



State of New Hampshire
Department of Health and Human Services

REQUEST FOR PROPOSALS

FOR

Effective Practices for the Treatment of Opioid and Stimulant Use Disorders

RFP-2023-DBH-08-EFFEC

RELEASE DATE: December 6, 2022

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1. PURPOSE AND OVERVIEW

1.1. Introduction

The New Hampshire Department of Health and Human Services, Division for Behavioral Health (“Department”) is seeking responses to this Request for Proposals (solicitation) from qualified Vendors for the development and implementation of a behavioral-based intervention Contingency Management program for individuals receiving outpatient treatment for Opioid Use Disorder (OUD) or Stimulant Use Disorders (StimUD).

Qualified Vendors must:

- Provide one or more of the following evidence-based, outpatient Substance Use Disorder (SUD) treatment services, in New Hampshire, for individuals with a clinically diagnosed OUD or StimUD, as identified in this RFP:
 - Individual Outpatient Treatment as defined in American Society of Addiction Medicine (ASAM) Criteria, Level 1.
 - Group Outpatient Treatment as defined as ASAM Criteria, Level 1.
 - Intensive Outpatient Treatment as defined as ASAM Criteria, Level 2.1.
 - Partial Hospitalization Treatment as defined as ASAM Criteria, Level 2.5.
 - Medications for Opioid Use Disorder treatment
- Demonstrate capacity and readiness to develop and implement a Contingency Management program in conjunction with evidence-based outpatient treatment services for individuals with a clinically diagnosed OUD or StimUD.

The Department anticipates awarding up to three (3) contracts for the services in this solicitation.

1.2. Key Information

The information in the table below is as anticipated by the Department. All information is subject to change, the availability of funds, and/or approval by the Governor and Executive Council.

| | |
|--|---|
| Contract Effective Date | Upon Governor and Executive Council approval. |
| Contract End Date | September 29, 2023 |
| Renewal Options | The Department may extend contracted services for up to four (4) additional years. |
| Match Requirements | N/A |
| Point of Contact | Shannon Judd, Contract Specialist Shannon.Y.Judd@dhhs.nh.gov 603-271-9685 |
| From the date of release of this solicitation until an award is made and announced regarding the selection of a Vendor, all communication with personnel employed by or under contract with the Department regarding this solicitation is prohibited unless first approved by the Point of Contact listed above. Department employees have been directed not to hold conferences and/or discussions concerning this solicitation with any potential contractor during the selection process, | |

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unless otherwise authorized by the Point of Contact. Vendors may be disqualified for violating this restriction on communications.

1.3. Procurement Timetable

| All times are according to Eastern Time. The Department reserves the right to modify these dates and times at its sole discretion. | | |
|--|---|------------------------------|
| Item | Action | Date |
| 1. | Solicitation Released | 12/6/2022 |
| 2. | Letter of Intent Submission Deadline (optional) | 12/14/2022 |
| 3. | Questions Submission Deadline | 12/19/2022 12:00PM |
| 4. | Department Response to Questions Published | 1/2/2023 |
| 5. | Vendor Solicitation Response Due Date | 1/9/2023 12:00PM |

1.4. Background

1.4.1. New Hampshire Department of Health and Human Services, Division for Behavioral Health

The Department's mission is to join communities and families in providing opportunities for citizens to achieve health and independence. The Division for Behavioral Health (Division) contributes to this mission, in part, by providing resources that develop, support and deliver substance misuse prevention, early intervention, treatment and recovery support services that are integrated with primary and behavioral health care. The aforementioned supports and services are referred to as the Alcohol and Other Drug Continuum of Care System (AOD COC).

The Department envisions a statewide Substance Use Disorder (SUD) treatment delivery system that meets the needs of the individuals served under this RFP, including, but not limited to care that is integrated with mental and physical health services and coordinated with other social and community service agencies to address the social determinants of health for all clients.

The State Opioid Response (SOR) grant is an award from the Substance Abuse and Mental Health Services Administration (SAMHSA) to help the Department and SUD providers combat the opioid and stimulant use crisis across the AOD COC in New Hampshire. This grant program addresses unmet treatment and recovery needs, opioid and stimulant overdose deaths, and barriers to medications for opioid use disorder (MOUD). The SOR grant allows New Hampshire to address the changing needs and complex nature of SUD in the state.

