

RFP NO. \_\_\_\_\_

**STATE OF XYZ**  
**DEPARTMENT OF MENTAL HEALTH**

**REQUEST FOR PROPOSALS**

for

**The FINANCE, DESIGN, CONSTRUCTION and OPERATION of  
ABC STATE HOSPITAL**

ISSUING OFFICE: DEPARTMENT OF MENTAL HEALTH  
DIVISION OF PROCUREMENT  
STATE OF XYZ

PROJECT OFFICER: \_\_\_\_\_

FAX: \_\_\_\_\_

PHONE: \_\_\_\_\_

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# ABC STATE HOSPITAL REQUEST FOR PROPOSALS

## DEFINITIONS

The definitions set forth below shall apply to this Request for Proposals (“RFP”) for the Operation, Financing, Design and Construction of ABC State Hospital.

**Available Bed-Day** - A 24-hour service unit during which all appropriate and necessary care and services are available to meet the needs of the typical resident, regardless of whether the bed is currently occupied.

**Contract(s)** - One or more written agreements entered into between the selected Proposer and the Department which describe the duties and responsibilities of each party and are made in accordance with the terms of this RFP.

**Cost Proposal** - The part of the Proposer’s Proposal that sets forth the cost data required by this RFP.

**Cover Letter** - The Department’s Cover Letter which accompanies this RFP.

**Department** - The State of XYZ Department of Mental Health.

**Department of General Services or DGS** - The Department of General Services of the State of XYZ.

**Existing Facility** - The facility currently housing the operations of ABC State Hospital.

**Existing Facility Management Agreement** - The Management Agreement to be entered into by the Department and the successful Proposer for the management and operation of the Existing Facility.

**Facility or ABC State Hospital** - May refer to the Existing Facility or the New Facility, as applicable.

**Financing Documents** - A Contract(s) reflecting a financing structure which offers flexibility and maximizes the State of XYZ’s options for successfully completing the construction of the New Facility.

**Fiscal Year** – ABC State Hospital’s fiscal year commences on July 1 and ends on June 30.

**Forensic Patients** - Patients of ABC State Hospital that are under the control of the State’s criminal justice system in accordance with Sections 1234-5678 of the Mental Health Procedures Act.

**Issuing Office** - The Department’s Division of Procurement and DGS.

***Joint Commission on Accreditation of Health Care Organizations or Joint Commission***

The nationally recognized accrediting body of health care organizations. The Joint Commission develops accreditation standards, awards accreditation status and provides education and consultation to health care organizations.

***Key Subcontractor*** - A person or entity that will enter into a Subcontract with Proposer for services to be provided to the State of XYZ hereunder if (i) the Subcontract for consideration is greater than \$250,000 or (ii) if such party is an otherwise integral part of Proposer's team, as determined by Proposer in its sole discretion.

***Management Agreement*** - The Existing Facility Management Agreement or the New Facility Management Agreement, as applicable.

***Mental Health Procedures Act*** - The State of XYZ Mental Health Procedures Act, codified as 11.xxxxx.

***New Facility*** - The new facility to be constructed to house the operations of ABC State Hospital in accordance with the terms of this RFP.

***New Facility Management Agreement*** - The Management Agreement to be entered into by the Department and the successful Proposer for the management and operation of the New Facility.

***Project*** - All services tasks contemplated by this RFP, including, operation of the Facility (both the New Facility and the Existing Facility) and the financing, design and construction of the New Facility.

***Proposal*** - the Cost Proposal, Technical Proposal and all other elements of the proposal submitted by a Proposer to the Department in response to this RFP, and any subsequent modifications or amendments thereto.

***Proposer*** - A party submitting a Proposal pursuant to this RFP.

***Proposer's Library*** - A collection of reference documents and materials relevant to ABC State Hospital available for use by Proposers as described in Part I, Section I of this RFP.

***Proposing Entity*** - The business entity, whether such entity is a corporation, limited liability company, partnership or other entity, that is a Proposer hereunder.

***Provider*** - The successful Proposer for this RFP which enters into a Contract(s) directly with the Department for the Project specified herein.

***Resident*** - A person who is either detained or committed at the Facility, whether voluntarily or involuntarily, under the provisions of the Mental Health Procedures Act.

***Subcontract*** - An agreement between Provider and a subcontractor to perform any requirement of a Contract(s).

***Technical Proposal*** - The part of the Proposal setting forth the technical elements of the Project as required by this RFP.

**I. GENERAL INFORMATION FOR PROPOSERS**

**A. PURPOSE**

ABC State Hospital is one of eight remaining mental hospitals owned and operated by the State of XYZ through the Department. ABC State Hospital's Residents include both civil patients and patients under the control of the criminal justice system or forensic patients. Over the past few decades, the State of XYZ has relied on the deinstitutionalization mental health treatment concept as guidance for establishing appropriate treatment models for ABC State Hospital's Residents. However, despite this practice, the Facility has fallen out of step with modern trends in mental health treatment because the Facility does not offer a design that is conducive to the implementation of certain new innovative treatment concepts. Further, the Facility is in need of substantial and costly repairs. The Department believes that the time has come to rebuild ABC State Hospital so that it has the ability to provide top quality treatment to its Residents in a comfortable and secure setting while streamlining expenditures to produce efficiency. The State of XYZ desires to engage a Provider for this Project that will partner with the State of XYZ to improve service at the Facility and streamline operations.

The State of XYZ seeks a Provider that will manage the Existing Facility within the cost parameters of the Facility's current fiscal year 2005-2006 budget. Further, the State of XYZ seeks a Provider that will streamline operations to produce savings that will be used to finance the construction of the New Facility. The State of XYZ desires that Proposers submit Proposals whereby the cost to manage the New Facility plus the annual debt service on construction of the new facility will be less than the actual costs incurred by ABC State Hospital during fiscal year 2005-2006 plus a 3% year-by-year annual increase.

