County of Santa Clara
Clerk of the Board
Boards & Commissions

CSFC 01-052312

DATE: May 23, 2012

TO: Children, Seniors & Families Committee

FROM: Lynn Regadanz
Interim Clerk of the Board

SUBJECT: Fiscal Year 2012-2013 Child Abuse Council Annual Work Plan

RECOMMENDED ACTION
Consider recommendations from the Child Abuse Council (CAC) regarding Fiscal Year (FY) 2012-2013 Annual Work Plan.

Possible future action by the Board of Supervisors:

a. Accept the Work Plan.
b. Forward to the Board of Supervisors for consideration.

FISCAL IMPLICATIONS
There are no fiscal implications relating to acceptance of the work plans. However, the work plans reflect activities that may have associated costs. Acceptance of the work plan does not
imply authorization for such costs. Commissions will submit separate requests to the Board of Supervisors for authorization of any expenditures.

**REASONS FOR RECOMMENDATION**

On February 2, 1999, the Board of Supervisors approved the reporting structure for the advisory Boards and Commissions that receive clerical/administrative support from the Office of the Clerk of the Board of Supervisors. The Board of Supervisors has directed that advisory Boards and Commissions submit annual work plans through the appropriate Board Committee for review prior to submittal to the Board of Supervisors. At that time, it was determined that the Child Abuse Council should report to the CSFC for review prior to forwarding to the Board of Supervisors for action.

The Children, Seniors, and Families Committee (CSFC) will have an opportunity to review the issues addressed by the CAC in the coming year and to provide direction, comment, and recommendation for further development of the work plan, if necessary, prior to submittal to the Board of Supervisors. The CSFC will also have an opportunity to review the accomplishments of the Council for the prior year.

**CHILD IMPACT**

The recommended action impacts the Children Living in Safe and Stable Families indicator.

In addition, the recommended action could impact the Juvenile Arrests indicator.

**SENIOR IMPACT**

The recommended action will have no/neutral impact on seniors.

**SUSTAINABILITY IMPLICATIONS**

The recommended action will have no/neutral sustainability implications.

**BACKGROUND**

A committee of Board Policy Aides and the Office of the Clerk of the Board developed a standard template for the work plans in 1999. The work plans are based on a fiscal year rather than a calendar year. The Commissions were advised that work plans are to be completed and approved at a regular Board or Commission meeting no later than April 1 of each year.
The Office of the Clerk of the Board serves as the ex-officio secretary for the Child Abuse Council, and this transmittal is forwarded on its behalf.

CONSEQUENCES OF NEGATIVE ACTION
The Child Abuse Council will not be in compliance with the Board of Supervisors' direction and will not have the opportunity to receive feedback and recommendations from the CSFC prior to submission of the work plan to the Board of Supervisors.

STEPS FOLLOWING APPROVAL
Pursuant to the Rules of the Board of Supervisors, Section 33.3 (b), following the CSFC meeting the Chair of the Committee shall submit a written report of the meeting to the full Board of Supervisors, at an open meeting of the Board, within 45 calendar days. The Deputy Clerk will notify the Council of the Committee action, comments, and recommendations.

ATTACHMENTS

- work plan template
- work plan instructions
- Child Abuse Council FY 2013 Work Plan Revised
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COUNTY OF SANTA CLARA

Child Abuse Council

FISCAL YEAR July 1, 2012-June 30, 2013 WORK PLAN

AND

July 1, 2011-June 30, 2012 ACCOMPLISHMENTS

Child Abuse Council Voting Members
Andrew Pane, Chair
Nicole Steward, Administrative Vice-Chair
Alicia Newton, Program Vice-Chair
Preeti Mishra, Treasurer
Andrew Cain
Stacy Castle
Peggy Catheart
L. Michael Clark
Melanie Darlaio
Steven Dick
Annie Liu
Kathleen Lynch
Kimberly Nielsen
Margaret Petros
Tonya Robertson
Gale Simmons

Breenu Sra
Heather Vogel
Dennis Wyatt
Greg Zieman
Vacant-Dist. 1 Justice agency
Vacant-Dist. 1 Private agency
Vacant-Dist. 5 Private agency
MISSION STATEMENT:

The mission of the Child Abuse Council of Santa Clara County is to protect children from abuse and neglect by their parents and caregivers, and from the systems designed to protect them.

HISTORICAL BACKGROUND:

The Child Abuse Council of Santa Clara County began as a committee, appointed in 1980 by the County's Board of Supervisors, to address a serious lack of coordination and cooperation among numerous public and private agencies which provided services to child abuse victims and their families.

The Council was reorganized into its present form in 1987. Its members represent many different public and private agencies, community volunteers, a wide range of professional disciplines, a diversity of cultural and ethnic backgrounds, and the various geographical areas of the county.

Council meetings are open to the public. People who are concerned about child abuse and committed to its prevention are invited to join. People are also invited to join the various Committees of the Council.
### Fiscal Year 2013 Work Plan

<table>
<thead>
<tr>
<th>Goal/Objective</th>
<th>Proposed Activities</th>
<th>Priority Ranking</th>
<th>Timeline for Completion</th>
</tr>
</thead>
</table>
| 1. Recommend appropriate child abuse prevention services for SCC that enhances the general well-being of children and families. | • Implement 3-Year Strategic Plan for greater alignment and collaboration with county stakeholders.  
• Monitor Allocation process and distribution of CAPIT funds.                   | 1                | Ongoing                                     |
| 2. Promote public awareness of the abuse and neglect of children and the prevention and intervention resources available. | • Annual Child Abuse Symposium  
• Public Awareness participation in fairs  
• Legislation & Policy focus groups and monitor relevant legislation  
• Child Abuse Council Website  
• Continue SENC trainings and activities                                         | 2                | Ongoing                                     |
| 3. Collaborate with government and community based organizations that work for and promotes children’s issues. | • Sustain working relationship with DFCS  
• Maintain active participation with the Greater Bay Area Child Abuse Prevention Council  
• Continue involvement with Child Abuse Prevention Community Collaborative  
• Attend the Children, Seniors & Families Committee and Child Death Review  
• Individual meetings with members of Board of Supervisors                        | 3                | Monthly, Quarterly                          |
| 4. Strengthen Child Abuse Council Membership                                   | • Promote the Council at all public events  
• Recruitment of new members  
• Acknowledge current members contributions  
• Appreciate members with social events                                           | 1                | Ongoing, December/May                       |
|                                                                               |                                                                       | 2                | Ongoing                                     |
|                                                                               |                                                                       | 3                | Ongoing                                     |
### PRIOR YEAR 2012 ACCOMPLISHMENTS

<table>
<thead>
<tr>
<th>GOAL/OBJECTIVE</th>
<th>ACTIVITIES SUPPORTING GOAL</th>
<th>STATUS</th>
</tr>
</thead>
</table>
| 1. Recommend appropriate child abuse prevention services for SCC that enhances the general well being of children and families. | 1. Execute an RFP, to the Board of Supervisors, a list of programs focused on prevention/intervention to receive funding.  
2. Implement 3-Year Strategic Plan for greater alignment and collaboration with county stakeholders. | 1. Completed  
2. Individual Committee Work plans have goals to align and collaborate for 2012-2013 fiscal year.                                                                                                                                 |
| 2. Promote public awareness of the abuse and neglect of children and the prevention and intervention resources available. | Annual Child Abuse Symposium  
Focus Groups by Legislation & Policy Committee  
CAC web site. Inclusion of CEU's for nurses, lawyers, mental health workers and doctors. | Completed, Yearly event.  
Completed, Bi-annually.  
Completed                                                                                                                                 |
| 3. Collaborate with government and community based organizations that work for and promotes children's issues. | Continue to work closely with DFCS  
Continue to work with the Greater Bay Areas Child Abuse Prevention Coalition | Completed  
Completed                                                                                                                                 |
| 4. Strengthen Child Abuse Council Membership | Promote the Council at all public events  
Recognize the good work of current members | Completed  
Completed                                                                                                                                 |
| 5. Began process for re-visioning of CAC structure and functions of committees. | Increase integration of Public Awareness committee with other committees with initiatives to educate the community, as with Legislative and Policy focus groups and Student Educational Needs trainings. | Completed and ongoing                                                                                                                                 |
## ONGOING PROJECTS

<table>
<thead>
<tr>
<th>PROJECT</th>
<th>ACTIVITIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Collaboration and alignment with schools and private and county groups providing related services.</td>
<td>Several voting and advisory members participate on other committees focusing on family violence, addiction, poverty and educational issues, including the Domestic Violence Council, Child Death Review Team.</td>
</tr>
<tr>
<td>Outreach to the Community</td>
<td>Participate in at least one fair and/or local cultural and community events. Development and/or purchase of public awareness materials, advertisements, or promotions. Continue to support and align with the Blue Ribbon Campaign on Child Abuse Prevention.</td>
</tr>
<tr>
<td>Review the policies and practices that lead to disproportionality.</td>
<td>Organize a series of meetings to educate the community. Partner with DFCS and other stakeholders to develop and implement strategies to reduce disproportionality in the Santa Clara County Child Welfare System.</td>
</tr>
<tr>
<td>Maintain a high quality web site.</td>
<td>Interagency Collaboration Committee monitors the website to ensure that all information is up to date. New links are constantly being established to expand the information and resources available on the site. CAC meetings and committee reports are also posted monthly. CAC calendar with all committee meetings and events posted on website. All Allocation documents necessary for funded agencies available on website.</td>
</tr>
<tr>
<td>Become more visible to policy makers and community groups to influence policy making.</td>
<td>Continue reviewing current legislation and providing focus groups to the public. Continue attending regional meetings of the Greater Bay Area Child Abuse Prevention Council. Continue meeting with new and returning SCC supervisors as well as other local legislators on relevant issues.</td>
</tr>
</tbody>
</table>
County of Santa Clara
County Counsel

CSFC CC01 052312

Reviewed by: Susan Swain
Lead Deputy County Counsel

DATE: May 23, 2012

TO: Children, Seniors & Families Committee

FROM: Miguel Marquez
County Counsel

SUBJECT: Adoption of Ordinance relating to Commercial Peddlers, Solicitors and Itinerant Merchants

RECOMMENDED ACTION
Consider recommendations from the Office of the County Counsel regarding Ordinance relating to Commercial Peddlers, Solicitors and Itinerant Merchants. (Referral from March 20, 2012 Board of Supervisors meeting, Item No. 12.)

Possible future action by the Board of Supervisors:

a. Introduction and preliminary adoption of Ordinance No. NS-517.81 adding Division B35 of the Santa Clara County Ordinance Code relating to Commercial Peddlers, Solicitors and Itinerant Merchants. (Roll Call Vote to waive reading, Roll Call Vote to adopt)

FISCAL IMPLICATIONS
There are no costs to the County related to the adoption of the proposed ordinance, but some
administrative actions are required and some enforcement activities may result. It will be necessary to add a permit processing fee to the fee schedule to be paid by those applying for a permit.

REASONS FOR RECOMMENDATION
At present, there is no mechanism for the County to regulate door-to-door commercial sales activity. This ordinance would establish a permit process for peddlers and solicitors which provides for the collection of basic data and facilitates a background review by the Sheriff. An identification badge would be issued which would need to be worn and shown to residents who ask to see it. The ordinance establishes various operating conditions which must be complied with when commercial sales activity is conducted. Violation of the operating conditions is a ground for permit revocation, which is subject to hearing.

CHILD IMPACT
This ordinance will have a positive impact on children and youth because residents can better monitor those who are in the neighborhood.

SENIOR IMPACT
This ordinance will have a positive impact on seniors by providing them with a tool they can use to determine whether they should or should not open the door to a solicitor.

SUSTAINABILITY IMPLICATIONS
The recommended action will have no/neutral sustainability implications.

BACKGROUND
There have been a number of concerns raised by residents about strangers walking door-to-door in unincorporated County communities. There have been cases where the person(s) walking appeared to be looking for unoccupied homes in order to burglarize the home. In other cases, there have been vendors attempting to sell goods or services door-to-door. The thrust of the request for this ordinance is a belief that it is important for residents to be able to identify which people coming to their door have a legitimate purpose.

Due to First Amendment considerations, it is not possible to prohibit all individuals who may be going door-to-door in a neighborhood. For example, it is not possible to impose restraints on those whose focus is religious proselytizing or those who are canvassing for political or generic information purposes. Court decisions have made it clear that the best mechanism for
local residents to deal with non-commercial intrusions is to post a "No Solicitors" or similar sign and to bring a trespass action if the sign is not heeded. The focus of the proposed ordinance is commercial activity, which is subject to more regulation than other types of non-commercial activity.

CONSEQUENCES OF NEGATIVE ACTION
The Ordinance relating to Commercial Peddlers, Solicitors and Itinerant Merchants will not be adopted.

STEPS FOLLOWING APPROVAL
Upon Board approval, the Clerk of the Board's Office is requested to send Keyboard notification of completed processing to Michelle Sandoval, Office of the Sheriff, and Kim Forrester, Office of the County Counsel.

ATTACHMENTS

- Ordinance NS-517.81 relating to Commercial Peddlers, Solicitors and Itinerant Merchants
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ORDINANCE NO. NS-517.81

AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CLARA
ADDING DIVISION B35 TO THE SANTA CLARA COUNTY ORDINANCE
CODE RELATING TO
COMMERCIAL PEDDLERS, SOLICITORS AND ITINERANT MERCHANTS

Summary

This Ordinance adds a new division, Division B35, to establish
regulations to be imposed on commercial peddlers, solicitors and
itinerant merchants.

THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA
ORDAINS AS FOLLOWS:

SECTION 1. Title B of the Santa Clara County Ordinance Code is amended by adding a
new Division, to be numbered and titled and to read as follows:

Division B35

COMMERCIAL PEDDLERS, SOLICITORS AND ITINERANT MERCHANTS

Sec. B35-1. Legislative findings

The Board of Supervisors finds that persons and organizations have been and are
visiting private residential properties in the County for the purposes of peddling goods,
wares, merchandise or services, and that some residents find such visits to be bothersome
and intrusive. The Board of Supervisors further finds that a variety of misrepresentations
and other frauds are at times employed in such activities. The Board of Supervisors
further finds that public safety and convenience necessitates the exercise of the police
power of the County through the enactment and enforcement of this chapter for the
purpose of protecting the privacy of residents, preventing fraudulent practices and
criminal activity, and otherwise preserving the public health, safety and welfare by
regulating and controlling door-to-door commercial activity.

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Sec. B35-2. Definitions

The words and terms used in this chapter shall have the following meanings:

(a) "Commercial activity" means and includes any type of product, good, service, performance or activity which is provided or performed, or offered to be provided or performed, in exchange for money, labor, goods or any other form of consideration.

(b) "Sheriff" means the Sheriff of the County, or his/her duly authorized agents and representatives.

(c) "Itinerant merchant" means any person who engages in a temporary business of selling and delivering goods, wares, or merchandise, and who, in furtherance of such purpose, hires, leases, uses, or occupies any structure, motor vehicle, tent, or any street alley, or other place within the County, for the exhibition and sale of such goods, wares, or merchandise, either privately or at public auction.

(d) "Peddler" means any person who goes upon the premises of any private residence in the County, not having been requested or invited by the occupant thereof, selling, or offering to sell goods, wares and merchandise for present delivery, or services to be performed immediately, whether or not such person has, carries or exposes a sample of such goods, wares and merchandise, or not and whether or not the person is collecting advance payments on such sales or services or not.

(e) "Permittee" means the holder of a permit for door-to-door commercial activity.

(f) "Person" means a natural person or any firm, corporation, association, club, society or other organization.

(g) "Solicit" means and includes any request, offer, enticement, or action which announces the availability of a person for employment or availability to provide services for compensation, the sale of goods, or any request, offer, enticement or action which seeks to purchase or secure employment or goods. A solicitation is deemed complete when made, whether or not an employment relationship is created, a transaction is completed, or an exchange of money or other property takes place.

(h) "Solicitor" means any person who goes upon the premises of any private residence in the County, not having been requested or invited by the occupant thereof, taking orders for, or offering to take orders for goods, wares and merchandise for future delivery, or for services to be performed in the future, whether or not such person has,
carries or exposes a sample of such goods, wares and merchandise, or not and whether or not the person is collecting advance payments on such sales or services or not.

Sec. B35-3. Permit required

It is unlawful for any person to engage in the business or activities of peddler, solicitor or itinerant merchant within the unincorporated areas of the County without having first obtained a permit pursuant to this chapter. Each individual must obtain a permit issued by the Sheriff, or designee, and operate in strict compliance with its provisions. It is unlawful for any permittee to allow or tolerate any person who does not also have a peddler, solicitor or itinerant merchant permit to work for or under the direction of, or on behalf of, or as an agent of the permittee. The requirements for a permit under this chapter are in addition to any requirements for a business license.

Sec. B35-4. Exemptions from permit requirement

The following are exempt from the requirement of obtaining a permit under this chapter:

(a) A person who does not offer for sale any goods or services with an asking price or requested donation of less than twenty dollars is exempt from the permit requirements of this chapter, including the payment of fees, but any such person must comply with the hours of operation limitations and signage provisions of this chapter.

(b) Newspaper employees delivering newspapers by subscription, or any other previously arranged delivery of goods or services.

(c) Any person engaged in a County-run or County-sponsored or sanctioned program.

Sec. B35-5. Applications

Persons seeking a permit under this chapter shall file an application in writing on a form to be furnished by the Sheriff’s Office. The application shall be signed under penalty of perjury and contain the following information:

(a) Name and physical description of the applicant.

(b) Date of birth, driver’s license or other photographic identification establishing the applicant’s age as eighteen (18) or older.
(c) Applicant’s Social Security number.

(d) Applicant’s permanent home address and telephone number.

(e) Applicant’s local address and telephone number if not the same as permanent one.

(f) The name under which the peddler, solicitor or itinerant merchant business or activity will be conducted, the address and telephone number of such business, and the name of the business owner.

(g) The nature or character of the goods, wares, merchandise or services to be offered.

(h) The method of peddling or solicitation, or order taking.