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The COVID-19 pandemic has had a significant impact on people with SUD. Provisional, National, data from the Centers for Disease Control and Prevention (CDC) shows more than 81,000 deaths from drug overdoses in the 12 months ending May 2020. This total is 18 percent higher than the total for the prior 12 months and 20 percent greater than in calendar year 2018. Overdose deaths from cocaine also increased by 26.5 percent in the past year. In large part, these deaths have been linked to co-use or contamination of cocaine with illicitly manufactured fentanyl or heroin. Overdose mortality from stimulants, such as methamphetamine, increased by 34.8 percent over the past year. All these upward trends have accelerated during the COVID-19 pandemic.

,Contingency Management is an evidence-based, therapeutic behavioral intervention, effective in reducing the number of days of stimulant use, stimulant cravings, new stimulant use, and HIV risk behaviors, as well as increasing treatment attendance and medication adherence (Source: Substance Abuse and Mental Health Services Administration (SAMHSA): Treatment of Stimulant Use Disorders. SAMHSA Publication No. PEP20-06-01-001 Rockville, MD: National Mental Health and Substance Use Policy Laboratory. Substance Abuse and Mental Health Services Administration, 2020).

For individuals with an Opioid Use Disorder, Contingency Management has also shown efficacy in the reduction of non-prescribed drug use, treatment attendance and medication adherence (Source: Ainscough TS, McNeill A, Strang J, Calder R, Brose LS. Contingency Management interventions for non-prescribed drug use during treatment for opiate addiction: A systematic review and meta-analysis. Drug Alcohol Depend. 2017 Sep 1;178:318-339. doi: 10.1016/j.drugalcdep.2017.05.028. Epub 2017 Jun 24. PMID: 28688295; PMCID: PMC5558146).

Despite the significant evidence supporting its efficacy, Contingency Management has not been widely adopted in New Hampshire to date.

1.4.2. **Objective**

Services identified in this RFP will allow NH to expand evidence-based SUD treatment programs, increase accessibility, foster engagement, and offer treatment enhancements that allow clinicians to customize treatment according to patient-reported feelings, behavior, and activities for individuals with a clinically diagnosed OUD or StimUD.

1.4.3. **Covered Populations**

The selected Vendor(s) must provide services to individuals who:

1.4.3.1. Are residents of or are experiencing homelessness in NH;

1.4.3.2. Are aged 18 and older; and

1.4.3.2.1. Meet the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5) criteria for an Opioid Use Disorder (OUD) and/or Stimulant Use Disorder (StimUD) as determined by a:

1.4.3.2.1.1. Licensed counselor; or

1.4.3.2.1.2. An unlicensed counselor who:

1.4.3.2.1.2.1. Is under the supervision of a licensed counselor; and

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- 1.4.3.2.1.2.2. Is working toward licensure; and
- 1.4.3.2.1.2.3. Has completed the required coursework for licensure, as required by:
 - 1.4.3.2.1.2.3.1. NH Board of Alcohol and Other Drug Use Providers;
 - 1.4.3.2.1.2.3.2. NH Board of Mental Health Practice; or
 - 1.4.3.2.1.2.3.3. NH Board of Psychology.

2. STATEMENT OF WORK

2.1. Scope of Services

- 2.1.1. The selected Vendor(s) must develop and implement a Contingency Management Program (CMP) that provides positive reinforcement for evidence of desired behavioral change for individuals identified in Section 1.4.3. Selected Vendor(s) must ensure CMP services:
 - 2.1.1.1. Are based on strengths of the individual;
 - 2.1.1.2. Are based on evidence of the individual's specific, defined, and positive behavioral change;
 - 2.1.1.3. Address the individual's ambivalence about decreasing substance use;
 - 2.1.1.4. Creates the opportunity to establish positive expectations;
 - 2.1.1.5. Allows the individual to have power in decision making regarding their treatment; and
 - 2.1.1.6. Assists the individual to modify their behaviors to achieve and sustain recovery.
- 2.1.2. The selected Vendor(s) must provide CMP services in conjunction with evidence-based outpatient treatment services.
- 2.1.3. The selected Vendor(s) must ensure the CMP is implemented to fidelity. The selected Vendor(s) must:
 - 2.1.3.1. Attend the Contingency Management training, provided by the Department's designated trainer, prior to program implementation;

