but does not specifically target the area for services.

Information concerning the Enterprise Zone Program is available on-line from the Commerce & Economic Development Program, Community and Investment Incentives Section of the Business and Community Resources web page at <http://www.commerce.ca.gov>. If the applicant is eligible for preference points, certification of eligibility by the appropriate agency must be provided. Self-certification is not allowed. A certification form is provided in Forms Section (Part IV) of this RFP.

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**PART III – ADDITIONAL INFORMATION**

This section contains additional information the applicant is strongly encouraged to review in preparing the proposal. Among the documents contained in this section is a copy of the Rating Form with the criteria to be used to score proposals. The applicant is encouraged to use this Rating Form to review the proposal prior to submission.

- A. Selection of Proposal For Funding
- B. Finalizing the Grant Award Agreement
- C. Administrative Requirements
- D. Budget Policy
- E. Glossary of Terms
- F. Rating Form
- G. Summary of Past Performance Policy

**A. SELECTION OF PROPOSAL FOR FUNDING**

**1. Proposal Rating**

Proposals received by the deadline will be read and rated by a team usually consisting of three raters. The average scores from the raters for the qualified proposals will be ranked numerically to develop a ranked list for each program. The Rating Form used for this process is included in this section. It is provided as information only and is not to be submitted with the proposal.

**2. Funding Recommendations**

Recommendations for funding will be based on the following:

- The ranked score of the proposal;
- Consideration of the funding priorities or geographical distribution of selected proposals as applicable to each program; and
- Prior negative administrative and programmatic performance; and performance as an OES-funded project, if applicable.

Projects previously funded by OES will be reviewed for poor past compliance, including fiscal management, progress and annual reports, monitoring results, audit reports, and other relevant documentation or information. This review may result in one or more of the following actions: a) the project may not be selected for funding; b) the amount of funding may be reduced; or c) grant award conditions may be placed in the Grant Award Agreement. (See the attached Past Performance Policy for details.)

Recommendations for funding are submitted to the Director of OES who makes the funding decisions, **with the following exceptions:**

- The Director of OES makes funding recommendations to the State Advisory Committee (SAC) on Sexual Assault Victim Services/Prevention Programs which makes the final funding decisions on programs within its purview in accordance with *California Penal Code Sections 13836 and 13837*.

### **3. Notification Process**

Applicants submitting a proposal will be notified in writing of the results of the rating process. Applicants not selected for funding will receive a denial letter and information on the appeal process, as well as a copy of the rates average scores.

## **B. FINALIZING THE GRANT AWARD AGREEMENT**

### **1. Standard Project Funding Authority**

**Allocation of funds is contingent on the enactment of the State Budget.** OES does not have the authority to disburse funds until the budget is passed and the Grant Award Agreement is fully executed. Expenditures incurred prior to authorization are made at the project's own risk and may be disallowed. When the executed grant is received, and the State Budget is finalized, authorized expenditure reports may be submitted for reimbursement of expenditures incurred subsequent to the effective date of the Grant Award Agreement.

If, during the term of the grant award, the state and/or federal funds appropriated for the purposes of the grant award are reduced or eliminated by the California Legislature or the United States Government, or in the event revenues are not collected at the level appropriated, OES may immediately terminate or reduce the grant award by written notice to the recipient. However, no such termination or reduction shall apply to allowable costs already incurred by the recipient to the extent state or federal funds are available for payment of such costs.

OES Grant Award Agreements are subject to applicable restrictions, limitations, or conditions enacted by the California Legislature and/or the United States Government, subsequent to execution of the Grant Award Agreement.

### **2. Processing Grant Awards**

#### **a. Grant Award Conditions**

OES may add one or more grant award conditions to the Grant Award Agreement prior to or after funding. If conditions are added, these will be discussed with the applicant and a copy of the conditions will be sent to the grant recipient when the conditions are made part of the Grant Award Agreement. Grant award conditions may include requirements for sole source justification, a computer feasibility study, or other requirements deemed necessary by OES.

#### **b. Grant Award Agreement**

A copy of the executed Grant Award Agreement and pertinent attachments will be sent to the recipient's project director. The applicant is not authorized to incur costs against the grant until a copy of the fully executed Grant Award Agreement is received. When the

executed grant is received, the Report of Expenditures and Request for Funds (OES 201) may be submitted for reimbursement.

**c. Grant Award Amounts**

When the amount of funds available is limited, it may be necessary for OES to reduce the amount of the grant award from the amount requested by the applicant. In addition, OES reserves the right to negotiate budgetary changes with the applicant prior to executing the Grant Award Agreement. If either of these actions is required, OES will notify the applicant prior to executing the Grant Award Agreement.