The purpose of this RFP is to solicit Proposals from Proposers to provide the State of XYZ with finance, design, construction and operation services through a multi-tiered approach. As such, there may be four (4) or more Contracts resulting from this RFP as follows:

- A Contract to design and construct the New Facility ("Design and Construction Agreement").
- A Contract to operate the Existing Facility during construction of the New Facility ("Existing Facility Management Agreement").
- A Contract to operate the new facility when completed ("New Facility Management Agreement").
- A Contract(s) reflecting a financing structure which offers flexibility and maximizes the State of XYZ's options for successfully completing the construction of the New Facility ("Financing Documents").

The Department intends to award all Contracts referenced herein to a single Proposer selected as a result of this RFP. Therefore, all Proposals must address the full scope of service tasks delineated in this RFP in order to be deemed responsive. Notwithstanding, no Provider shall be required to directly provide all of the services delineated in this RFP. Provider may subcontract with a third party for the provision of certain services hereunder, provided, however, that Provider shall be ultimately responsible for the satisfactory provision of all service tasks described in this RFP, regardless of whether Provider provides the services to the State of XYZ directly or indirectly. The award of any Contracts that may result from this RFP shall be made to the responsive and responsible Proposer whose submission is determined to be most advantageous to the State of XYZ using the evaluation criteria set forth in Part IV herein.

B. ISSUING OFFICE

This RFP is jointly issued for the State of XYZ by the Division of Procurement, Department of Mental Health and the Department of General Services. The Project Officer is the sole point of contact for this RFP. Contact with any other Department or DGS official or consultant or contractor to the Department or DGS concerning this RFP, unless authorized by the Project Officer or occurring at the Mandatory Bidder's Conference, is grounds for disqualification.

The name and contact information for the Project Officer is set forth on the cover page of this RFP.

C. SCOPE

This RFP contains (1) instructions governing the Proposals to be submitted and the material to be included therein; (2) a description of the services to be provided; (3) requirements which must be met for the Proposal to be eligible for consideration; and (4) general evaluation criteria.

D. PROBLEM STATEMENT

ABC State Hospital is located in YYY County and serves both civil patients and forensic patients. ABC State Hospital facility currently has X number of licensed beds. Y of the licensed beds are reserved for ABC State Hospital's civil population and Z of the licensed beds are reserved for ABC State Hospital's forensic patients.

ABC State Hospital's actual cost for Fiscal Year 2003-2004 was \$XX million. ABC State Hospital's budget for Fiscal Year 2004-2005 projected expenditures is approximately \$BB million. The 2004-2005 budget allocated \$AZ for salary and benefits and \$AB for operational expenses. The inefficiencies of operation at ABC State Hospital are becoming increasingly costly for the State of XYZ, and, therefore, the State of XYZ is interested in Proposals offering solutions that will allow for streamlined operations at ABC State Hospital while increasing the level of care to ABC State Hospital's Residents.

Further, although ABC State Hospital is a venerable institution, ABC State Hospital's physical layout and condition are not conducive with modern trends in mental health treatment which are based on the concept of treatment in a non institutional, recovery-friendly setting. As such, the State of XYZ desires to achieve the following objectives with respect to ABC State Hospital:

- Provide a safe and secure environment for all of ABC State Hospital's Residents while addressing the particular safety concerns for ABC State Hospital's forensic patients;
- Provide quality treatment, risk assessment, symptom management and discharge planning for all of ABC State Hospital's Residents;
- Provide active treatment and integrated activities that focus intensely on the goals of treatment relevant to the Residents' eventual return to and reintegration into the community.
- Achieve and maintain Joint Commission Accreditation and comply with federal, State and local laws and regulations governing Facility operations.
- Streamline operations at ABC State Hospital to free up capital to invest in the construction of a New Facility.
- Design and construct a New Facility that is safe and secure and can facilitate treatment of Residents in a non institutional, recovery-friendly environment and that complies with all applicable federal, State and local laws and regulations.

Proposer must show how its performance under the Contracts that may result from this RFP will support and further the Department's efforts to achieve the goals outlined above.

E. TYPE OF CONTRACT

The Department may enter into four (4) or more different contracts with the selected Proposer on terms to be negotiated between the Department and the selected Proposer. The Contracts contemplated by this RFP are as follows:

- Design and Construction Agreement. The Department will enter into a Contract for the design and construction of the New Facility in accordance with plans and specifications proposed by Proposer and agreed upon by the parties.
- Existing Facility Management Agreement. The Department will enter into a Contract for the management and operation of the Existing Facility in accordance with the specifications set forth in this RFP and on terms to be agreed upon by the parties. The Existing Facility Management Agreement will not obligate Provider to make lease payments with respect to the Existing Facility nor will Provider be liable for repairs or improvements to the Existing Facility. Provider will receive

an annual flat fee for services which shall be disbursed in twelve (12) equal monthly installments.

- New Facility Management Agreement. The Department will enter into a Contract for the management and operation of the New Facility in accordance with the specifications set forth in this RFP and on terms to be agreed upon by the parties. Notwithstanding, the New Facility Management Agreement will provide for the lease of the New Facility to Provider for a term of not less than twenty-three (23) years. Provider will receive an annual flat fee for services which shall be disbursed in twelve (12) equal monthly installments.
- Lease/Purchase Agreement. The Department will enter into a Contract(s) reflecting a financing structure which offers flexibility and maximizes the State of XYZ's options for successfully completing the construction of the New Facility on terms mutually agreeable to the parties. The State of XYZ intends to finance the construction of the New Facility through a tax exempt bond financing through which tax exempt bonds would be issued by the XXX County Industrial Development Authority.

Negotiations may be undertaken with a Proposer who demonstrates the requisite qualifications, responsibility, and capability for performing the Project as to price and the other evaluation criteria set forth in this RFP.

F. INCURRING COSTS

Neither the Department, DGS nor the State of XYZ is liable for any costs incurred by Proposer prior to issuance of the Contracts.

G. MANDATORY BIDDER'S CONFERENCE; QUESTIONS

The Department plans to hold a mandatory mandatory bidder's conference and site visit after the release of this RFP. The Cover Letter to this RFP provides the date, time, and location of the session. Attendance at the session is mandatory.