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- 2.1.3.2. Consult with the Department on CMP adaptations, as needed, to meet the needs of the individuals served; and
- 2.1.3.3. Ensure CMP adaptations are not implemented prior to, or without, Department approval.
- 2.1.4. The selected Vendor(s) must identify individuals receiving outpatient treatment who meet the CMP participant criteria described in Section 1.4.3, Covered Populations.
- 2.1.5. The selected Vendor(s) must provide all individuals who meet CMP participant criteria described above with detailed program information and offer them the choice to participate in the program. The selected Vendor(s) must ensure program information includes, but is not limited to:
 - 2.1.5.1. Program overview.
 - 2.1.5.2. Program structure and policies including but not limited to:
 - 2.1.5.2.1. Enrollment
 - 2.1.5.2.2. Data collection
 - 2.1.5.2.3. Surveys
 - 2.1.5.2.4. Discharge
- 2.1.6. The selected Vendor(s) must ensure all individuals, and their guardian, if applicable, who choose to participate in the CMP receive, review, and sign an informed consent prior to program participation. The selected Vendor(s) must ensure informed consent includes, but is not limited to:
 - 2.1.6.1. Risks and benefits of participation.
 - 2.1.6.2. The notice of privacy practices shall be provided to the Department upon request.
- 2.1.7. The selected Vendor(s) must ensure the signed informed consent form is kept in the individual's CMP record.
- 2.1.8. The selected Vendor(s) must notify individuals who consent to program participation that they have the ability to rescind the consent at any time.
- 2.1.9. The selected Vendor(s) must keep records related to each individual's participation in the CMP separate from the individual's clinical outpatient records.
- 2.1.10. The selected Vendor(s) must submit a final CMP development plan to the Department for review and approval, no later than 10 days after the contract effective date.
- 2.1.11. The selected Vendor(s) must submit a final CMP implementation plan that includes recruitment and retention of participants and marketing materials to the

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Department for review and approval, no later than 30 days after the effective date of the awarded contract.

2.1.12. The selected Vendor(s) must implement the CMP no later than 90 days after the effective date of the awarded contract.

2.1.13. The selected Vendor(s) must meet all applicable information security and privacy requirements as set by the Department.

2.1.14. Data Collection and Entry

2.1.14.1. The selected Vendor(s) must ensure aggregate and de-identified data excludes information that would allow for the constructive identification of any individual, meaning that there is no reasonable basis to believe that the data could be used, alone or in combination with other reasonably available information, by an anticipated recipient to identify an individual who is a subject of the information.

2.1.14.2. The selected Vendor(s) must provide the Department with aggregate, non-identifiable data that supports the CMP Contract deliverables. The selected Vendor(s) must:

2.1.14.2.1. Work with the Department's Contractor, Arkansas Foundation for Medical Care Inc. (AFMC), to obtain authorization to enter CMP data into AFMC's REDCap system, which will be used by AFMC to provide aggregate reporting to the Department.

2.1.14.2.2. Collect and enter CMP data into the AFMC REDCap system on a monthly basis. The selected Vendor(s) must ensure data includes:

2.1.14.2.2.1. Demographics;

2.1.14.2.2.2. Number of individuals served;

2.1.14.2.2.3. Number of CMP sessions attended per individual;

2.1.14.2.2.4. Number of individuals who completed the CMP;

2.1.14.2.2.5. Number of individuals who did not complete the MIP and reason(s) for non-completion;

2.1.14.2.2.6. Type, number, and cost of incentives provided, per individual; and

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- 2.1.14.2.2.7. Other aggregate, de-identifiable CMP data as determined and requested by the Department.

2.1.15. CMP Participant Surveys

- 2.1.15.1. The selected Vendor(s) must administer aftercare surveys to each participant upon discharge from the CMP, to assess overall program experience, satisfaction, and outcomes.
- 2.1.15.2. The selected Vendor(s) must utilize a digital survey software, e.g. Survey Monkey or equivalent, to create surveys, collect participant responses, and analyze survey results. The selected Vendor(s) must ensure surveys:
 - 2.1.15.2.1. Allow for only anonymous responses, so participants feel safe in giving honest feedback;
 - 2.1.15.2.2. Shall not elicit a response that would collect personally identifiable, meaning information that would allow for the constructive identification of any individual and that there is no reasonable basis to believe the data could be used, alone or in combination with, other reasonably available information, by an anticipated recipient to identify an individual who is a subject of the information, protected health, SUD, or other state or federally regulated information;
 - 2.1.15.2.3. Are reviewed and approved by the Department prior to distribution; and
 - 2.1.15.2.4. Are reviewed and utilized for program enhancement and improvement.
- 2.1.15.3. The selected Vendor(s) must ensure survey results data are aggregate and de-identified.
- 2.1.15.4. The selected Vendor(s) must share aggregate, non-identifiable survey results with the Department as requested.