(i) The method of delivering the goods or service.

(j) The length of time for which the right to peddle or solicit is desired.

(k) A portrait photograph of the applicant, taken within sixty days immediately prior to the date of filing of the application, and showing the facial features, head and shoulders of the applicant in a clear and distinguishing manner.

(l) A description of the logo, color scheme, insignia, and any other distinguishing characteristics of any motor vehicle or mobile unit to be used in the applicant’s business or activities, including the license plate state and number for any motor vehicle.

(m) The permit history of the applicant for the three-year period immediately preceding the date of filing of the application, including whether the applicant has operated under any other business name in the County or has ever had any similar license or permit suspended or revoked or has been convicted of a violation of this chapter and if so, the circumstances of such suspension, revocation or conviction.

(n) A statement as to whether or not the applicant has been convicted of any criminal offense, whether felony or misdemeanor, other than minor traffic violations. For each and every such offense, the date and place of conviction, the nature of the offense, and the punishment or penalty imposed must be provided.
(o) Proof of possession of any license or permit which, under federal, state or local laws or regulations, the applicant is required to have in order to conduct the proposed business, or which, under any such law or regulation, would exempt the applicant from the permit requirements of this chapter.

(p) The applicant's consent to a fingerprint check by the Sheriff's Office, if necessary. Appropriate fees for the fingerprinting may be charged by the Sheriff's Office.

(q) A permit fee in an amount established by the Board of Supervisors. The fee shall be established by resolution and shall apply to each individual. Veterans qualifying for the exemption, as set forth in California Business and Professions Code Sections 16001 and 16001.5 shall be exempt from payment of the permit fee.

Sec. B35-6. Application review and permit issuance

(a) Upon receipt of an application, the Sheriff, or authorized representative, shall cause an investigation to be made of the applicant's character and business reputation based upon the requirements set forth in Section B35-5, as deemed necessary for the protection of the public health, safety and general welfare. The investigation shall be completed within ten working days, barring unusual circumstances.

(b) If the Sheriff finds that the applicant's character and business reputation do not pose a threat to the public health, safety and general welfare, the Sheriff shall endorse his or her approval on the application and shall, upon verification of payment of all required fees that may be imposed by the Sheriff, provide a permit and identification badge to the applicant.

Sec. B35-7. Permit term

Any peddler, solicitor or itinerant merchant permit issued pursuant to this chapter shall be valid for a period of one year from the date of issuance, unless an earlier expiration date is noted on the permit.

Sec. B35-8. Denial of permit

(a) The Sheriff shall deny an application for a permit if he or she makes any of the following findings:

1) The applicant has failed to pay the application fee.
(2) The applicant has made one or more material misstatements in the application.

(3) The applicant has ever been convicted or held liable for a crime of moral turpitude, or any felony or misdemeanor offense that reasonably and directly indicates a potential risk to the public or private property interests; including but not limited to burglary, robbery, theft, larceny, embezzlement, false pretense, fraud or misrepresentation, receiving, possession or sale of stolen goods, a sex offense, kidnapping, or any violent acts against persons, or any felony offense involving the sale of a controlled substance specified in sections 11054, 11055, 11056, 11057, or 11058 of the California Health and Safety Code in conjunction with, or while conducting, a peddler, solicitor or itinerant merchant business or activity.

(4) The applicant fails to provide proof of possession of any license or permit which, under federal, state or local laws or regulations, the applicant is required to have in order to conduct the proposed business.

(5) The applicant has previously been convicted for violation of any provision of this chapter, or has had any permit issued pursuant to this chapter revoked.

(6) The Sheriff possesses any other credible information concerning the applicant, his or her employer or principal that reasonably and directly indicates the peddler, solicitor or itinerant merchant activities will likely be used as a means of committing crime, fraud or deceit.

(b) If the permit is denied, the Sheriff’s denial and the reasons for denial shall be noted on the application, and the applicant shall be notified that his or her application is denied and that no permit will be issued. Notice shall be by personal delivery or first class and certified or registered mail, return receipt requested, addressed to the applicant at the mailing address set forth on the application form, or at the applicant’s last-known address. Notice of denial of the application shall be deemed to have been served on the date it is personally served on the applicant or when deposited in the United States mail with postage prepaid and addressed to the applicant, regardless of whether the certified mail receipt is returned signed or unsigned.

(c) The notice shall provide the applicant with information on the appeal process.
Sec. B35-9. Appeal from denial of permit

(a) The decision of the Sheriff to deny a permit may be appealed to the County Executive, or designee. The applicant must submit a request for an appeal hearing to the County Executive, or designee, within ten calendar days' receipt of the written notice of denial.

(b) Upon receipt of a request for an appeal hearing, the County Executive, or designee, shall conduct a hearing within forty-five days of the request. The County Executive, or designee, shall notify the applicant in writing of the date, time, and place of the hearing. The hearing shall not be less than ten calendar days after the service of the notice of hearing by personal service or by certified or registered mail, return receipt requested.

(c) At the hearing, the applicant and the Sheriff shall have the right to appear and be represented by counsel and to present evidence and arguments which are relevant to the grounds for the appeal, as stated in the written grounds for the appeal hearing. Unless otherwise specifically prohibited by law, the burden of proof is on the applicant.

(d) Within ten working days of the conclusion of the hearing, the County Executive, or designee, shall issue a written decision which states whether the decision of the Sheriff is upheld or reversed. The decision of the County Executive, or designee, shall be served on the applicant by personal service or by certified or registered mail, return receipt requested.

(e) The decision of the County Executive, or designee, shall be final.

(f) No person whose permit application is denied shall be eligible to reapply for a permit for a period of one year following denial.

Sec. B35-10. Identification badge required

Upon approval of permit application, the peddler, solicitor or itinerant merchant will be issued an identification card with photograph in a badge format. Each person who is engaged in door-to-door commercial activity shall, at all times while so engaged, wear in plain sight on his or her person with the photograph facing outward, the identification (ID) badge. It is unlawful for any person other than the permittee to use or wear any identification badge issued under the provisions of this chapter. It is unlawful for any person issued an identification badge to alter, remove or obliterate any entry made upon such badge, or deface the badge in any way.
Sec. B35-11. Conditions

Each permit shall be subject to the terms and conditions set forth in this section, as well as any other conditions specifically set forth in the permit. The conditions shall constitute operating regulations. It is unlawful for any person with a permit issued pursuant to this chapter, or any person required to obtain a permit under this chapter, whether such person actually has a permit, to engage in door-to-door commercial activity in violation of these provisions.

(a) No peddler, solicitor or itinerant merchant shall enter upon any residential premises for the purpose of door-to-door commercial activity between the hours of 7:00 p.m. or one half hour after sunset, whichever comes first, and 10:00 a.m. of the following day.

(b) No peddler, solicitor or itinerant merchant shall ring the doorbell or knock at the door or otherwise call attention to his or her presence at any residence where a sign bearing the words “No Peddlers,” “No Solicitors” or words of similar import is painted or affixed or otherwise displayed so as to be exposed to public view, unless a peddler, solicitor or itinerant merchant has previously established an appointment with the occupants.

(c) Every peddler, solicitor or itinerant merchant issued an identification badge must be in possession of it at all times when engaged in door-to-door commercial activity within the unincorporated areas of the County. The peddler, solicitor or itinerant merchant must produce and show the identification badge on the demand of any person solicited or of any sheriff or official of the County.

(d) Every peddler, solicitor or itinerant merchant upon the request of any sheriff or official of the County, shall sign his or her name for comparison with the signature upon the identification badge or the signature upon the permit application.

(e) Every peddler, solicitor or itinerant merchant who solicits orders for future delivery shall, if requested by the customer, provide a receipt plainly stating the quantity of each article or commodity ordered, the unit price to be paid therefor, the total amount of goods ordered and the total amount to be paid on or after delivery.

(f) No peddler, solicitor or itinerant merchant shall operate or conduct his or her business or activity in a place or manner which would unreasonably interfere with or
obstruct the flow of pedestrian or motor vehicle traffic in or on any street, alley or sidewalk, or which would unreasonably obstruct vehicular sight distances.

(g) No peddler, solicitor or itinerant merchant shall operate a business from a fixed location in or on any public street, sidewalk, parking lot, right-of-way, plaza, or other public property, unless in possession of a separate permit authorizing such activity.

(h) No solicitor or peddler shall use, play or cause to be used or played an amplifier, loudspeaker, or any other instrument or device for the production of sound in such a manner as to create a disturbance of the peace, or between the hours of 7:00 p.m. or one-half hour after sunset, whichever comes first, and 10:00 a.m. of the following day.

Sec. B35-12. Permit revocation

(a) A permit issued under this chapter may be suspended or revoked by the Sheriff for any of the following causes:

(1) Fraud, misrepresentation or false statement contained in the application for permit;

(2) Fraud, misrepresentation or false statement made in the course of carrying on the door-to-door commercial activity;

(3) Any violation of the provisions of this chapter;

(4) Conviction of any crime or misdemeanor involving moral turpitude, violence to persons or sale of controlled substances;

(5) Conducting the door-to-door commercial activity in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

(b) Notwithstanding anything in this chapter to the contrary, the Sheriff shall have the authority to require immediate cessation of door-to-door commercial activities upon revocation of a permit under this section if he or she deems it reasonably necessary for the preservation of the public health, safety or welfare. Prior to an action to require the immediate cessation of any such business, or within twenty-four hours following such action, the Sheriff shall issue a written notice to the permittee setting forth in detail the basis for such action.
(c) Written notification of revocation of the permit, setting forth the grounds for the revocation, shall be served on the permittee by personal delivery or by first class and certified or registered mail, return receipt requested, addressed to the permittee at his or her mailing address as set forth in the permit application. Notice of revocation of the permit shall be deemed to have been served on the date it is personally served on the permittee or when deposited in the United States mail with postage prepaid and addressed to the permittee at his or her mailing address as set forth in the permit application, regardless whether the certified mail receipt is returned signed or unsigned.

Sec. B35-13. Appeal from revocation of permit

(a) If any permittee desires to appeal from any revocation or other order of the Sheriff, made under the provisions of this chapter, the permittee shall have the right to appeal such action to the County Executive, or designee, within fifteen calendar days after the notice of the action has been mailed to the person’s address as shown on the application form, or to his or her last known address. An appeal shall be taken by filing with the Sheriff a written statement setting forth the grounds for the appeal. The Sheriff shall transmit the written statement to the County Executive, or designee, within ten calendar days of its receipt. If a timely appeal is filed, any revocation shall be stayed pending the decision on the appeal.

(b) The County Executive, or designee, shall set a time and place for a hearing on the appeal. A hearing shall be set not later than twenty calendar days from the date of receipt of the permittee’s written statement. Notice of the time and place of the hearing shall be given to the permittee in the same manner as provided for the mailing of notice of action.

(c) At the hearing, the applicant and the Sheriff shall have the right to appear and be represented by counsel and to present evidence and arguments which are relevant to the grounds for the appeal, as stated in the written grounds for the appeal hearing. The burden of proof is on the Sheriff to justify the action taken by a preponderance of the evidence.

(d) The County Executive, or designee, shall consider all relevant evidence at the hearing, and may continue the hearing for good cause, and require such legal briefing as may be necessary to address any issues raised by the appeal. Within a reasonable time, but not more than thirty days following the conclusion of the hearing, the County Executive, or designee, shall issue a written decision affirming, denying or modifying the action from which the appeal was taken, supported by factual findings and determinations referenced by supporting evidence.
(e) The decision of the County Executive, or designee, on the appeal shall be served on the permittee as provided in Code of Civil Procedure Section 1094.6(b). The written decision shall include a notice that the decision is subject to judicial review according to the provisions and time limits set forth in Code of Civil Procedure Section 1094.6.

(f) No person whose permit is revoked shall be eligible to apply for a new permit for a period of one year following revocation.

Sec. B35-14. Interstate commerce

No fee provided for by this chapter shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a fee is believed by a peddler, solicitor or itinerant merchant to place an undue burden on interstate commerce, he or she may apply to the County Executive, or designee, before or up to six months following payment of the fee, for an adjustment of the fee so that it shall not be discriminatory, unreasonable, or unfair as to such commerce. The applicant shall, by affidavit and supporting evidence, show his or her method of business and the gross volume or estimated gross volume of business, and other information as required by the County Executive, or designee, to determine the extent of the burden on interstate commerce. The decision of the County Executive, or designee, may be appealed to the Board of Supervisors.

Sec. B35-15. Violations

(a) Violations of any of the provisions of this chapter shall be punishable as a misdemeanor.

(b) In addition to any criminal enforcement, the County or any individual may pursue any available civil remedies deemed necessary. In a civil action, the prevailing party shall be able to recover reasonable attorneys’ fees.
SECTION 2. Severability

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be held invalid.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, on ______________________ by the following vote:

AYES:

NOES:

ABSENT:

GEORGE SHIRAKAWA, President
Board of Supervisors

ATTEST:

LYNN REGANDANZ
Interim Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:

MIGUEL MÁRQUEZ
County Counsel

582085
County of Santa Clara
Social Services Agency
Department of Development & Operational Planning
Office of Contracts Management

CSFC SSA05 052312

Prepared by: Heather Ashley
Executive Assistant I

Reviewed by: Lee Pullen
DAAS Director
May Garcia
Contracts Program Manager II

Submitted by: Gina Sessions
Deputy Director Operations

DATE: May 23, 2012

TO: Children, Seniors & Families Committee

FROM: Luke Leung
Interim Agency Director

SUBJECT: Approve Recommendations Relating to Social Services Agency (SSA) County General Fund Contracts-Aging and Dependent Adults

RECOMMENDED ACTION

Consider recommendation regarding the Social Services Agency Aging and Dependent Adult Services related County General Fund Contracts.

Possible future action by the Board of Supervisors:

a. Accept the plan for delayed release of Request for Proposals to assure full alignment with the priorities for services that are identified in the Seniors' Agenda.

b. Approve extension of Aging and Dependent Adult Services County General Fund Contracts to April 30, 2013.
c. Approve plan to maintain proportional allocation of funds for seniors and dependent adults.

**FISCAL IMPLICATIONS**

There are no fiscal implications related to the recommended actions.

**CONTRACT HISTORY**

On October 15, 2007, a consolidated Request for Proposals (RFP) for the following County General Fund (CGF) categories was issued: Children and Families Services, Aging and Dependent Adult Services, Homeless and Transitional Housing Services, and Domestic Violence Services. Subsequent funding and extensions of the contracts awarded through these RFPs were approved by the Board of Supervisors, the last being through June 2012.

On October 18, 2011, the Board approved SSA's procurement plan for the CGF Domestic Violence Services, Homeless and Transitional Housing Services, and Program for Immigrant Integration Services for the FY 2012-13 contracts. SSA released the RFP on October 31, 2011. On February 18, 2012, the Board approved the procurement plan for the CGF Children and Families funding category. The Children and Families School-Linked Services RFP was released on February 10, 2012, and the Children and Families Safety Net Services RFP was released on February 15, 2012.

The remaining CGF funding category, Aging and Dependent Adult Services, remains to be bid. On February 28, the Board approved the plan for delayed release of the RFP to assure full alignment with the priorities for services that are identified in the Seniors' Agenda. The Board also approved the recommendation to approve extension of the Aging and Dependent Adult Services current contracts through October 31, 2012. Currently in FY 2011-12, there are twenty-one Aging and Dependent Adult Services contracts. The request to extend these current contracts to April 30, 2013, will bring these contracts into its fifth year term.

**REASONS FOR RECOMMENDATION**

The Request for Proposals (RFP) for the General Fund Aging and Dependent Adult Services will be released in accordance with the Board Policy 5.10.2. According to this policy, the County may enter into contracts to provide certain services to the public that will improve the social economic, physical, or mental well-being of persons in the County, while ensuring an efficient and effective use of County resources. According to Section 5.10.3, the County contracts with different organizations, such as Community Based Organizations (CBOs), to provide human services to the public. Human services refer to services that maintain or
improve the social, economic, physical, or mental well-being of persons for whom the County bears such responsibility.

According to the Board Policy 5.4.5.4 Length of Term of Contracts, the length of the contract term (beginning and ending date) may vary depending on the type of contract, but the term must not be more than five years, unless the contract falls under one of the exceptions and is approved by the Board, or the Director of Procurement, if the contract falls within the Director’s signature authority.

SSA is submitting this transmittal to keep the CSFC and the Board informed of SSA’s procurement plan for the Aging and Dependent Adult Services and to request extension of the current contracts beyond the previously approved extension. Since the Board’s approval on February 18, 2012, of SSA’s recommendations relating to this funding category, a delay has occurred in the completion of the Seniors’ Agenda. The new timeline for the RFP reflects the change in the timeline for the completion of the Seniors’ Agenda by November 2012. The RFP for this funding category is to be strategically aligned with the needs that have been developed jointly with the stakeholders regarding the well being of the County’s senior population.

**CHILD IMPACT**

The recommended action will have no/neutral impact on children and youth.

**SENIOR IMPACT**

This action will have a favorable impact on the seniors of Santa Clara County as it will support the allocation of funding to services which address the priorities identified from the Seniors' Agenda process.

**SUSTAINABILITY IMPLICATIONS**

This action will have a supportive impact on the development of a collaborative mutually owned system of supportive services for seniors.

**BACKGROUND**
In President Cortese's State of the County Address on January 25, 2011, SSA/DFCS was charged with developing a Seniors' Agenda for Santa Clara County. In a transmittal submitted to the full Board on March 15, 2011, Supervisors Liz Kniss and George Shirakawa made a formal referral to the administration to initiate the creation of the Seniors' Agenda. This commenced, led by SSA's Department of Aging and Adult Services (DAAS) in the fall of 2011.

The stakeholder involvement process and the development of the Seniors' Agenda is led by SSA in collaboration with the Council on Aging (COA) and the Aging Services Collaborative. The development of the Seniors' Agenda for Santa Clara County includes related work done by county departments such as the Mental Health Department's Adult Summit and the Public Health Department's Vietnamese Health Assessment, as well as a community needs assessment and the integration of partnering agency community assessments. The result will be the identification of a set of priorities that will guide the County over the coming years. The initial report was presented to CSFC in April. It was vetted by cross-systems stakeholders and a recommendation was made to use this report as the basis for a more extensive community process that will result in a set of priorities to define the Seniors' Agenda.

