

California Department of State Hospitals  
Incompetent to Stand Trial  
Diversion and Community Based Restoration  
Infrastructure Project  
Round 1: Request for Proposals

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# Part One: Overview

## 1.1. INTRODUCTION

The California Department of State Hospitals (DSH) is administering the Incompetent to Stand Trial (IST) Infrastructure funding to build out the state's capacity of residential treatment homes and facilities. This funding opportunity is open to California counties that commit to contract with DSH for an ongoing diversion and/or community-based restoration (CBR) program.

There will be two rounds of funding. The Round 1 DSH IST Infrastructure Project includes a non-competitive rolling allocation schedule open to all counties. Proposals can be submitted at any time once the online portal has opened. Counties will be funded in the order in which proposals are received, subject to consideration of regional needs and statewide equity. Round 1 will have three benchmarks for funding. Beginning July 1, 2024, Round 2 will be opened to non-county entities.

- Round 1: non-competitive; first come, first served; from March 1, 2023, to June 30, 2024
  - Benchmark 1 (award letters released): June 30, 2023
  - Benchmark 2 (award letters released): December 2023
  - Benchmark 3 (award letters released): June 2024
- Round 2: remaining funding opens to additional entities through a competitive process beginning on July 1, 2024

All funds must be expended by June 30, 2028.

Advocates for Human Potential, Inc. (AHP), a research and consulting firm, is providing project management services to DSH in the outreach, technical assistance (TA), solicitation, and selection processes, as well as the negotiation and contracting process for awarding the IST Infrastructure funding.

## 1.2. BACKGROUND AND PURPOSE

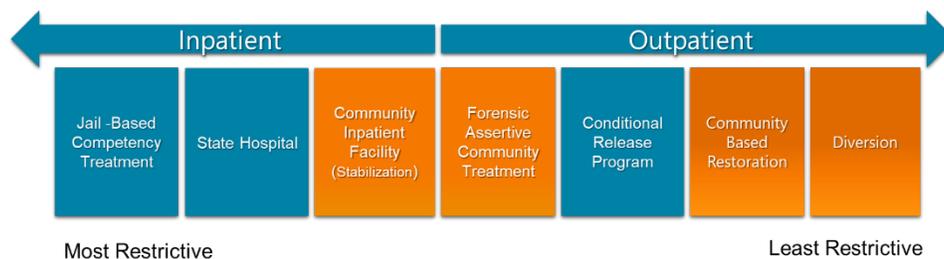
Over the last decade, California has seen significant growth in the number of individuals found IST on felony charges and referred to DSH for restoration of competency treatment. The year-over-year growth in IST referrals from the superior courts to DSH has outpaced the Department's ability to create additional capacity. Despite recent efforts resulting in increased bed capacity, decreased average length of stay, and implementation of county-based treatment programs, this insufficient capacity has led to a large waitlist and extended wait times for IST defendants pending DSH placement. Furthermore, the impacts of the COVID-19 pandemic and infection control measures required at DSH facilities necessitated slower admissions and reduced capacity for the treatment of individuals found IST on felony charges at DSH. As of January 30, 2023, 1,391 individuals are awaiting restoration of competency treatment.

The purpose of the DSH IST Infrastructure Project is to increase access to diversion and community-based treatment for eligible individuals found IST on felony charges. This project provides \$468.8 million in one-time funds specifically designated to develop residential housing settings in support of these individuals who are participating in either DSH-funded diversion or CBR programs. DSH estimates that

approximately 3,000 of the individuals identified as IST on felony charges annually are eligible for participation in community-based treatment programs. An average length of stay of 18 months per participant results in a housing capacity deficit of approximately 5,000 beds. The proposed funding level assumes these beds will be spread across approximately 700 housing units, averaging 8 beds per unit. Startup funds at a rate of \$93,750 per bed will be provided for each bed in a residence to cover the down payment, renovation, necessary retrofitting, and furnishings for staff and patients.

The ongoing cost of operating the homes will be provided through a separate per-patient rate paid to counties or to service providers, who are responsible for securing client housing and providing wraparound treatment services. Counties will receive \$125,000 per felony IST client treated in either a CBR or a diversion program through a separate program services contract. This rate is intended to support an intensive community treatment model with increased frequency of clinical contacts and access to psychiatry services, as well as all wraparound services and housing costs for an average 18-month length of stay. Counties may subcontract with service providers to secure client housing and/or provide wraparound services.

This residential housing program will complement the Institutions of Mental Diseases (IMD) and Sub-Acute infrastructure program funded in the 2021 Budget Act. IMD and sub-acute beds are a key component for treating individuals identified as IST on felony charges in the community. DSH is currently developing new IMD and sub-acute capacity across the state. These beds will be available as a step-down stabilization option for felony IST clients transitioning from jail to the community-based restoration or diversion programs and can also be used when IST clients receiving treatment in these community programs need a higher level of care. Together, these programs will support a comprehensive continuum of community placement and housing options for individuals deemed IST on felony charges across the state.



