

ADDENDUM #001

Solicitation Number: FDC RFP-19-044

Solicitation Title: Residential Substance Use Disorder Treatment and Behavioral Health Program for Clay County (Judicial Circuit 4), Alachua County (Judicial Circuit 8) and Bradford County (Judicial Circuit 8)

Opening Date/Time: September 12, 2019 at 2:00 p.m., Eastern Time (ET)

Addendum Number: 001

Addendum Date: August 20, 2019

Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, or failure to post the bond or other security required by law within the time allowed for filing a bond shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

This addendum includes the following revisions:

Change No. 1

A change to Section 2.6.3.2, Program Discharge, Subsection 2.6.3.2.1. Subsection 2.6.3.2.1 is hereby revised as follows:

2.6.3.2.1 There are three (3) types of discharge from the Program: successful, unsuccessful, or administrative. The criteria for each type of discharge from the Program are listed below:

a) Successful Discharge

Successful Discharge occurs when an Offender meets all of the following criteria:

1. The Offender complied with all Program requirements;
2. The Offender made satisfactory progress towards the goals of their Individual Treatment Plan; and
3. The Offender obtained maximum benefit from the Program, as determined by their Primary Counselor and that counselor's clinical supervisor.

b) Unsuccessful Discharge

Unsuccessful Discharge occurs if the discharge is a result of any of the following criteria:

1. The Offender committed a violation of Program rules; or
2. The Offender failed to meet the requirements of a successful discharge as outlined above.

A decision to discharge an Offender unsuccessfully must be clinically based and be approved by the Qualified Professional responsible for supervising the clinical services of the Offender.

c) Administrative Discharge

An Administrative Discharge implies neither success nor failure in the Program. Some of the reasons for which an Offender might be administratively discharged from the Program include, but are not limited to:

1. A medical or mental health condition which prohibits an Offender from engagement in the Program;
2. A clinical determination that the Offender is not in need of services;
3. End of the Offender's sentence;
4. Death of the Offender; or
5. Another approved reason outside of the control of the Offender or Program and unrelated to Program compliance.

The Vendor shall ensure that a minimum of fifty-one percent (51%) of Offenders admitted to the Program are successfully discharged. Each Offender's admission date, discharge date, and discharge reason (not including administrative discharge) will be reviewed on an annual basis, in accordance with the fiscal year.

Change No. 2

A change to Section 2.11, Staff Background/Criminal Record Checks. Section 2.11 is hereby revised as follows:

2.11 Staff Background/Criminal Record Checks

The Vendor's or any subcontractor's staff, assigned to this Contract shall be subject, at the Department's discretion and expense, to a Florida Department of Law Enforcement (FDLE) Florida Crime Information Center/National Crime Information Center (FCIC/NCIC) background/criminal records check ~~as required in the Department's Procedure 602-016(10)~~. This background check will be conducted by the Department and may occur or reoccur at any time during any resultant Contract period. The Department has full discretion to require the Vendor to disqualify, prevent, or remove any staff from any work under any resulting Contract. The use of criminal history records and information derived from such records are restricted pursuant to Section 943.054, F.S. The Department shall not disclose any information regarding the records check findings or criteria for

disqualification or removal to the Vendor. The Department shall not confirm to the Vendor the existence or nonexistence of any criminal history record information. In order to carry out this records check, the Vendor shall provide, upon request, the following data for any staff or subcontractor's staff assigned to the Contract: Full Name, Race, Gender, Date of Birth, Social Security Number, Driver's License Number, and State of Issue. All of the Vendor's new employees, and other employees as requested by the Department, shall submit to fingerprinting by the Department for submission to the Federal Bureau of Investigation (FBI). The Vendor shall not consider new employees to be on permanent status until a favorable report is received by the Department from the FBI.

The Vendor shall also ensure that the Department's Contract Quality Assurance Program Manager, or designee, is provided the information needed to have the FCIC/NCIC background check conducted prior to any new staff being hired or assigned to work under any resulting Contract. The Vendor shall not offer employment to any individual, or assign any individual to work under any resulting Contract, who has not had an FCIC/NCIC background check conducted. The Vendor shall maintain the background check approval for each employee in their personnel file.

~~2.11.1~~ When providing contractual Program services, the Vendor shall obtain a Level II background screening (which includes fingerprinting to be submitted to the Federal Bureau of Investigation (FBI), and results must be submitted to the Department prior to any current or new Vendor's staff being assigned to work under any resulting Contract. The Vendor shall bear all costs associated with this background screening. The Vendor shall not consider new employees to be on permanent status until a favorable report is received by the Department from the FBI.

2.11.21 No person barred from any FDC institution, or other Department facility, shall provide services under any resulting Contract without prior written approval from the Department's Contract Manager, or designee.