Proposers must submit written questions to the Project Officer by mail or fax, for receipt by the deadline listed in the Cover Letter to this RFP. The Department will respond first at the mandatory bidder's conference to questions received in writing before the deadline; additional written questions may be submitted at the mandatory bidder's conference; and oral questions will be taken only if time permits. Another round of questions will be accepted after the bidder's conference. The Department will make a good faith effort to answer all questions directly related to this RFP and the Project, however, questions determined to be repetitive, classified as confidential information as part of the bidding or contracting process, or those for which the Department has no additional information beyond what is already included in this RFP, will not be addressed. To the degree possible, the Department and its consultants will provide official, written answers shortly after the deadline for submitting questions but in no event

more than five (5) business days thereafter. Answers furnished during the sessions will not be considered official until verified in writing by the Department.

H. ABC STATE HOSPITAL DATA BOOK

Following release of the RFP, the Department will release a document containing historical operational and demographic data on ABC State Hospital. This ABC State Hospital Data Book will be made available to interested parties who submit a written request to the Issuing Office.

I. PROPOSERS' LIBRARY

The Project Officer will make the ABC State Hospital Data Book and other documents relevant to this Project, available for review at a Proposers' Library located at \_\_\_\_\_.

J. AMENDMENTS TO THE RFP

If it becomes necessary to revise any part of this RFP, an amendment will be issued by the Department and issued to all Proposers that requested the RFP and provided the Department with a mailing address.

Addenda will be available at the Issuing Office and posted on the Department's website address which is indicated on the Cover Letter. If a Proposer obtained this RFP from the Department's website and the Proposer has not provided the Department with a mailing address, the Proposer is obligated to obtain any issued addenda from the website. Receipt of each issued addendum shall be acknowledged in the Proposal if required by the Addendum.

K. RESPONSE DATE

To be considered, Proposals must arrive at the Department's Division of Procurement, State of XYZ on or before the time and date specified in the Cover Letter. Proposers mailing Proposals should allow sufficient mail delivery time to ensure timely receipt by the Department of the Proposal. Proposals received after the submission deadline will be disqualified.

L. PROPOSAL IDENTIFICATION AND SUBMISSION REQUIREMENTS

The Proposal must be separated into parts and sealed as specified below:

1. Technical Proposal. The Technical Proposal must be properly identified inside and out with the RFP number, opening date and time, and location. No cost information may appear in the Technical Proposal.
2. Cost Proposal. The cost and price analysis required must be properly identified inside and out and be sealed and separate from the Technical Proposal.

3. To be considered, Proposers must submit a complete response to this RFP (consisting of Items 1 and 2 above), using the format described in Part II hereof. Ten (10) copies of each Proposal should be submitted to the Issuing Office.

M. ACCEPTANCE OR REJECTION OF PROPOSALS; WAIVER OF MINOR IRREGULARITIES

Except as otherwise provided herein, no changes, modifications or additions to any Proposal submitted will be accepted by or binding on the Department after the deadline for submitting Proposals has passed. Proposals not received at the specified place or by the specified date will be rejected and returned unopened by the Department. Proposals must be signed by an official authorized to bind the Proposer to its provisions. The Proposal must remain valid for at least 120 days.

The Department reserves the right to waive minor irregularities when to do so would be in the best interest of the Commonwealth. The Department reserves the right to reject any and all Proposals received as a result of this RFP, or to negotiate separately with competing Proposers. If all Proposals submitted in response to this RFP are unacceptable, the Department reserves the right to reject the Proposals and to rebid the Project. The Department reserves the right to cancel this RFP at any time prior to a fully executed contract, and, if desired, to reissue the RFP.

N. PROPOSER QUALIFICATIONS

In addition to meeting the requirements set forth elsewhere in this RFP, a Proposer submitting a Proposal pursuant to this RFP must have the following qualifications:

- Minimum of 5 years experience as an operator in managing an in-patient psychiatric hospital for severely and persistently mentally ill persons with at least 200 beds
- Experience in finance, design, and construction of a state-of-the-art in-patient psychiatric hospital for severely and persistently mentally ill persons of at least 200 beds

O. ADDITIONAL RULES OF PROCUREMENT

1. Technical Proposal

The Department may ask a Proposer to clarify in writing portions of the Technical Proposal at any time prior to awarding of a Contract. If such a clarification is requested, such Proposer will be given reasonable time in which to formulate a response.

2. Cost Proposal

Each Proposer's Cost Proposal will be subject to a Cost Proposal evaluation process in accordance with the evaluation criteria set forth in Part IV hereof.

3. Contract Awards; RFP Evaluation Committee

The RFP evaluation committee will submit its findings to the Secretary of Mental Health. The Secretary shall have the sole right to select a Provider to provide services to the Department with respect to the Project. The Department will send written notice of intended contract award to the selected Proposer. The letter will include instructions concerning the negotiation process for issuing a Contract.

The Department reserves the right to negotiate any rate offered by a Proposer. The Department shall have the sole right to make the final rate offer during Contract negotiations. If the selected Proposer does not accept the Department's final offer, the Department may, in its sole discretion, reject the Proposal and start negotiations with a competing Proposer.

4. Withdrawal and Resubmission of Proposals by Proposer

Proposers may withdraw and resubmit revised Proposals, or withdraw Proposals completely, at any time up to the Proposal submission deadline. Withdrawal notices must be submitted in writing and clearly identify the Proposal being withdrawn.

5. Independent Price Determination

Each Proposer must develop its Cost Proposal independently and without collusion, consultation, communication, or agreement with any other Proposer as to any matter relating to the Project. Failure to comply with this requirement will result in disqualification.

P. PROPOSER RESPONSIBILITY AND CERTIFICATION

Any Proposer that becomes a Provider hereunder hereby must certify to the State of XYZ in its Transmittal Letter (as described in Part II, Section B) that it is not currently under suspension or debarment by the Commonwealth, any other state, or the federal government, and, if Proposer cannot so certify, then Proposer agrees to submit a written explanation of why such certification cannot be made.

Further, Proposer hereby agrees that in the event that Proposer enters into a Subcontract or otherwise employs a subcontractor under any Contract, and such subcontractor is suspended or debarred by the State of XYZ or the federal government or becomes suspended or debarred by the State of XYZ or federal government during the term of any

Contract or any extension or renewal thereof, the State of XYZ shall have the right to require Proposer to terminate such Subcontract or employment.