### 1.3. AUTHORIZATION OF FUNDING

This funding opportunity has been approved through the 2022 Budget Act: [Senate Bill No. 154 Chapter 43](#) and [Welfare and Institutions Code Section 4361.6](#).

### 1.4. TIMELINE

**Table 1: Timeline for Round 1: DSH IST Infrastructure Project**

Request for Proposals (RFP) released	February 22, 2023
Proposal portal opens	March 1, 2023
<a href="#">Informational webinar— Please join webinar here</a>	March 1, 2023
Proposal due date for benchmark 1	May 1, 2023

Award letter 1	June 30, 2023
Proposal due date for benchmark 2	November 1, 2023
Award Letter 2	December 2023
Proposal due date for benchmark 3	May 1, 2024
Award Letter 3	June 2024

## Part Two: Proposal Process and Submission

### 2.1. TOTAL AMOUNTS

#### Round 1: DSH IST Infrastructure Project

DSH is making available \$468.8 million in one-time infrastructure funding to develop residential housing settings to support individuals identified as IST on felony charges who are participating in either diversion or CBR programs. Counties and providers that participate in this funding opportunity must commit to contracting with DSH for a mental health diversion and/or CBR program, as well as a restrictive covenant that the property will be used to serve DSH-identified populations for a minimum of 20–30 years from the date of the award. After expenditure of award funding, any remaining mortgage debt owed to support the full cost of a property’s purchase, as well as ongoing future maintenance of the property, will be paid for through the required DSH diversion/CBR operational contract with the Department.

#### County Funding Reserve Methodology

This program is budgeted through a cost-per-bed, X beds per county formulation, based on a county’s total IST determinations in Fiscal Year 2021–22. Funding allocations are listed on the following page in Table 2. DSH assumed a flat rate of \$750,000 per 8-bed residence, which equates to \$93,750 per bed.

Assuming funding will support the purchase of residential properties, as in the model in the Los Angeles County Office of Diversion and Reentry program, the funding amount is intended to support down payments for the properties and renovations. DSH will offer some flexibility to allow for a variety of residential models that work within the goals of this project. The ongoing debt service (mortgage) would be covered as part of the operating budget obtained through the required services contract with DSH. For the applicants’ planning purposes, the last column below reflects the annual Maximum Operating Budget available to support the ongoing cost of providing services to the patients, assuming the infrastructure funding allocated is for the maximum number of proposed beds identified for each county.

**Table 2: County Bed Allocations**

County Bed Allocations—IST Infrastructure Project					
County	FY 21–22	Proposed Beds	Budget Per Bed	Total Maximum Funding Allocation	Maximum Operating Budget*
	IST Referrals @ 60%				
Alameda	53	88	\$93,750	\$8,250,000	\$9,243,750
Alpine	0	0	\$93,750	\$ -	\$ -
Amador	2	3	\$93,750	\$281,250	\$1,155,357
Butte	30	50	\$93,750	\$4,687,500	\$5,437,500
Calaveras	2	3	\$93,750	\$281,250	\$1,155,357
Colusa	1	2	\$93,750	\$187,500	\$1,011,607
Contra Costa	56	93	\$93,750	\$8,718,750	\$9,675,000
Del Norte	7	12	\$93,750	\$1,125,000	\$1,874,107
El Dorado	16	27	\$93,750	\$2,531,250	\$3,167,857
Fresno	84	140	\$93,750	\$13,125,000	\$13,700,000
Glenn	5	8	\$93,750	\$750,000	\$1,586,607
Humboldt	33	55	\$93,750	\$5,156,250	\$5,868,750
Imperial	12	20	\$93,750	\$1,875,000	\$2,592,857

Inyo	2	3	\$93,750	\$281,250	\$1,155,357
Kern	149	248	\$93,750	\$23,250,000	\$23,043,750
Kings	31	52	\$93,750	\$4,875,000	\$5,581,250
Lake	18	30	\$93,750	\$2,812,500	\$3,455,357
Lassen	2	3	\$93,750	\$281,250	\$1,155,357
Los Angeles**	N/A	1,731	\$93,750	\$162,281,250	\$ -
Madera	17	28	\$93,750	\$2,625,000	\$3,311,607
Marin	13	22	\$93,750	\$2,062,500	\$2,736,607
Mariposa	2	3	\$93,750	\$281,250	\$1,155,357
Mendocino	19	32	\$93,750	\$3,000,000	\$3,856,250
Merced	35	58	\$93,750	\$5,437,500	\$6,656,250
Modoc	1	2	\$93,750	\$187,500	\$1,011,607
Mono	1	2	\$93,750	\$187,500	\$1,011,607
Monterey	37	62	\$93,750	\$5,812,500	\$6,943,750
Napa	17	28	\$93,750	\$2,625,000	\$3,311,607
Nevada	2	3	\$93,750	\$281,250	\$1,155,357
Orange	55	92	\$93,750	\$8,625,000	\$9,531,250
Placer	31	52	\$93,750	\$4,875,000	\$5,581,250
Plumas	2	3	\$93,750	\$281,250	\$1,155,357
Riverside	106	177	\$93,750	\$16,593,750	\$16,862,500