**C. ADMINISTRATIVE REQUIREMENTS**

The following requirements apply to projects selected for funding and are explained below for the recipient's planning purposes.

**1. The Recipient Handbook (HS)**

The *Recipient Handbook* is accessible on the OES Internet website at [www.oes.ca.gov](http://www.oes.ca.gov) by selecting "Plans and Publications, Recipient Handbook." The *Recipient Handbook* contains administrative information and requirements necessary to implement the project. Recipients must administer their grants in accordance with the *Recipient Handbook* requirements. Failure to comply with these requirements can result in the withholding or termination of the grant award. The information below may be cross referenced with the *Recipient Handbook* by referencing the Handbook Section (HS) number.

**2. Internet Access (HS 11500)**

Funded projects are required to maintain Internet access with an established e-mail address. Grant funds may be used for this purpose unless specifically prohibited by the RFP instructions.

**3. Progress Reports and Data Collection (HS 10100)**

Funded projects are required to participate in data collection and to submit progress reports required by the program. Projects are required to keep accurate records to document their progress in achieving the objectives. These records must be kept by the project for a period of three years. During programmatic monitoring visits, OES will review these records for accuracy and compare them with the reported data submitted on the progress reports.

**4. Monthly/Quarterly Report of Expenditures and Request for Funds (HS 6300)**

Community-based organizations are required to submit a monthly Report of Expenditures and Request for Funds (OES Form 201) unless a quarterly reporting period is requested. All other agencies receiving funds are required to report on a quarterly basis. This form is due within 30 calendar days at the end of the reporting period and must be submitted whether or not the project has incurred expenses. Delays in submitting these forms may result in the withholding of funds and may result in the termination of the grant award.

**5. Technical Assistance/Site Visits (HS 10300)**

Each project selected for funding is assigned an OES program specialist to oversee the progress of the project in achieving its goals, objectives, and compliance with the Grant Award

Agreement. Program specialists are available to assist the project in the successful implementation of the project and in meeting the administrative requirements of the Grant Award Agreement. New projects should expect a site visit from the assigned program specialist within the first six months of the grant period. Follow-up site visits will be conducted periodically throughout the life of the grant. Projects may request a site visit to obtain technical assistance.

**6. Monitoring Requirements (HS 10400)**

A monitoring visit is an onsite assessment by the OES Monitoring and Audits Section staff to determine if the project is in compliance with the Grant Award Agreement, the Program Guidelines, the RFA/RFP, and the *Recipient Handbook*. The goal of the monitoring process is to support the OES Public Safety and Victim Services Branch in helping projects achieve their goals. Projects will be monitored on a random or as-needed basis. The monitoring visit will cover all areas of project operation and will review the project's source documentation as substantiation for project goals, objectives, and activities.

**7. Bonding Requirements (HS 2160)**

All private Community-Based Organizations (CBOs) and American Indian organizations are required to obtain and send to OES a notarized copy of a blanket fidelity bond or equivalent insurance contract applicable to all officials and employees of OES-funded projects within 60 days of the signed Grant Award Agreement. Failure to comply with this requirement may result in the withholding of grant funds or termination of the Grant Award Agreement. The beneficiary named on the bond or an endorsement must include the "State of California, Governor's Office of Emergency Services" and include the grant award number for identification purposes.

The time period covered by the bond must include the effective date and total time period of the grant, including extensions. The bond must be in an amount equal to 50 percent of the total grant award and may have a deductible in an amount not to exceed one percent (1%) of the bond.

A bond is not required of a recipient sponsored by units of government. CBOs sponsored by units of government may submit documentation indicating this in lieu of the bond or insurance contract, unless specifically required terms of the program or grant award conditions.

**8. Audit Requirements (HS 8100)**

Recipients must arrange for an independent audit of the grant award and may budget a portion of the audit cost. Instructions for budgeting funds for the audit costs are outlined in the RFP Budget Policy.

**9. Copyrights, Rights in Data, and Patents (HS 5300)**

OES owns all rights of and reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, and use, in whole or in part, material produced by activities supported by a Grant Award Agreement.

**10. Source Documentation (HS 10111)**

Recipients will be required to maintain source documentation to support claimed expenditures and project accomplishments. Source documentation is defined as records used to validate

project activities and achievements pertaining to the objectives outlined in the Grant Award Agreement. Recipients are to retain source documentation for progress reports on a quarterly basis, regardless of submission requirements. Requirements and definitions for program-specific source documentation are delineated in the RFP instructions. Recipients will be required to have written job descriptions on file for all positions funded by OES detailing specific grant-related activities to achieve project objectives.