2.1.16. Staffing

- 2.1.16.1. The selected Vendor(s) must recruit and maintain sufficient staff assigned to the CMP necessary to perform and carry out all of the functions, requirements, roles and duties as proposed. The selected Vendor(s) must ensure CMP staff are trained:
 - 2.1.16.1.1. On the program model prior to working in the program;
 - 2.1.16.1.2. To safeguard the confidentiality, privacy, and information security of the participant information; and

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- 2.1.16.1.3. Any access to Department databases shall require completion of Department information security training as required.
- 2.1.17. The selected Vendor(s) must comply with all current and future federal and state laws, rules, and regulations, regarding this scope of work.
- 2.1.18. The selected Vendor(s) must actively and regularly collaborate with the Department to enhance contract management and improve results.
- 2.1.19. The selected Vendor(s) must participate in meetings with the Department, on a monthly basis, or as otherwise requested by the Department.

2.2. Reporting

- 2.2.1. The selected Vendor(s) must provide monthly reports to the Department, in a format approved by the Department. The selected Vendor(s) must ensure monthly CMP reports include only aggregate and non-identifiable data including:
 - 2.2.1.1. Demographics;
 - 2.2.1.2. Number of individuals served;
 - 2.2.1.3. Number of sessions individuals attended;
 - 2.2.1.4. Number of individuals completing the CMP;
 - 2.2.1.5. Number of individuals not completing the CMP and reason(s) non-completion;
 - 2.2.1.6. Type, number of, and cost of incentives provided, per individual; and.
 - 2.2.1.7. Other factors as determined by the Department.
- 2.2.2. The selected Vendor(s) must submit monthly CMP Participant Survey results to the Department, in a format approved by the Department. The selected Vendor(s) must ensure survey results data is aggregate and non-identifiable.
- 2.2.3. The selected Vendor(s) may be required to provide other data and metrics to the Department in a format specified by the Department.
- 2.2.4. The selected Vendor(s) must provide key data in a format and at a frequency specified by the Department for the following performance measures:
 - 2.2.4.1. 95% of participants complete the required sessions in the CMP;
 - 2.2.4.2. 95% of participant assessments demonstrate the treatment plan was based on the participants strengths and identified motivational incentives; and
 - 2.2.4.3. 90% of participants decreased to stopped stimulant use after 90 days of completion of the program as indicated through aftercare survey results
- 2.2.5. The Department may include other performance measures in the resulting contract(s).

2.3. State Opioid Response (SOR) Grant Standards

- 2.3.1. Selected Vendor(s) must establish formal information sharing and referral agreements with the Doorways in compliance with all applicable confidentiality laws, including 42 CFR Part 2 in order to receive payments for services funded with SOR resources.
- 2.3.2. Selected Vendor(s) must ensure all referrals of individuals to the Doorways are:
 - 2.3.2.1. Completed and documented in the individual's file; and
 - 2.3.2.2. Available to the Department as requested and as needed for payment of invoices for services provided through SOR-funded initiatives.
- 2.3.3. Selected Vendor(s) must ensure individuals receiving services, rendered from SOR funds, have a documented history or current diagnoses of Opioid Use Disorder (OUD) or Stimulant Use Disorders (StUD) or are at risk for such.
- 2.3.4. Selected Vendor(s) must coordinate completion of Government Performance Results Act (GPRA) initial interview and associated follow-ups at six (6) months and discharge for individuals referenced previously.
- 2.3.5. Selected Vendor(s) must ensure that SOR grant funds are not used to purchase, prescribe, or provide marijuana or for providing treatment using marijuana. The Contractor shall ensure:
 - 2.3.5.1. Treatment in this context includes the treatment of OUD or StUD.
 - 2.3.5.2. Grant funds are not provided to any individual who or organization that provides or permits marijuana use for the purposes of treating substance use or mental health disorders.
 - 2.3.5.3. This marijuana restriction applies to all subcontracts and Memorandums of Understanding that receive SOR funding.
- 2.3.6. Selected Vendor(s) must ensure Naloxone kits are available to individuals utilizing SOR funding.
- 2.3.7. If the selected Vendor(s) intend to distribute Fentanyl test strips, the selected Applicant(s) must provide a Fentanyl test strip utilization plan to the Department for approval prior to implementation. The selected Applicant(s) must ensure the utilization plan includes, but is not limited to:
 - 2.3.7.1. Internal policies for the distribution of Fentanyl strips;
 - 2.3.7.2. Distribution methods and frequency; and
 - 2.3.7.3. Other key data as requested by the Department.
- 2.3.8. Selected Vendor(s) must provide services to eligible individuals who:
 - 2.3.8.1. Receive Medication Assisted Treatment (MAT) services from other providers, including the individual's primary care provider;
 - 2.3.8.2. Have co-occurring mental health disorders; or
 - 2.3.8.3. Are on medications and are taking those medications as prescribed regardless of the class of medication.

