

General Procurement and Distribution of Funding

Policy

It is the policy of Central Florida Behavioral Health Network, Inc. (CFBHN) to follow the spirit of the purchasing principles in Section 287.057, F.S

Purpose

To establish procedures for procurement and the distribution of funding, including new funding from the Department of Children & Families (DCF) or the reallocation of existing funding.

Procedure

- A. CFBHN staff may use one of the following procurement types.
1. Request for Information (RFI): A request for specific information used to determine if there are Network Service Providers (NSPs) capable of delivering the required services.
 2. Invitations to Bid (ITB): An Invitation to Bid may be used when CFBHN is capable of specifically defining the scope of work for which a service is required, or when the CFBHN is capable of establishing precise specifications defining the actual commodity or group of commodities required. Among equally qualified and responsive bidders, CFBHN selects the successful bidders based on price.
 3. Request for Proposals (RFP): CFBHN may issue a Request for Proposals when the purposes and uses for which the contractual services, commodity, or group of commodities being sought can be specifically defined and CFBHN is capable of identifying necessary deliverables. Various combinations or versions of contractual services or commodities may be proposed by a responsive NSP to meet the specifications of the solicitation document. An RFP may be used when performance, quality, and other evaluation factors need to be considered. As a result, factors in addition to price, such as experience, organizational capacity, and work methodology may be considered in the selection of an NSP.
 4. Invitation to Negotiate (ITN): A solicitation for competitive, sealed replies, to select one or more vendors with which to commence negotiations for the procurement of commodities or contractual services.
 5. Direct Procurement Negotiation (DPN): When competitive procurement is not required by law or a funder, the CFBHN President/Chief Executive Officer (CEO) in conjunction with CFBHN's Executive Committee, may decide to award contracts by direct procurement negotiation. The decision, reasons, and considerations shall be in writing and maintained in the procurement file for the applicable award.
 6. Emergency Procurement: An emergency procurement occurs when an existing NSP's contract or program is terminating within 30 days or other need for immediate procurement is documented. The CFBHN President/Chief Executive Officer (CEO) in conjunction with CFBHN's Executive Committee, formally determine that emergency action is required, due to situations including, but not limited to: an immediate danger to the public health, safety or welfare; an unexpected turn of events (e.g. acts of God, riot, fires, floods, accidents); or any circumstance or cause beyond the control of CFBHN in its normal business operations. The following actions can take place in an emergency procurement situation.
 - a. CFBHN staff issue a procurement with a time-limited deadline to solicit responses from existing NSPs or vendors.

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- b. CFBHN staff reach out to existing NSPs to take over the services and begin contract/program transition.
 - c. CFBHN staff reach out to community stakeholders to identify innovative solutions to ensure continuity of care.
7. General
- a. In any procurement, CFBHN reserves the right to reject all responses, cancel the procurement and, in its discretion, determine whether to issue a new or revised procurement.
 - b. In any procurement, CFBHN reserves the right to issue an addendum removing, adding, amending, or revising the provisions of the procurement document.
 - c. In any procurement, upon the written determination of the CFBHN President/CEO that documents the reasons and basis for the decision, CFBHN may modify the procedures in this policy for a particular procurement situation.
- B. Guidelines for Contracting New Funding
- 1. CFBHN will conduct procurements as required by the funder.
 - 2. For funding that is earmarked for a particular NSP, CFBHN executes a new contract or amends their existing contract to add the new funding.
 - 3. For funding that is earmarked for a specific geographic location, CFBHN staff review the requirements and meet with prospective providers located in that geographic area to assess their ability to take on the new funding.
 - 4. For all other funding, CFBHN staff select the most appropriate method for distribution, keeping in mind the priorities of the system of care and whether the funding is recurring or non-recurring. This process could include distribution using the *Equity of Funding* policy.
- C. Lapse Funding
- 1. All lapses, regardless of when in the fiscal year CFBHN is notified, are considered lapses and subject to the removal of funds after two subsequent years.
 - 2. NSPs may be held harmless on lapses under the following circumstances:
 - a. Funding is non-recurring;
 - b. First-year funding that is new to CFBHN;
 - c. Funding that CFBHN is lapsing as a whole; or
 - d. Funding that is defined by DCF as a wraparound/bundled model, including but not limited to, Community Action Treatment (CAT), Early Intervention Services and Family Intensive Treatment (FIT);
 - e. A decision to hold the NSP harmless is made by the CEO and the Board of

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Directors will be notified.

3. One-time lapsed funding that has been reallocated to another NSP will be returned to the original NSP in the subsequent year.
4. Under-utilized funding within an NSP's same Other Cost Accumulator (OCA) for the prior two years, results in permanent reallocation of the lesser lapsed amount of funding. In this case, the NSP is notified by CFBHN staff that the reallocated funding will not be returned in the subsequent fiscal year.
5. The priority of allocation for two-year lapsed funding occurs in the following order:
 - a. CFBHN staff look at the system of care needs and determine if the two-year lapse can be used within the circuit where it was lapsed. CFBHN may consult the circuit's Regional Council if needed.
 - b. If CFBHN determines that the circuit that the funding came from cannot use the two-year lapse, staff will look at other circuits to determine distribution.

D. No Responses from the Competitive Procurement Solicitation

1. In the event no responses are received through the selected solicitation, CFBHN staff reserve the right to modify the solicitation, its statement of services sought, tasks to be performed or the project description.
 - a. If, based on no responses and after the close of the procurement response deadline, CFBHN concludes that the current requirements are unattainable, CFBHN contacts DCF, if needed, to discuss possible modifications.
 - b. CFBHN staff identify and work with an NSP that could potentially deliver the services.
2. In the event of a second solicitation in which no responses are received, CFBHN staff identify and work with an NSP that could potentially deliver the services.
3. If no NSPs are interested in performing the service, CFBHN staff reach out to community stakeholders to identify innovative solutions to ensure continuity of care.

E. General Procurement Process (details are outlined in each solicitation)

1. The method of procurement is selected.
2. The procurement documents are developed, then posted to the CFBHN website.
3. The responses are received and scored.
4. A notice of award for the contract is posted to the CFBHN website.
5. There is a 72-hour Protest period.
6. Contract negotiations are conducted.
7. A subcontract is executed.

F. Disputes and appeals will be processed in accordance with the CFBHN *Procurement Dispute and Protest* policy.


G. The Contracts department is responsible for maintaining a file describing the actions taken and

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decisions made during the procurement process. The file includes the following documentation:

1. Justification for selecting the procurement type used;
2. Conflict of interest questionnaires for all individuals involved in process;
3. Documentation of all posting activities;
4. Copy of the solicitation document;
5. Record of solicitation conference, if applicable;
6. All correspondence related to the procurement (including official questions and answers);
7. Record of the evaluation/scoring;
8. Copies of bids/proposals/replies/offers;
9. Copies of protests received and documentation of results; and
10. Copy of the Notice of Intended Award.

H. The CFBHN President/CEO and CFBHN Board of Directors also reserves the right to make exceptions to this policy.

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