#### **D. BUDGET POLICY**

This document summarizes information on OES Budget Policy contained in the *Recipient Handbook*. Additional information may be obtained by accessing the *Recipient Handbook* at [www.oes.ca.gov](http://www.oes.ca.gov) by selecting “Plans and Publications, *Recipient Handbook*.”

##### **1. Supplanting Prohibited (HS 1313)**

Grant funds must be used to supplement existing funds for program activities and **not replace** funds having been appropriated for the same purpose. If selected for funding, a written certification must be provided to OES indicating grant funds will not be used to supplant existing funds. Potential supplanting will be the subject of application review, post-award monitoring, and audit.

##### **2. Project Income (HS 6610)**

Project income, such as client fees and fees for services provided by the recipient (i.e., training, presentations, etc.), asset forfeitures, profits from the sale of project products, and conference proceeds as the result of a direct trade of time or products for money, must be used to offset or augment the grant, unless otherwise specified in the RFP instructions. Project income cannot be used as matching funds, unless otherwise specified in the RFP instructions.

##### **3. Contracts and Procurements (HS 3000)**

A competitive bid process is required to purchase equipment or consultant services with grant funds. Noncompetitive bid contracts are disfavored, and noncompetitive bid request approval is required prior to the purchase of equipment in excess of \$5,000 without using a competitive bid process, or to hire a specific consultant charging over \$5,000 without using a competitive bid process. Local units of government may use their approved procurement policy except for contracts over \$50,000. For organizations without a written procurement policy, a competitive bid process involves determining the specifications for the items needed and obtaining at least three bids from different vendors. Whenever a specific individual/organization name is identified in the project budget, a statement stating the selection of the individual organization was made competitively or a noncompetitive bid request will be required. OES will provide assistance in submitting a noncompetitive bid request if the proposal is selected for funding and if OES determines it is in the best interest of the project. These procedures do not apply to funds shared with participating agencies under the terms of an operational agreement.

##### **4. Match Policies (HS 6500)**

The RFP Instructions (Part II) may specify a cash or in-kind match. The match must be from a source other than state or federal funds budgeted for the project. When used to augment the project, expenditures for items such as personal services, operating expenses, or equipment are considered a match if not in violation of the prohibition on supplanting. Match must be specified in the budget and will become part of the Grant Award Agreement.

Specific instructions for calculating the match are provided below. There are examples of how to calculate the match requirement in Sections 6550-6550.2 of the *Recipient Handbook*.

**a. State Funds Matching State or Federal Funds (HS 6522)**

State and/or federal funds can be used to match other state and/or federal funds **only** if all of the following conditions have been met:

- 1) the other funding source does not prohibit this practice;
- 2) the funds are to be used for identical activities (e.g., to augment the project); and
- 3) the project has obtained prior written approval from OES or specific RFP instructions allow this practice.

**b. Type of Match**

- 1) Cash Match (HS 6511)

Cash match, also known as hard match, is often derived from the local funding resources committed to a project such as county general fund revenue, United Way contributions, private donations or profits from fund-raising events. When used to augment the project, cash expenditures for items such as personnel, facilities, and supplies may be considered cash match if not in violation of the prohibition on supplanting.

- 2) In-Kind Match (HS 6572)

In-kind match, also known as soft match, refers to goods and services which are contributed to the project, have a dollar value attached to them, and are also budgeted. In-kind contributions represent the project's non-cash outlay, including the non-cash outlay contributed by other public agencies and institutions, private organizations, and individuals. Examples include the donation of goods and volunteer time. In general, the value of in-kind contributions is determined by fair market value.

**5. Travel Policies (HS 2236)**

The following is OES' current travel policy:

**a. Selection of Travel Policy (HS 2236)**

The applicant may prepare the budget using its own travel policy or the state travel policy according to the following guidelines. Travel reimbursement will only be allowed based on actual costs.

- 1) Units of Government

Units of government may use their own written travel policy or the state policy.

2) Community-Based Organizations

A Community-Based Organization may use the state travel policy or the applicant's written policy up to the maximum rates allowed by the state travel policy.

**b. State Travel Policy (HS 2236.2)**

Use the following state travel policy for budgeting travel expenses:

1) Out-of-State Travel

Out-of-state travel is restricted and only allowed in exceptional situations. Requests for approval for out-of-state travel must be submitted for review by the program specialist.

2) Mileage

When a privately owned vehicle is utilized on project-related business, a maximum of .445 cents per mile is allowed, unless a higher rate is justified. Documentation justifying a higher rate must be on file and available for audit, but should not be submitted with the proposal.