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- 2.3.9. The selected Vendor must ensure individuals who refuse to consent to information sharing with the Doorways do not receive services utilizing SOR funding.
- 2.3.10. The selected Vendor must ensure individuals who rescind consent to information sharing with the Doorway do not receive any additional services utilizing SOR funding.
- 2.3.11. The selected Vendor shall collaborate with the Department and other SOR funded Contractors, as requested and directed by the Department, to improve GPRA collection.

2.4. Mandatory Questions

- 2.4.1. In response to this solicitation, Vendor(s) must respond to the Mandatory Questions below in Appendix D, Technical Responses to Questions.

- Q1 *Development Plan*** – *Provide your proposed CMP development plan. Include how CMP services will be provided in conjunction with existing outpatient services, and the type, frequency, and cost of incentives to be provided.*
- Q2 *Implementation Plan*** - *Provide your proposed CMP implementation plan. Describe, in detail, how you will implement the CMP. Include your proposed timeline, benchmarks, milestones, resources needed, any possible barriers to implementation, and solutions for addressing barriers.*
- Q3 *Engagement & Satisfaction*** - *How will you ensure participant engagement and satisfaction?*
- Q4 *Aftercare Survey*** - *Provide a sample aftercare survey(s) and proposed survey intervals and reports, and explain how survey results will drive program improvement.*
- Q5 *Staffing Plan*** - *Provide your proposed staffing and staff retention plan to perform all requirements included in this RFP. Include an organizational chart, resumes for key staff, and job descriptions for vacant positions. Describe how you will ensure continuity of services and mitigations of gaps in services.*

3. SOLICITATION RESPONSE EVALUATION

3.1. The Department will evaluate responses from Vendors based upon the criteria and standards contained in this solicitation and by applying the points set forth below.

| TECHNICAL RESPONSE | POSSIBLE SCORE |
|--|-----------------------|
| Development Plan (Q1) | 50 Points |
| Implementation Plan (Q2) | 50 Points |
| Engagement & Satisfaction (Q3) | 30 Points |
| Aftercare Survey (Q4) | 20 Points |
| Staffing Plan (Q5) | 20 Points |
| Technical Response – Total Possible Score | 170 Points |

| COST PROPOSAL | POSSIBLE SCORE |
|---|-----------------------|
| Budget Sheet (Appendix E) | 70 Points |
| Program Staff List (Appendix F) | 30 Points |
| Cost Proposal – Total Possible Score | 100 Points |

| | |
|-------------------------------|-------------------|
| MAXIMUM POSSIBLE SCORE | 270 Points |
|-------------------------------|-------------------|

3.2. Technical Proposal Evaluation Criteria

3.2.1. Vendor responses to each **Mandatory Question** asked will be scored based on the following criteria:

| Q1 | Q2 | Q3 | Q4 | Q5 | CRITERIA |
|-----------|-----------|-----------|-----------|-----------|---|
| 0-12 | 0-12 | 0-7 | 0-5 | 0-5 | Does not demonstrate what is asked in related question, lacks detail in description, or information does not pertain to the question asked. |
| 13-24 | 13-24 | 8-14 | 6-10 | 6-10 | Somewhat demonstrates what is asked in related question, contains minimal details in description, information provided reflects and addresses the question asked. |
| 25-36 | 25-36 | 15-21 | 11-15 | 11-15 | Mostly demonstrates what is asked in related question, sufficient details are provided, information provided clearly pertains to the question asked. |
| 37-50 | 37-50 | 22-30 | 16-20 | 16-20 | Completely demonstrates what is asked in related question, response is detailed and information provided fully addresses the question asked. |

