

Alice Gleghorn, PhD
Director

PROTEST DECISION

Matter of: Transitions Mental Health Association

RFP: Assertive Community Treatment (ACT) and Supportive
Community Services (Released January 14, 2021)

Date: April 20, 2021

DECISION

Transitions Mental Health Association (TMHA), a Community Based Organization based in San Luis Obispo, California, protests the award of the Lompoc ACT contract to Merakey Allos (Merakey) under the request for proposals (RFP) identified above issued by the Department of Behavioral Wellness (BeWell). The protester alleges that the evaluation committee either failed to adhere to the stated evaluation criteria, or they changed or added criteria during the evaluation process. TMHA asserts that as the current Lompoc ACT contractor it has been successful over many years and exceeded annual program outcomes. The protestor further asserts that given its continued and demonstrable program success TMHA should have been the highest-scored bidder.

Following a review of the evaluation process, the BeWell Director has determined that the ACT and Supportive Community Services RFP Evaluation Committee (Evaluation Committee) did not fail to adhere to the stated evaluation criteria; the Evaluation Committee did not change or add criteria during the evaluation process; TMHA scored significantly lower than the alternate bidder, Merakey; Evaluation Committee panelists (panelists) were consistent in their scoring practices; and the Evaluation Committee considered TMHA's experience as the existing provider in scoring TMHA's bid, but TMHA

still scored significantly lower than the other bidders, as discussed more below.

The BeWell Director has determined that there is no basis to overturn the decision of the Evaluation Committee, and the RFP Notice of Intent to Award shall stand. The protest is hereby denied.

BACKGROUND

The RFP informed bidders that awards would be made based on the evaluation criteria detailed in RFP Exhibit E – Evaluation and Scoring Criteria.

Proposals that passed the Technical Review were forwarded to the Evaluation Committee, which consisted of six members with subject matter expertise in clinical programs, budgets and finance, peer involvement and data and performance measures. The Evaluation Committee reviewed all proposals that passed the Technical Review. TMHA's proposal was reviewed and scored by the Evaluation Committee.

DISCUSSION

Issue of highest score:

TMHA's overall score for the ACT/AOT service was considerably lower than both other bidders, Merakey and Telecare¹, whose scores were within a one-point difference from each other.

As the attached scoring sheet illustrates, for the ACT/AOT Lompoc location, only one of six panelists ranked TMHA's proposal higher than Merakey's proposal, scoring TMHA only three points higher. The remaining five panelists scored Merakey's proposal 13.5 to 36.5 points higher than TMHA's. Conclusion: TMHA scored significantly lower than the alternate bidder, Merakey.

Issue of panelist score variation or arbitrariness:

The Evaluation Committee's decision was not arbitrary, capricious, entirely lacking in evidentiary support, or inconsistent with proper procedure. (*Cypress Sec., LLC v. City & Cty. of San Francisco*, 184 Cal. App. 4th 1003, 1011 (2010).) As discussed above, panelists were generally consistent with their assessments of TMHA responses to all RFP sections, with comments typically given for lower or higher scores as applicable. Conclusion: Panelists were consistent in their scoring practices.

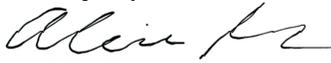
¹ Telecare did not submit a proposal to provide ACT/AOT services at the Lompoc location.

Issue of Existing Provider:

Notes from panelist’s reviews credited THMA’s connections to the community, local knowledge of the area, inclusion of consumers on TMHA’s Board, representation of families, and experienced staff with knowledge of Santa Barbara County reporting requirements. Conclusion: The panelists considered TMHA’s experience as the existing provider in scoring TMHA’s proposal; however, TMHA still scored significantly lower than the other bidders.

CONCLUSION

For the reasons set forth above, the BeWell Director finds that there is no basis to overturn the conclusions of the Evaluation Committee, the protest is denied and resolved, and the RFP Notice of Intent to Award shall stand. This Decision of the BeWell Director completes the administrative process and Behavioral Wellness will be proceeding with the procurement, which may result in presenting a contract with Merakey to the Board of Supervisors for final approval.

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Enclosure: ACT RFP Final Score Calculations

Request for Proposals, Assertive Community Treatment (ACT) and Supportive Community Services Results

OVERALL SCORES

	ACT/AOT Santa Maria	ACT/AOT Lompoc	SCS Santa Maria	SCS Santa Barbara
Merakey	115.73	115.73		
Telecare	114.82			
PathPoint				87.38
TMHA		95.92	73.6	
Total Points Possible	175	175	130	130

Note: Total = 220;
 common sections = 85;
 ACT/AOT Narrative = 90;
 SCS = 45

ACT/AOT - LOMPOC

	Evaluator #1	Evaluator #2	Evaluator #3	Evaluator #4	Evaluator #5	Evaluator #6
Merakey	121.2	109.9	115.4	111.4	121.2	114.9
TMHA	84.7	112.9	101.9	92.6	99.6	84.2