3) Meals and Incidentals

a) Breakfast \$6.00

Breakfast may be claimed when travel commences at or prior to 6:00 a.m. Breakfast may be claimed on the last fractional day of a trip of more than 24 hours if travel terminates at or after 8:00 a.m.

b) Lunch \$10.00

Lunch may not be claimed for travel less than 24 hours. Lunch may be claimed if the trip begins at or before 11:00 a.m. and may be claimed on the last fractional day of a trip of more than 24 hours if the travel terminates at or after 2:00 p.m.

c) Dinner \$18.00

Dinner may be claimed if the trip begins at or before 5:00 p.m. Dinner may be claimed when travel terminates at or after 7:00 p.m., whether on a one-day trip or on the last day of a trip of more than 24 hours.

d) Incidentals \$6.00

Incidentals may be claimed for trips of 24 hours or more.

e) Total Per Diem

The maximum is \$40.00 for a 24-hour period.

4) Lodging

Statewide, the maximum allowed lodging expense is \$84.00, plus applicable taxes, (except as noted below). Reimbursement for lodging is not authorized without a receipt.

5) Special Lodging Rates

Allowable maximum lodging expenses increase to \$110, plus applicable taxes, with receipt in Los Angeles and San Diego counties. Maximums for Alameda, San Francisco, San Mateo, and Santa Clara Counties are \$140, plus applicable taxes.

6) Other

Taxi, airport shuttle, etc., which exceeds \$3.50 must be supported by receipt. Parking in excess of \$10.00 must be supported by receipt.

**6. Participating Staff (HS 4500)**

The term "participating staff" refers to salaried employees of a participating agency assigned to work with the recipient on the implementation of a grant project. The agreement between the recipient and the participating agency concerning participating staff must be reflected in the Operational Agreement (OA). Grant-related costs associated with participating staff must be itemized in the Operating Expenses category of the grant's budget.

**7. Consultant Services (HS 3710)**

Consultant services are provided on a contractual basis by individuals or organizations not directly employed by the applicant. Independent contractors must not be used in lieu of employees. Independent contractors are defined as individuals or organizations meeting some or all of the following criteria:

- produce a specific product or service;
- work independently without direct supervision from the applicant;
- work on specific projects;
- provide services for a limited number of hours or period of time;
- have no agency management or oversight responsibilities directed toward the financial success or direction of the agency; and/or
- are not services provided by a salaried employee of the participating agency identified in an OA.

**a. Rates**

The maximum rate for independent contractors is \$250 per hour (excluding travel and subsistence costs). A request for compensation for over \$250 per hour requires **prior approval** and additional justification.

1) Independent Contractors Employed by State and Local Government

Compensation for independent contractors will be allowed when the unit of government will not provide its services without cost. In these cases, the rate of compensation is not to exceed the daily salary rate paid by the unit of government.

**b. Expert Witness Fees (HS 3710.2)**

Prosecution or criminal defense projects, which routinely utilize “expert witnesses” as independent contractors to conduct evaluations and provide expert testimony in the courtroom, may budget for this expense. However, the project may only be charged for costs above what the county is required to cover. The maximum allowable rate for such witness fees is \$250 per hour up to \$2,000 per day. The total amount budgeted for expert witness fees must not exceed ten percent (10%) of the project’s total budget. Requests for proposed expert witness costs must be accompanied by written justification indicating the following:

- qualifications, training, and experience of the expert(s), including a statement regarding recognition by the court of the individual as an expert;
- specialized certification/licensure [e.g., Masters in Social Work (MSW); Licensed Clinical Social Worker (LCSW); Marriage and Family Therapist (MFT); Medical Doctor (MD)];
- rate of pay per hour, including documentation of a survey of the availability of similar consultants, the current “going rate,” and the proposed rate of pay with a cost breakdown if expert is paid according to services (e.g., mileage, waiting time, court testimony);
- proposed services to be provided (e.g., analysis of forensic evidence, psychological evaluation); and
- justification why this cost cannot be paid with other funds (attach the justification to OES A303b).

**8. Facility Rental (HS 2232)**

Up to \$21 per square foot annually (\$1.75 per square foot per month) is allowed for facility rental. If the rental cost for office space exceeds this rate, it must be consistent with the prevailing rate in the local area. This documentation must be on file and available for audit and should not be submitted with the proposal.

**a. Rental Space for Training and Counseling Rooms (HS 2232.1)**

Rental space for training and individual and/or group counseling rooms may also be charged to the grant, providing the charge is based on actual costs and not reimbursed by other source.

**9. Rented or Leased Equipment (HS 2233)**

If equipment is to be rented or leased, an explanation and cost analysis will be required if the proposal is selected for funding. This analysis must demonstrate it is more cost-effective to

rent or lease the equipment than it is to purchase it, and must be approved by OES prior to the execution of a rental or lease agreement.