As noted in the February 16, 2012 report to CSFC, SSA is due to rebid $832,967 for Aging and Dependent Adult Services as part of the County General Fund procurement process. This amount of money includes services to seniors and services to the disabled and dependent adult community.

Currently, twelve of twenty-one contracts are providing services to seniors (who may also have disabilities), six of the twenty-one contracts are providing services to disabled and dependent adults, and three of the twenty-one are providing services to both seniors and disabled and dependent adults. Based on the current funding level, and general data on community needs obtained through the Network of Care website, SSA/DAAS recommends the RFP plan for FY 2012-13 contracts include funding services to seniors at seventy percent of $832,967 and thirty percent to services for disabled and dependent adults. This maintains the proportional allocation approved by the Board on February 28, 2012. At that time the Board also approved the extension of the contracts until October 31, 2012.

SSA/DAAS further recommends that this procurement be delayed until the Seniors' Agenda work is drafted so that the contracts supported through this funding can be strategically aligned with the Seniors' Agenda. This alignment of the use of County funds to needs that have been developed jointly with stakeholders regarding the well-being of the County's senior
population will better enable the measurement of outcomes and impact for the community.

An extension of the current CGF Aging and Dependent Adults Services contracts will involve a ten month extension for the current contractors at the current contract amount, prorated by month. These contracts would terminate on April 30, 2013. New contracts will be awarded for a fourteen month period, and will include two months of prorated money from FY 2013 as well as the full FY 2014 allotment. This amount is subject to the availability of funds in FY 2014.

In the CSFC meeting of February 16, 2012, SSA presented a plan to delay release of the Request for Proposals for the Seniors and Dependent Adults County General Fund Contracts. While this proposal was approved, President Cortese requested that SSA submit a calendar outlining the timeline for the delayed release. This calendar is driven by the presentation of the Final Draft of the Seniors' Agenda at CSFC. Since that time, a delay has occurred in the completion of the Seniors' Agenda. This new timeline for the procurement of the Aging and Dependent Adult Services contracts reflects the changes in the timeline for the completion of the Seniors' Agenda by November 2012.

See the proposed timeline in the table that follows.

RFP CGF Seniors
Tentative Revised Proposed Calendar

<table>
<thead>
<tr>
<th>Date (approximate Board dates are not set at this time)</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>November 21, 2012</td>
<td>Seniors' Agenda Presented to CSFC</td>
</tr>
<tr>
<td>December 19, 2012</td>
<td>Procurement Plan to CSFC</td>
</tr>
<tr>
<td>First Board meeting in January 2013</td>
<td>Procurement Plan to Board of Supervisors</td>
</tr>
<tr>
<td>January 2013</td>
<td>Release RFP</td>
</tr>
<tr>
<td>Mid-February 2013</td>
<td>RFP Due</td>
</tr>
<tr>
<td>April 2013</td>
<td>CSFC Award Recommendations</td>
</tr>
<tr>
<td>May 2013</td>
<td>Contract Start (May 1, 2013-June 30, 2014)</td>
</tr>
</tbody>
</table>

This timeline is subject to change.
CONSEQUENCES OF NEGATIVE ACTION
Negative action could result in failure to continue Aging and Dependent Adult CGF contracts past the October 31, 2012 termination date and failure to procure new contracts to serve this vulnerable population.

STEPS FOLLOWING APPROVAL
The Clerk of the Board will follow the usual steps for this type of transmittal.
County of Santa Clara
Social Services Agency
Department of Development & Operational Planning
Office of Contracts Management

CSFC SSA06 052312

Prepared by: May Garcia
Contracts Program Manager II

Reviewed by: Nancy Goodban
Deputy Director Administration
Alfredo Nevius
MAPM II

Submitted by: Gina Sessions
Deputy Director Operations

DATE: May 23, 2012

TO: Children, Seniors & Families Committee

FROM: Luke Leung
Interim Agency Director

SUBJECT: Funding Recommendations and Delegation of Authority for the Social Services Agency General Fund Contracts for FY 2012-13

RECOMMENDED ACTION

Consider recommendations from Social Services Agency relating to funding recommendations and delegation of authority for General Fund Domestic Violence Services, Homeless and Transitional Housing Services, and Program for Immigrant and Integration Services contracts for FY 2012-13.

Possible future action by the Board of Supervisors:

a. Accept the funding recommendation with ongoing expenses of $251,160 for the General Fund Domestic Violence Services Contracts for FY 2012-13 subject to the Board
adoption of the FY 2012-13 budget.
b. Accept the funding recommendation with ongoing expenses of $274,970 for the General Fund Homeless and Transitional Housing Services Contracts for FY 2012-13 subject to the Board adoption of the FY 2012-13 budget.
c. Accept the funding recommendation with ongoing expenses of $779,396 for the Program for Immigrant Integration Services for FY 2012-13 subject to the Board adoption of the FY 2012-13 budget.
d. Approve the delegation of authority to the Director of Social Services Agency, or designee, to negotiate, execute, amend, and terminate, and take any and all necessary or advisable actions relating to agreements relating to Domestic Violence Services, Homeless and Transitional Housing Services, and Program for Immigrant Integration Services in an amount not to exceed $1,305,526 for period July 1, 2012 through June 30, 2013, with four additional one-year terms following approval by County Counsel as to form and legality and approval by the Office of the County Executive. Delegation of authority shall expire on June 30, 2013.

FISCAL IMPLICATIONS
The ongoing funding amount of $1,305,526 includes $251,160 for Domestic Violence Services, $274,970 for Homeless and Transitional Housing Services, and $779,396 for Program for Immigrant Integration Services. This ongoing funding is included in the Social Services Agency Recommended Budget for FY 2012-13.

CONTRACT HISTORY
On October 2, 2007 the Board of Supervisors approved the Children, Seniors and Families Committee (CSFC) recommendations regarding issuance of the General Fund Request for Proposals (RFP) for FY 2008-2009. On October 15, 2007, the Social Services Agency released the RFP for the contract period July 1, 2008 through June 30, 2009 with two additional one year options for renewal based on performance and availability of funding. Funding and delegation of authority for the contracts selected and recommended through this RFP was approved by the Board on June 2008. On June 2009, the Board approved the delegation of authority for these contracts for FY 2009-2010. Subsequent funding, extensions and delegations of authority were approved by the Board, the last being through June 30, 2012.

Currently in FY 2011-2012, there are four (4) Domestic Violence Services contracts, eight (8) Homeless and Transitional Housing Services contracts, and sixteen (16) Program for
Immigrant Integration (PII) Contracts.

The new procurement for these three service funding categories was released on October 31, 2011.

**REASONS FOR RECOMMENDATION**

This transmittal is requesting the CSFC accepts the Social Services Agency recommendation for funding the Community Based Organizations being awarded through the most recent RFP for Domestic Violence Services, Homeless and Transitional Housing, and Program for Immigrant Integration Services in accordance with the Board Policy 5.10.2. According to this policy, County may enter into contracts to provide certain services to the public that will improve the social economic, physical, or mental well being of persons in the County, while ensuring an efficient and effective use of County resources. According to Section 5.10.3, the County contracts with different organizations, such as Community Based Organizations (CBOs), to provide human services to the public. Human services refer to services that maintain or improve the social, economic, physical, or mental well being of persons from whom the County bears such responsibility.

This transmittal is also requesting for the delegation of authority to the Social Services Agency Director, or designee, to negotiate, execute, amend, and terminate, and take any and all necessary or advisable actions relating to these contracts in accordance with Board Policy Section 5.3.5.3. According to this policy, the Board may also delegate by ordinance, Board resolution or other express Board action to County Agencies/Departments to enter into and amend certain contracts. Most of these delegations have an expiration date and further Board action is required to renew or modify contracts beyond the scope of maximum dollar authority of the original delegation.

The Social Services Agency as it has done in the past, is submitting its funding recommendations for all the General Fund human service contracts to the CSFC for consideration and to the full Board in June for its final funding approval. As such the Social Services Agency does not have sufficient time to bring to the Board for signature all twenty six (26) contracts listed on Attachment A: Funding Recommendations. SSA has two other General Fund RFP’s in the process of completion by June 30, 2012.
CHILD IMPACT
The recommended action positively impacts the following indicators: Safe and Stable Families, Food Insecurity and Hunger and Access to Healthcare. The contracts awarded through this GF RFP provide services to the most vulnerable residents of Santa Clara County, including children and their families. Funding for these contracts support a wide array of services that enable self-sufficiency, attainment of violence free-families, provide emergency shelter, housing for low-income families with children, adults and special needs populations, and access of information relevant to immigrants.

SENIOR IMPACT
This recommended action will positively impacts services to seniors. The contracts awarded for Homeless and Transitional Housing Services and Program for Immigrant Integration Services (PII) provide services to the most vulnerable residents of Santa Clara County, including seniors. Funding for these contracts support a wide array of services that provide emergency shelter, housing for low-income adults and special needs populations. The PII contracts will provide access to immigration legal services and attainment of citizenship status.

SUSTAINABILITY IMPLICATIONS
This recommended action will have no/neutral sustainability implications.

BACKGROUND
General Fund (GF) contracts have historically received support by the Board of Supervisors. These contracts are with community based organizations throughout Santa Clara County. Partnering with these contractors has enabled the County to provide affordable direct services to clients. As part of the FY 2011-12 budget process, the Board of Supervisors provided continued funding for the GF contracts, however, there was a 25% cut to Domestic Violence Services and Homeless and Transitional Housing funding. The funding for Program for Immigrant Integration was maintained at 100%.

The procurement and oversight for GF contracts reside within the Social Services Agency. The Office of Human Relations provide collaborative leadership with SSA in assessing the needs for Program for Immigrant Integration Services and in contract monitoring.
On September 9, 2011, CSFC accepted and forwarded to the full Board the Social Services Agency plan for the RFP for Domestic Violence Services, Homeless and Transitional Housing Services, and Program for Immigrant Integration Services. The Board approved the plan on October 18, 2011. The plan included approval for a five-year funding cycle to provide funding stability to vendors but continued funding or contracts awarded through the RFP will be based on contractor performance and funding availability. Since the funding for these contracts is at the discretion of the Board, SSA will return to the Board to discuss funding levels and delegation of authority for each renewal year.

SSA released the RFP on October 31, 2011 on the County's bid management website BidSync.com with the Proposal due date of January 12, 2012. The review panels established for the RFP evaluated the qualified proposals in accordance with the RFP's evaluation criteria. The review panel members were all given training with an overview of the RFP and review process. Each review panel member was required to read and sign a Conflict of Interest Statement and a Confidentiality Statement.

The evaluation period for this RFP concluded in March 2012 and the Intent to Award Notices were sent out to vendors on March 20, 2012. SSA received no written protests for this RFP.

The following table provides the number of qualified proposals evaluated by the RFP Review Panels and the number of proposals being recommended for funding for FY 2012-13.

<table>
<thead>
<tr>
<th>Funding Subject Area</th>
<th># of Proposals Evaluated by Review Panel</th>
<th># of Proposals Recommended for FY 2012-13 Funding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic Violence Services</td>
<td>6</td>
<td>5</td>
</tr>
<tr>
<td>Homeless and Transitional Housing Services</td>
<td>14</td>
<td>9</td>
</tr>
<tr>
<td>Program for Immigrant Integration Services</td>
<td>17</td>
<td>12</td>
</tr>
</tbody>
</table>
CONSEQUENCES OF NEGATIVE ACTION
Social Services Agency will not be able to execute the contracts for the General Fund Domestic Violence Services, Homeless and Transitional Housing, and Program for Immigrant and Integration Services by the July 1, 2013 start date and the array of important human services may not be provided.

STEPS FOLLOWING APPROVAL
The Clerk of the Board will follow the usual steps for this type of transmittal.

ATTACHMENTS

• Attachment A - Funding Recommendations for GF DV, Housing, and PII Contracts
### Domestic Violence Services

<table>
<thead>
<tr>
<th>Agency Name/Service Provider</th>
<th>Program Name</th>
<th>Scores</th>
<th>Proposal Amount</th>
<th>Recommended Funding for FY2012-13</th>
</tr>
</thead>
<tbody>
<tr>
<td>ASIAN AMERICANS FOR COMMUNITY INVOLVEMENT (AACI)</td>
<td>Domestic Violence Program-Asian Women's Home</td>
<td>88.0</td>
<td>$100,000</td>
<td>$81,000</td>
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<tr>
<td>COMMUNITY SOLUTIONS</td>
<td>La Isla Pacifica Domestic Violence Shelter &amp; Services</td>
<td>85.2</td>
<td>$65,857</td>
<td>$53,160</td>
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<tr>
<td>NEXT DOOR SOLUTIONS TO DOMESTIC VIOLENCE</td>
<td>The Shelter Next Door</td>
<td>83.2</td>
<td>$60,000</td>
<td>$45,000</td>
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<tr>
<td>NEXT DOOR SOLUTIONS TO DOMESTIC VIOLENCE</td>
<td>DV Support Services Program</td>
<td>81.8</td>
<td>$60,000</td>
<td>$42,000</td>
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<tr>
<td>YWCA OF SILICON VALLEY</td>
<td>YWCA Domestic Violence Department, Support Network Program</td>
<td>77.2</td>
<td>$34,385</td>
<td>$30,000</td>
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<tr>
<td>SACRED HEART</td>
<td>Una Vida Mejor para mi Familia (Una Vida Mejor)</td>
<td>67.8</td>
<td>$80,000</td>
<td>$0</td>
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<td></td>
<td><strong>Total</strong></td>
<td><strong>400,242</strong></td>
<td></td>
<td><strong>$251,160</strong></td>
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</table>

### Homeless & Transitional Housing Services

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<thead>
<tr>
<th>Agency Name/Service Provider</th>
<th>Program Name</th>
<th>Scores</th>
<th>Proposal Amount</th>
<th>Recommended Funding for FY2012-13</th>
</tr>
</thead>
<tbody>
<tr>
<td>EMERGENCY HOUSING CONSORTIUM (dbA EHC LIFEBUILDERS)</td>
<td>Boccardo Reception Center</td>
<td>90.0</td>
<td>$75,000</td>
<td>$34,970</td>
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<tr>
<td>SACRED HEART</td>
<td>Rapid Rehousing for Homeless Individuals and Families</td>
<td>87.8</td>
<td>$171,860</td>
<td>$30,000</td>
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<tr>
<td>BILL WILSON CENTER</td>
<td>Transitional Housing Program for Homeless Transition-Age Youth &amp; Young Families</td>
<td>86.5</td>
<td>$100,000</td>
<td>$30,000</td>
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<tr>
<td>SILICON VALLEY INDEPENDENT LIVING</td>
<td>Housing Program for Persons with Disabilities</td>
<td>85.5</td>
<td>$46,988</td>
<td>$30,000</td>
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</table>
## Funding Recommendations for FY 2012-13 General Fund Contracts RFP-SSA-FY12-0104

<table>
<thead>
<tr>
<th>5</th>
<th>ST. JOSEPH'S FAMILY CENTER</th>
<th>Homeless Prevention &amp; Emergency Services</th>
<th>85.5</th>
<th>$45,000</th>
<th>$30,000</th>
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</thead>
<tbody>
<tr>
<td>6</td>
<td>EMERGENCY HOUSING CONSORTIUM (dba EHC LIFEBUILDERS)</td>
<td>Shelter and Support Services for South County Homeless</td>
<td>81.3</td>
<td>$40,000</td>
<td>$30,000</td>
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<tr>
<td>7</td>
<td>MAITRI</td>
<td>Maitri's Transitional Home</td>
<td>79.0</td>
<td>$30,000</td>
<td>$30,000</td>
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<tr>
<td>8</td>
<td>WEST VALLEY COMMUNITY</td>
<td>Transitional Housing Program (THP)</td>
<td>74.0</td>
<td>$68,050</td>
<td>$30,000</td>
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<td>9</td>
<td>INNVISION THE WAY HOME</td>
<td>Safe Haven II - Stevens Home</td>
<td>73.5</td>
<td>$32,000</td>
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<td>10</td>
<td>ST. JOSEPH'S FAMILY CENTER</td>
<td>Gilroy Compassion Center - Day Center</td>
<td>70.3</td>
<td>$46,000</td>
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<td>11</td>
<td>INNVISION THE WAY HOME</td>
<td>Family Place</td>
<td>70.0</td>
<td>$75,012</td>
<td>$0</td>
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<td>12</td>
<td>INNVISION THE WAY HOME</td>
<td>Georgia Travis One Stop Center</td>
<td>68.8</td>
<td>$40,000</td>
<td>$0</td>
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<td>13</td>
<td>INNVISION THE WAY HOME</td>
<td>Montgomery Street Inn/Cecil White Center</td>
<td>67.3</td>
<td>$38,000</td>
<td>$0</td>
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<tr>
<td>14</td>
<td>INNVISION THE WAY HOME</td>
<td>Commercial Street Inn</td>
<td>66.8</td>
<td>$38,000</td>
<td>$0</td>
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</table>