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3.3. Cost Proposal Evaluation Criteria

3.3.1. The **Budget Sheet** (Attachment F) will be scored based on the following criteria:

| Budget Sheet | |
|---------------------|--|
| Points | Criteria |
| 0-20 | Costs are not allowable. |
| | Reader cannot understand the relationship of cost relative to the proposed services. |
| | Cost items do not directly align with objectives of the RFP. |
| | Costs are not reasonable. |
| | The costs do not represent significant value relative to anticipated outcomes. |
| 21-48 | Reader can generally understand the relationship of cost relative to the proposed services. |
| | Cost items are mostly aligned with the objectives of the RFP. |
| | Costs are predominantly reasonable. |
| | Costs relative to outcomes are adequate and meet the objectives of RFP. |
| 49-70 | Reader has a thorough understanding of the relationship of cost relative to the proposed services. |
| | Cost items directly align with objectives of the RFP. |
| | Costs are reasonable. |
| | The costs represent significant value relative to anticipated outcomes. |

3.3.2. The **Program Staff List** (Appendix F) will be scored based on the following criteria:

| Program Staff List | |
|---------------------------|---|
| Points | Criteria |
| 0-9 | Staffing costs are not reasonable. |
| | Reader cannot understand the relationship of staffing costs relative to the proposed services. |
| | Staffing cost items do not directly align with objectives of the RFP. |
| | The staffing costs do not represent significant value relative to anticipated outcomes. |
| | |
| 10-21 | Reader can generally understand the relationship of staffing costs relative to the proposed services. |

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| | |
|-------|--|
| | Staffing cost items are mostly aligned with the objectives of the RFP. |
| | Staffing costs are predominantly reasonable. |
| | Staffing costs relative to outcomes are adequate and meet the objectives of RFP. |
| 22-30 | Reader has a thorough understanding of the relationship of staffing costs relative to the proposed services. |
| | Staffing cost items directly align with objectives of the RFP. |
| | Staffing costs are reasonable. |
| | Staffing costs represent significant value relative to anticipated outcomes. |

4. SOLICITATION RESPONSE PROCESS

4.1. Letter of Intent

- 4.1.1. A Letter of Intent to submit a Response to this solicitation is optional.
- 4.1.2. Receipt of the Letter of Intent by Department will be required to receive electronic notification of any solicitation amendments, in the event such are produced; any further materials on this project, including electronic files containing tables required for response to this solicitation; any addenda, corrections, or schedule modifications; notifications regarding any informational meetings for Vendors; or responses to comments or questions.
- 4.1.3. The Letter of Intent must be transmitted by email to the Contract Specialist identified in Subsection 1.2 and include the name, telephone number, mailing address and email address of the Vendor’s designated contact. **Notwithstanding the Letter of Intent, Vendors remain responsible for reviewing the most updated information related to this solicitation before submitting a response.**

4.2. Questions and Answers

4.2.1. Vendors’ Questions

- 4.2.1.1. All questions about this Solicitation including, but not limited to, requests for clarification, additional information or any changes to the Solicitation must be made in writing, by email only, citing the Solicitation page number and part or subpart, and submitted to the Contract Specialist identified in Subsection 1.2.
- 4.2.1.2. The Department may consolidate or paraphrase questions for efficiency and clarity. Questions that are not understood will not be answered. Statements that are not questions will not receive a response.

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4.2.1.3. The questions must be submitted by email; however, the Department assumes no liability for ensuring accurate and complete email transmissions.

4.2.1.4. Questions must be received by the Department by the deadline given in Subsection 1.3, Procurement Timetable.

4.2.2. Department Responses

4.2.2.1. The Department intends to issue responses to properly submitted questions by the deadline specified in Subsection 1.3, Procurement Timetable. All oral answers given are non-binding. Written answers to questions received will be posted on the Department's website at (<https://www.dhhs.nh.gov/doing-business-dhhs/contracts-procurement-opportunities>). This date may be subject to change at the Department's discretion.

4.2.3. Exceptions

4.2.3.1. The Department will require the successful Vendor to execute a contract using the Form P-37, General Provisions and Standard Exhibits, which are attached as Appendix A. To the extent that a Vendor believes that exceptions to Appendix A will be necessary for the Vendor to enter into a Contract, the Vendor must note those issues during the Question Period in Subsection 1.3. Vendors may not request exceptions to the Scope of Services or any other sections of this Solicitation.