Proposer agrees to reimburse the State of XYZ for the reasonable costs of investigation incurred by the Office of the Inspector General for investigations of Proposer's compliance with the terms of this or any Contract between Proposer and the State of XYZ which result in the suspension or debarment of Proposer. Such costs shall include, but not be limited to, salaries of investigators (including, overtime, travel and lodging expenses) and expert witness and documentary fees. In no event shall Proposer be liable for investigative costs for investigations which do not result in Proposer's suspension or debarment.

Proposer may obtain the current list of suspended and debarred contractors by contacting the:

Department of General Services  
Office of Chief Counsel  
State of XYZ, 12345  
Telephone: (555) 123-12345  
FAX: (555) 123-12345

Q. ECONOMY OF PREPARATION

Proposals should be prepared simply and economically, providing a straightforward, concise description of the Proposer's qualifications and ability to meet the requirements of this RFP.

R. ORAL PRESENTATION

Any Proposer that submits a Proposal may be required to make an oral presentation of such Proposal to the Commonwealth. Such presentations provide an opportunity for the Proposer to clarify the Proposal to ensure thorough mutual understanding. The Issuing Office will schedule presentations, if any. At the conclusion of a Proposer's oral presentation, the Proposer will be asked to confirm any clarification to its Proposal in a writing which may be incorporated into the Proposal and/or Contract(s) as deemed necessary by the Department.

S. PRIMARY CONTRACTOR RESPONSIBILITIES

The selected Provider will be required to assume responsibility for all services offered in the Proposal whether or not it provides the services to the State of XYZ directly or indirectly.

T. DISCLOSURE OF PROPOSAL CONTENTS

Proposals will be held in confidence and will not be revealed or discussed with competitors, unless subject to the State of XYZ's Freedom of Information Act. A Proposal that is selected and becomes part of a Contract resulting from this RFP is not confidential and will be subject to XYZ's Freedom of Information Act. All submitted materials become the property of the State of XYZ and may be returned only at the State of XYZ's option. Proposals submitted to the State of XYZ may be reviewed and evaluated by any person other than competing Proposers at the discretion of the State of XYZ. The State of XYZ has the right to use any or all ideas presented in any Proposal, and in no event will the selection or rejection of a Proposal affect such right.

For every document Offeror submits in response to or with regard to this solicitation or request, Offeror must separately mark with the word "CONFIDENTIAL" on every page, or portion thereof, that Offeror contends contains information that is exempt from public disclosure because it is either (a) a trade secret as defined in Section 30-4-40(a)(1), or (b) privileged and confidential, as that phrase is used in Section 11-35-410. By submitting a response, Offeror agrees to defend, indemnify and hold harmless the State of XYZ, its officers and employees, from every claim, demand, loss, expense, cost, damage or injury, including attorney's fees, arising out of or resulting from the State withholding information that Proposer marked as "confidential".

U. DEBRIEFING CONFERENCES

Proposers with Proposals that are not selected by the Department will be notified of the name of the selected Proposer and will be given the opportunity to be debriefed. The Issuing Office will schedule the time and location of the debriefing. Requests for debriefing must be received, in writing, by the Department no later than fourteen (14) days after written notification of the selected Proposer. The purpose of the debriefing is not to compare the Proposal of the selected Proposer with the Proposal of any unsuccessful Proposer(s) or to provide information on evaluation scores or costs, but to provide information that may assist the non-selected Proposer in making a Proposal in the future.

V. NEWS RELEASES

News releases pertaining to this Project will not be made without prior State of XYZ approval, and, then, only in coordination with the Department.

W. CONTRACT

The selected Proposer will be expected to enter into negotiations with the Department which may result in a formally executed Contract(s). The information contained in Proposer's Proposal will be included in the fully executed Contract(s).

X. ENTIRE AGREEMENT AND ORDER OF PRECEDENCE

The terms and conditions contained in this RFP constitute the basis for the procurement of each resulting Contract. This RFP, as well as the Proposal, if accepted, will become part of any agreement of the parties. Any ambiguity or inconsistency among the documents shall be resolved by applying the following order of precedence:

1. The applicable Contract, including any amendments thereto (highest priority);
2. This RFP and its appendices, including any addenda and written answers to Proposer questions; and
3. The successful Proposer's Proposal submitted in response to this RFP, including any amendments thereto (lowest priority).

Y. APPENDICES TO BE INCORPORATED IN CONTRACT

Identified below are additional provisions which will become a part of the Contract(s):

Department Standard General Terms and Conditions and Addendum to Standard Contract Terms and Conditions	Appendix A
DGS Standard General Terms and Conditions	Appendix B
Lobbying Certification Form	Appendix C
Disclosure of Lobbying Activities Form	Appendix D
Certified Minority and Women Business Utilization	Appendix E

Z. PROTEST PROCEDURE

1. Protest Submittal. A Proposer, prospective Proposer or prospective contractor under this RFP who is aggrieved in connection with the solicitation or award of a Contract issued under the State of XYZ Procurement Code, except as provided in 62 11.xxxxxxx (relating to the cancellation of invitations for bids or requests for proposals) may file a protest with the Department of Mental Health, Division of Procurement at the address of the Issuing Office set forth on the cover page of this RFP. A copy of any protest shall be simultaneously mailed to the Project Officer at the address stated on the cover page of this RFP.
2. Time for Filing a Protest.

If the protestant is a Proposer or prospective contractor, the protest shall be filed with the Department of Mental Health, Division of Procurement at the aforementioned address within seven (7) days after the aggrieved Proposer or

prospective contractor knew or should have known of the facts giving rise to the protest.

In no event may a protest be filed later than seven (7) days after the date the first Contract issued pursuant to this RFP is awarded.

If a Proposer, prospective Proposer or prospective contractor files an untimely protest, the Department will disregard same.