Sacramento	146	243	\$93,750	\$22,781,250	\$22,612,500
San Benito	6	10	\$93,750	\$937,500	\$1,730,357
San Bernardino	168	280	\$93,750	\$26,250,000	\$25,775,000
San Diego	137	228	\$93,750	\$21,375,000	\$21,318,750
San Francisco	16	27	\$93,750	\$2,531,250	\$3,167,857
San Joaquin	62	103	\$93,750	\$9,656,250	\$10,537,500
San Luis Obispo	35	58	\$93,750	\$5,437,500	\$6,156,250
San Mateo	32	53	\$93,750	\$4,968,750	\$5,725,000
Santa Barbara	54	90	\$93,750	\$8,437,500	\$9,387,500
Santa Clara	47	78	\$93,750	\$7,312,500	\$8,381,250
Santa Cruz	40	67	\$93,750	\$6,281,250	\$7,375,000
Shasta	26	43	\$93,750	\$4,031,250	\$4,862,500
Sierra	1	2	\$93,750	\$187,500	\$1,011,607
Siskiyou	8	13	\$93,750	\$1,218,750	\$2,017,857
Solano	53	88	\$93,750	\$8,250,000	\$9,243,750
Sonoma	43	72	\$93,750	\$6,750,000	\$7,806,250
Stanislaus	72	120	\$93,750	\$11,250,000	\$11,975,000
Sutter	9	15	\$93,750	\$1,406,250	\$2,161,607
Tehama	11	18	\$93,750	\$1,687,500	\$2,449,107
Trinity	5	8	\$93,750	\$750,000	\$1,586,607

Tulare	51	85	\$93,750	\$7,968,750	\$8,956,250
Tuolumne	10	17	\$93,750	\$1,593,750	\$2,305,357
Ventura	55	92	\$93,750	\$8,625,000	\$9,531,250
Yolo	21	35	\$93,750	\$3,281,250	\$4,143,750
Yuba	14	23	\$93,750	\$2,156,250	\$2,880,357
<b>Total</b>	<b>3,000</b>	<b>5,000</b>	<b>\$93,750</b>	<b>\$468,750,000</b>	<b>\$348,238,389</b>
<p>* The maximum operating budget includes calculated costs for wraparound services, county overhead, justice partner funding, violence risk assessment support, and court liaison positions.  ** Los Angeles County’s FY 21–22 referrals were higher than estimated when the budget for this program was developed. To stay within budget, Los Angeles will be allocated 5,000 beds less the beds needed for the 57 other counties. Los Angeles County’s operational contract is under negotiation currently, so the total is not reflected here.</p>					

## 2.2. PROPOSAL PROCESS

Approved proposals for the DSH IST Infrastructure Project will be accepted on a rolling basis. Projects that meet program criteria will be eligible for funding until all grant funds are committed. Proposals will only be accepted electronically and may not be hand delivered or mailed. The proposal and attachments, along with instructions for submission of the applicant’s online proposal, can be found on the [DSH IST Infrastructure Project website: https://buildingcaldsh.com/](https://buildingcaldsh.com/). No modified formats of the proposal will be accepted, nor will any attachments provided within the proposal.

Proposals can be submitted at any time after the portal opens on **March 1, 2023**. Approved county proposals will be funded in the order in which they are received. There are three benchmarks for funding awards:

- To be considered for the first benchmark of awards, the deadline for proposals will be **May 1, 2023, at 5:00 p.m. PT.**
- To be considered for the second benchmark of awards, the deadline for proposals will be **November 1, 2023, at 5:00 p.m. PT.**
- To be considered for the third benchmark of awards, the deadline for proposals will be **May 1, 2024, at 5:00 p.m. PT.**

There are five steps in this funding process:

Step 1: County submits proposal(s) identifying the number of beds it proposes to provide.

Step 2: County receives approval or request for revisions from DSH.

Step 3: Upon approval of proposal, AHP executes award agreement(s).

Step 4: County submits project package(s) for each infrastructure project to AHP and DSH for approval.

Step 5: County receives draw-down funding to support their awarded project(s).

It is the county's responsibility to ensure that the submitted proposal is complete and includes all required supporting forms. Reviewers may request additional clarifying information from the county.

### Reasonable Accommodations

Section 508 of the American with Disabilities Act (1990) requires "electronic and information technology to be accessible to people with disabilities. . . . An accessible information technology system is one that can be operated in a variety of ways and does not rely on a single sense or ability of the user."<sup>1</sup> AHP produces all materials in compliance with section 508 for individuals with disabilities.

## 2.3. TECHNICAL ASSISTANCE

AHP implementation specialists will work with counties to provide training and TA from subject matter experts in real estate, financing, and programmatic best practices serving individuals in need of crisis and behavioral health services. This TA may take the form of one-on-one consulting, workgroups, learning communities, webinars, and/or other tools and strategies.

