

CONTRACT PROCUREMENT WORKGROUP 2010 : WORKPLAN-ISSUES

(Reconvened on 6/29/10)

FJJA ISSUES FOR DISCUSSION

FJJA letter to DJJ dated June 25, 2010 to be discussed when the Contract Procurement Workgroup reconvenes on June 29, 2010.

I. FUNDING/CONTRACT TERMS

FJJA Recommendation: Further discussions should take place around length of contracts and extensions of contracts/renewals.

Workgroup Discussion on 6/29/10

1. Length of Contract and Contract Extensions

- a. Move to longer term contracts;
- b. Allow for contracts to be extended if in good standing, as in 3 yr. renewals;

Discussed that there is not a statutory clause which prohibits DJJ from moving to longer term contracts.

Action Item: DJJ will discuss this item with DJJ Executive Leadership.

- c. Allow for evaluative criteria to include bonus for deemed status, and additional accreditation points.

Discussed the possibility of earning additional accreditation points for accreditation certificates relevant to a specific solicitation (i.e., the services being purchased).

Set goals/Incentivize:
-Keep Deemed Status.
-Keep performance high.
Thereby, maintain high quality of care for the kids.

2. Ability to Negotiate Requirements and Funding

- a. Would identify potential unfunded mandates
- b. Contract mandates, changes in rules or standards

Want to negotiate requirements and funding at the time of award and renewal. Want to use a different vehicle to address these issues other than the protest process.

The group agreed this is a funding issue more so than a procurement issues.

II. RFP Language/Process <u>FJJA Recommendation:</u> Further discussions should take place around RFP language/process.	Workgroup Discussion on 6/29/10
1. FJJA members identified areas that still need improvement to gain further administrative efficiency:	
<ol style="list-style-type: none"> a. Limit reports, redundancies; b. Limit requests for information that DJJ already has; c. RFP size still too long, often bigger than response requirement. d. RFP language still needs to become less prescriptive; e. Contract should be short and sweet; f. Remove “catch all phrases” and language; 	<p>Recognize that a lot of work has been done, but more improvements can be made in this area.</p> <p>Examine the crosswalk to identify some examples of redundancies. If an item repeats here, it is redundant.</p> <p><u>Action Item:</u> FJJA will provide examples of changes that DJJ can make.</p>
<ol style="list-style-type: none"> g. Become more consistent in timeframes- turnaround times still vary. 	<p>The turnaround timeframes for tasks may vary , but DJJ provides a minimum of 30 days for a provider to submit a response.</p>

III. Additional Feedback	Workgroup Discussion on 6/29/10
• FJJA recommends further discussion and keeping on the radar:	
<ol style="list-style-type: none"> 1. COLA in contracts; 	<p>Discussed the possibility of using COLA language that DCF has used in the past.</p>
<ol style="list-style-type: none"> 2. Resolution of the Leap Year Day; 	<p>Discussed that DJJ is the only agency who states in their contracts that it doesn’t pay for Leap Year Day. Discussed that this issue affects both Residential and Non-Residential service contracts.</p>
<ol style="list-style-type: none"> 3. Issues with program startup- exemption for certification, example CBIS; 	<p><u>CBIS:</u> Discussed that the circuits are implementing the 90 days CBIS-certified training inconsistently, which is affecting whether the CBIS provider are</p>

	<p>paid or not.</p> <p>Discussed that the CBIS issue may be an issue specific to CBIS-providers, and perhaps this issue should be addressed in a separate meeting instead of by this workgroup.</p> <p><u>OTHER START-UP ISSUES:</u></p> <p><u>BHOS</u>- Discussed delays with AHCA in getting BHOS certified.</p> <p><u>QA</u>- Jeff Wenhold clarified that currently new programs get at least 9 months of operation prior to a QA review.</p>
<p>4. Consistency in per diem rates among program types.</p>	<p>Acknowledged that there is a range in per diem rates among programs from one RFP to another. Consistency is being achieved through new RFPs.</p>
<p>• FJJA would like update or clarification from DJJ:</p>	
<p>5. Bid protests- what is DJJ's current position on penalty for losing bid protest?</p>	<p>Discussed that there are too many protests filed. FJJA stated that they thought that collecting the penalty for the losing bid protests would reduce the number of bid protests filed, and that they support DJJ's efforts towards recouping the penalty.</p> <p><u>Action Item:</u> DJJ General Counsel will review documentation and application requirements allowing bond retention.</p>
<p>6. Update on improvements to selection and training of "raters"- Is process complete or still ongoing?</p>	<p>The process is ongoing. The Bureau of Contracts trains all evaluators. This training must be completed prior to evaluating responses.</p>
<p>7. What is DJJ's current plan to further reduce redundancy and increase efficiencies in this area?</p>	<p>Discussed multiple administrative efficiencies workgroup efforts.</p>

**OUTSTANDING ISSUES FOR DISCUSSION
FROM PREVIOUS CONTRACT PROCUREMENT WORKGROUP EFFORTS**

Revisiting some of the issues that were not resolved when the workgroup last convened on February 13, 2009.

Issue 1: Past Performance-Criteria	Workgroup Discussion on 6/29/10
Use of interim process measures such as PARs and youth arrests in evaluating past vendor performance was considered.	<p>Laura Moneyham discussed documenting good performance in programs. Suggested using low numbers of PARs (PAR ratio data) and youth arrests as an indicator of good performance.</p> <p>Concerns about using the data for this purpose were raised. The group agreed to continue exploring this issue.</p>
Issue 2: Past Performance-Accreditation	Workgroup Discussion on 6/29/10
<p>a. Review how we document accreditation.</p> <p>b. Should all types of accreditation be awarded the same number of points?</p> <p>c. Do all types of accreditation represent the same value?</p>	<p>This was an open issue from the last procurement workgroup.</p> <p><u>Action Item:</u> Lisa Eaton will email two documents to the Workgroup members to review. The first document presents a comparison of the accreditation processes and the characteristics of five (5) recognized accrediting entities (COA, ACA, CARF, Joint Commission, and NCCHC). The second document presents the draft "Accreditation Subworkgroup: Tasks and Proposed Recommendations for Discussion."</p>
Issue 3: Past Performance-Barriers to Competition	Workgroup Discussion on 6/29/10
Review how providers who haven't provided services in a particular area are impacted and give an opportunity for entry into the market. (Eliminate barriers for transition into conditional release if provider is a residential provider and vice versa.)	This issue was not identified as a priority for the group and may be addressed at a later time.