3. Grounds for Protest. A protest shall state all grounds upon which the protestor asserts that the solicitation or award of the Contract(s) was improper. The protestor should submit any documents or information deemed relevant to the protest together with the protest.
4. Decision by the Department. Upon receipt of the protest, the Department will render a decision in accordance with the procedures outlined within the State of XYZ Procurement Code, xxxx54321

**II. RFP INSTRUCTIONS; INFORMATION REQUIRED FROM PROPOSERS**

**A. GENERAL INFORMATION**

This section includes instructions (the “Instructions”) for preparing the Technical Proposal and the Cost Proposal. Proposers are cautioned to review the instructions carefully. Failure to comply with these Instructions in full may result in disqualification. To be considered, a Proposal must include all of the requirements set forth in this part of the RFP. Any other information thought to be relevant, but not applicable to the categories enumerated in these Instructions or the Work Statement (in Part III), should be provided by Proposer as an appendix to the Proposal. If a Proposer responds to any item set forth in these Instructions or the Work Statement by attaching a separate document or publication, a response to the applicable item in Proposer’s Proposal should include a reference to the document number and page number of the attachment in order to provide a quick reference for the evaluators. Proposals that do not provide the document references described herein will be considered to have no applicable material included in the additional documents. The Proposal must consist of a Transmittal Letter, a Technical Proposal and a Cost Proposal, to be provided separately from the Technical Proposal.

**B. TRANSMITTAL LETTER**

The Transmittal Letter must be on the Proposer’s official business letterhead and signed by an individual with legal authority to bind the Proposer. The Transmittal Letter should include information such as:

1. A statement to certify the organization is not currently under suspension or debarment by the Commonwealth, or any other state, or the federal government or an explanation as to why such certification cannot be made.
2. Identification of the person who will serve as Proposer’s primary contact for the Project and that person’s title, address, telephone, and fax numbers.

**C. TECHNICAL PROPOSAL**

Each Proposer may submit only one Proposal consisting of a Technical Proposal and a Cost Proposal. The Technical Proposal shall be separate from the Proposer’s Cost Proposal and shall contain each of the following elements:

1. Executive Summary; Tab 1

The executive summary should be written in succinct terms and provide an overview of the Proposer’s organization and Proposal, with the Proposer’s key strengths highlighted. Among those issues which should be addressed include experience with and knowledge of:

- a. existing operations at ABC State Hospital, including treatment concepts utilized at ABC State Hospital;
- b. modern mental health treatment best practices and models, including facility designs and Proposer's concept for integration of such models at ABC State Hospital; and
- c. community based organizations involved in the treatment of mentally ill patients in the State of XYZ and Proposer's view of opportunities for partnership and coordination with such agencies to offer the most appropriate treatment and community reintegration plan for Residents.

Proposer should describe its ability to further the Department's goals for this Project, including, plans to control costs and to improve the quality of care to Residents at ABC State Hospital. Proposer should describe its model for recovery-friendly concepts that focus on achieving community integration and Proposer should describe how its organization expects to bring unique or highly specialized skills to bear in meeting the Department's goals and objectives with respect to the Project.

2. Background and Experience; Tab 2

This tab should describe the history and relevant experience of the Proposer and its Key Subcontractors for the Project. This tab should also include information that will demonstrate to the evaluation committee that the Proposer has the experience and qualifications outlined in Part I, Section N. In addition, Proposer shall identify each Key Subcontractor by name and list such organization's contact information.

a. Background.

In the background portion of the Proposal, the Proposer should provide: information on the ownership of the Proposing Entity (i.e., name and percent of ownership for each owner); the date that the Proposing Entity was established; and the date that the Proposing Entity began operations.

b. Experience.

In the experience portion of the Proposal, Proposer should describe any current contracts with other states or departmental agencies thereof in which Proposer is engaged to perform services similar to those required for the Project, including, type of facility, service dates, facility size, number of beds, types of inmates/patients, services/programs offered, etc. In addition, Proposer should describe working relationships that it has with entities or community organizations which will enhance its ability to fulfill the requirements of this RFP. Proposer should describe its experience and reference any special techniques, skills, or abilities it considers critical to accomplish the requirements outlined in this RFP. If

Proposer has no prior experience as referenced above, explain what qualification or past experiences may serve as a substitute. Only experience of individuals and company subsidiaries who will be assigned to the Project should be included.

3. Governance and Organization; Tab 3

This tab should include a description of the Proposing Entity's overall organizational structure and its proposed organizational structure for the operation of ABC State Hospital as described below.

a. Governance

Describe the composition of the Proposing Entity's Board of Directors or other governing body (the "Board") and the Board's role in governance and policy making. Identify each member of the Board and each person's primary affiliations.

In this section, Proposer should identify the name and position of the person who will have overall responsibility for negotiating a Contract(s) with the Department.

Proposer should attach a job description for each staff position identified in the proposed organizational structure and the minimum educational and training requirements for that position as an appendix to the Proposal.

b. Organization

Proposer must submit an organizational chart in sufficient detail to permit a determination of the overall organizational structure and capacity of Proposer to perform the work required for implementing the Project and which shows all major team members and reporting structure as follows:

- 1) Operations Team. Identify the contact person for this aspect of the Project. Give a brief description of the Proposer's qualifications and experience in operating and managing a facility similar to the Facility (in terms of facility size, date of service, type of population and other relevant factors). Describe Proposer's work on any comparable facility, including the following details: a description of the facility (including the name and location of the facility, number of beds and type of patients/residents served); description of clients; any client references; and such comparable facility's contact person. Describe and identify Proposer's subcontracting plan, philosophy and goals and identify any Key Subcontractors other than team members.
- 2) Design Team. Identify the contact person for this aspect of the Project. Identify and describe the qualifications of each member of

the Design Team (including, architects and engineers). Describe the team members' prior experience working with other team members and on projects of similar scope. Attach the resumes of the key members of the Design Team. Identify and include contact information for any Key Subcontractors other than team members.

- 3) Construction Team. Identify the contact person for this aspect of the Project. Identify and describe the qualifications of each member of the Construction Team (including, construction management, general contractor and Key Subcontractors). Describe the team members' prior experiences working with other team members and on projects of similar scope. Attach the resumes of the key members of the Construction Team. Identify and include contact information for any Key Subcontractors other than team members.
- 4) Finance Team. Identify the contact person for this aspect of the Project. Identify and include contact information for the company that will be responsible for this aspect of the Project and describe its financial qualifications and experience in financing and/or owning mental health facilities. Attach the resumes of the key members of the Finance Team.