2.11.32 Offenders shall be precluded from participating in programming, receiving services, or placement any supervision or placement at any Program where pre-existing, or continuous close personal relationships exist between the Offender and any staff of the Vendor. It is the responsibility of the Vendor to advise the Department's Contract Manager, or designee, of any known preexisting close, personal relationships between staff and any Offender(s). The Vendor shall disclose any business or personal relationship a staff person, officer, agent, or potential hire may have with anyone presently incarcerated or under the supervision of the Department. Rule 33-208.002(26), F.A.C., shall apply at the Program, which and stipulates that marriage between employee and an Offender is prohibited.

a. The Vendor shall immediately immediately report any new arrest, criminal charges, or convictions of any current employee assigned to perform work under any resulting Contract.

- b. Note that a felony or first-degree misdemeanor conviction, a plea of guilty or nolo contendere to a felony, or first-degree misdemeanor crime, or adjudication of guilt withheld to a felony or first-degree misdemeanor crime, does not automatically bar the Vendor from hiring the proposed employee. However, the Department reserves the right to prior approval in such cases. Generally, two (2) years with no criminal history is preferred. ~~The Vendor shall require that all proposed employees provide to them the details of any criminal background information.~~ The Vendor shall make a full written report to the Department's Contract Manager, or designee, within 24 hours whenever an employee has a criminal charge filed against them, or an arrest, or receives a Notice to Appear for violation of any criminal law involving a misdemeanor, or felony, or ordinance (except minor violations for which the fine or bond forfeiture is \$200 or less), or when the Vendor or Vendor's staff has knowledge of any violation of the laws, rules, directives, or procedures of the Department.

2.11.3 The Vendor shall comply with Attachment XIV, FDC Procedure 208.013, when hiring current or former Department employees.

Change No. 3

Attachment XIV, FDC Procedure 208.013 is hereby added in its entirety and attached hereto.

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ATTACHMENT XIV - FDC PROCEDURE 208.013
FDC RFP-19-044



JULIE L. JONES
SECRETARY

PROCEDURE NUMBER: 208.013
PROCEDURE TITLE: OUTSIDE EMPLOYMENT
RESPONSIBLE AUTHORITY: OFFICE OF HUMAN RESOURCES
EFFECTIVE DATE: JUNE 28, 2018
INITIAL ISSUE DATE: DECEMBER 8, 2000
SUPERSEDES: NONE
RELEVANT DC FORMS: DC2-831

ACA/CAC STANDARDS: NONE

STATE/FEDERAL STATUTES: SECTIONS 112.313, 112.3185, AND 944.38, F.S.

FLORIDA ADMINISTRATIVE CODE: RULE 60L-32.003 AND CHAPTER 33-208, F.A.C.

PURPOSE: To establish guidelines for secondary employment outside state government.

DEFINITIONS:

- (1) **Approving Authority**, where used herein, refers to:
 - (a) for a regional office, the appropriate Assistant Secretary;
 - (b) for an institution or a probation and parole field office, the Regional Director; and
 - (c) in the central office, the Deputy Secretary, appropriate Assistant Secretary, Chief of Staff, Director, Inspector General, or General Counsel.
- (2) **Employee**, where used herein, refers to all Senior Management Service, Selected Exempt Service, Career Service, and Other Personal Services (OPS) employees.
- (3) **Immediate Supervisor**, where used herein, refers to the employee's immediate supervisor as designated on the officially approved organizational chart.
- (4) **Local Human Resource (LHR) Contact**, where used herein, refers to the Business Manager, Human Resource Consultant at the institution, or Business Manager/Circuit Administrator assigned to a circuit office.
- (5) **Office of Human Resources (OHR)**, where used herein, refers to the Office of Human Resources located in central office.
- (6) **Outside Employment**, where used herein, refers to a Department employee receiving compensation from an employer other than state government or from self-employment. Compensation includes, but is not limited to, payment for expert witness, consulting, auditing, and research services, and income associated with election or appointment to public office. Please refer to the dual employment rule, Rule 60L-32.003, F.A.C., for guidelines to follow for secondary employment within state government.
- (7) **Reviewing Authority**, where used herein, refers to:
 - (a) for a regional office, the appropriate Regional Director;
 - (b) for an institution, the Warden,
 - (c) for a probation and parole field office, the appropriate Circuit Administrator; and
 - (d) in the central office, the Bureau Chief or equivalent.