**Total** | **$844,910** | **$274,970**

## Program for Immigrant Integration Services

<table>
<thead>
<tr>
<th>Agency Name/Service Provider</th>
<th>Program Name</th>
<th>Scores</th>
<th>Proposal Amount</th>
<th>Recommended Funding for FY2012-13</th>
</tr>
</thead>
<tbody>
<tr>
<td>CATHOLIC CHARITIES OF SANTA CLARA COUNTY</td>
<td>Legal Support for Citizenship Complex Cases</td>
<td>101.6</td>
<td>$40,000</td>
<td>$40,000</td>
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<tr>
<td>ASIAN LAW ALLIANCE OF SANTA CLARA COUNTY</td>
<td>Legal Support for Citizenship</td>
<td>101.4</td>
<td>$53,193</td>
<td>$53,193</td>
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<tr>
<td>ASIAN LAW ALLIANCE OF SANTA CLARA COUNTY</td>
<td>Citizenship Services</td>
<td>98.6</td>
<td>$39,387</td>
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<td>ASIAN LAW ALLIANCE OF SANTA CLARA COUNTY</td>
<td>Immigration Legal Services as a Path to Citizenship</td>
<td>97.6</td>
<td>$100,000</td>
<td>$100,000</td>
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<tr>
<td>CATHOLIC CHARITIES OF SANTA CLARA COUNTY</td>
<td>South County Citizenship Services and Legal Assistance</td>
<td>97.4</td>
<td>$60,000</td>
<td>$45,001</td>
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<tr>
<td>CENTER FOR EMPLOYMENT &amp; TRAINING (CET)</td>
<td>Citizenship Services</td>
<td>97.4</td>
<td>$80,675</td>
<td>$62,167</td>
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Approved
<table>
<thead>
<tr>
<th>Organization</th>
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<th>Designated Funds</th>
<th>Actual Funds</th>
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<tbody>
<tr>
<td>CENTER FOR EMPLOYMENT &amp; TRAINING (CET)</td>
<td>Legal Support for Citizenship</td>
<td>97.4</td>
<td>$60,572</td>
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<td>SERVICES, IMMIGRANTS RIGHTS AND EDUCATION NETWORK (SIREN)</td>
<td>Citizenship Services &amp; Lead Citizenship Day</td>
<td>97.0</td>
<td>$100,000</td>
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<tr>
<td>CENTER FOR EMPLOYMENT &amp; TRAINING (CET)</td>
<td>Immigration Legal Services as a Path to Citizenship</td>
<td>96.8</td>
<td>$100,000</td>
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<td>CATHOLIC CHARITIES OF SANTA CLARA COUNTY</td>
<td>Initial Steps to Permanent Residency and Citizenship</td>
<td>95.0</td>
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<tr>
<td>ASIAN LAW ALLIANCE OF SANTA CLARA COUNTY</td>
<td>Website and Community Education</td>
<td>94.2</td>
<td>$69,582</td>
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<tr>
<td>SERVICES, IMMIGRANTS RIGHTS AND EDUCATION NETWORK (SIREN)</td>
<td>Multilingual Immigrant Hotline Assistance</td>
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<td>BAY AREA LEGAL AID SOCIETY</td>
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<td>SELF HELP FOR THE ELDERLY</td>
<td>Citizenship Services</td>
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<td>INTERNATIONAL RESCUE COMMITTEE (IRC)</td>
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<td>SACRED HEART</td>
<td>Services to Immigrants</td>
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<td>Portugese community Center Immigrant Integration Program</td>
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Grand Total for RFP-SSA-FY12-0104 | $2,399,424 | $1,305,526

Approved
### Domestic Violence Services

<table>
<thead>
<tr>
<th>Agency Name</th>
<th>Program Name</th>
<th>Recommended Funding for FY2012-13</th>
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</thead>
<tbody>
<tr>
<td>1 Asian Americans for Community involvement</td>
<td>Domestic Violence Program – Asian Women’s Home</td>
<td>$ 81,000</td>
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<tr>
<td>2 Community Solutions</td>
<td>La Isla Pacifica Domestic Violence Shelter &amp; Services</td>
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<tr>
<td>2 Next Door Solutions to Domestic Violence</td>
<td>The Shelter Next Door</td>
<td>$ 45,000</td>
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<td>4 Next Door Solutions to Domestic Violence</td>
<td>Domestic Violence Support Services Program</td>
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<tr>
<td>5 Young Women’s Christian Association</td>
<td>YWCA Domestic Violence Department, Support Network Program</td>
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<td><strong>Total</strong></td>
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### Homeless and Transitional Housing Services

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<th>Agency Name</th>
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</thead>
<tbody>
<tr>
<td>1 Bill Wilson Center</td>
<td>Transitional Housing Program for Homeless Transition-Age Youth &amp; Young Families</td>
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<td>2 Emergency Housing Consortium</td>
<td>Boccardo Reception Center</td>
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<tr>
<td>3 Emergency Housing Consortium</td>
<td>Shelter &amp; Support Services for South County Homeless</td>
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<tr>
<td>4 InvVision the Way Home</td>
<td>Safe Haven II – Stevens Home</td>
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</tr>
<tr>
<td>5 Maitri</td>
<td>Maitri's Transitional Home</td>
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<tr>
<td>6 Sacred Heart Community Service</td>
<td>Rapid Housing for Homeless Individuals and Families</td>
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</tr>
<tr>
<td>7 Silicon Valley Independent Living Center</td>
<td>Housing Program for Persons with Disabilities</td>
<td>$ 30,000</td>
</tr>
<tr>
<td>8 St. Joseph's Family Center</td>
<td>Homeless Prevention &amp; Emergency Services</td>
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<tr>
<td>9 West Valley Community Services of Santa Clara County</td>
<td>Transitional Housing Program</td>
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<tr>
<td>Agency Name</td>
<td>Program Name</td>
<td>Recommended Funding for FY2012-13</td>
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<td>-----------------------------------------------</td>
<td>-------------------------------------------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>1. Asian Law Alliance of Santa Clara County</td>
<td>Legal Support for Citizenship</td>
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<td>2. Asian Law Alliance of Santa Clara County</td>
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<td>3. Asian Law Alliance of Santa Clara County</td>
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<tr>
<td>4. Asian Law Alliance of Santa Clara County</td>
<td>Website &amp; Community Education</td>
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<tr>
<td>5. Catholic Charities of Santa Clara County</td>
<td>Legal Support for Citizenship Complex Cases</td>
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<td>6. Catholic Charities of Santa Clara County</td>
<td>South County Citizenship Services &amp; Legal Assistance</td>
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<td>7. Catholic Charities of Santa Clara County</td>
<td>Initial Steps to Permanent Residency &amp; Citizenship</td>
<td>$100,000</td>
</tr>
<tr>
<td>8. Center for Employment &amp; Training (CET)</td>
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<tr>
<td>9. Center for Employment &amp; Training (CET)</td>
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<td>$60,572</td>
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<tr>
<td>10. Center for Employment &amp; Training (CET)</td>
<td>Immigration Legal Services as a Path to Citizenship</td>
<td>$100,000</td>
</tr>
<tr>
<td>12. Services, Immigrant Rights &amp; Education Network (SIREN)</td>
<td>Multilingual Immigrant Hotline Assistance</td>
<td>$47,327</td>
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<td>Total</td>
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<td>$779,396</td>
</tr>
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Grand Total for RFP-SSA-FY12-0104 $1,305,526
County of Santa Clara
Social Services Agency
Department of Development & Operational Planning
Office of Contracts Management

CSFC SSA07 052312

Prepared by: Alfredo Nevius
MAPM II

Reviewed by: Nancy Goodban
Deputy Director Administration

Submitted by: Gina Sessions
Deputy Director Operations

DATE: May 23, 2012

TO: Children, Seniors & Families Committee

FROM: Luke Leung
Interim Agency Director

SUBJECT: Funding Recommendations and Delegation of Authority for Social Services Agency Child Abuse Prevention Contracts for FY 2012-13

RECOMMENDED ACTION

Consider recommendations from Social Services Agency and Child Abuse Council relating to funding for the Child Abuse Prevention Programs Contracts and delegation of authority for Child Abuse Prevention Programs contracts for FY 2012-13.

Possible future action by the Board of Supervisors:

a. Accept the funding recommendations for the Child Abuse Prevention Programs Contracts with ongoing expenses of $996,448 for FY 2012-13, subject to Board adoption of the FY 2012-13 budget.
b. Approve the delegation of authority to the SSA Director, or designee, to negotiate,
execute, amend, terminate, and take any and all necessary or advisable actions relating to the agreements with various vendors to provide Child Abuse Prevention Programs in an amount not to exceed $996,448 for the period beginning July 1, 2012 through June 30, 2013, with two additional one-year terms, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive. Delegation of Authority shall expire on June 30, 2013.

FISCAL IMPLICATIONS

The following recommendations will have no net impact on County General Fund. The ongoing recommended amount of $996,448 which is made available through the Child Abuse Prevention, Intervention and Treatment Program (CAPIT) through the State Office of Child Abuse Prevention (OCAP) and County's Children's Trust Fund (CTF), will be included in the Social Services Agency budget, subject to Board adoption of the FY 2012-13 budget.

The Allocation of CAPIT/CTF funds is as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>CAPIT</th>
<th>CTF</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contracts</td>
<td>$469,224</td>
<td>$527,224</td>
<td>$996,448</td>
</tr>
<tr>
<td><strong>Recommended Amount</strong></td>
<td><strong>$469,224</strong></td>
<td><strong>$527,224</strong></td>
<td><strong>$996,448</strong></td>
</tr>
</tbody>
</table>

CAPIT funding is expected to remain stable during the next three years. CAPIT funding, which is 100% State General Fund, is authorized by AB 1733 through a Three-Year Plan that requires approval by the Board of Supervisors and the California Department of Social Services.

County funding for child abuse and neglect prevention services is authorized by AB 2994 through revenue accumulated in the County's Children's Trust Fund from fees generated from certified copies of birth certificates, and fees from "Help Our Kids" special license plates sales, and donations (gifts, bequests, etc).

CONTRACT HISTORY

The Child Abuse Prevention Program funding process includes two phases: Request for Information - Request for Letter of Intent and Program Summary, and Request for Proposals.
The Request for Information - Letter of Intent and Program Summary was used to pre-determine which agencies were interested in submitting an application for child abuse prevention and neglect funding.

SSA and the Child Abuse Council received eighteen (18) letters of Intent and Program Summaries by the due date of September 9, 2011 from 16 distinct vendors. The Letter of Intent and Program Summaries were used to select a Child Abuse Prevention Grants Task Force RFP Review Panel free from conflict of interest and to predetermine the estimated number and types of Request for Proposals that might be expected.

SSA released a Request for Proposals (RFP) Child Abuse Prevention Program on October 20, 2011 through Bid Sync.

A Vendor's Workshop was conducted on November 2, 2011 at SSA to explain the Child Abuse Council's funding priorities, to provide examples of programs which may be considered for funding, outcome measurements, contract requirements and evaluation criteria. Thirty-six (36) service providers were represented at the workshop.

The Child Abuse Prevention Program Grants Task Force met twice, on January 11, 2012 and again on January 26, 2012, to review the 22 qualified proposals received by the 3 p.m., December 6, 2011 deadline. The requested funding amount far exceeded the funding availability and the Grants Task Force was not able to fund all requests. The Grants Task Force scored and ranked all 22 proposals based on the evaluation criteria stipulated in the RFP, and recommended 13 proposals for funding, totaling $996,448.

**REASONS FOR RECOMMENDATION**

It is the responsibility of the Child Abuse Council to review all proposals submitted by the various service providers requesting funding for child abuse prevention and early intervention services. For each funding cycle, the Child Abuse Council, through the Child Abuse Council's Allocations Committee, selects a Grants Task Force (Selection Committee) to review proposals and make funding recommendations. The Child Abuse Council then reviews and approves the Grants Task Force process for selecting proposals for funding, and approves forwarding the funding recommendations to the Board of Supervisors through the Children, Seniors & Families Committee (CSFC). Board of Supervisors approval is required to complete the funding process and execute contracts.
In accordance with Board Policy 5.10.2, County may enter into contracts to provide certain services to the public that will improve the social economic, physical, or mental well-being of persons in the County, while ensuring an efficient and effective use of County resources. According to Section 5.10.3, the County contracts with different organizations, such as Community Based Organizations (CBO’s) to provide human services to the public. Human services refer to services that maintain or improve the social, economic, physical, or mental well-being of persons from whom the County bears such responsibility.

Welfare and Institutions Code, Sections 18960-18964 stipulate that priority for child abuse and neglect prevention and intervention programs shall be given to private, nonprofit agencies with programs that serve the needs of children at risk of abuse or neglect and that have demonstrated effectiveness in prevention or intervention.

The Social Services Agency (SSA) is the fiscal agent for the Child Abuse Council. SSA is requesting that the Children, Seniors, and Families Committee accepts these funding recommendations and provide delegation of authority for Child Abuse Prevention programs.

SSA is seeking Delegation of Authority for these contracts because there is insufficient time to bring the full set of contracts to the Board in order to execute the contracts by July 1, 2012.

**CHILD IMPACT**
This action will have an impact under the Children's Agenda Goal of Every Child Safe. It impacts the Safe and Stable Families indicator by providing child abuse prevention and early intervention services to children and their families and preventing child abuse and neglect.

**SENIOR IMPACT**
The recommended action will have no/neutral impact on seniors.

**SUSTAINABILITY IMPLICATIONS**
The recommended action will have no/neutral sustainability implications.

**BACKGROUND**
The Santa Clara County Child Abuse Council is an independent committee of the Board of Supervisors whose primary purpose is to coordinate the community’s efforts to prevent and respond to child abuse. Voting members of the Child Abuse Council are appointed by the Board of Supervisors upon recommendation by the Child Abuse Council. The Child Abuse
Council is responsible for making tri-annual recommendations to the Board of Supervisors concerning funding recommendations.

In accordance with the Child Abuse Council's Bylaws, the Child Abuse Council's Allocation Committee formed a Grants Task Force (Selection Committee) to review the proposals and make funding recommendations and provided oversight of the Grants Task Force. Each Grants Task Force member received an RFP orientation and members signed a conflict of interest statement indicating that they were free of conflicts. The Grants Task Force forwarded their funding recommendations and the Grant Task Force RFP Selection Process to the Child Abuse Council.

On April 23, 2012, the Child Abuse Council discussed and approved the Grants Task Force process for selecting proposals for Fiscal Year 2013, and approved forwarding the list of funding recommendations to the Board of Supervisors though the Children, Seniors & Families Committee (CSFC).

Recommended services include:

- Outreach events, parenting workshops, psycho-educational parenting groups in San Jose;
- Parenting/relationship building education workshops, case management, home visits, family counseling services/therapy for transitional age parenting youth;
- Parent Child Interactive Therapy;
- Home visitation and support services to marginalized families impacted by criminal justice system and at high risk of child abuse and neglect;
- Parent education and support for high-risk Vietnamese, Spanish, and Amharic speaking parents and their children.
- Counseling services and parent education classes for Spanish speaking parents;
- Parenting education, child abuse prevention awareness weekly radio programs for Vietnamese parents and caregivers;
- Parent education and support to parents and caregivers of children with special needs;
- Parent education workshops, parent support groups, and case management for low-income Hispanic parents and their children;
- Parenting workshops, case management, and child enrichment program for low-income families in East San Jose;
- Parent education workshops to low income and Spanish speaking parents/guardian;
• Family counseling/case management, and day/child care for low-income women with children 0-5;
• Healthy Families parenting program education and day/child care in South County;

The Social Services Agency is responsible for the administration of both CAPIT and CTF fund. In this capacity, the Agency is responsible for the procurement process of child abuse prevention services and contract administration and monitoring. The Agency acts as advisor to the Child Abuse Council and the Grants Task Force but does not participate in the funding recommendations.

CONSEQUENCES OF NEGATIVE ACTION
Social Services Agency will not be able to execute the Child Abuse Prevention and Early Intervention program contracts by the July 1, 2012 start date and may result in not being able to provide these important child abuse prevention services to these vulnerable populations.

STEPS FOLLOWING APPROVAL
The Clerk of the Board will follow the usual steps for this type of transmittal.

ATTACHMENTS

• Attachment A - CAP Summary of Proposals Recommended for Funding
<table>
<thead>
<tr>
<th>Program Name</th>
<th>Agency Name</th>
<th>Recommended Funding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transition Age Parenting Youth Child Abuse Prevention</td>
<td>Wilson Center</td>
<td>$80,000.00</td>
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<tr>
<td>Parent Child Interaction Therapy (PCIT)</td>
<td>Alum Rock Counseling Center</td>
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</tr>
<tr>
<td>Community Access to Prevention</td>
<td>Parents Helping Parents, Inc</td>
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<tr>
<td>Child Abuse Prevention Program</td>
<td>Catholic Charities</td>
<td>$74,429.00</td>
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<tr>
<td>YWCA SSA Child Abuse Prevention Program</td>
<td>Young Woman's Christian Association of Silicon Valley</td>
<td>$75,000.00</td>
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<tr>
<td>Steps Ahead Program - Baby Steps</td>
<td>Sacred Heart Community Service</td>
<td>$100,000.00</td>
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<tr>
<td>Una Vida Mejor Para Mi Familia</td>
<td>Catholic Charities</td>
<td>$45,000.00</td>
</tr>
<tr>
<td>Happy 5 Vietnamese Early Childhood Education Program</td>
<td>International Children Assistance Network</td>
<td>$81,000.00</td>
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<tr>
<td>Child Abuse Prevention Program</td>
<td>Community Health Awareness Council</td>
<td>$63,002.00</td>
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<td>Family Wellness Workshops with Raising a Reader</td>
<td>Rebekah Children's Services</td>
<td>$93,537.00</td>
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<tr>
<td>Birth &amp; Beyond Family Empowerment Program</td>
<td>Los Dichos de la Casa</td>
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<tr>
<td></td>
<td>YMCA of Silicon Valley/Project Cornerstone</td>
<td>$83,950.00</td>
</tr>
<tr>
<td></td>
<td>San Jose Grief Family Services</td>
<td>$996,448.00</td>
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</table>

*RFP Funding was estimated at $1,000,000 per year.
CSFC-CE02 052312

DATE: May 23, 2012

TO: Children,Seniors & Families Committee

FROM: Leslie Crowell
Deputy County Executive

SUBJECT: Alcohol and Drug Testing Coordination Status Report

RECOMMENDED ACTION

Consider recommendations relating to the coordination of drug testing services among Santa Clara County programs.