## Part Three: Project Requirements

### 3.1. REQUIREMENTS

Counties will receive \$93,750 per bed for the number of Felony Incompetent to Stand Trial (FIST) beds in each proposed residence. This funding is intended to provide, prepare, and/or improve a building (or buildings) for delivery of diversion/CBR services, such as the initial down payment to purchase a property, refurbishment costs, and/or the costs of furniture needed for occupancy. Counties are required to provide documentation of costs for the infrastructure project, such as proof of purchase of property, costs of rehabilitation construction, and cost of furniture, and/or payment methodology.

This funding opportunity is available to all counties. However, counties must clearly indicate their intention to participate in an ongoing DSH diversion and/or CBR program. All counties are required to execute a contract with DSH to provide a diversion and/or CBR program for individuals deemed IST on felony charges. Through this service contract, DSH will provide \$228.00 per day per resident, up to a maximum of \$125,000 for an anticipated 18-month length of stay, to cover the costs of wraparound services, as well as additional program funding to support other operational costs of these programs. Admission into a diversion and/or CBR program is administered by the courts, and individuals charged with certain types of felonies are excluded; please see Penal Code section 1001.36 for a list of felonies excluded.<sup>2</sup>

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<sup>1</sup> ADA.gov. (n.d.). *Guide to disability rights laws*. <https://www.ada.gov/resources/disability-rights-guide/>

<sup>2</sup> California Penal Code Part 2, Title 6, Ch. 2.8.A. Diversion of Individuals with Mental Disorders, Section 1001.36. [https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=1001.36.&lawCode=PEN](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1001.36.&lawCode=PEN)

DSH's diversion program is intended to serve eligible felony IST defendants in intensive community-based service settings. If defendants are successful in the program, their current charges may be dropped. DSH's CBR program is also community-based treatment, but with the focus of restoring competency so a defendant's criminal proceedings can resume. Once an individual is restored to competency and their charges are resolved, or once an individual completes diversion and the charges are dropped, the county will be responsible for transitioning them from DSH-funded housing to long-term community treatment and support to ultimately reduce the cycle of criminalization.

Counties are required to submit the following with their proposal applications:

- A legally binding letter of intent to contract for operations with DSH utilizing the infrastructure to be funded (Form 3)
- Letters of support for the infrastructure diversion and/or CBR programming from all county stakeholders participating in the county program and planning team, including but not limited to:
  - County Superior Court representative
  - County District Attorney's Office
  - County Public Defender's Office (if one exists)
  - County Administrator/Executive's Office
  - County Behavioral Health Department/Agency
- County's Certification of Prevailing Wage
- County's Certification of Funding Terms

Counties must also commit to using the property to serve a DSH-identified population for 30 years (for new construction projects) or 20 years (for rehabilitation projects). Counties can purchase or lease the property and are required to sign a restricted use covenant and have a long-term lease (for leased properties) in alignment with the covenant for the property. Counties may also subcontract with other entities to provide housing and/or services; however, the County will be responsible for signing the restricted use covenant for the property.

DSH encourages regional models or partnerships between counties and service providers, especially for counties projected to need fewer than six IST allocated beds. In addition, counties with higher numbers of IST allocated beds can apply for larger residences (more than 10 beds) and/or multiple residences. The maximum amount of funding per site will be adjusted to reflect the number of individuals to be served and/or projected impact of the project, based on award assumptions previously specified.

Projects must be compliant with all local, county, state, and federal laws and requirements. Residential units must meet all building codes and adhere to building standards as outlined in California Code of Regulations, Title 24, Part 2.5.<sup>3</sup>

Counties can engage a third-party contractor or community-based organization partner to administer all or a portion of their DSH IST Infrastructure project. Third-party contractors and/or community-based organization partners will be required to provide a Memorandum of Agreement upon award of funds.

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<sup>3</sup> California Department of General Services. (n.d.). [California Building Standards Commission](https://www.dgs.ca.gov/BSC). <https://www.dgs.ca.gov/BSC>

## 3.2. RESIDENTIAL MODEL

The residential model for the DSH IST Infrastructure Project is based on supportive housing models such as Frequent Users System Engagement (FUSE)<sup>4</sup> and the Felony Incompetent to Stand Trial Community-Based Restoration (FIST-CBR) program.<sup>5</sup> FUSE, an initiative of the Corporation for Supportive Housing (CSH), is an evidence-based approach that provides supportive housing with wraparound services. FUSE has been proven to significantly reduce returns to jail, homelessness, and reliance on emergency health services. The FIST-CBR, created by DSH and Los Angeles County's Office of Diversion and Reentry (ODR), provides housing, competency restoration treatment, case management, individual and group therapy, and medication management. These models combine community-based supportive housing with direct services, such as intensive case management, medical and behavioral health treatment, and specialized pretrial probation services, to restore individuals to competency.

For this funding opportunity, residences are intended to be home-like settings to serve between 6 and 10 individuals for an anticipated 18-month length of stay. Counties that have larger IST populations can propose larger residences or multiple projects to meet the needs of their community and take advantage of economies of scale. Counties with smaller IST populations are encouraged to partner with other counties to develop residences that will meet the needs of their respective IST individuals.