4.2.3.2. The Department will review requested exceptions and accept, reject or note that it is open to negotiation of the proposed exception at its sole discretion in its response to Vendor questions.

4.2.3.3. Any exceptions to the standard form contract and exhibits that are not raised by a Vendor during the Question Period may not be considered. In no event is a Vendor to submit its own standard contract terms and conditions as a replacement for the Department's terms in response to this Solicitation.

4.3. Solicitation Amendment

4.3.1. The Department reserves the right to amend this Solicitation by publishing any addenda, as it deems appropriate, prior to the Submission Deadline on its own initiative or in response to issues raised through Vendor questions. In the event that an addendum is published, the Department, at its sole discretion, may extend the Submission Deadline.

5. SOLICITATION RESPONSE SUBMISSION INSTRUCTIONS

5.1. Responses to this Solicitation must be submitted electronically via email to rfx@dhhs.nh.gov **AND** to the Contract Specialist at the email address specified in Subsection 1.2.

5.1.1. The subject line must include the following information:

RFP-2023-DBH-08-EFFEC (email xx of xx).

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- 5.2. The maximum size of file attachments per email is 10 MB. Submissions with file attachments exceeding 10 MB must be sent via multiple emails.
- 5.3. The Department must receive submissions by the time and date specified in the Procurement Timetable in Section 1.3 and in the manner specified or it may be rejected as non-compliant, unless waived by the Department as a non-material deviation.
- 5.4. The Department will conduct an initial screening step to verify Vendor compliance with the requirements of this Solicitation. The Department may waive or offer a limited opportunity for a Vendor to cure immaterial deviations from the Solicitation requirements if it is deemed to be in the best interest of the Department.
- 5.5. Late submissions that are not accepted will remain unopened. Disqualified submissions will be discarded. Submission of solicitation responses shall be at the Vendor's expense.

6. SOLICITATION RESPONSE REQUIREMENTS

- 6.1. Acceptable solicitation responses must offer all services identified in Section 2 - Statement of Work, unless an allowance for partial scope is specifically described in Section 2.
- 6.2. Vendors must submit a separate electronic document for the Technical Response and a separate electronic document for the Cost Proposal.

6.3. Technical Response Contents

Each Technical Response must contain the following, in the order described in this section:

- 6.3.1. **Appendix B - Culturally and Linguistically Appropriate Services (CLAS) Requirements**
- 6.3.2. **Appendix C – Transmittal Letter and Vendor Information**, including:
 - 6.3.2.1. **Vendor Code Number** - Prior to executing any resulting contract(s), the selected Vendor(s) will be required to provide a vendor code number issued by the State of New Hampshire Department of Administrative Services upon registering as an authorized vendor with the State. Vendors are strongly encourage to provide a vendor code number in the Appendix C if available. More information can be found at: <https://das.nh.gov/purchasing/vendorresources.aspx>
- 6.3.3. **Appendix D – Vendor Technical Response to Mandatory Questions**
- 6.3.4. **Resumes** – Vendors must provide resumes for those key personnel who would be primarily responsible for meeting the terms and conditions of any agreement resulting from this Solicitation. Vendors must redact all personal information from resumes.

6.4. Cost Proposal Contents

- 6.4.1. **Appendix E, Budget Sheet** – Vendors must complete an Appendix E, Budget Sheet, including the Budget Narrative column, for each State Fiscal Year (July 1 through June 30). This is not a low cost award.
- 6.4.2. **Appendix F, Program Staff List** - Vendors must complete an Appendix F, Staff List for each State Fiscal Year (July 1 through June 30).

7. ADDITIONAL TERMS AND REQUIREMENTS

7.1. Non-Collusion

The Vendor's required signature on the Appendix C – Transmittal Letter and Vendor Information submitted in response to this Solicitation guarantees that the prices, terms and conditions, and services quoted have been established without collusion with other Vendors and without effort to preclude the Department from obtaining the best possible competitive solicitation response.

7.2. Collaborative Solicitation Responses

Solicitation responses must be submitted by one organization. Any collaborating organization must be designated as a subcontractor subject to the terms of Appendix A, P-37 General Provisions and Standard Exhibits.