**10. Indirect Costs/Administrative Overhead (HS 2220)**

Indirect costs are those not readily itemized or assignable to a particular project, but necessary to the operation of the organization and the performance of the project. The costs of operating and maintaining facilities, accounting services, and administrative salaries are examples of indirect costs. Flat rates not exceeding ten percent (10%) of personnel salaries (excluding benefits and overtime) or five percent (5%) of total direct project costs (excluding equipment) may be budgeted by applicant for indirect costs if allowable by the funding source.

**11. Audits (HS 8150)**

An audit is required for OES recipients expending \$25,000 or more of OES grant awards. The applicant may budget for the cost of obtaining a financial audit. Allowable audit costs are as follows:

- if the total amount of the grant is less than or equal to \$150,000, the applicant may budget up to \$2,000 for the financial audit cost; or
- if the total amount of the grant is greater than \$150,000, the applicant may budget up to one and a half percent (1 ½%) of the total grant for financial audit cost.

**12. Equipment (HS 2300)**

Equipment is defined as nonexpendable tangible personal property having a useful life of more than one year and an acquisition cost of \$1,000 or more per unit (including tax, installation and freight).

A line item is required for each type of equipment, but not for each specific piece of equipment (e.g., three laserjet printers should be one line item, not three).

**a. Allowable Expenses**

Equipment used solely for project activities may be budgeted if it is essential to the implementation of the project. Grant funds may not be used to reimburse the recipient for equipment already purchased.

Rented or leased equipment must be budgeted as an operating expense. Lease-to-purchase agreements are generally not allowable. If a lease-to-purchase is requested, the project will be required to submit justification, including cost-effectiveness, with the Grant Award Forms Package. Prior approval by OES is required.

Equipment purchased in whole or in part with state or federal grant funds is the property of the state or the federal government. However, under certain conditions, equipment may be transferred to the recipient at the end of the grant period. Satisfactory compliance with the Grant Award Agreement will be reviewed in considering the transfer of equipment.

**b. Computers (HS 2340)**

1) Community-Based Organizations (HS 2342.1)

Community-Based Organizations may budget up to \$25,000 in computer equipment, software, and related costs. Justification will be required if the proposal is selected for funding. OES will evaluate the proposed purchase on the basis of grant-related need. Prior approval by OES is required.

2) Units of Government (HS 2342.2)

Units of government may budget for computer equipment, software, and related costs. Justification will be required if the proposal is selected for funding. OES will evaluate the proposed purchase on the basis of grant-related need. OES must give approval prior to purchase. If federal grant funds totaling in excess of \$100,000 are used for automated data processing purchases, prior federal approval is also required.

3) Computer Purchase Justification (HS 2341)

Approval for purchases of computers and automated equipment is contingent on the project's ability to demonstrate cost-effective, project-related need. This is best demonstrated by clearly relating each computer system or component to the grant objectives and activities. If selected for funding, the project will be sent instructions for preparing the justification.

**c. Automobiles (HS 2331)**

Automobiles (vehicle) are not allowable budget items unless permitted in the RFP Instructions. If a vehicle is included in the budget, substantial justification demonstrating the grant-related need will be required before finalization of the Grant Award Agreement. The justification must describe the need for a vehicle, including the size of service area, the need to provide direct service away from the office, and the reason why the agency will not allow personal vehicle usage during working hours. A cost analysis for vehicle purchase as compared to other options, including lease and personal vehicle use with mileage, must be conducted and kept on file for review by OES staff during a site visit, monitoring visit, and/or by the auditor during the required annual audit.

**13. Prohibited Expense Items (HS 2240)**

The following is a list of prohibited items:

**a. Lobbying (HS 2242)**

OES grant funds cannot be used for lobbying activities.

**b. Fundraising (HS 2243)**

OES grant funds cannot be used for organized fundraising, including financial campaigns, endowment drives, solicitation of gifts and bequests, or similar expenses incurred solely to raise capital or obtain contributions.

**c. Real Property and Improvements (HS 2244)**

Real property, including land, land improvements, structures and their attachments, and structural improvements and alterations are not allowable expenditures unless specifically authorized in the RFP instructions.

**d. Interest (HS 2245)**

The cost of interest payments is not an allowable expenditure unless the cost is a result of a lease/purchase agreement.

**e. Food and Beverages (HS 2246)**

The cost of food and/or beverages at grant-sponsored conferences, meetings, or office functions is not an allowable expenditure.

**f. Weapons and Ammunition (HS 2247)**

The cost of weapons and/or ammunition of any type is not an allowable expenditure, unless it is part of a governmental negotiated benefit package or is specifically authorized in the RFP instructions.

**g. Membership Dues (HS 2248)**

The cost of membership dues for projects involved in the licensing or credentialing of professional personnel is not an allowable expenditure unless it is part of a governmental negotiated benefit package or is specifically authorized in the RFP instructions.