Possible action:

a. Accept status report on the progress of countywide efforts to coordinate alcohol and drug testing services and extend the implementation of a fully automated program to FY 2014.

b. Consider recommendations from the Office of the County Executive and the Drug Testing Coordination Task Force regarding proceeding with the option of providing countywide coordinated alcohol and drug testing services using in-house resources for the AB 109 clients referred by Probation to the Department of Alcohol and Drug Services as an initial test group, and forward to the Board of Supervisors for consideration.
FISCAL IMPLICATIONS
There is no impact on the General Fund at this time. Future coordination activities could result in cost savings over time due to economies of scale and standardization of the drug testing process. Further work is needed to determine the extent of any cost savings, as well as any new costs that could be incurred in coordinating drug testing services and establishing a database for the sharing of client information among affected County departments.

CONTRACT HISTORY
None.

REASONS FOR RECOMMENDATION
This is a status report on the countywide effort to coordinate alcohol and drug testing services, which would streamline the testing process, provide standardization of testing to the greatest extent possible, and provide a less cumbersome testing process for clients who are ordered to undergo alcohol and drug testing among various County programs. The County Executive’s Office last reported on the progress of this effort to the Children, Seniors and Families Committee on December 19, 2011, and at that time the Committee directed the Drug Testing Coordination Task Force (task force) to return to the May 23, 2012 meeting with a recommendation regarding the best option for the provision of drug and alcohol testing services countywide, to be considered by the Committee and then forwarded to the Board of Supervisors.

At this time the Office of the County Executive, in conjunction with the task force members who participated in the evaluation of vendor responses to the Request for Information (RFI), recommends pursuing an in-house solution for the provision of coordinated countywide drug testing services. This means that a formal Request for Proposal (RFP) would not be pursued at this time, as the County would not be soliciting the services of an outside vendor for drug testing services. The Office of the County Executive also recommends extending the timeline for the provision of the automated coordination of drug testing services to FY 2014 to align with the work that can be accomplished by the Information Systems Department (ISD) in order to support the program’s client information data management system functions for the drug testing program. The original workplan that was presented to CSFC in December anticipated this date to be October 1, 2012; however, continued work on the project has led Administration to realize this date is unfeasible. The reasons for these recommendations are discussed further below.
The following discussion outlines the key activities that have been accomplished over the past five months. These activities have substantially completed Objectives Two, Three and Four of the seven-objective workplan approved by CSFC in December 2011. The seven objectives of the workplan are:

**Objective 1:** Gather data on current testing practices and client information sharing - **DONE**

**Objective 2:** Data analysis of current testing practices and client information sharing - **DONE**

**Objective 3:** Explore options for implementation of best practices and client information sharing – **DONE**

**Objective 4:** Prepare recommendations for implementation of coordinated countywide drug testing program – **ALMOST DONE**

**Objective 5:** Steps toward implementation of new drug testing program – **PENDING FURTHER DIRECTION**

**Objective 6:** Implementation plan for new drug testing program – **PENDING FURTHER DIRECTION**

**Objective 7:** Monitor new drug testing program for effectiveness – **PENDING FURTHER DIRECTION**

**Discussion of Key Activities Since December 2011:** Key activities of the task force are discussed under the workplan objective that they fall within.

**Objective 2:** Data analysis of current testing practices and client information sharing

*Expected Outcome: Determine Best Practices for Clients and for Departments*

Task force members from Pretrial Services, Probation Department, Social Services Agency, Department of Drug and Alcohol Services (DADS), and the Office of the County Executive worked for several months last winter to formulate best practices for the coordinated drug
testing program. This resulted in the creation of the “Santa Clara County Best Practices for Drug and Alcohol Testing of Clients” document on February 1, 2012 (see Attachment 1). Based upon our research, we believe this is the first such document in the state and perhaps even in the nation. The document formalizes the best practices for drug testing services to be followed in Santa Clara County, including the following: recommended frequency of testing; the use of random testing; a recommended step down model for testing based upon the client’s response to treatment; use of “instant test kits” for initial testing, with follow up confirmation lab testing of all presumptive positive initial tests; confidentiality of client information; recommendations regarding collection procedures and drug testing procedures; recommendations regarding data collection and retrieval, data management, and reporting; level of certification of the drug testing provider; reporting of drug level results; chain of custody requirements; staff training; and communication among affected departments and the courts.

The best practices are based upon departmental expertise and experience in drug testing services, as well as research findings regarding best practices in other jurisdictions. The Best Practices document was used to structure the RFI document and process.

**Objective 3:** Explore options for implementation of best practices and client information sharing

*Expected Outcome: Release of a Request for Information to Solicit Vendor Responses on Countywide Drug Testing Plan*

An RFI for countywide coordinated alcohol and drug testing services was developed based upon the Best Practices document, requesting that interested parties provide information regarding services that could be provided based upon County best practices. The stated purpose of the RFI was to solicit participation, ideas or potential approaches on a non-competitive and non-binding basis. The best practices involve a new countywide model of drug testing, whereby testing would be random, and “instant test” cups would be used for urine sample collection. This model will provide an immediate indication of negative or positive test results. All presumptive positive tests would be then sent to a laboratory for confirmation testing.

This methodology differs significantly from the current testing model where all samples are sent to the laboratory for testing. The most recent client data indicates that aside from methadone testing, which has a 30% positive testing rate, departmental positive test rates range from 1% positive to 24% positive. Therefore, substantial efficiencies will be realized
when only presumptive positive samples receive laboratory testing in the future. Current data show that of 291,994 tests conducted in FY 2011 only 14,920 tests were positive (pre-AB 109 figures). With the implementation of the Public Safety Realignment Program – AB 109, there is a potential for an additional 1,330 estimated clients. However, not all clients will be tested. Probation and DADS estimate that approximately 200 AB 109 clients will be tested between these two departments. Of these 200 AB 109 clients, 20 are anticipated to be positive, necessitating a confirmation test.

The RFI was released on BidSync on March 5, 2012 and responses were due on April 2, 2012 (see Attachment 2). The RFI made it clear that responses could express interest in providing the entire range of alcohol and drug testing services, or they could indicate interest in only one or two of the following major areas of drug testing: online data management system for clients and drug testing results, urine sample collection services in multiple geographic locations, and laboratory services for alcohol and drug testing services. In addition to making the RFI available on BidSync, all vendors currently providing drug testing services to the County were notified by e-mail, along with the major drug testing vendors on the west coast, and the Silicon Valley Council of Nonprofits.

**Objective 4:** Prepare recommendations for implementation of coordinated countywide drug testing program

**Expected Outcome:** Board of Supervisors Approve Drug Testing Option and Directs Administration to Implement

The Office of the County Executive received eight responses to the RFI. Seven of the responses indicated interest in providing all elements of drug testing services, and one response indicated interest in providing only the online data management element. A team of twelve task force members reviewed the responses and over the course of three afternoons discussed the services being offered by these vendors. The evaluation team was comprised of all the departments providing drug testing services, the Office of the County Executive, VMC Laboratory, and ISD. The team asked follow up questions of various vendors and reported the results back to the group, and performed some reference checking.

One of the vendors questioned the timeline of being able to provide online client sharing data by October 2012, and stated that a fully interfaced system could be not be developed and implemented until September 2013, and full interface with hardcopy data entry of existing client histories could not be developed until February 2014. ISD has confirmed that FY 2014 is a much more realistic timeframe to expect a fully developed system.
The evaluation team also discussed the services offered by vendors versus the capability of providing the three areas of drug testing services in-house. Based upon the information provided by interested vendors and discussions with the team members from VMC and ISD, the team recommends proceeding with the further exploration of an in-house system of drug testing services rather than proceeding with a formal Request for Proposal process to seek outside bids for drug testing services.

The Office of the County Executive has continued to meet with representatives from ISD and the VMC laboratory, and has requested that these departments each provide a plan to accommodate a consolidated drug testing program. Currently VMC laboratory provides testing services only to Probation and DADS, and is in discussion with Pre-Trial Services. VMC laboratory provides test results manually (i.e. paper documentation) to the department. Scheduling of clients is conducted by each of the Departments and testing of clients is conducted at specific Department testing sites.

As we learned from the RFI, a successfully consolidated alcohol and drug testing program would include the ability to perform the scheduling, sample collection services, lab services for testing, and online data management (data warehouse to store and record testing results and a case management system to exchange results). The County has the ability to provide all of these services with the exception of an online data management system. It is critical for efficiency purposes that VMC laboratory can electronically submit data results into the department’s case management system and into a shared case management system in order for the departments to share test results when it involves serving the clients cross departmentally. Additionally, based on the best practices document, use of instant test cups is important for immediate test results that can significantly reduce costs.

**Summary Recommendation:**
The Office of the County Executive and the Task Force recommends conducting a County drug testing service with AB 109 clients as an initial test group. This recommendation would involve Probation, DADS, VMC, ISD, and County Counsel. By using AB 109 clients, we have a dedicated funding source, there is a common drug testing vendor used by DADS and Probation, whereas Probation’s clients under Prop 36 are tested by a different vendor.

**CHILD IMPACT**
The drug testing coordination project will have a positive impact on children and their families if drug testing services are streamlined, and departments are able to share client information in order to coordinate services that would benefit clients that are served by multiple County programs.

**SENIOR IMPACT**
The recommended action will have no/neutral impact on seniors.

**SUSTAINABILITY IMPLICATIONS**
The recommended action will have no/neutral sustainability implications.

**BACKGROUND**
In April 2010 the County Executive's Office of Budget and Analysis completed the initial "discovery phase" of its study on the Coordination of Alcohol and Drug Testing Services, and reported the results at the April 9, 2010 CSFC meeting. This study came out of the Cross Agency Service Team (CAST) goal to study ways to eliminate redundant drug testing. This CAST goal was in response to an initiative initially spearheaded by members of Superior Court, who were concerned that the substance abuse testing that is currently required is inconvenient and may interfere with some adults successfully maintaining employment, reunifying families, and otherwise fulfilling conditions of probation or the Court order. The CAST was formed in 2009 as a the result of a resolution adopted by the Board of Supervisors on May 19, 2009 to name the child welfare court population a priority population for Santa Clara County, and the County Executive's Office of Budget and Analysis was tasked with studying the coordination of alcohol and drug testing services.

The discovery phase of the study consisted of development and distribution of a drug testing survey to all County departments that provide drug testing services, and collecting and analyzing the results. It was discovered that the testing requirements and costs vary widely among programs. A survey of other California counties was then performed to determine if there are any counties that share alcohol and drug testing amount departments. Responses were received from the counties of Contra Costa, Fresno, Merced, Nevada, Orange, Riverside, Sacramento, San Luis Obispo, San Mateo, and Santa Cruz, none of which have in-house technology to share information relating to drug testing results between departments.

A voluntary client survey was conducted with the assistance of Superior Court from October
1, 2010 to December 31, 2010, in order to identify how many clients are required to undergo testing in multiple departments, in order to understand the scope of the issue of redundant drug testing. A status report was given on March 16, 2011 after the results of the voluntary client survey were made available. The results of the survey were disappointing, in that only 113 total surveys were collected. Although the resulting survey size was very small, the results showed that 61% of clients were only testing for one County program at the time of the survey, another 22% were testing for two programs, 6% were testing for three programs, and just short of 1% were testing for four programs.

At the March 16, 2011 CSFC meeting the Committee directed the County Executive’s Office to continue to work with County departments who provide alcohol and drug testing services to standardize the number and type of panels and the frequency of drug testing to the greatest extent possible. The County Executive’s Office was also directed to work with the County Counsel’s Office to further explore the issue of confidentiality rights and sharing of drug testing information across departments.

A status report was presented to CSFC on September 21, 2011, outlining the formation of a Drug Testing Coordination Task Force in Summer 2011, comprised of representatives of the following departments: Social Services Agency (Department of Children and Family Services), Pretrial Services, Probation Department, Department of Alcohol and Drug Services (DADS), County Counsel’s Office and County Executive’s Office. In Spring 2012 several departments and entities that were initially identified as stakeholders became task force members, including the Sheriff’s Office/DOC, Mental Health Department, Office of the District Attorney, Office of the Public Defender, Santa Clara Valley Medical Center, Information Systems Department, Superior Court Administration, and members of the Superior Court bench.

A status report was presented to CSFC on December 19, 2011 outlining a proposed workplan of key activities for the Drug Testing Coordination Task Force, which the committee approved. At that time the committee directed the Task Force to return to CSFC in May 2012 with recommendations regarding the best option for drug and alcohol testing coordination countywide, to be considered by the Committee and then forwarded to the Board of Supervisors.

**CONSEQUENCES OF NEGATIVE ACTION**
If no action is taken the alcohol and drug testing procedures among County departments will continue without the benefit of any coordination efforts.
ATTACHMENTS

- Attachment 1 - Santa Clara County Best Practices for Drug and Alcohol Testing of Clients

- Attachment 2 - Request for Information Regarding Countywide Coordinated Alcohol and Drug Testing Program
Attachment 1

Santa Clara County Best Practices for Drug and Alcohol Testing of Clients

Established February 1, 2012

I. General

1. Countywide standardization of drug testing vs. flexibility based upon client need

Best Practice: Drug and alcohol testing procedure should be standardized countywide; however, departments should retain the ability to use discretion regarding the needs of individual clients.

2. Management of testing for each client

Best Practice: All aspects of managing the drug testing for each client shall be the responsibility of the client’s clinician, case manager, probation officer, and/or the presiding judge, and decisions regarding management of the case shall not be made by the drug testing provider. This includes, but is not limited to, the type of drugs being tested, the testing schedule, and the use of a step down model.

The determination of whether or not a client is considered to be “clean” should be made by the client’s clinician, case manager, probation officer, and/or the presiding judge, based upon the client’s progress and the departmental or agency policies.

3. Level of certification of the drug testing provider

Best Practice: Substance Abuse and Mental Health Services Administration (SAMHSA) standards are the highest, therefore, SAMHSA certification is preferred. Certification is not needed if the drug testing provider is following SAMHSA protocols.

4. Reporting of drug level results

Best Practice: Drug levels on each sample must be included in results reports. Regarding the level at which a test is determined to be positive or negative, SAMHSA standards should be followed as listed below:

The initial cut-off level for marijuana drug testing is 50ng/ml. The cut-off level for testing cocaine is 150ng/ml, opiates is 2000ng/ml, phencyclidine (PCP) is 25ng/ml, and amphetamines is 500ng/ml. As the positivity of a sample is based on cut-off levels, it is necessary to validate standard cut-off levels for drug tests.
5. How to address drug usage trends

**Best Practice:** A committee of practitioners, clinicians and the drug testing provider(s) should meet on a quarterly basis, to review data in order to determine drug usage trends and to adjust the testing panels, as needed.

6. Determination of which drug testing clients should be in a treatment program, and whether specific substances require a treatment program

**Best Practice:** Decisions on treatment should be made only upon client assessment to determine level of need.

7. Laboratory Services

   Type of panels
   The Use of Creatinine

**Best Practice:** The drugs that are the most prevalent in Santa Clara County and its environs, as well as what the trends show (as determined by the experts) should be included on the testing panel, including drug trends involving prescription drugs and over the counter drugs. There are six panels that should always be tested: Tetrahydrocannabinol (THC), Cocaine, Amphetamines, Alcohol, Opiates, and Barbituates. These are currently the most frequently used drugs in Santa Clara County based on data from Santa Clara Valley Medical Center. The drug testing provider should also be able to test samples for other substances upon request of the caseworker.

   All specimens sent to the laboratory for testing must be tested for adulteration, dilution, and/or substitution. The drug testing provider must include a statement to the client advising of all methods of detecting these conditions.

   The use of creatinine on all panels is a requirement for some industry certifications. All positive urine samples should receive validity testing, i.e. creatinine at no extra charge to the County. Additionally, experts on the subject point to the fact that the benefit of creatinine use outweighs the cost. As such, the use of creatinine on all panels is required.

8. Frequency of testing

**Best Practice:** Clinicians and treatment providers should determine the frequency of drug and alcohol testing for each client. However, the best practice is to limit testing to no more than one time per week on average.
9. Determination of whether to use scheduled, random or on demand testing

**Best Practice:** The decision to us scheduled, random or on-demand testing should be caseworker driven, a scientifically valid, automated, randomized selection testing system is the preferred practice to enhance non-predictability.

Research shows the most effective drug tests, for deterring any illicit drug use, are those given randomly. If a client is tempted to use drugs but knows he or she may be tested at any time, the temptation is reduced.

10. Step down Model for Alcohol and Drug Testing

**Best Practice:** Decisions on step-up and step-down of drug and alcohol testing should be based on the client's response to treatment; however, as a general rule, step down from weekly testing should occur only after the client provides clean tests for a period time. This period of time should be based on 25% of the average length of stay in any given program of supervision. For example if the program is 1 year in length, and the client provides clean tests for 3 months straight, his or her testing frequency should be reduced from weekly testing. In the case of multiple testing protocols and/or court orders, the most restrictive testing requirement should be followed. Any decisions regarding the frequency of testing shall be made by the clinician, case manager, probation officer or the presiding judge, and not by the drug testing provider.

11. Chain of Custody of Testing Specimens

**Best Practice:** UA collections (requisitions) should be tracked and Chain-of-Custody forms generated via a computer application. This process minimizes the errors associated with manual processing. If possible, bar codes and scan devices such as UPS/Fed Ex uses should be used to track Chain-of-Custody of samples.

12. Confirmation Tests

**Best Practice:** Confirmation tests are defined as tests taken to confirm or contest the original testing results. All urine specimens identified as "presumptive" positive on the initial test must be confirmed positive using gas chromatography/mass spectrometry (GC/MS).

II. Confidentiality of Drug Testing Information

**Best Practice:** Clients’ privacy rights are very important and are ensured by both federal and state law. Strict confidentiality provisions will be included in any contract
with a drug testing provider. At all times the drug testing provider must be in strict compliance with the provisions included in the contract to ensure all applicable state and federal laws and regulations governing the confidentiality of alcohol and drug test results are followed.

III. Geographic access/locations

**Best Practice:** Drug and alcohol testing locations should include at least one location in North County, one in South County, and two to three locations in the mid county area. All locations should be easily accessible by public transportation.

IV. Collection Procedures

1. Collection of Urine Specimens

**Best Practice:** All specimens collected which are positive and need further laboratory testing should be retrieved from each collection site daily, and transported to the testing facility within 48 hours.