4. Demonstration of Compliance with the Work Statement; Tab 4

This tab should contain a complete response to the Work Statement. Responses to the Work Statement should describe Proposer's approach to improving operations at ABC State Hospital, as well as its concept for the financing, design and construction of the New Facility, and should demonstrate that Proposer is capable of meeting all components of this RFP as specified in the Work Statement. All responses should be formatted to follow the numbering and lettering in the Work Statement, and each response should be preceded by a restatement of the applicable item.

5. Financial Condition; Tab 6

This section addresses the ownership and financial viability of the Proposer and its ability to assure the State of XYZ that it has sufficient experience and resources to manage the scope of the Project. Tab 5 is distinct from the Cost Proposal. No information required in the Cost Proposal should be included in this tab. Please provide a response to each of the items listed, using the assigned letter designation and restating the question.

- a. Proposer should indicate its agreement to comply with the financial requirements as identified in the Work Statement.
- b. If applicable, identify each entity that owns at least five percent (5%) of the Proposing Entity. Provide the information described in items 1-5

below with respect to the Proposing Entity as an appendix to the Proposal. Also, provide the information described below for each entity that owns at least five percent (5%) of the Proposing Entity. If any information requested is not applicable or not available, explain why. Appropriate documentation may be submitted to support information provided.

- 1) Provide audited financial statements for the three (3) most recent fiscal years for which statements are available. The statements must include a balance sheet, statement of revenue and expenses and a statement of cash flows. Statements must include the auditor's opinion, the notes to the financial statements and management letters submitted by the auditor to the Proposer. If no audited financial statements are available, explain the reason therefor and submit unaudited financial statements.
  - 2) Provide unaudited financial statements for the period between the last month covered by the audited statements required in Part II, Section C, 6, b, 1 above and the month before the Proposal is submitted.
  - 3) If applicable, provide information on the Proposing Entity's entity type and jurisdiction of formation.
  - 4) Include an analysis and evaluation of future financial condition and stability.
  - 5) Provide information on lines of credit that are available to Proposer.
- c. Explain how the responses to items 1-5 above provide proof of Proposer's fiscal solvency.
  - d. Identify any proposed Key Subcontractor in which Proposer has a five percent (5%) or more ownership interest.
  - e. Provide information and documentation to enable the Department to conclude whether Proposer has sufficient resources committed to enable the performance and completion of the Project.

#### D. COST PROPOSAL

The Cost Proposal must be submitted separately from the Technical Proposal. While cost will be weighted heavily, it will not be the only factor in the selection process.

E. SCORING

Proposals will be ranked by adding the score applicable to Tabs 1 through 6 to the score for the Cost Proposal. The Department will select only one Proposer for the entire Project.

**III. WORK STATEMENT**

**A. OVERVIEW**

ABC State Hospital is one of eight remaining mental hospitals owned and operated by the State of XYZ through the Department. ABC State Hospital's Residents include both civil patients and patients under the control of the criminal justice system or forensic patients. Over the past few decades, the State of XYZ has relied on the deinstitutionalization mental health treatment concept as guidance for establishing appropriate treatment models for ABC State Hospital's Residents. However, despite this practice, the Facility has fallen out of step with modern trends in mental health treatment because the Facility does not offer a design that is conducive to the implementation of certain new innovative treatment concepts. Further, the Facility is in need of substantial and costly repairs. The Department believes that the time has come to rebuild ABC State Hospital so that it has the ability to provide top quality treatment to its Residents in a comfortable and secure setting while streamlining expenditures to produce efficiency. The State of XYZ desires to engage a Provider for this Project that will partner with the State of XYZ to improve service at the Facility and streamline operations.

The State of XYZ seeks a Provider that will manage the Existing Facility within the cost parameters of the Facility's current fiscal year 2005-2006 budget. Further, the State of XYZ seeks a Provider that will streamline operations to produce savings that will be used to finance the construction of the New Facility. The State of XYZ desires that Proposers submit Proposals whereby the cost to manage the New Facility plus the annual debt service on construction of the new facility will be less than the actual costs incurred by ABC State Hospital during fiscal year 2005-2006 plus a 3% year-by-year annual increase.

**B. OBJECTIVES**

The purpose of this RFP is to solicit Proposals from Proposers to provide the State of XYZ with interim operation and management services at the Existing Facility, design and construction services; organize financing for a lease/purchase agreement of the New Facility; and Management and operation services of the New Facility after construction is complete. The State of XYZ intends to use a multi-tiered approach as described herein.

**1. Design and Construction Services.**

Proposals must include a narrative description and overview of the Facility as it is intended to look and function upon completion. While the Department does not require Proposals to include completed architectural drawings or plans, Proposals must include conceptual design drawings, prepared by a registered architect and supporting narrative for the drawings. The enclosed drawings must indicate the proposed style, exterior arrangement of buildings, and internal organization of

space. Proposers are encouraged to submit supporting illustrations and photographs from similar buildings and sketches. Conceptual design and narrative submissions are considered binding on Proposer; however, deviations required by unforeseeable circumstances beyond Proposer's reasonable control may be permitted with the prior written approval of the Department. The narrative must include the following:

- a. A site plan indicating site use, location and orientation of buildings, building construction, circulation and parking.
  - b. Natural and constructed recreation areas.
  - c. Block diagrams (floor plans) for each level of each building.
  - d. Larger scale (1/4"=1'-0") drawings of repetitive modules such as resident rooms, individual offices, medical examination rooms, etc.
  - e. Larger scale drawings of complicated rooms such as control rooms, kitchen/dining, etc.
  - f. Proposed accommodations for residents, staff, or visitors with disabilities.
  - g. A general description of the architectural, engineering, construction, and security concepts, and the architectural, structural, plumbing, fire protection, mechanical HVAC, communications, electronics and electrical systems to be used.
  - h. A listing of codes with which the design complies.
  - i. Cost and area analyses correlated to the program requirements.
2. Services; Operations; Management

Proposals must include a narrative description and overview of how Proposer intends to implement the following Department objectives.

- a. Services
  - 1) Provide for the safe and secure operation of ABC State Hospital accounting for the needs of ABC State Hospital's civil patients and forensic patients.
  - 2) Provide quality and timely assessment of ABC State Hospital's Residents, including recommendations concerning continued commitment under the Mental Health Procedures Act.