**h. Professional License (HS 2248)**

The cost of a professional license is not an allowable expenditure unless specifically authorized in the RFP instructions.

**i. Annual Professional Dues or Fees (HS 2248)**

The cost of professional dues or fees is not an allowable expenditure unless it is part of a governmental negotiated benefit package or is specifically authorized by the RFP instructions.

**j. Charges, Fees and Penalties (HS 2245)**

Finance charges, late payment fees, penalties, and returned check charges are not allowable expenditures.

**k. Depreciation (HS 2249)**

Depreciation charges are not allowable expenditures.

## GLOSSARY OF TERMS

Term	Definition
Activity	The specific steps or action a project takes to achieve a measurable objective.
Administrative Agency or Recipient	The agency or organization designated on the Grant Award Face Sheet which is the programmatic recipient of the grant funds and will accomplish the planned objectives and program goals (e.g., County of Alameda, City of Fresno, State Department of Justice, Fairfield Youth Services Bureau).
Application	Once selected for funding, the original proposal and additional forms as required by OES becomes the application. This application, once signed by the OES director or designee and the local government agency or organization authorized to accept grant funding, becomes the Grant Award/Grant Award Agreement.
Community-Based Organization (CBO)	A nonprofit, public benefit corporation as described in <i>Section 501(c)(3)</i> of the <i>Internal Revenue Service Code</i> .
Competitive Bid	A contract process used when the required number of suppliers are equally or nearly equally qualified to provide the services.
Equal Employment Opportunity Plan (EEOP)	A comprehensive plan analyzing the agency's workforce and all agency employment practices to determine their impact on the basis of ethnicity and gender.
EEOP Guidelines	Extensive description of state and federal civil rights requirements and what constitutes an EEOP (samples, forms, etc.). The document was prepared to assist recipients in ensuring nondiscrimination and in the development, implementation, and/or improvement of their EEOP for compliance with the law.
Grant Award/Grant Award Agreement	The signed final agreement between OES and the local government agency or organization authorized to accept grant funding.
Grant Award Forms Package	The package to be sent to projects selected for funding containing forms needed for the final Grant Award Agreement.
Grant Funding Cycle	The number of years a program <b>may</b> be funded without soliciting a new competitive Request for Proposal. A funding cycle is typically three years.
Grant Funding Period	The period of time, determined by the Request for Proposal (RFP) or the Request for Application (RFA) which the project narrative, objectives, activities, and budget cover. The time period is usually one year and is shown on the Grant Award Face Sheet (OES A301).
Recipient Handbook	This handbook outlines the terms and conditions required of grant projects. Funded projects must administer their grants in accordance with these administrative and fiscal conditions. The <i>Recipient Handbook</i> is accessible on the Internet website at <a href="http://www.oes.ca.gov">www.oes.ca.gov</a> by selecting "Plans and Publications, <i>Recipient Handbook</i> ."
Implementing Agency	The agency or organization designated on the Grant Award Face Sheet responsible for the day-to-day operation of the project (e.g., probation department, district attorney, sheriff).

<b>Term</b>	<b>Definition</b>
Memorandum of Understanding (MOU)	This term is used interchangeably with Operational Agreement. A formal agreement between two agencies which specifies the responsibilities of each agency in implementing the project.
Noncompetitive Bid Contract	A contract process used when one supplier can be documented as being uniquely positioned to provide the service.
Noncompetitive Bid Request for Goods	A contract process used when a specific supplier can be identified as the only supplier able to provide the services required by the department.
Nonprofit Organization	A nonprofit, public benefit corporation as described in <i>Section 501(c)(3)</i> of the <i>Internal Revenue Service Code</i> . The term is used synonymously with CBO.
Objectives	A set of quantifiable projections to be carried out in order to accomplish the program goals.
Operational Agreement (OA)	This term is used interchangeably with Memorandum of Understanding. A formal agreement between two agencies which specifies the responsibilities of each agency in implementing the project.
Program	A specific set of goals and objectives established pursuant to legislative, congressional, or administrative action identifying an unmet need of law enforcement or victim services and supported by a set appropriation from state or federal funding sources.
Program Guidelines	The instructions concerning the programmatic and administrative requirements unique to a particular OES grant-funded program.
Project	The implementation of a program's goals and objectives by a (funded) state or local government agency or CBO.
Proposal	The requested information packet of forms requested by the RFP and submitted to OES which specifies the priorities, strategies and objectives of the applicant.
Request for Application (RFA)	A noncompetitive application issued by OES.
Request for Proposal (RFP)	Issued by OES to solicit competitive proposals relating to new funding.
Supplanting	To reduce federal, state, or local funds due to the existence of OES funds. Supplanting occurs when a recipient deliberately replaces its non-OES funds with OES funds, thereby reducing the total amount available for the stated purpose.