SPECIFIC PROCEDURES:

- (1) Secondary employment outside state government is permitted. However, the Department will not approve such employment if it:

- (a) constitutes a real or potential conflict of interest such as pursuant to sections 112.313 and 112.3185, F.S.;
 - (b) interferes with the ability and availability of the employee to perform her/his job duties with the Department, including overtime requirements; or
 - (c) requires the use of state space, personnel, equipment, time, or supplies.
- (2) Employment with any entity under contract with the Department of Corrections is subject to internal review by the Department. Outside employment in these instances will be denied based on, but not limited to, the following circumstances:
- (a) if the employee seeks or maintains outside employment with a contractor for job duties that are substantially similar in nature to those which the employee performs for the agency;
 - (b) if the outside employment exposes the agency in any way to overtime requirements under the Fair Labor Standards Act;
 - (c) if the employee has/had any responsibilities or involvement with the Department's award of the contract, or with the process of making referrals to or evaluating the contract entity.
- (3) Denial may be waived based on a review by the Office of the General Counsel.
- (4) A Department employee who seeks or accepts outside employment is responsible for making a preliminary determination that such employment does not constitute a conflict of interest.
- (5) A Department employee who seeks or accepts outside employment is required to report the outside employment by completing a "Notification of Employment Outside State Government," DC2-831, and submitting it to her/his immediate supervisor within five working days of acceptance of an offer of outside employment or upon initial employment with the Department if the new employee is already employed outside state government.
- (a) The employee may obtain a DC2-831 from her/his LHR contact or at the following link on the intranet: <http://dcweb/co/forms/dc2-8.html>.
 - (b) The employee will complete section 1 of the DC2-831 and forward it to her/his immediate supervisor.
 - (c) The immediate supervisor will review the DC2-831 to make sure it is complete and in compliance with this procedure. The immediate supervisor will then complete section 2 and forward the DC2-831 to the reviewing authority within five workdays of its receipt.
 - (d) The reviewing authority will review the DC2-831 to determine if there is a conflict of interest, complete section 3, and forward the DC2-831 to the approving authority within five workdays of receipt.

- (e) The approving authority will review the DC2-831 to confirm that no conflicting employment relationship appears to exist and sign section 3 of the form.
 - (f) If the approving authority agrees there is no conflict of interest, s/he will provide a copy of the completed DC2-831 to the employee's immediate supervisor who will then give the employee a copy. The approving authority will forward the completed original DC2-831 and any other pertinent information to the servicing personnel office to be filed in the employee's personnel file.
 - (g) If the approving authority determines there is a conflict of interest or questions whether a conflict of interest exists, s/he will contact the Office of the General Counsel for guidance.
 - (h) The DC2-831 will be forwarded to the Office of the General Counsel for review if an employee works for or seeks to work for:
 - 1. a substance abuse vendor;
 - 2. a university or community college (i.e., Pat Thomas Academy); or
 - 3. an employee organization, as defined in section 447.203, F.S., with Department employee members.
 - (i) If the DC2-831 is forwarded to the Office of the General Counsel for review, the General Counsel will review the DC2-831, render a determination, complete section 3 of the form, and return the completed DC2-831 to the approving authority within five workdays of receipt.
- (6) An employee of the Department may not receive any compensation whatsoever, directly or indirectly, for any act or service that s/he may do or perform for or on behalf of any officer or employee or agent, or employee of a contractor. An officer or employee of the Department or the state may not have an interest directly or indirectly, in any contract or purchase made, or authorized to be made, by anyone for or on behalf of the Department.
- (7) If an employee is a member of a security class, s/he will not perform her/his outside employment in her/his Department issued security class uniform.
- (8) An employee who seeks or accepts outside employment acknowledges that the Department of Corrections is her/his primary employer and will:
- (a) be available to work extended workday duty,
 - (b) remain physically fit and mentally alert, and
 - (c) respond to Department emergencies.
- (9) The Department will not be obligated to change an employee's shift or days off to accommodate outside employment.

Procedure 208.013

- (10) Outside employment generally may not exceed more than 24 hours in a work week. This hourly guideline applies whether the employee works at the outside employment on her/his days off or in addition to her/his daily hours with the Department.
- (11) An employee may teach a class that is included in the curriculum required by the Criminal Justice Standards and Training Commission for Correctional Officers or Correctional Probation Officers at a community college or other training facility. This does not constitute a conflict of interest.
- (12) An employee working in outside employment during her/his regular Department working hours must be on approved special compensatory leave or annual leave if the employee does not have a special compensatory leave balance.
- (13) A violation of this procedure or the provisions of section 944.38, F.S., not otherwise covered in this procedure is considered a willful violation of the rules, regulations, and/or policies of the Department. Employees violating this procedure are subject to disciplinary action as indicated in the Florida Statutes and/or Rules of the Department of Corrections, Personnel, Chapter 33-208, F.A.C.



Chief of Staff