- 3) Provide quality care and treatment to persons detained and committed to the program, including the treatment concepts, models and best practices to be employed at ABC State Hospital.
- 4) Provide timely and medically necessary medical care to Residents.
- 5) Provide dental care to Residents.
- 6) Provide pharmaceutical services to Residents in accordance with Resident's treatment plan.
- 7) Provide educational and vocational services to Residents.
- 8) Provide recreational and leisure services for Residents.
- 9) Maintain adequate staffing ratios to provide a safe, secure and therapeutic environment, including philosophy for staff management and staff training.
- 10) Establish policies and procedures to govern staff interaction with Residents and develop appropriate staff training programs.
- 11) Hire persons for the positions and having the qualifications outlined in Exhibit III, B, 7 hereto.
- 12) Establish policies and procedures governing conduct of Residents, including, creation of a Resident Handbook, which shall provide a mechanism for handling Resident complaints and grievances.
- 13) Foster and maintain effective relationships with the Department, the judicial system, community based organizations and other program stakeholders;
- 14) Provide linkages to aftercare treatment resources including support and relapse prevention service.
- 15) Balance of the need for a safe and secure facility with the treatment and rehabilitative purpose that underlies civil commitment.
- 16) Maintain Joint Commission Accreditation for the Existing Facility and obtain Joint Commission Accreditation for the New Facility.

b. Operations; Management

- 1) Existing and New Facility
  - a) Provide the services referred to in this RFP.

- b) Implement various facilities management service programs as appropriate to address the provision of facility management services in the Existing Facility in accordance with specifications required under applicable federal, State and local laws, rules and regulations. Notwithstanding, in no event shall Provider be required to make lease payments with respect to the Existing Facility nor will Provider be liable for repairs or improvements to the Existing Facility.
- c) Ensure that the Existing Facility is compliant with all applicable federal, State and local laws, rules and regulations.
- d) Establish a procedure or review process pursuant to which the Facility staff may communicate with the Department regarding the suitability of individuals for the Facility.

### 3. Cost Proposal and Finance Requirements

Each Cost Proposal shall include the following elements and Proposer agrees to the caveats set forth below.

- a) Operational Costs - Existing Facility: Each Cost Proposal must include Available Bed-Day rate bids for Fiscal Year 2006-2007 and Fiscal Year 2007-2008 which will become a binding term of the Existing Facility Management Agreement. The Provider shall not be able to exceed the amounts bid.
- b) Operational Costs - New Facility: Each Cost Proposal must include Available Bed-Day rate bids for the first five (5) years of the term which will become a binding term of the New Facility Management Agreement. The State of XYZ will allow a 3% increase each year during the term of the Contract as a cost of living adjustment. The Provider shall not be able to exceed the amounts bid.
- c) New Facility - Annual Lease Payment: Offeror's proposal for providing, equipping, furnishing and financing the new facility should include all costs which the State will be required to pay, i.e. annual lease payments or other costs, pursuant to offeror's financing proposal. Except for the most exigent and unforeseen circumstances, as determined by the Department, Proposers will be bound by the construction amount specified in the Proposal. Proposers are, therefore, encouraged to prepare their construction bids

carefully, and to include construction contingency amounts in their bids.

- d) Tax Exempt Bond Financing: The Department expects Proposer to utilize tax-exempt bonds issued by XXX County Industrial Development Authority to finance the acquisition and construction of the New Facility. Proposals should assume that the full amount of the construction costs will be funded in this manner. The Department reserves the right to directly pay some or all of the construction costs should a source of funding become available. Proposers must acknowledge their agreement with the financing plan, or present an alternative plan, including the rationale for use of such alternate plan.
- i) The Design and Construction Agreement and/or other related documents will contain provisions relating to the acquisition, construction and equipping of the New Facility. Such provisions will require the use of a corporate trustee and other professionals customarily found in the financing of governmental construction projects of a size and cost comparable to the facility.
  - ii) In connection with the issuance of bonds, the Proposer should include the identification and a statement of qualifications of senior managing underwriter, bond or special tax counsel and underwriter's counsel.
  - iii) In the interest of obtaining the lowest cost financing, the Proposer must attest that it will take whatever steps are deemed necessary to ensure an investment-grade credit rating. The Proposer must further describe its assumptions regarding the marketability, insurability and creditworthiness of the proposed debt.
  - iv) Each Proposer shall also indicate its willingness to enter into contracts that meet the safe harbors of the IRS regulations regarding private activity bonds.

C. APPLICABLE STATUTORY AUTHORITY, LEGISLATION

Proposers are governed by the following applicable statutes and regulations and any other regulation, as may be applicable, from time to time:

1. Mental Health Procedures Act, 11.xxxxx.
2. Mental Health Facility Licensing Requirements set forth in the Mental Health Code at 62 11.xxxx, et. seq.
3. Regulations promulgated under the Mental Health Procedures Act, the Mental Health Code and other relevant statutes which are codified at 11.xxxx Code Chapter 1111.
4. Regulations governing medical staff at a hospital facility as set forth in 11.xxxx Code Chapter 1111.

D. IMMUNITY FOR PROPOSERS PROVIDING TREATMENT TO RESIDENTS

Under Section 7114 of the Mental Health Procedures Act, in the absence of willful misconduct or gross negligence any authorized person who participates in a decision that a person be examined or treated under the Mental Health Procedures Act shall not be civilly or criminally liable for such decision or for any of its consequences.

E. CLIENT ELIGIBILITY

Each Resident of ABC State Hospital is eligible for services at ABC State Hospital as a consequence of such individual being ordered into Department custody under the Mental Health Procedures Act through (i) involuntary civil commitment; (ii) a finding of guilty but criminally ill or any other order issued pursuant to the criminal justice parameters outlined in the Mental Health Procedures Act; or (iii) voluntary commitment in accordance with the Mental Health Procedures Act. Proposers shall propose a procedure or review process pursuant to which the management of the Facility may communicate with the Department regarding the suitability of individuals for the Facility in accordance with Part III, Section B, 2, b, 1, d and Part III, Section B, 2, b, 2, e of the Work Statement.