**GOVERNOR'S OFFICE OF EMERGENCY SERVICES  
LAW ENFORCEMENT AND VICTIM SERVICES DIVISION**

**EXTENDED FORENSIC EVALUATION PROGRAM  
COMPETITIVE REQUEST FOR PROPOSAL**

**RATING FORM**

	Control #:
	Rater #:
APPLICANT:	
FUNDS REQUESTED:	
PREFERENCE POINTS: <input type="checkbox"/> zero <input type="checkbox"/> 2% <input type="checkbox"/> 5%	

**CATEGORY**

**TOTAL POINTS  
POSSIBLE**

1. PROBLEM STATEMENT .....	20
2. PLAN and IMPLEMENTATION .....	95
3. BUDGET .....	10
4. COMPREHENSIVE ASSESSMENT .....	20
<b>TOTAL.....</b>	<b>145</b>

Each of the above categories contains questions assigned a point value. The point scale is divided into five columns labeled **I, II, III, IV, and V**. The applicant's response to each question is evaluated on the following criteria:

- I. **ABSENT:** The response does not address the specific question or a response was not provided.
- II. **UNSATISFACTORY:** The response does not completely address the question. Information presented does not provide a clear understanding of applicant's intent, does not give detailed information requested by the RFP, or does not adequately support the proposal or the intent of the program.
- III. **SATISFACTORY:** The response addresses the question providing a clear understanding of the applicant's intent. Response adequately supports the proposal and the intent of the program.
- IV. **ABOVE AVERAGE:** The response is above average providing a clear and detailed understanding of the applicant's intent. The response presented a persuasive argument supporting the proposal and the intent of the program.
- V. **EXCELLENT:** The response is outstanding with clear detailed and relevant information exceeding the information requested. Response presented a compelling argument supporting the program.

	I	II	III	IV	V
<b>1. PROBLEM STATEMENT (Maximum 20 points)</b>	0	2	3	4	5
a. How well does the applicant describe its problem and the need for the Extended Forensic Evaluation (EFE) Program?					
b. How well does the applicant describe its current system's response to the problem?					
c. How well does the applicant describe how implementing the EFE Program will address the problem?					
d. How well does the applicant describe the target population to be served?					
<b>2. PLAN AND IMPLEMENTATION (Maximum 95 points)</b>	0	2	3	4	5
a. How well does the applicant describe how each of the program objectives will be addressed?					
b. How well does the applicant describe its plan for accomplishing each of the objectives and program activities?					
c. How well does the applicant describe its documentation procedures and/or source documents to be used to demonstrate the objective has been achieved?					
d. How well does the applicant describe how it will identify and select interviewers?					
e. How well does the applicant describe the qualifications, experience, and expertise of the selected interviewers?					
f. How well does the applicant describe how it will work with the National Children's Advocacy Center?					
g. How well does the applicant describe how partnerships within the county or region will be developed?					
h. How well does the applicant describe the necessary support from relevant county agencies to conduct extended forensic evaluations on child sexual abuse victims?					
i. Did the applicant submit the required Operational Agreements including original signatures?					
j. How well does the applicant describe how the EFE Program model will be implemented?					
k. How well does the applicant describe the criteria for how cases will be selected?					
l. How well does the applicant describe the format of the interviews and the anticipated number of sessions per extended forensic evaluations?					
m. How well does the applicant describe the information on data collected to determine the outcome of the case?					

<b>2. PLAN AND IMPLEMENTATION (continued)</b>	0	2	3	4	5
n. How well does the applicant describe how the EFE Program will be evaluated?					
o. How well does the applicant describe how the information learned will be culminated into a final report with findings, lessons learned, and recommendations for other professionals within the child sexual abuse field and communities considering implementing the EFE Program model?					
p. How well does the applicant describe its size, composition, primary mission, range and focus of services, and the role of the project within the agency?					
q. How well does the applicant describe the duties, responsibilities, time commitments, and qualifications of staff assigned to the project?					
r. How well does the applicant describe its history, knowledge, and experience in conducting multidisciplinary child forensic interviews and serving child sexual abuse victims?					
<b>3. BUDGET, including budget narrative (Maximum 10 points)</b>	0	2	3	4	5
a. How well does the budget narrative support the proposal objectives and activities and the intent and requirements of the program?					
b. How well are the funds allocated in the Budget Category Forms? How well do the line-items support the proposal plan, objectives and activities of the program, avoiding unnecessary expenditures?					
<b>4. COMPREHENSIVE ASSESSMENT (Maximum 20 points)</b>	0	5	10	15	20
How well does the proposal support the overall intent, goals, and purpose of the program?					