2. Collection Personnel

**Best Practice:** Specimen collection should be performed by qualified/trained personnel. The person who collects the specimen shall be the same sex as the client who is providing the specimen. Operators of collection sites and collectors must protect the security and integrity of urine specimen collections.

3. Collection Hours

**Best Practice:** Collection should be available at least 6 days a week to enhance the randomness of testing. Hours should be 7 a.m. to 8 p.m. in order to accommodate the scheduling needs of clients being tested.

4. Procedures for On-Site Collection

**Best Practice:**

(a) *Unauthorized* persons are not allowed in the testing area while collecting specimens. Only clients being tested, collectors and other collection site workers are authorized.
(b) Except for the observer in a directly observed collection or the monitor in the case of a monitored collection, collection site operators must not permit anyone to enter the urination facility in which clients provide specimens.

(c) Collection site operators must ensure that all authorized persons are under the supervision of a collector at all times when permitted into the testing area.

(d) Any person who obstructs, interferes with, or causes a delay in the collection process should be removed from the site.

(e) Procedures should be established to minimize the number of persons handling specimens.

V. Steps to ensure the accuracy of the drug test

Best Practice: A drug testing program must be scientifically accurate, precise, and forensically supportable. To that end:

Every positive urine specimen collected for a drug test must be analyzed using both an initial test and a confirmatory test.
The amount of the specimen taken must be sufficient for multiple testing.
Trained personnel must carry out laboratory testing in a secure facility.
The chain of custody of the specimen, from receipt until disposal, must be continuous.

When a urine specimen is collected by a trained collector who follows the required collection procedure, is tested in accordance with established guidelines and is reviewed before the result is reported to the agency/department, the result for that specimen will be forensically and scientifically supportable.

VI. Drug Testing Procedures:

Best Practice: Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment and laboratory facilities which have been approved by the U.S. Department of Health and Human Service (HHS). All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, as amended. The procedures will be performed in a private, confidential manner and every effort will be made to protect the client, the integrity of the drug testing procedure, and the validity of the test result.

VII. The Testing Process

1. Use of Instant Drug Test Kit

Best Practice: An instant Drug Test Kit is a self-contained urinalysis drug test that detects the presence of drug metabolites in urine within minutes. The cup contains detection strips each designed to test a particular drug at National Institute on Drug Abuse (NIDA) cut-off levels. It provides instant results using a technology similar to that
found in home pregnancy tests. Through the delivery system, urine reacts with the reagents and antigens on the strip to produce a colorimetric reading indicating either positive or negative test results. It's a simpler, safer, more efficient cost-saving approach to drug testing. The accuracy, along with the savings in time and money make on-site testing a valuable tool.

2. Initial Test

**Best Practice:** The initial test is used to eliminate negative urine specimens from further consideration and to identify the apparent positive specimens that require confirmation or further testing. A negative specimen is any specimen that contains no drug or whose apparent concentration of the drug or drug metabolite in question is less than the cutoff concentration for that drug or drug class.

3. Validity Test

**Best Practice:** The laboratory should conduct a validity test to identify whether anyone has tried to tamper with the specimen. Tampering attempts would be either by substitution (swapping the specimen with drug-free urine or diluting it with a liquid to effectively decrease the concentration of a drug below the cutoff concentration) or adulteration (for example, putting a substance into a specimen that is designed to mask or destroy the drug or drug metabolite it may contain).

4. Confirmatory Test

**Best Practice:** All urine specimens identified as "presumptive" positive on the initial test must be confirmed positive using gas chromatography/mass spectrometry (GC/MS) before the laboratory can report the positive result to the affected agency or department.

GC/MS combines two different analytical techniques. Gas chromatography physically separates the various substances that have been extracted from a specimen (such as urine). Mass spectrometry is the technique used to provide positive identification of substances that were separated by the gas chromatograph. In general, GC/MS analysis involves using a solid phase or solvent/solvent-extraction procedure to extract a drug from most other components of a urine specimen. Following the extraction procedure, the extract is injected into the GC/MS to perform the final separation, identification, and quantification of the specific drug or drug metabolite present in the urine specimen.

VIII. Alternative Testing Methods:

**Best Practice:** Historically, urine has been considered the "gold standard" for forensic drug testing and the County anticipates continuing to use it as the primary methodology of choice. However, the County recognizes that there have been significant technology advances in the field and is willing to review proposals for alternative testing methodologies as they become available.
IX. Data Collection and Retrieval

Best Practice:

1. The data collection system should include the following identifiers for each client: Name, date of birth, and the personal file number (PFN if available). In order to protect confidentiality regarding treatment, the County may require the system to use non-specific identifiers (i.e. Department #1, #2, etc.) rather than identifying the specific name of the department that is requiring testing for a specific client.

2. Sharing of drug testing results between departments will occur only if a waiver has been signed by the client.

3. The data collection application should interface with existing County information technology systems so departments can access drug testing results.

4. The data collection application should be a web based online system so all results can be easy accessed by case workers, and to eliminate the need for manual data entry.

5. Testing results should be available within 24 hours of specimen collection for positive results, negative results, and diluted test results. "No-show" and "show but no test" will also be accessible online.

6. The application shall allow manipulation of the data, as needed by the departments.

X. Staff Training

Best Practice: In-service training sessions must be offered to affected County agencies and departments, regarding the procedures to be followed in implementing and maintaining a consolidated countywide drug testing program. Subject areas covered should relate to relevant aspects of drug testing standards and practices (proper collection techniques, chain of custody, adulteration and result interpretation, software training, etc.). The drug testing provider will use, and have on file, written training materials to include all pertinent procedural policies.

XI. Education/Communication

Best Practice: The drug testing provider should have ongoing communication with the affected departments on a regularly scheduled basis. The provider and the affected departments should maintain ongoing communication with the judicial bench.
XII. Testifying in Court/Legal Proceedings

Best Practice: The drug testing provider must be able to successfully defend its initial screening and/or subsequent confirmation methodologies in legal proceedings. At the request of the County, the drug testing provider will appear in court, provide testimony or documentary evidence, and/or respond to subpoenas relating to client testing at no cost to the affected County department.

XIII. Minimum Standards for Drug Testing Provider

Best Practice: The drug testing provider must affirmatively demonstrate its responsibility by providing evidence of the following requirements:

- Be able to maintain confidentiality
- Be able to comply with the required or proposed service schedule
- Satisfactory record of performance
- Satisfactory record of integrity and ethics
- Have adequate facilities to perform tests
- Ability to maintain chain of custody / evidence
- Provider must comply with all federal, state, county and local laws governing or covering this type of service

XIV. Data Management / Administration / Reporting

Best Practice:

1. The drug testing provider shall notify the County of any changes in Federal requirements with respect to the regulations of services provided.

2. Provider shall keep and provide all Federally required reporting and shall make available all records for verification and inspection as requested. All records generated by the provider on behalf the County are, and shall remain, the property of the County.

3. Provider must have an adequate disaster recovery plan for storage of records. The plan shall be mutually agreeable and the contents of all records shall be kept in strict confidence. Any violation of confidentiality by the drug testing provider will be cause for legal remedy by the County as may be appropriate.

4. Provider shall supply a monthly, detailed, consolidated report that itemizes services performed each month. The report shall contain, at a minimum, the following information and shall be broken down by year to date in each of the categories specified:

- Name of test performed
- Test Results
- Case number
- Date (s) specimen collection
- Date (s) of laboratory test
- Total number of screens year to date
- Total number of confirmation tests for drug
- Percentage of positive tests
REQUEST FOR INFORMATION (RFI) No. 1

Office of the County Executive
Countywide Coordinated Alcohol and Drug Testing Program

Monday, March 5, 2012

RFI RESPONSES DUE:

Friday, March 30, 2012
5:00 p.m.

RFI RETURN ADDRESS:

Office of the County Executive
11th Floor East Wing
County of Santa Clara
San Jose, CA  95110

CONTACT:

Autumn Arias
Autumn.arias@oba.sccgov.org
(408) 299-5177
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Section Title</th>
<th>Beginning Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I.</td>
<td>Invitation to Participate in RFI</td>
<td>3</td>
</tr>
<tr>
<td>II.</td>
<td>Instructions for Respondents</td>
<td>6</td>
</tr>
<tr>
<td>III.</td>
<td>Definitions</td>
<td>9</td>
</tr>
<tr>
<td>IV.</td>
<td>Description of Services To Be Provided</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>Matrix A: Online Data Management System</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Matrix B: Urine Sample Collection Services</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Matrix C: Laboratory Testing Services</td>
<td></td>
</tr>
<tr>
<td>V.</td>
<td>Budgetary Cost Estimates</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>Cost Breakdown Matrix</td>
<td></td>
</tr>
<tr>
<td>VI.</td>
<td>APPENDIX A: Santa Clara County</td>
<td>17</td>
</tr>
<tr>
<td></td>
<td>Best Practices for Alcohol and Drug Testing of Clients</td>
<td></td>
</tr>
<tr>
<td>VII.</td>
<td>APPENDIX B: Information Technology</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td>Technical Requirements</td>
<td></td>
</tr>
</tbody>
</table>

**APPENDIX C and APPENDIX D are attached as separate Office Word Documents:**

APPENDIX C: Major Services Information Matrixes A, B and C  
(This document can be filled out and returned)

APPENDIX D: Cost Breakdown Matrix  
(This document can be filled out and returned)
SECTION I: INVITATION TO PARTICPATE IN THE REQUEST FOR INFORMATION

The County of Santa Clara (County) wishes to embark upon a new service delivery model of providing alcohol and drug testing services to clients. The County is providing this Request for Information process to give organizations an opportunity to respond and inform the County of their interest and capabilities to perform all or some of the major services in the new drug testing program. The major services are more fully described in Section IV – Description of Services to be Provided.

Currently, each department that provides testing services for clients does so without formal coordination with other departments, even when multiple departments are testing the same client under different programs during the same time period. The new model will provide alcohol and drug testing services in a coordinated manner, and will be supported by a countywide web based online system that can be accessed by departments for each of their clients. This system will reduce the need for manual data entry by departmental staff. This service delivery model will also standardize the number and type of testing panels and the frequency of alcohol and drug testing to the greatest extent possible across the County. Alcohol and drug testing services will be provided for clients of the following County departments:

- Department of Children and Family Services
- Pretrial Services Department
- Probation Department (Adult and Juvenile)
- Office of the Sheriff/Department of Correction
- Department of Alcohol and Drug Services (DADS)
- Mental Health Department

The County is currently exploring the best ways to develop and implement the new service delivery model, and now seeks information from entities that wish to provide all of the major drug testing service components detailed in this Request for Information, and also seeks information from those entities that wish to provide only a portion of the major drug testing service components. The ultimate goal is to provide the best service delivery of alcohol and drug testing possible, and all responses will be considered regardless of how many or how few major services are offered by each individual responder. The three major alcohol and drug testing service components are as follows, and are described more fully in Section IV A-C:

- Online data management system for clients and their drug testing results
- Urine sample collection services in multiple geographic locations
- Laboratory services for alcohol and drug testing

The purpose of this Request for Information (RFI) is to solicit participation, ideas or
potential approaches on a non-competitive and non-binding basis. The information gathered from this RFI may be used to clarify the County’s desired approach and provide a basis for preparing a Request for Proposal (RFP). However, based on the responses to the RFI and the County’s budgetary requirements, there is no guarantee of a subsequent formal solicitation process. This solicitation will not result in a contract at this time, but the information gathered may result in a future RFP.

Open Forum Session on March 12, 2012
An open forum will be held at the following location on March 12, 2012, from 2:00 p.m. to 4:00 p.m., for the purpose of providing all interested responders the opportunity to further discuss various possible approaches to the delivery of alcohol and drug testing services throughout the County with members of the Drug Testing Coordination Task Force:

Lower Level Conference Room (by Cafeteria)
County Government Center, East Wing
70 West Hedding Street
San Jose, CA 95110

BACKGROUND
In 2010, the County undertook a study to determine ways to eliminate redundant alcohol and drug testing for clients of various County departments. This process was initially spearheaded by members of Superior Court, who were concerned that the County’s current model for conducting substance abuse testing is inconvenient and may interfere with some adults successfully maintaining employment, reunifying families and otherwise fulfilling conditions of probation or the Court order.

The County Executive’s Office of Budget and Analysis was tasked with studying the need for possible coordination of alcohol and drug testing services across County departments. The project has resulted in the creation of an internal Alcohol and Drug Testing Coordination Task Force that is responsible for designing and implementing a coordinated alcohol and drug testing program for the County of Santa Clara. The Task Force is comprised of representatives from the following departments:

- County Executive’s Office
- County Counsel’s Office
- Department of Alcohol and Drug Services (DADS)
- Department of Children and Family Services (DCFS) of Social Services Agency
- Pretrial Services Department
- Probation Department
- Mental Health Department

Request for Information No. 1
Countywide Coordinated Alcohol and Drug Testing Program
The Task Force has also identified the following entities as major stakeholders in the delivery of coordinated alcohol and drug testing services:

- Board of Supervisors
- Judges of the Superior Court
- Family Law Court
- District Attorney’s Office
- Public Defender’s Office
- Sheriff’s Office/Department of Correction
- Santa Clara Valley Medical Center

The coordination of alcohol and drug testing services throughout the County of Santa Clara represents significant challenges and opportunities to better serve clients of various programs, departments and agencies. The sharing of alcohol and drug testing results among departments will be accomplished through the development of a standardized client waiver form for clients who are ordered to undergo alcohol and drug testing. This signed document waives client's state and federal right to confidentiality in order to allow sharing of drug test results between departments. A Superior Court standing order will also be developed to facilitate the sharing of testing results across courtrooms.

The Task Force recently produced a document, "Santa Clara County Best Practices for Alcohol and Drug Testing of Clients", which is included as Appendix A to this Request for Information, and which outlines the best practices to be followed in developing a countywide alcohol and drug testing system.

Additional materials regarding the coordinated alcohol and drug testing services project have been previously presented to the Santa Clara County Children, Seniors and Families Committee (CSFC). These reports describe the current delivery system of alcohol and drug testing services as well as the efforts to date to move toward a coordinated countywide system. They can be downloaded from the Santa Clara County website at http://www.sccgov.org/portal/site/scc where they are electronically filed under the following dates of past CSFC Board Committee meetings:

- December 19, 2011
- September 21, 2011
- March 16, 2011
SECTION II: INSTRUCTIONS FOR RESPONDENTS

Preparation of Response to Request for Information (RFI)

Respondent should submit the completed response to the Request for Information (RFI) with any explanatory materials. All attachments shall be identified with the respondent’s name and the name of the RFI. All costs for the preparation of the RFI shall be borne by the respondent.

<table>
<thead>
<tr>
<th>Sequence of Events</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Release RFI</td>
<td>March 5, 2012</td>
</tr>
<tr>
<td>Open Forum Session</td>
<td>March 12, 2012</td>
</tr>
<tr>
<td>Deadline to submit questions</td>
<td>March 16, 2012</td>
</tr>
<tr>
<td>Deadline to submit RFI response</td>
<td>March 30, 2012</td>
</tr>
</tbody>
</table>

1. **Response Format and Due Date:**

   A. Respondents should submit an electronic copy of the response to the RFI by **5:00 p.m. on March 30, 2012** to this address: autumn.arias@oba.sccgov.org

   Please use Microsoft Office Word and Excel formats. The response should be clearly identified with the RFI name assigned by the County.

   B. In addition, Respondents should send the RFI response via postal mail, or by hand delivery, to be received no later than **5:00 p.m. on March 30, 2012**. The response should be in a sealed envelope or package clearly marked with the applicable RFI name, and addressed to:

   Autumn Arias  
   Office of the County Executive – 11th Floor East Wing  
   County of Santa Clara  
   San Jose, CA 95110

2. **Point of Contact** — The County has designated the following manager who is responsible for the conduct of this RFI. All questions regarding this RFI shall be directed to this person.

   Autumn Arias  
   (408) 299-5177  
   Autumn.arias@oba.sccgov.org
3. **Submittal Requirements:**
   Please include the following information as part of your response:
   
   A. A cover letter signed by an officer of the company/organization.
   
   B. Your complete business name and physical address, with contact name, telephone number, mailing and e-mail address of the person we should contact regarding this RFI.
   
   C. A completed Information Matrix for each major service area you are responding to under **Section IV - Major Services To Be Provided**
      
      (1) Fill out and return **Appendix C**, which is a Word document of all three Information Matrixes for Major Services that can be filled out electronically (also depicted on pages 11-14 of the RFI).
   
   D. A completed Cost Breakdown Matrix for all major service areas you are responding to under **Section V – Budgetary Cost Estimate**.
      
      (1) Fill out and return **Appendix D**, which is a Word document of the Cost Breakdown Matrix that can be filled out electronically (also depicted on page 16 of the RFI).
   
   E. Names of organizations that are currently utilizing your services relating to drug testing services and/or your data management system, particularly governmental agencies. Include the organization name and address, the name and telephone number of a contact person, and a brief description of the organization.

4. **Reservations** – The County reserves the right to do the following at any time:

   A. Terminate this RFI and issue a new RFI.
   
   B. Modify the process, the specifications or requirements for materials, contents or format of the response.
   
   C. Revise any dates specified in this RFI, including deadlines for accepting responses.
   
   D. Request that respondents supplement or modify all or certain aspects of their responses or other documents or materials submitted.

5. **Notification of Withdrawals of Responses** – Responses may be withdrawn by a respondent by formal written notice prior to the RFI due date and time. All responses not withdrawn prior to the due date will become the property of the County of Santa Clara.
6. **Confidentiality** – All data and information gathered by the respondent and its agents in this RFI process, including reports, recommendations, specifications and data, shall be treated by the respondent and its agents as confidential. The respondent and its agents shall not disclose or communicate this information to a third party or use it in advertising, publicity, propaganda, or in another job or jobs, unless written consent is obtained from the County.

7. **California Public Records Act (CPRA)** – All information obtained in an RFI response shall become available to the public at such time as required by law.