F. REPORTING

The Proposer shall develop reports as required by the Department in formats approved by the Department. Unless otherwise specified, all reports are due to the Department within twenty-five (25) days following the end of the applicable reporting period.

G. RECORDS AND DOCUMENTATION

Proposer shall demonstrate its ability to implement a document management system that complies with the Department's record retention and confidentiality policies and procedures.

IV. CRITERIA FOR SELECTION

A. TECHNICAL PROPOSAL

Proposals received from Proposers will be reviewed and evaluated by a committee of qualified personnel selected by the State of XYZ in accordance with the criteria set forth below.

1. **Quality and appropriateness of offeror's program design and content.** Demonstration of Compliance with Work Statement, this section evaluates Proposer's treatment and operations models to determine whether such models are completely responsive to all specifications and requirements contained in the Work Statement, and, if such models appear to meet Department objectives. This section also evaluates design, construction and financing models. Evaluation of the soundness of approach will take into account all information provided by Proposer.
2. **Qualifications.** This section evaluates the offeror's relevant successful experience in providing services similar to those described in this Request for Proposals and the ability of the Proposer to meet the terms of this RFP, especially the quality, relevance, scope, and recency of projects completed/services rendered by the Proposer. This section also includes Part II, C, 5 (Tab 5) Financial Condition, identifying the Proposing Entity's financial ability to undertake the Project and to minimize financial risk to the Department.
3. **Understanding the Project.** This section refers to Proposer's understanding of the Department's needs which generated this RFP, Department's objectives in asking for the services and the nature and scope of the work involved. This also refers to the Proposer's understanding of model mental health treatment best practice models and ideas and philosophy for implementing such ideas at ABC State Hospital while accounting for special security concerns at ABC State Hospital.

B. COST PROPOSALS.

The Cost Proposals shall be ranked by a mathematical calculation that includes the cost of operating the Existing Facility and the cost of operating the New Facility, including, the cost of servicing the debt for the construction of the New Facility.

Exhibit III, B, 7

1. Proposals shall include the following information related to Facility staffing:
  - a. Proposing Entity organizational charts that identify proposed Facility and Project staff positions and establish a clear chain of command within the Facility and the Proposing Entity;
  - b. A staffing plan for all persons working within or providing services to the Facility. The staffing plan shall be broken out by type of staff (e.g. management/administration, security, clinical, medical and clerical support), and shall include number of whole or fractional full-time equivalents of each type. The staffing plan shall be accompanied by position descriptions and minimum qualifications for each position at the Facility.
  - c. Staffing transition plans that address:
    - 1) how the Proposer will ensure adequate staffing of the Existing Facility during the transition from the current provider to a new Provider; and,
    - 2) how the Proposer will ensure adequate staffing of the Existing Facility and the New Facility as staff and Residents transfer from the former to the latter.
    - 3) The Provider shall maintain an adequate administrative organizational structure and staffing levels sufficient to ensure a safe and secure environment and to otherwise discharge its contractual responsibilities. In the event that the Department determines that the Provider's staffing levels do not conform to those promised in the Proposal, it shall advise the Provider in writing and the provider shall have thirty (30) days to remedy the identified staffing deficiencies.
  - d. The Provider shall have a sufficient number of qualified administrative staff to oversee and manage the operation of the Facility, to respond to Department, resident, court-related, media, and public questions and concerns, and to ensure that high quality services and programs are developed and implemented in a timely manner.
  - e. With regard to the Facility administrative team, the Department deems that the positions of Facility Director, Clinical Director, Medical Services Director, Security Director, and Facility Manager, by whatever title the Provider denotes these positions, are crucial to the successful operation of the facility. The Facility Director, Security Director, and Facility Manager, as well as the Assistant Facility Directors), must be employees of the Provider. The Provider shall be required to notify the Department within

five (5) working days of a change in the status of any of the positions described in this subsection.

2. Proposals shall acknowledge that the following minimum qualifications will be met for the staff below.
  - a. **Facility Director:** Ten (10) years' management and supervisory experience in a secure civil residential facility setting, including a minimum of five (5) years as facility director or assistant director. Candidate must possess at least a Master's degree in a mental health or administrative discipline. State of XYZ license or certification within six months of employment is required where applicable.
  - b. **Security Director:** Ten (10) years' management and supervisory experience as a sworn law enforcement officer in a secure residential facility, including a minimum of five years of management experience at the level of security director or higher.
  - c. **Clinical Director:** Ph.D. Psychologist currently licensed to practice as a psychologist in the State of XYZ, or possessing equivalent licensure in good standing in another state with the ability to obtain State of XYZ licensure within one (1) year of employment. Minimum of five (5) years of post licensure clinical experience as a psychologist working with the applicable population in a treatment facility. Minimum of two (2) years of experience in a managerial capacity in a secure facility setting.
  - d. **Medical Services Director:** A Primary Care Physician currently licensed to practice medicine in the State of XYZ, or possessing equivalent licensure in good standing in another state or Canada and current certification by the American Medical Association.
  - e. **Facility Manager:** An engineering, construction or business-related bachelor's degree and at least ten (10) years of facilities management experience, five (5) of which must be in an environment of comparable size and complexity to ABC State Hospital. Experience in an institutional or correctional setting is preferred. Demonstrated skills in life-safety systems, computerized work order management and preventive maintenance systems are required. Superior experience may, with the written approval of the Department's contract manager, be substituted for the degree requirement.
  - f. **Administrative Staff:** Proposals shall include a description of the minimum qualifications for administrative staff positions. Administrative staff must, at a minimum, possess the qualifications and experience sufficient to perform their respective functions in a diligent manner.
  - g. **Clinical Staff:** The provider shall provide qualified clinical personnel sufficient to provide effective resident services in a therapeutic

environment, including appropriate assessment, treatment services, educational, vocational and recreation therapies and aftercare and discharge coordination services as described in this RFP and the Proposer's Proposal.

- h. **Security Staff:** Sufficient numbers and types of qualified staff shall be on duty and available at all times to provide necessary and adequate external and internal security and secure transportation so as to ensure the smooth functioning of the program as well as the safety of Residents, staff and the public.