## SUMMARY OF PAST PERFORMANCE POLICY

(Effective February 2003)

The following is a summary of OES' Past Performance Policy. A complete copy may be obtained by sending a written, fax or email request to the attention of the Deputy Director of Law Enforcement and Victim Services Division:

Governor's Office of Emergency Services  
Law Enforcement and Victim Services Division  
Children's Section – Roseann St. Clair  
3650 Schriever Avenue  
Mather, CA 95655  
Attn: Extended Forensic Evaluation Program RFP  
Fax: (916) 327-5674

### 1. General Policy

This policy is intended to result in a penalty to existing recipients having serious performance problems and is to be utilized only in connection with the RFP process and the awarding of grants for new funding cycles. It has been developed in consultation with OES' advisory groups.

### 2. Penalty Levels

Level A: Complete disqualification from RFP process.

Level B: 10% point reduction of total possible points from an applicant's score.

### 3. Standard For Invoking This Policy

The standard for invoking either penalty is whether the applicant's compliance with grant terms and conditions falls **significantly** below average — far below the level to be expected of other recipients, and not minor incident(s) of noncompliance with OES policies.

#### **a. *Serious Performance Problems Eligible For Consideration***

The following include types of performance problems which would qualify under this policy, but are not limited to:

- 1) significant failure to account for use of funds, mishandling/misuse of funds, fraud or embezzlement, or other material accounting irregularities or violation(s), as documented in an audit report, monitoring report, police report, or other similar objective documentation;
- 2) violation(s) of material statutory requirements related to the grant;
- 3) a willful or grossly negligent violation of a material OES policy, term or condition of the grant, but only after the recipient had been provided:
  - a) technical assistance by OES, including a site visit if necessary, to remedy the violation;
  - b) at least one written notice (per violation); and
  - c) a reasonable opportunity to remedy the violation.

Such notice will be provided to the recipient's executive officer and will specify failure to remedy the violation which may negatively impact the recipient's eligibility for future funding, including disqualification from the next RFP process.

It is not necessary for a criminal conviction to have occurred for OES to consider actions appearing to constitute fraud, embezzlement, mishandling of funds, or other types of statutory violations. OES must only have reliable evidence this conduct occurred. Moreover, only properly documented performance problems will be considered.

**b. Factors Considered**

In determining an appropriate penalty, factors to be considered include, but are not limited to:

- 1) the seriousness of the problem(s);
- 2) whether the problem or problems identified were intentional;
- 3) whether the problem or problems revealed dishonest behavior by the applicant;
- 4) whether the interests of the state or the public were harmed by the problem or problems;
- 5) whether the problem or problems were a one-time occurrence or represent an ongoing pattern of behavior;
- 6) whether the problem or problems have been documented objectively; and
- 7) whether OES has attempted to assist the recipient in remedying the problem(s).

**c. Specific Examples**

Performance problems should be considered on a case-by-case basis, with the totality of the circumstances to be considered. The following examples are not intended to be binding or in any way restrictive of OES' authority to determine the appropriate penalty in any particular case:

- 1) OES conducts a monitoring visit of a project, and makes the following findings:
  - a) the shelter failed to pay overtime on two occasions;
  - b) three timesheets did not contain a supervisor's approval; and
  - c) the project's doors opened at 9:30 a.m. instead of 9:00 a.m. as stated on its RFP proposal.

A corrective action plan is developed and the recipient takes steps to implement the monitoring recommendations. A follow-up with the recipient four months later shows the monitoring findings have been corrected.

**Penalty: None**

- 2) During an audit, it is discovered a year ago an employee of a project has embezzled \$300 of OES funds. The audit concludes this occurred in part due to inadequate management controls and supervision by the project. The employee was fired and the case submitted to the office of the district attorney for prosecution. The recipient has implemented new accounting and management policies and procedures, and promises (provides OES with an outline of new procedures) to better supervise its employees. No other problems with the recipient are known.

**Penalty: Level B**

- 3) A project has agreed to provide victim advocacy services in County X. The project spends \$40,000 on other things and provides no such services as documented in the monitoring report. However, the project states on its OES report the services are being provided. OES refers the matter to the office of the district attorney for prosecution, but no additional steps have yet been taken.

**Penalty: Level A**

**5. Notification to the Applicant and Appeal of Decision**

A letter will be sent by certified mail to the applicant denying funding due to past performance problem(s). The applicant shall be provided with a summary of why the performance problem penalty was invoked. The applicant is entitled to appeal the denial of funding on the same basis as other appeals of denial of funding pursuant to the Appeals Guidelines.