Regardless of size, residences must provide individual bedrooms, bathroom facilities, shared living spaces, and access to outdoor spaces. DSH will consider a variety of licensed and unlicensed residential treatment homes and facilities, including but not limited to Board and Care, Adult Care Facilities, and sober living.

As mentioned previously, counties must contract with DSH to operate a diversion and/or CBR program, which will be supported by a \$228.00 per day reimbursement per resident (up to a maximum of \$125,000 for an anticipated 18-month length of stay). Residences must provide individuals with access to supportive staff and a variety of therapeutic and wraparound supportive services<sup>6</sup>, including but not limited to the following:

- Intensive case management
- Mental health treatment
- Substance use disorder treatment
- Medication management
- Peer support services
- Vocational and rehabilitative services
- Assistance with filling out job application and benefits entitlement paperwork
- Group sessions, including wellness groups

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<sup>4</sup> CSH. (n.d.). *FUSE*. <https://cshorg.wpengine.com/fuse/#intro>

<sup>5</sup> Office of Diversion and Reentry. (n.d.). *Jail-based/clinical diversion innovative programs*. Health Services Los Angeles County. <https://dhs.lacounty.gov/office-of-diversion-and-reentry/our-services/office-of-diversion-and-reentry/jail-based-clinical-diversion-innovative-programs/>

<sup>6</sup>“Wraparound services’ means services provided in addition to the mental health treatment necessary to meet the individual’s needs for successfully managing the individual’s mental health symptoms and to successfully live in the community.” *California Code, Welfare and Institutions Code - WIC § 4361*. <https://codes.findlaw.com/ca/welfare-and-institutions-code/wic-sect-4361/>

- Family reunification services
- Linkages to community resources
- Criminal justice coordination
- Transportation to/from medical appointments

Community outreach and engagement will be essential to support and sustain the program over time. In addition to required letters of support for diversion and/or CBR programs, counties are encouraged to obtain letters of support for their projects from community partners. Partnerships with a variety of community providers for service delivery and/or care coordination are also critical to successful outcomes for individuals. Findings from a recent study of FIST-CBR found that linkages to community providers and services are fundamental to successful outcomes; however, this requires frequent communication and coordination across numerous providers.<sup>7</sup>

### 3.3. ACCESSIBILITY AND NONDISCRIMINATION

All projects proposed and funded shall adhere to the accessibility requirements set forth in California Building Code Chapters 11A and 11B and the Americans with Disabilities Act, Title II. In addition, developments shall adhere to either the Uniform Federal Accessibility Standards (UFAS), 24 CFR Part 8, or the U.S. Department of Housing and Urban Development’s (HUD) modified version of the 2010 ADA Standards for Accessible Design (Alternative 2010 ADAS), HUD-2014-0042-0001, 79 FR 29671 (5/27/14) (commonly referred to as “the Alternative Standards” or “HUD Deeming Memo”). Accessible units shall, to the maximum extent feasible and subject to reasonable health and safety requirements, be distributed throughout the project and be available in a sufficient range of sizes and amenities consistent with 24 CFR Part 8.26.

Awardees shall adopt a written nondiscrimination policy requiring that no person shall—on the grounds of race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, age, medical condition, genetic information, citizenship, primary language, immigration status (except where explicitly prohibited by federal law), justice system involvement (except where explicitly required by law), or arbitrary characteristics—be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any project or activity funded in whole or in part with funds made available pursuant to this RFP. Nor shall all other classes of individuals protected from discrimination under federal or state fair housing laws, individuals perceived to be a member of any of the preceding classes, or any individual or person associated with any of the preceding classes be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any project or activity funded in whole or in part with funds made available pursuant to this RFP.

Awardees shall comply with the requirements of the Americans with Disabilities Act of 1990, the Fair Housing Amendments Act, the California Fair Employment and Housing Act, the Unruh Civil Rights Act, Government Code Section 11135, Section 504 of the Rehabilitation Act of 1973, and all regulations promulgated pursuant to those statutes, including 24 CFR Part 100, 24 CFR Part 8, and 28 CFR Part 35.

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<sup>7</sup> Ibid.

### 3.4. STATE AND FEDERAL PREVAILING WAGE

A county's DSH IST Infrastructure project is a "public works" project if the county intends to use the DSH IST Infrastructure Project funds for the "[c]onstruction, alteration, demolition, installation, or repair" of a building or structure (Cal. Lab. Code Section 1720(a); Cal. Lab. Code Section 1750(b)(1)). Counties using DSH IST Infrastructure funding to fund public works are subject to California's prevailing wage and working hours laws (Division 2, Part 7, Chapter 1 of the California Labor Code) and the county's project is subject to compliance monitoring and enforcement by the Department of Industrial Relations (Cal. Lab. Code Section 1771.4(a)(1)).