Information obtained in an RFI becomes the property of the County, which is a public agency subject to the disclosure requirements of the California Public Records Act ("CPRA"). If Respondent proprietary information is contained in documents submitted to County, and Respondent claims that such information falls within one or more CPRA exemptions, Respondent must clearly mark such information "CONFIDENTIAL AND PROPRIETARY," and identify the specific lines containing the information. In the event of a request for such information, the County will make best efforts to provide notice to Respondent prior to such disclosure. If Respondent contends that any documents are exempt from the CPRA and wishes to prevent disclosure, it is required to obtain a protective order, injunctive relief or other appropriate remedy from a court of law in Santa Clara County before the County’s deadline for responding to the CPRA request. If Respondent fails to obtain such remedy within County’s deadline for responding to the CPRA request, County may disclose the requested information.

Respondent further agrees that it shall defend, indemnify and hold County harmless against any claim, action or litigation (including but not limited to all judgments, costs, fees, and attorneys fees) that may result from denial by County of a CPRA request for information arising from any representation, or any action (or inaction), by the Respondent.
SECTION III: DEFINITIONS

For the purpose of this RFI, the following definitions will be used in this document:

1. County of Santa Clara will be referred to as “County.”

2. The companies/agencies responding to this RFI will be referred to as “Respondents.”

3. The term “drug testing” will be a general term which refers to all alcohol and drug testing methods.

4. Individuals participating in alcohol and drug testing will be referred to as “clients.”

5. The Santa Clara County Best Practices for Alcohol and Drug Testing of Clients will be referred to as “Best Practices.” The best practices are included in the RFI as Appendix A.

6. Instant Drug Test Kit refers to self-contained urine analysis drug tests that can detect the presence of drug metabolites in urine within minutes.

7. Information used to identify clients may include: First and Last Name, Personal File Number (PFN) which is a number assigned in the County’s criminal justice database system; Date of Birth (DOB), fingerprints, or any other identifier created to track clients accurately.
SECTION IV: DESCRIPTION OF SERVICES TO BE PROVIDED

Respondents shall provide information relating to the major services of the drug testing program to be provided, as listed below. **Respondents should clearly state which of the following major services their company or organization would be interested in providing for the County: Online Data Management System, Collection Services, and/or Laboratory Testing Services.** It is uncertain at this point how the County will pursue provision of coordinated countywide drug testing services, so it is important to indicate if you would consider providing only a portion of the drug testing services, and at what level it is no longer feasible to divide services to be provided by your organization.

The following annual client and test volume data is supplied to assist in your response:

- **FY 2011 Number of Adult Clients:** 18,287
- **FY 2011 Number of Adult Tests Collected:** 164,979
- **FY 2011 Number of Positive Adult Tests:** 9,332

- **Anticipated Number of Additional Adult Tests in FY 2012 Under New AB 109 Public Safety Realignment Program:** 13,416
  
  (AB 109 Clients estimated to be 130 per month, but Annual number of clients has not yet been determined.)
- **Anticipated number of Positive Tests for AB 109 Clients:** 309

- **FY 2011 Number of Juvenile Clients:** 4,724
- **FY 2011 Number of Juvenile Tests Collected:** 127,015
- **FY 2011 Number of Positive Juvenile Tests:** 5,589

The County is currently undergoing some significant change to the drug testing system that will affect the volume of tests annually. The "step down" models discussed in the Best Practices document (Appendix A) is expected to decrease the overall number of tests over time. Conversely, the new AB 109 Public Safety Realignment Program will increase the number of clients and tests, as depicted in the "AB 109" information included above.

While we have attempted to provide you with the best data possible, please understand the numbers may change. It is important that respondents indicate how this may change your ability to provide services, and the effect on the cost of services.
For each major service you wish to respond to below, fill in the information matrix by addressing each of the itemized elements. The "Current Capacity" column will indicate the respondent's capacity to provide each element of the major service, using the following key:

- **CP**: Currently providing for another government agency or entity.
- **HA**: Have ability to provide service, but not currently in use by another government agency.
- **ND**: Not currently developed but could be ready by an implementation date of October 1, 2012.
- **NA**: Do not have the ability to provide service/function.

The "Comments" column provides space for comments. Separate comments may be made for each itemized element, or a short 1-3 paragraph can be submitted to discuss the delivery of the entire major service area.

A. **Online Data Management System** - A web based online system to manage alcohol and drug testing information for all clients, and to electronically automate tasks relative to the alcohol and drug testing process, that meets the best practices as set forth by the Best Practices document contained in Appendix A.

   1. For further detail regarding system requirements, refer to **Appendix B**: Technical Requirements.
   2. To complete this matrix, use **Appendix C**, which is a Word document of Major Services Information Matrixes A, B and C that can be filled out electronically.

<table>
<thead>
<tr>
<th>ID</th>
<th>Service Description</th>
<th>Current Capacity</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Ability to set up initial client profiles and manage client information using five to seven identifiers, including provision of two-way data exchange between departments and web based drug testing services application.</td>
<td></td>
<td></td>
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<tr>
<td>2.</td>
<td>Ability to accept information electronically from minimum of five departmental systems.</td>
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<tr>
<td>3.</td>
<td>Ability to transfer existing client profiles and testing history for past 10 years.</td>
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<tr>
<td>4.</td>
<td>Ability to match client information across departments to streamline drug testing</td>
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<tr>
<td>5.</td>
<td>Manage client waiver forms and ability to look up by client identifier information.</td>
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<tr>
<td>6.</td>
<td>Electronically assign random drug testing appointments where approximately 23,000 clients phone in daily to receive appointments.</td>
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<tr>
<td>7.</td>
<td>Ability to accept additional appointments as electronically requested by departments when necessary.</td>
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<tr>
<td>8.</td>
<td>Track and report appointment status and whether client has made daily phone call, and to reschedule no-shows.</td>
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<tr>
<td>9.</td>
<td>Designate testing frequency based upon step down models, as well as frequency dictated by departments or Court.</td>
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<td></td>
</tr>
<tr>
<td>10.</td>
<td>Generate a unique ID number and label for each sample, to monitor the testing results throughout the process.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11.</td>
<td>Record testing results of each sample, including negative, positive, and seven other factors.</td>
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<td></td>
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<tr>
<td>12.</td>
<td>Ability to provide individual client history, and detailed consolidated departmental reports with at least 8 data points.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13.</td>
<td>Create multiple client cases for client being tested by multiple departments, with ability to match by 5-7 identifiers.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14.</td>
<td>Notify each department when client cases are opened, closed or reopened.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15.</td>
<td>Ability for multiple users to enter data, including collectors, laboratory and departmental staff.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16.</td>
<td>Ability to interface with current and future departmental case management systems.</td>
<td></td>
<td></td>
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<tr>
<td>17.</td>
<td>Ability to report payments received from clients, and to record client’s ability to pay based upon pre-determined criteria.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18.</td>
<td>Ongoing training of County staff regarding interface with the alcohol and drug testing program system, and provision of user manuals.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>19.</td>
<td>Additional information that may be helpful.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
B. **Collection Services** - A collection system for alcohol and drug testing samples that meets the best practices as set forth by the Best Practices document contained in Appendix A.

(1) To complete this matrix, use **Appendix C**, which is a Word document of Major Services Information Matrixes A, B and C that can be filled out electronically.

<table>
<thead>
<tr>
<th>ID #</th>
<th>Service Description</th>
<th>Current Capacity</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Collection facilities and level of staffing.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Collection employee hiring standards, code of conduct, initial and ongoing training.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Collection procedures.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Geographic location of collection sites.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Collection site hours of operation.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>Provision of Instant Drug Test Kits for urine sample collection and instant testing.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>Proper identification of urine samples from the point of collection throughout the chain of custody, and provision of labels, etc. needed for identification.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>Storage of negative alcohol and drug testing samples.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9.</td>
<td>Collection of client fees at the time of service.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td>Transportation of samples to testing facility.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11.</td>
<td>Additional information that may be helpful.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
C. **Laboratory Testing Services** - Laboratory Services for the testing of alcohol and drug samples that meet the best practices as set forth by the Best Practices document contained in Appendix A.

(1) To complete this matrix, use Appendix C, which is a Word document of Major Services Information Matrixes A, B and C that can be filled out electronically.

<table>
<thead>
<tr>
<th>ID #</th>
<th>Service Description</th>
<th>Current Capacity</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Testing facility and level of staffing.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Compliance with applicable federal, state and local laws.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Any specialized compliance standards for drug testing services, such as SAMSHA, etc.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Creation of alcohol and drug testing panels.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Validity Testing of Samples, including creatinine testing to determine dilution level of samples.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>Confirmation tests to be conducted for all positive urine samples (GC-MS).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>Steps to ensure accuracy of testing.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>Data entry of testing results into a web-based online system.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9.</td>
<td>Availability of testing results into web-based online system within 48 hours of collection.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11.</td>
<td>Any alternative testing capability.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12.</td>
<td>Storage of positive alcohol and drug testing evidence.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13.</td>
<td>Ability to testify in court regarding test results.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14.</td>
<td>Transportation of positive samples from collection facilities.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15.</td>
<td>Transportation of a minor number of samples from field to testing facility.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16.</td>
<td>Additional information that may be helpful.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
SECTION VI: BUDGETARY COST ESTIMATE

Provide a cost breakdown for each of the three major services that your company or organization is responding to, as described in Section IV - Description of Services to be Provided – A, B and C. Use the cost breakdown matrix below to format your response.

1. Provide an estimated cost breakdown at the lowest level of detail possible for each of the major service areas, taking into consideration the itemized elements discussed in Section IV – Major Services To Be Provided. If it is not possible to do so at this time, please discuss how the cost will be structured, using percentages and other indicators, and provide a cost range if possible.

A. Indicate estimated one-time start up cost, and estimated annual, ongoing cost.

B. It is the County’s expectation that cost estimates will be available for services which your company or organization is currently providing for other entities. If your organization is not currently providing these services, please provide as much information as possible regarding how costs would be structured, and provide a cost range if possible.

2. Provide an estimated cost breakdown to be charged to the County per client or client test. If this is not possible at this time, please discuss how client and test volume will impact the cost of providing each service.

A. It is the County’s expectation that per client or client test cost estimates will be available for services which your company or organization is currently providing for other entities. If your organization is not currently providing these services, please provide as much information as possible regarding how costs would be structured.

B. In discussing any “per test” costs, please indicate if you would assess separate charges for: the initial test, validity test (i.e. creatinine) and/or confirmatory test (GC/MS).
Cost Breakdown Matrix:

(1) To fill out this matrix, use Appendix D, which is a Word document of the Cost Breakdown Matrix that can be filled out electronically.

<table>
<thead>
<tr>
<th>ID #</th>
<th>Major Service Provided</th>
<th>Onetime Startup Cost</th>
<th>Annual Ongoing Cost</th>
<th>Cost per Client and/or Client Test</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Online Data Management System</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Urine Sample Collection Services</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Laboratory Testing Services</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
APPENDIX A: SANTA CLARA COUNTY BEST PRACTICES
FOR ALCOHOL AND DRUG TESTING OF CLIENTS

Established February 1, 2012

I. General
1. Countywide standardization of drug testing vs. flexibility based upon client need

Best Practice: Drug and alcohol testing procedure should be standardized countywide; however, departments should retain the ability to use discretion regarding the needs of individual clients.

2. Management of testing for each client

Best Practice: All aspects of managing the drug testing for each client shall be the responsibility of the client’s clinician, case manager, probation officer, and/or the presiding judge, and decisions regarding management of the case shall not be made by the drug testing provider. This includes, but is not limited to, the type of drugs being tested, the testing schedule, and the use of a step down model.

The determination of whether or not a client is considered to be "clean" should be made by the client’s clinician, case manager, probation officer, and/or the presiding judge, based upon the client’s progress and the departmental or agency policies.

3. Level of certification of the drug testing provider

Best Practice: Substance Abuse and Mental Health Services Administration (SAMHSA) standards are the highest; therefore, SAMHSA certification is preferred. Certification is not needed if the drug testing provider is following SAMHSA protocols.

4. Reporting of drug level results

Best Practice: Drug levels on each sample must be included in results reports. Regarding the level at which a test is determined to be positive or negative, SAMHSA standards should be followed as listed below:

   The initial cut-off level for marijuana drug testing is 50ng/ml. The cut-off level for testing cocaine is 150ng/ml, opiates is 2000ng/ml, phencyclidine (PCP) is 25ng/ml, and amphetamines is 500ng/ml. As the positivity of a sample is based on cut-off levels, it is necessary to validate standard cut-off levels for drug tests.
5. How to address drug usage trends

Best Practice: A committee of practitioners, clinicians and the drug testing provider(s) should meet on a quarterly basis, to review data in order to determine drug usage trends and to adjust the testing panels, as needed.

6. Determination of which drug testing clients should be in a treatment program, and whether specific substances require a treatment program

Best Practice: Decisions on treatment should be made only upon client assessment to determine level of need.

7. Laboratory Services
   • Type of panels
   • The Use of Creatinine

Best Practice: The drugs that are the most prevalent in Santa Clara County and its environs, as well as what the trends show (as determined by the experts) should be included on the testing panel, including drug trends involving prescription drugs and over the counter drugs. There are six panels that should always be tested: Tetrahydrocannabinol (THC), Cocaine, Amphetamines, Alcohol, Opiates, and Barbiturates. These are currently the most frequently used drugs in Santa Clara County based on data from Santa Clara Valley Medical Center. The drug testing provider should also be able to test samples for other substances upon request of the caseworker.

All specimens must be tested for adulteration, dilution, and/or substitution. The drug testing provider must include a statement to the client advising of all methods of detecting these conditions.

The use of creatinine on all panels is a requirement for some industry certifications. All samples should receive validity testing. i.e. creatinine at no extra charge to the county. Additionally, experts on the subject point to the fact that the benefit of creatinine use outweighs the cost. As such, the use of creatinine on all panels is required.

8. Frequency of testing

Best Practice: Clinicians and treatment providers should determine the frequency of drug and alcohol testing for each client. However, the best practice is to limit testing to no more than one time per week on average.

Request for Information No. 1
Countywide Coordinated Alcohol and Drug Testing Program

Page 18 of 33
9. Determination of whether to use scheduled, random or on demand testing

**Best Practice:** The decision to use scheduled, random or on-demand testing should be caseworker driven, scientifically valid, automated, randomized selection testing system is the preferred practice to enhance non-predictability.

Research shows the most effective drug tests, for deterring any illicit drug use, are those given randomly. If a client is tempted to use drugs but knows he or she may be tested at any time, the temptation is reduced.

10. Step down Model for Alcohol and Drug Testing

**Best Practice:** Decisions on step-up and step-down of drug and alcohol testing should be based on the client's response to treatment; however; as a general rule, step down from weekly testing should occur only after the client provides clean tests for a period time. This period of time should be based on 25% of the average length of stay in any given program of supervision. For example if the program is 1 year in length, and the client provides clean tests for 3 months straight, his or her testing frequency should be reduced from weekly testing. In the case of multiple testing protocols and/or court orders, the most restrictive testing requirement should be followed. Any decisions regarding the frequency of testing shall be made by the clinician, case manager, probation officer or the presiding judge, and not by the drug testing provider.

11. Chain of Custody of Testing Specimens

**Best Practice:** UA collections (requisitions) should be tracked and Chain-of-Custody forms generated via a computer application. This process minimizes the errors associated with manual processing. If possible, bar codes and scan devices such as UPS/Fed Ex uses should be used to track Chain-of-Custody of samples.

12. Confirmation Tests

**Best Practice:** Confirmation tests are defined as tests taken to confirm or contest the original testing results. All urine specimens identified as "presumptive" positive on the initial test must be confirmed positive using gas chromatography/mass spectrometry (GC/MS).

II. Confidentiality of Drug Testing Information

**Best Practice:** Clients’ privacy rights are very important and are ensured by both federal and state law. Strict confidentiality provisions will be included in any contract with a drug testing provider. At all times the drug testing provider must be in strict compliance with the provisions included in the contract to ensure all applicable state and federal laws and regulations governing the confidentiality of alcohol and drug test results are followed.

Request for Information No. 1
Countywide Coordinated Alcohol and Drug Testing Program
III. Geographic access/locations

**Best Practice:** Drug and alcohol testing locations should include at least one location in North County, one in South County, and two to three locations in the mid county area. All locations should be easily accessible by public transportation.

IV. Collection Procedures

1. **Collection of Urine Specimens**

   **Best Practice:** All specimens collected which are positive and need further laboratory testing should be retrieved from each collection site daily, and transported to the testing facility within 48 hours.

2. **Collection Personnel**

   **Best Practice:** Specimen collection should be performed by qualified/trained personnel. The person who collects the specimen shall be the same sex as the client who is providing the specimen. Operators of collection sites and collectors must protect the security and integrity of urine specimen collections.

3. **Collection Hours**

   **Best Practice:** Collection should be available at least 6 days a week to enhance the randomness of testing. Hours should be 7 a.m. to 8 p.m. in order to accommodate the scheduling needs of clients being tested.

4. **Procedures for On-Site Collection**

   **Best Practice:**
   
   - Unauthorized persons are not allowed in the testing area while collecting specimens. Only clients being tested, collectors and other collection site workers are authorized.

   - Except for the observer in a directly observed collection or the monitor in the case of a monitored collection, collection site operators must not permit anyone to enter the urination facility in which clients provide specimens.

   - Collection site operators must ensure that all authorized persons are under the supervision of a collector at all times when permitted into the testing area.

   - Any person who obstructs, interferes with, or causes a delay in the collection process should be removed from the site.

   - Procedures should be established to minimize the number of persons handling specimens.
V. Steps to ensure the accuracy of the drug test

Best Practice: A drug testing program must be scientifically accurate, precise, and forensically supportable. To that end:

1. Every positive urine specimen collected for a drug test must be analyzed using both an initial test and a confirmatory test.
2. The amount of the specimen taken must be sufficient for multiple testing.
3. Trained personnel must carry out laboratory testing in a secure facility.
4. The chain of custody of the specimen, from receipt until disposal, must be continuous.

When a urine specimen is collected by a trained collector who follows the required collection procedure, is tested in accordance with established guidelines and is reviewed before the result is reported to the agency/department, the result for that specimen will be forensically and scientifically supportable.

