

ADDENDUM TO REQUEST FOR PROPOSALS TO PROVIDE SCATTERED SITE TEMPORARY HOUSING AND SUPPORTIVE SERVICES TO CHRONICALLY HOMELESS MENTALLY ILL INDIVIDUALS AND FAMILIES

This addendum modifies the protest procedure described in Section XIII of the Request for Proposals to Provide Scattered Site Temporary Housing and Supportive Services to Chronically Homeless Mentally Ill Individuals and Families (“RFP”) issued on Thursday, June 25, 2009. The County makes this modification pursuant to Section XII C (iv) of the RFP, “Santa Clara County Reservations”.

This modified protest procedure replaces only the protest process described in the RFP. Therefore, if you filed a protest under the old protest process, you will need to file a protest under this modified protest procedure for the protest to be considered, and if you did not file a protest under the old protest process, you may still file a protest under this modified process.

If you have questions about the modified protest procedure, please contact Patrick Garcia at (408) 793-1809 or Pat.Garcia@hhs.co.santa-clara.ca.us .

Modified Protest Procedure

On Monday, September 14, 2009, the Department mailed letters to applicants advising of the applicants whose proposals were selected. Applicants whose proposals were not selected may protest the award of the contract (“appellants”).

1. Protest Procedure

The protest of an award must be in writing. The written protest must be emailed, faxed and/or mailed to the following official, who will forward the protest to a Reviewing Officer to conduct an independent review of the protest (“Reviewing Officer”):

Bruce Copley, Deputy Director
Santa Clara County Mental Health Department
828 S. Bascom Avenue, Suite 200
San Jose, CA 95128
(408) 885-5773 (phone number)
(408) 885-5788 (facsimile number)
Bruce.copley@hhs.sccgov.org

All protests must be received by the Mental Health Department by 5:00 pm on Wednesday, October 14, 2009. Any protests received after this time will not be considered. The following must be written on the cover of the protest: “Protest Relating

to Request for Proposals to Provide Scattered Site Temporary Housing and Supportive Services to Chronically Homeless Mentally Ill Individuals and Families RFP.”

The written protest must contain the following information: (1) the name, street address, electronic mail address, and telephone and facsimile number of the Appellant; (2) signature of the Appellant or its representative; (3) a detailed statement of the legal, including regulatory and statutory, and factual grounds of the protest; (4) copies of any relevant documents; (5) the form of relief requested; and (6) where the Reviewing Officer should send his written protest decision. The written protest must clearly state the regulatory, legal or review process violation that is grounds for the protest. Protests should be concise and logically arranged.

The Reviewing Officer has discretion to not consider a protest that does not comply with any of the requirements set forth in this Modified Protest Process. Only the information submitted with a timely protest will be considered by the Reviewing Officer. The Reviewing Officer has the authority to request additional information from the Appellant or Department to clarify or confirm information submitted in a timely written protest.

2. Decision of Reviewing Officer

The Reviewing Officer will review a protest to determine whether there was any legal violation, including violations of a regulation or statute, or the review process violation. Only the information contained in a timely protest will be considered by the Reviewing Officer. The Reviewing Officer has the authority to request additional information from the Appellant or Department to clarify or confirm information submitted in a timely written protest to assist with the Reviewing Officer’s review of a protest.

The Reviewing Officer will issue a written decision on a timely written protest no later than Friday, October 23, 2009. The Reviewing Officer will issue the written decision to the Appellant and the Department. If the Appellant failed to specify in its written protest where the Reviewing Officer should send the written decision, the Reviewing Officer will send his written decision to the Appellant by mail. The Reviewing Officer will also include in his decision if a hearing is necessary.

3. Remedies

If the Reviewing Officer determines that there was a legal or review process violation, the Reviewing Officer may recommend that the Department implement any combination of the following remedies:

- (1) Issue a new Request for Proposal;
- (2) Award a contract consistent with statute and regulation;
- (3) Grant the relief requested by the Appellant; or

(4) Such other recommendation(s) as Reviewing Officer determines necessary to promote compliance.

In determining the appropriate recommendation(s), the Reviewing Officer may consider the degree of prejudice to other parties or to the integrity of the competitive procurement system, the good faith of the parties, and extent of performance, the cost to the Department, the urgency of the procurement, and the impact of the recommendation(s) on the Department's mission.

4. Suspension of Contract Negotiations or Performance

All contract negotiations and/or performance that are being conducted in connection with an award under this RFP will be suspended until Wednesday, October 14, 2009. At that time, the Department will determine whether the negotiation or performance of a contract, notwithstanding a pending appeal, is in the County's best interest. The Department will then determine whether to continue with contract negotiations or performance, with the other negotiating or performing party having full knowledge of the status of the appeal process and agreeing to move forward, without regard to any cost or disruption from terminating, re-competing or re-awarding the contract that may result from the Reviewing Officer's decision.