Counties must complete Form 1: County's Certification of Prevailing Wage as a part of the proposal process. If DSH selects a county to receive DSH IST Infrastructure Project funding and the county is using the money to fund a public works project, then the county shall submit a Certification of Compliance that includes an attestation from the general contractor certifying that the general contractor will comply with California's prevailing wage and working hours laws (including posting job notices, as required by Labor Code Section 1771(a)(2)). The Certification of Compliance shall also state that the general contractor will maintain its labor records in compliance with all applicable state laws (Cal. Lab. Code Section 1776) and shall make all labor records available to the Department of Industrial Relations and any other applicable enforcement agencies upon request (Cal. Lab. Code Section 1771.4(a)(3)). The general contractor(s) and the county shall sign the Certification of Compliance.

If DSH selects a county to receive DSH IST Infrastructure funding and the county is not using the money to fund a public work, then the county shall submit a Certification of Inapplicability to DSH explaining why the project is not a public work as defined by California Labor Code Section 1720. The general contractor(s) and the county shall sign the Certification of Inapplicability.

## Part Four: Award Process

### 4.1. PROPOSAL CRITERIA

1. Completed proposal, submitted electronically via the portal
2. Standard letter of intent to contract with DSH for a diversion and/or CBR program (Template provided)
3. Letters of support from county departments (See Section 3.1)
4. Attestation that the project will meet federal, state, and local laws and regulations

### 4.2. AWARD PROCESS

As mentioned previously, there are five steps in the award and funding process: submit proposal, receive approval or request for revisions, execute award, submit project packages for each infrastructure project, and begin to draw down funds to support awarded projects. After submission of the proposal, counties will receive an award email with a Program Funding Agreement (PFA) from AHP based on the approved number of beds proposed. The agreement must be signed, returned, and fully executed with AHP before initial funding will be awarded. This agreement will spell out what information and documents are necessary for each proposed infrastructure project, including but not

limited to an itemized budget, supporting documentation, construction documents and/or proof of site control, and any Memoranda of Agreement with housing or direct service partners. After the project package is completed and approved, counties can begin to draw down funds to support their project(s).

Funds awarded pursuant to the project must be used to supplement, and not supplant, other funding available from existing local, state, or federal programs or from grants with similar purposes. Funding may not be used for “reimbursement” of previously expended funds. Only those costs that can be associated with completing the project would be eligible costs.

DSH reserves the right to withdraw an award offer and/or recoup funds from counties if projects are no longer in compliance with their PFA.

### 4.3. APPEALS

California law does not provide a protest or appeal process against award decisions made through an informal selection method. Counties submitting a response to this RFP may not protest or appeal the award. All award decisions made by DSH shall be final.

## Part Five: Project Operations

### 5.1. DISBURSEMENT OF FUNDS

The PFA will set forth the general conditions for disbursement of funds. Once the PFA between the awardee and AHP is fully executed, counties can authorize work to begin on their project and/or draw down funds. Counties are responsible for managing their own project’s legalities and construction management.

Fundamental PFA requirements include the following:

- Proof of Insurance
- Certification of Adhering to Prevailing Wage (for construction/rehabilitation projects)
- Construction Contract Rider (for construction/rehabilitation projects)
- Sponsors’ Responsibilities
- Notice and Cures
- Indemnity
- Quality Project Management
- All Costs Allocatable with Proof of Payment
- Fiscal Management
- Fiduciary Responsibilities
- Long-Term Program Management

In addition to the above, there are two documents necessary to ensure the 30-year covenant to service provision for the IST population: a performance deed of trust on the property and a declaration of restriction for a 30-year service agreement for new properties and a 20-year service agreement for rehabilitation construction. Both are required for all projects.

Upon notice of award, counties are required to submit a full, complete, and accurate budget and will be responsible for submitting invoices, revised budgets, and schedules to AHP for approval. Counties must ensure that expenses are allowable under the contract and will be expected to provide sufficient backup documentation. Counties shall be solely responsible for any costs to complete the project in excess of the program funds award amount. Neither DSH nor AHP will be responsible for any cost overruns. Additional details regarding the funding and disbursement process will be provided upon award.

## 5.2. PROJECT OVERSIGHT AND REPORTING

As specified by DSH and upon request, counties shall provide progress reports in connection with the statement of work, budget, and any updates for completion of the project. The progress reports should include the project’s completion of milestones and any updates or substantial changes. Counties shall promptly notify DSH of any changes in organization, authorization, or capacity. This information will be outlined in the PFA.

Counties are required to meet state financial and administrative reporting requirements and submit data through an online portal which will be developed for this project. Reporting requirements will include quarterly reports and a final report. Funding will be contingent upon provision of timely submission of data and reporting. These requirements will be fully detailed upon award.

In addition to the foregoing, each awardee shall submit to DSH periodic reports, updates, and information as deemed necessary by DSH to monitor compliance and/or perform project evaluation. Any requested data or information shall be submitted electronically in a format provided by DSH.

Additional reporting requirements may be required by DSH for up to 30 years after the date of award.