VI. Drug Testing Procedures:

Best Practice: Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment and laboratory facilities which have been approved by the U.S. Department of Health and Human Service (HHS). All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, as amended. The procedures will be performed in a private, confidential manner and every effort will be made to protect the client, the integrity of the drug testing procedure, and the validity of the test result.

VII. The Testing Process

1. Use of Instant Drug Test Kit

Best Practice: An instant Drug Test Kit is a self-contained urinalysis drug test that detects the presence of drug metabolites in urine within minutes. The cup contains detection strips each designed to test a particular drug at National Institute on Drug Abuse (NIDA) cut-off levels. It provides instant results using a technology similar to that found in home pregnancy tests. Through the delivery system, urine reacts with the reagents and antigens on the strip to produce a colorimetric reading indicating either positive or negative test results. It's a simpler, safer, more efficient cost-saving approach to drug testing. The accuracy, along with the savings in time and money make on-site testing a valuable tool.
2. Initial Test
**Best Practice:** The initial test is used to eliminate negative urine specimens from further consideration and to identify the apparent positive specimens that require confirmation or further testing. A negative specimen is any specimen that contains no drug or whose apparent concentration of the drug or drug metabolite in question is less than the cutoff concentration for that drug or drug class.

3. Validity Test
**Best Practice:** The laboratory should conduct a validity test to identify whether anyone has tried to tamper with the specimen. Tampering attempts would be either by substitution (swapping the specimen with drug-free urine or diluting it with a liquid to effectively decrease the concentration of a drug below the cutoff concentration) or adulteration (for example, putting a substance into a specimen that is designed to mask or destroy the drug or drug metabolite it may contain).

4. Confirmatory Test
**Best Practice:** All urine specimens identified as "presumptive" positive on the initial test must be confirmed positive using gas chromatography/mass spectrometry (GC/MS) before the laboratory can report the positive result to the affected agency or department.

GC/MS combines two different analytical techniques. Gas chromatography physically separates the various substances that have been extracted from a specimen (such as urine). Mass spectrometry is the technique used to provide positive identification of substances that were separated by the gas chromatograph. In general, GC/MS analysis involves using a solid phase or solvent/solvent-extraction procedure to extract a drug from most other components of a urine specimen. Following the extraction procedure, the extract is injected into the GC/MS to perform the final separation, identification, and quantification of the specific drug or drug metabolite present in the urine specimen.

VIII. Alternative Testing Methods:
**Best Practice:** Historically, urine has been considered the "gold standard" for forensic drug testing and the County anticipates continuing to use it as the primary methodology of choice. However, the County recognizes that there have been significant technology advances in the field and is willing to review proposals for alternative testing methodologies as they become available.

IX. Data Collection and Retrieval
**Best Practice:**
1. The data collection system should include the following identifiers for each client: Name, date of birth, and the personal file number (PFN if available). In order to
protect confidentiality regarding treatment, the County may require the system to use non-specific identifiers (i.e. Department #1, #2, etc.) rather than identifying the specific name of the department that is requiring testing for a specific client.

2. Sharing of drug testing results between departments will occur only if a waiver has been signed by the client.

3. The data collection application should interface with existing County information technology systems so departments can access drug testing results.

4. The data collection application should be a web-based online system so all results can be easy accessed by case workers, and to eliminate the need for manual data entry.

5. Testing results should be available within 24 hours of specimen collection for positive results, negative results, and diluted test results. "No-show" and "show but no test" will also be accessible online.

6. The application shall allow manipulation of the data, as needed by the departments.

X. Staff Training

Best Practice: In-service training sessions must be offered to affected County agencies and departments, regarding the procedures to be followed in implementing and maintaining a consolidated countywide drug testing program. Subject areas covered should relate to relevant aspects of drug testing standards and practices (proper collection techniques, chain of custody, adulteration and result interpretation, software training, etc.). The drug testing provider will use, and have on file, written training materials to include all pertinent procedural policies.

XI. Education/Communication

Best Practice: The drug testing provider should have ongoing communication with the affected departments on a regularly scheduled basis. The provider and the affected departments should maintain ongoing communication with the judicial bench.

XII. Testifying in Court/Legal Proceedings

Best Practice: The drug testing provider must be able to successfully defend its initial screening and/or subsequent confirmation methodologies in legal proceedings. At the request of the County, the drug testing provider will appear in court, provide testimony or documentary evidence, and/or respond to subpoenas relating to client testing at no cost to the affected County department.

XIII. Minimum Standards for Drug Testing Provider

Request for Information No. 1
Countywide Coordinated Alcohol and Drug Testing Program  
Page 23 of 33
**Best Practice:** The drug testing provider must affirmatively demonstrate its responsibility by providing evidence of the following requirements:

- Be able to maintain confidentiality
- Be able to comply with the required or proposed service schedule
- Satisfactory record of performance
- Satisfactory record of integrity and ethics
- Have adequate facilities to perform tests
- Ability to maintain chain of custody / evidence
- Provider must comply with all federal, state, county and local laws governing or covering this type of service

**XIV. Data Management / Administration / Reporting**

**Best Practice:**

1. The drug testing provider shall notify the County of any changes in Federal requirements with respect to the regulations of services provided.

2. Provider shall keep and provide all federally required reporting and shall make available all records for verification and inspection as requested. All records generated by the provider on behalf the County are, and shall remain, the property of the County.

3. Provider must have an adequate disaster recovery plan for storage of records. The plan shall be mutually agreeable and the contents of all records shall be kept in strict confidence. Any violation of confidentiality by the drug testing provider will be cause for legal remedy by the County as may be appropriate.

4. Provider shall supply a monthly, detailed, consolidated report that itemizes services performed each month. The report shall contain, at a minimum, the following information and shall be broken down by year to date in each of the categories specified:

- Name of test performed
- Test Results
- Case number
- Date (s) specimen collection
- Date (s) of laboratory test
- Total number of screens year to date
- Total number of confirmation tests for drug
- Percentage of positive tests
APPENDIX B: TECHNICAL REQUIREMENTS

Technical Requirements Elements:

- Drug Testing Application Narrative

- List of Requirements for a Web-based, Countywide, Drug Testing Services Application
  - Client Information Management
  - Appointment Information Management
  - Drug Testing Results
  - Interface with County systems
  - Payment Management
  - Security

- Requirements Categorization
  1. User Interface
  2. Data Migration
  3. Client Case
  4. Reporting
  5. Systems Interfaces & Data Exchanges
  6. Security & Confidentiality
  7. Search Functions
  8. Data Export / Import
Drug Testing Application Narrative
The following information was supplied by the Drug Testing Coordination Task Force to the County Information Systems Department (IDS) for review and comment. Associated comments were made by the ISD team to clarify the requirements and assist in the categorization process.

List of Requirements for a Web-based, Countywide, Drug Testing Services Application:
- The application should be a web based online system so all information can be easily accessed by case workers for each of their clients.

Client Information Management:
- Ability to set up initial client profiles and manage client information using five to seven different client identifiers.

- Ability to accept information electronically from various departmental systems (minimum of 5) to initiate client profiles or to manually enter and initiate new profiles.

- Ability to transfer existing client profiles and testing history for the last few years into the new drug testing system.

- Ability to match client information across departments, in order to determine whether drug testing requirements for two or more departments can be combined into a single testing process for the client.

- Ability to manage client waiver forms after they are signed by the client, and the ability to look up each client waiver form by the client identifier information.

Appointment Information Management:
- Ability to electronically assign random testing appointments and provide a system whereby clients can phone in daily to receive their appointment information, for approximately 305,500 tests annually.

- Ability to accommodate additional appointments as requested by case managers when necessary, and to accept these requests electronically.

- Ability to track and report appointment status (show, no-show, etc.) and whether or not the client has made the required daily phone call.

- Ability to reschedule no-show appointments.

- Ability to designate testing frequency and length of testing based upon 1) step down models as determined by each departmental program, and 2) frequency
dictated by case managers, probation managers, and/or judges for individual clients.

Drug Testing Results:
- Ability to generate a unique identification number and label for each drug test specimen, to monitor the collection and testing results throughout collection and testing process, and to assist with the chain of custody process.
- Ability to record the result of each sample after it is tested, including but not limited to the following outcomes:
  - Negative test
  - Positive test
  - Signed admission of positive test by client
  - Confirmation test
  - Insufficient sample
  - Drug panel composition
  - Drug levels
  - Dilution of sample
  - Test error
- Provide two-way data exchange capabilities between the departmental case management systems and the web based drug testing services application, utilizing five to seven identifiers common to the case management systems.
- Ability to manage data in order to provide detailed consolidated reports that itemize services performed by department, including the following:
  - Name of test performed
  - Test Results
  - Case number
  - Date(s) of specimen collection
  - Date(s) of laboratory test
  - Total number of screens year to date
  - Total number of confirmation tests for each drug
  - Percentage of positive tests
- Ability to create multiple client cases for those clients who are undergoing testing by more than one department, and to enable active cases to remain open even if one or more of the cases for that client is shut (completed).
- Ability to notify to each affected department that a client case has been newly opened, reopened, or closed.
- Ability to match multiple cases by five to seven identifiers.
• Ability for multiple users to enter drug testing results into the system for example the collector, the laboratory and the department.

**Interface with County systems:**
• Ability to interface with current and future departmental systems to provide drug testing information for case management purposes, including POPS (Pretrial Online Production System), SHARKS, Unicare, TESTA, etc.

**Payment Management:**
• Ability to report payments received from clients.

• Record client’s ability to pay based upon pre-determined criteria.

**Security:**
A. Confidentiality
1. Definitions:
   a. "County Data" shall mean data and information received by Contractor from County. County shall remain the owner of County Data.

   b. "County Brand Features" are all trademarks, service marks, Look and Feel, logos and other distinctive brand features of County supplied to Contractor by County

   c. "Customer Data" means any and all data and information of any kind or nature submitted to Contractor by end users, or received by Contractor on behalf of end users; necessary for Contractor to provide the Services. County has no ownership interest in Customer Data.

   d. "Contractor Proprietary Materials and Information" shall mean the Contractor Software and all source code, object code, documentation (whether electronic, printed, written or otherwise), working papers, non-customer data, programs, diagrams, models, drawings, flow charts and research (whether in tangible or intangible form or in written or machine readable form), and all techniques, processes, inventions, knowledge, know how; trade secrets (whether in tangible or intangible form or in written or machine readable form), developed by Contractor prior to or during the term of an Agreement, and such other information relating to Contractor or the Contractor Software that Contractor identifies to County as proprietary or confidential at the time of disclosure.

   e. "Contractor Software" shall mean the software used by the Contractor to provide the Services.
f. "Privacy Regulations" shall mean the regulations promulgated under Section 504 of the Gramm-Leach-Bliley Act, Pub. L. 106-102, as such regulations may be amended from time to time.

g. "Sensitive Customer Information" shall mean name, address, telephone number, Social Security Number, date of birth, routing and account number, credit card number, debit card number, personal identification number, password, password challenge questions and answers, and any other data that would allow a person to log onto or access the end user's account. County has no ownership interest in Sensitive Customer Information.

h. "Confidential Information" of a party shall mean all confidential or proprietary information and documentation of such party, whether or not marked as such. Confidential Information shall not include: (i) information which is or becomes publicly available (other than by the party having the obligation of confidentiality) without breach of an Agreement; (ii) information independently developed by the receiving party; (iii) information received from a third party not under a confidentiality obligation to the disclosing party; or (iv) information already in the possession of the receiving party without obligation of confidence at the time first disclosed by the disclosing party. Confidential information shall also include, but is not limited to, all health, criminal and welfare recipient records and all data and information pertaining to persons and/or entities receiving services from County, design concepts, algorithms, programs, formats, and documentation.

2. Obligations of the Parties: Except as otherwise set forth in this Confidentiality Section, the California Public Records Act, and/or applicable law, including without limitation the California Public Records Act, neither party shall use, copy, sell, transfer, publish, disclose, display, or otherwise make any of the other party's Confidential Information available to any third party without the prior written consent of the other party. Each party shall hold the Confidential Information of the other party in confidence and shall not disclose, or use such Confidential Information other than for the purposes contemplated by an Agreement and, to the extent that Confidential Information may be subject to the Privacy Regulations, as permitted by the Privacy Regulations, and shall instruct their employees, agents, and contractors to use the same care and discretion with respect to the Confidential Information of the other party or of any third party utilized hereunder that Contractor and County each require with respect to their own confidential information, but in no event less than a reasonable standard of care, including the utilization of security devices or procedures designed to prevent unauthorized access to such materials. Each party shall instruct its employees, agents, and contractors of its confidentiality obligations hereunder and not to attempt to circumvent any such security procedures and devices. All
such Confidential Information shall be distributed only to persons having a need to know such information to perform their duties in conjunction with an Agreement a party may disclose. Confidential Information of the other party if required to do so by subpoena, court or regulatory order, or other legal process, provided the party notifies the other party of its receipt of any such process, and reasonably cooperates, at the other party's expense, with efforts of the disclosing party to prevent or limit disclosure in response to such process.

3. Information Security:
   a. Contractor shall be responsible for establishing and maintaining an information security program that is designed to:
      i. Ensure the security and confidentiality of County Data, Customer Data, and Sensitive Customer Information;
      ii. Protect against any anticipated threats or hazards to the security or integrity of County Data, Customer Data, and Sensitive Customer Information;
      iii. Protect against unauthorized access to or use of County Data, Customer Data, and Sensitive Customer Information that could result in substantial harm or inconvenience to County or any end users; and
      iv. Ensure the proper disposal of County Data, Customer Data, and Sensitive Customer Information.
   
   b. County shall be responsible for maintaining security for its own systems, servers, and communications links.

   c. Contractor shall:
      i. Take appropriate action to address any incident of unauthorized access to County Data, Customer Data, and Sensitive Customer Information: including addressing and/orremedying the issue that resulted in such unauthorized access;
      ii. Notify County as soon as possible of any incident of unauthorized access to County Data, Customer Data, or Sensitive Customer Information or any other breach in Contractor's security that materially affects County or end users; and
      iii. Be responsible for ensuring compliance by its officers, employees, agents, and subcontractors with the confidentiality provisions hereof.
      iv. Either party may change its security procedures from time to time as commercially reasonable to address operations risks and concerns in compliance with the requirements of this Section. Contractor shall comply with this section and shall cause each of its employees, agents and subcontractors working on this system to do the same.
4. Contractor understands and agrees that the Contractor employees, consultants, 
sub-contractors and independent contractors (Contractor's Staff) that provide the 
Services are Contractor's sole responsibility. Contractor understands and agrees 
that Contractor's Staff must rely exclusively upon Contractor for payment of 
salary and any and all other benefits payable by virtue of Contractor's Staffs 
performance of work under the Agreement.

5. Contractor understands and agrees that Contractor's Staff are not employees of 
the County of Santa Clara for any purpose whatsoever and that Contractor's Staff 
do not have and will not acquire any rights or benefits of any kinds from the 
County of Santa Clara by virtue of performance of work under an Agreement.

6. Should confidential and/or legally protected Sensitive Customer Information in 
the Contractor's possession be divulged to unauthorized third parties, the 
Contractor is responsible for complying with all applicable federal and state laws 
and regulations, including but not limited to California Civil Code Sections 
1798.2.9 and 1798.82 at Contractor's expense (if applicable). The Contractor 
shall not charge the County for any expenses associated with Contractor's 
compliance with the obligations set forth in this Section. To the extent Contractor 
does not have contact information for purposes of complying with these notice 
requirements and County does have said contact information, County shall 
provide said contact information to Contractor to the extent permitted by law and 
that such information is available within commercially reasonable efforts.
Contractor shall only use said contact information to provide notice required by 
this section.

7. If any County Data is lost or damaged due to the acts or omissions of contractor 
while resident in Contractor's system, Contractor shall use commercially 
reasonable efforts to assist in replacing or regenerating such County Data. In 
addition, within ten (10) business days of termination of an Agreement, and upon 
request by the County, Contractor shall return all County Data to the County in 
the format agreed upon by both parties.

B. CONFIDENTIALITY OF DATA
a. The Contractor shall provide security by ensuring the environment that is 
used to provide Services meets or exceeds the on-going standards 
defined by PCI, the Internal Revenue Service (IRS), and reasonable 
commercial practices. At a minimum, all financial and confidential data 
(including cardholder information) transmitted over the Internet shall be 
encrypted using a combination of a 1024 bit encrypted certificate key 
coupled with a minimum 128-bit stream cipher. The Contractor's systems 
shall be protected by security, using a public certificate authority to ensure 
that connected clients are indeed on the Contractor's systems.
b. Information collected pursuant to an Agreement shall not be shared, sold, traded, or otherwise released to any third party, other than as required to perform the Services (i.e., third party payment process).

C. SECURITY AUDITOR
a. If requested by the County, the Contractor shall provide to County Auditor documentation evidencing the calculation of convenience fees, invoices billed to the County, and Contractor provided transaction reports.

b. On an annual basis, Contractor shall provide County e-Payment Coordinator evidence of third party security certifications such as IRS IV and V certification and any other relevant certifications.

Requirements Categorization
1. User Interface
Remote User Interface
Testing
Scheduling
Results
Reports
Handheld
Mobile Device / PDA
Laptop
PC/Desktop

2. Data Migration
Import of Existing / Historical:
Clients
History of Testing
Scheduling

3. Client Case
3.1 Client Identifiers/Data
3.2 Modification of Client Data
3.3 Tracking, Status and History
3.4 Retention and Deletion
3.5 Client Test Scheduling
   Electronic generation of random appointments at multiple sites
   Provide high volume daily appointment information via client call-in
3.6 Specimen Collection Data
3.7 Testing Results Data
3.8 Client Waiver Forms Processing
3.11 Payment Record

Request for Information No. 1
Countywide Coordinated Alcohol and Drug Testing Program
4. Reporting
   Individual client reports
   Consolidated departmental reporting

5. Systems Interfaces & Data Exchanges

6. Security & Confidentiality

7. Search Functions

8. Data Export / Import