Counties will be assigned an Implementation Specialist from AHP to assist them in the contracting and implementation process. The Implementation Specialist will be available on a regular basis to answer questions, facilitate program operations, and connect with AHP’s extensive TA resources. AHP’s TA includes subject matter experts and resources on real estate development and planning, treatment modalities and therapeutic programming, and program operations.

## Part Six: Proposal Worksheet

The online proposal includes the following pages for you to complete.

THIS IS A WORKSHEET, NOT THE REAL PROPOSAL. SUBMIT PROPOSALS ONLINE.

County	<ul style="list-style-type: none"> <li>• Select the California county accepting funds. (<i>dropdown</i>)</li> <li>• Which one county department will be accepting, implementing, and monitoring the funds? (<i>free text entry, one line</i>)</li> </ul>
County Contact Information <ul style="list-style-type: none"> <li>• Primary Contact</li> <li>• Secondary Contact</li> </ul>	For each contact: <ul style="list-style-type: none"> <li>• First Name</li> <li>• Last Name</li> </ul>

<ul style="list-style-type: none"> <li>• Director Contact</li> </ul>	<ul style="list-style-type: none"> <li>• Title</li> <li>• Department</li> <li>• Phone</li> <li>• Email</li> <li>• Address</li> <li>• City</li> <li>• State</li> </ul>
Will this be a collaborative effort across multiple counties?	<p>Yes/No</p> <p><i>If Yes:</i> Please provide the name and contact information on any collaborating counties (county name, department, contact first name, contact last name, email, phone).</p>
Number of beds	Please list the number of beds to be provided.
What is the type(s) of infrastructure proposed?	<p>The infrastructure project will entail the following: (Check all that may apply)</p> <ul style="list-style-type: none"> <li>• Down payment on a property</li> <li>• Acquisition of a property</li> <li>• Long-term lease of a property</li> <li>• Ground-up construction of property</li> <li>• Renovation of a property</li> <li>• Purchase of furniture</li> </ul>
Letter of intent to contract with DSH	Please upload a letter of intent to contract with DSH for diversion and/or CBR programming, based on the template provided in the RFP.
Letters of support from key stakeholders	<p>Please upload any letters of support gathered from key stakeholders as outlined in section 3.1 of the RFP.</p> <p><i>(Multiple document upload)</i></p> <ul style="list-style-type: none"> <li>• County Superior Court representative</li> <li>• County District Attorney’s Office</li> <li>• County Public Defender’s Office (if applicable)</li> <li>• County Administrator/Executive’s Office</li> <li>• County Behavioral Health Department/Agency</li> </ul>
County’s Certification of Prevailing Wage	Please upload Form 1: County’s Certification of Prevailing Wage
County’s Certification of Funding Terms	Please upload Form 2: County’s Certification of Funding Terms

## Part Seven: Attachments

Counties must include all of the following attachments with the proposal. All required forms and supporting documents must be completed and uploaded in the website portal.

Attachment 1: Letter of intent to contract with DSH (See template provided)

Attachment 2: Letters of support from key county stakeholders, including, but not limited to:

- County Superior Court representative
- County District Attorney's Office
- County Public Defender's Office (if applicable)
- County Administrator/Executive's Office
- County Behavioral Health Department/Agency

Form 1: County's Certification of Prevailing Wage

Description: Certification with an attestation from the general contractor that the general contractor will comply with California's prevailing wage and working hours laws

Form 2: County's Certification of Funding Terms

Description: Certification that the county will receive, expend, and administer all funds received under this initiative pursuant to the terms outlined

[date]

California Department of State Hospitals  
Stephanie Clendenin, Director  
1215 O Street  
Sacramento, CA 95814

Subject: Letter of Intent to Contract

Dear Ms. Clendenin:

This letter is to confirm COUNTY NAME's intent to contract with the Department of State Hospitals (DSH), for purposes of serving Felony Incompetent to Stand Trial (FIST) defendants in the community through a FELONY MENTAL HEALTH DIVERSION/COMMUNITY-BASED RESTORATION program. COUNTY NAME will use the beds funded by DSH through the Incompetent to Stand Trial Diversion and Community-Based Restoration Infrastructure Project to implement programming to admit up to XX FIST clients per year after activation. COUNTY NAME will execute said contract and implement programming that provides clinically appropriate, evidence-based mental health treatment and wraparound services for all FIST clients housed in infrastructure awarded through the Infrastructure Project.

Sincerely,

AUTHORIZED COUNTY REPRESENTATIVE  
TITLE  
DEPARTMENT  
COUNTY

cc:

# Form 1: County's Certification of Prevailing Wage

I, \_\_\_\_\_, as Lead Authorized Representative of \_\_\_\_\_ (insert name of county), certify that:

1. The information and statements set forth below are, to the best of my knowledge and belief, true and correct.
2. I possess the legal authority to submit this certification on behalf of the County.
3. I am providing this information in conjunction with an application for funding from the State of California Department of State Hospitals' (DSH's) Incompetent to Stand Trial Diversion and Community-Based Restoration Infrastructure Project and acknowledge that the State and its administrator, Advocates for Human Potential, Inc. (AHP), are relying on this information in awarding grant funds.
4. For construction projects, the County will submit a construction budget prepared with the assistance of a licensed contractor, architect, or experienced construction manager that specifically adheres to the compliance requirements that all construction work will be performed by skilled workers being paid current prevailing wages for the project's region, pursuant to California Labor Code 1720 et seq. I further certify that the County shall, in constructing the project, meet the prevailing wage requirements for construction projects in the State of California (Lab. Code, Sec 1720 et seq.). The County shall, prior to commencing construction of the project, provide a certification of compliance with California's prevailing wage law, registration with the California Department of Industrial Relations (DIR), as well as compliance with all applicable federal prevailing wage law. The certification shall (a) verify that prevailing wages have been or will be paid, (b) verify that labor records will be maintained and made available to any enforcement agency upon request, (c) verify that the County's contractor is registered with DIR and (d) be signed by the general contractor(s) and the County.

The County shall defend, indemnify, and hold harmless DSH, the State of California, and all officers, trustees, agents, and employees of the same, as well as AHP, from and against any and all claims, losses, costs, damages, or liabilities of any kind or nature, including attorneys' fees, whether direct or indirect, arising from or relating to the project.

I certify that the above information is true and correct and that County will comply with all requirements set forth above as a condition of receiving the grant funds.

\_\_\_\_\_

Signature of Lead Authorized Representative

\_\_\_\_\_

Date

\_\_\_\_\_

Typed Name of Signatory

\_\_\_\_\_

Title of Signatory

## Form 2: County's Certification of Funding Terms

I, \_\_\_\_\_, as the Lead Authorized Representative of \_\_\_\_\_ (name of county) certify that:

1. The information, statements, and attachments included in this application are, to the best of my knowledge and belief, true and correct.
2. I possess the legal authority to submit this application on behalf of the entity identified as the County for funding.
3. The following is a complete disclosure of all identities of interest—of all persons or entities, including affiliates, that will provide goods or services to the Department of State Hospitals' (DSH's) Incompetent to Stand Trial Diversion and Community-Based Restoration Infrastructure Project (Project) either (a) in one or more capacity or (b) that qualify as a "Related Party" to any person or entity that will provide goods or services to the Project. "Related Party" is defined in Section 10302 of Title 4 of the California Code of Regulations (CTCAC Regulations).

4. As of the date of the application, the Project, or the real property on which the Project is proposed (Property), is not party to or the subject of any claim or action at the state or federal appellate level.
5. I have disclosed and described below any claim or action undertaken that affects or potentially affects the feasibility of the Project. In addition, I acknowledge that all information in this application and attachments is public and may be disclosed by the State.
6. I understand and agree that DSH will require Counties to submit a complete application with all required documents. Further, I understand and agree that DSH reserves the right to request clarification of unclear or ambiguous statements made in an application and in other supporting documents.
7. I understand and agree with DSH that funds awarded pursuant to the program must be used to supplement, and not supplant, other funding available from existing local, state, or federal programs or from grants with similar purposes. Funding may not be used for "reimbursement." Only those costs that can be associated with completing the project would be eligible costs, per the Welfare and Institutions Code, Section 5960.15.
8. I further warrant and certify that County will comply with the following guidelines as a condition of receiving this funding:

- a. County commits to serving the felony IST population as identified by the courts for the Project.
- b. County commits to the provision of services and building use restrictions (property title shall be legally encumbered for required term) for 20 years for rehabilitation projects or 30 years for new construction after the project is placed in service.
- c. County shall use professionally licensed and insured contractors to carry out the work required for the Project.
- d. County shall comply with all applicable federal, state, and local relocation laws and shall have an approved relocation plan prior to proceeding with any phase of the Project that will result in the displacement of persons or businesses, if the proposed project requires relocation of any current residents.
- e. County shall adhere to the accessibility requirements set forth in California Building Code Chapter 11A and Chapter 11B and the Americans with Disabilities Act, Title II.
- f. County shall meet the prevailing wage requirements for construction projects in the State of California (Lab. Code, Sec 1720 et seq.). County shall provide a certification of compliance with California’s prevailing wage law, as well as all applicable federal prevailing wage law. The certification shall (a) verify that prevailing wages have been or will be paid, (b) verify that labor records will be maintained and made available to any enforcement agency upon request, and (c) be signed by the general contractor(s) and the County.
- g. County shall collect and report data to DSH as required.

The County shall defend, indemnify, and hold harmless the Authority and the State of California, and all officers, trustees, agents, and employees of the same, as well as Advocates for Human Potential, Inc. (AHP), the third-party administrator, from and against any and all claims, losses, costs, damages, or liabilities of any kind or nature, including attorneys’ fees, whether direct or indirect, arising from or relating to the Project.

I certify that [insert County name] will receive, expend, and administer all funds received under this initiative pursuant to the terms outlined above and understand this is a condition of receiving such funds.

The information provided within the form and attached is true and correct.

\_\_\_\_\_  
Signature of Lead Authorized Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed Name of Signatory

\_\_\_\_\_  
Title of Signatory