7.3. Validity of Solicitation Responses

Solicitation responses must be valid for one hundred and eighty (180) days following the deadline for submission in the Procurement Timetable above in Subsection 1.3, or until the Effective Date of any resulting contract, whichever is later.

7.4. Debarment

Vendors who are ineligible to bid on proposals, bids or quotes issued by the Department of Administrative Services, Division of Procurement and Support Services pursuant to the provisions of RSA 21-I:11-c shall not be considered eligible for an award under this solicitation.

7.5. Property of Department

Any material property submitted and received in response to this solicitation will become the property of the Department and will not be returned to the Vendor. The Department reserves the right to use any information presented in any solicitation response provided that its use does not violate any copyrights or other provisions of law.

7.6. Solicitation Response Withdrawal

Prior to the Response Submission Deadline specified in Subsection 1.3, Procurement Timetable, a submitted Letter of Intent or solicitation responses may be withdrawn by submitting a written request for its withdrawal to the Contract Specialist specified in Subsection 1.2.

7.7. Confidentiality

- 7.7.1. Pursuant to RSA 21-G:37, the content of responses to this solicitation must remain confidential until the Governor and Executive Council have awarded a contract. The Vendor's disclosure or distribution of the contents of its solicitation response, other than to the Department, will be grounds for disqualification at the Department's sole discretion.

7.8. Public Disclosure

- 7.8.1. The information submitted in response to this solicitation (including all materials submitted in connection with it, such as attachments, exhibits, addenda, and presentations), any resulting contract, and information provided during the contractual relationship may be subject to public disclosure under Right-to-Know laws, including RSA 91-A. In addition, in accordance with RSA 9-F:1, any contract entered into as a result of this solicitation will be made accessible to

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the public online via the New Hampshire Secretary of State website (<https://sos.nh.gov/>).

- 7.8.2. Confidential, commercial or financial information may be exempt from public disclosure under RSA 91-A:5, IV. If a Vendor believes any information submitted in response to this solicitation should be kept confidential, the Vendor must specifically identify that information where it appears in the submission in a manner that draws attention to the designation and must mark/stamp each page of the materials that the Vendor claims must be exempt from disclosure as "CONFIDENTIAL." Vendors must also provide a letter to the person listed as the point of contact for this solicitation, identifying the specific page number and section of the information considered to be confidential, commercial or financial and providing the rationale for each designation. Marking or designating an entire submission, attachment or section as confidential shall neither be accepted nor honored by the Department. Vendors must also provide a separate copy of the full and complete document, fully redacting those portions and shall note on the applicable page or pages that the redacted portion or portions are "confidential."
- 7.8.3. Submissions which do not conform to these instructions by failing to include a redacted copy (if necessary), by failing to include a letter specifying the rationale for each redaction, by failing to designate the redactions in the manner required by these instructions, or by including redactions which are contrary to these instructions or operative law may be rejected by the Department as not conforming to the requirements of the solicitation.
- 7.8.4. Pricing, which includes but is not limited to, the administrative costs and other performance guarantees in responses or any subsequently awarded contract shall be subject to public disclosure regardless of whether it is marked as confidential.
- 7.8.5. Notwithstanding a Vendor's designations, the Department is obligated under the Right-to-Know law to conduct an independent analysis of the confidentiality of the information submitted in response to the solicitation. If a request is made to the Department to view or receive copies of any portion of the response that is marked confidential, the Department shall first assess what information it is obligated to release. The Department will then notify the Vendor that a request has been made, indicate what, if any, information the Department has assessed is confidential and will not be released, and specify the planned release date of the remaining portions of the response. To halt the release of information by the Department, a Vendor must initiate and provide to the Department, prior to the date specified in the notice, a court action in the Superior Court of the State of New Hampshire, at its sole expense, seeking to enjoin the release of the requested information.
- 7.8.6. By submitting a response to this solicitation, Vendors acknowledge and agree that:
- 7.8.7. The Department may disclose any and all portions of the response or related materials which are not marked as confidential and/or which have not been specifically explained in the letter to the person identified as the point of contact for this solicitation;

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- 7.8.8. The Department is not obligated to comply with a Vendor's designations regarding confidentiality and must conduct an independent analysis to assess the confidentiality of the information submitted; and
- 7.8.9. The Department may, unless otherwise prohibited by court order, release the information on the date specified in the notice described above without any liability to a Vendor.

7.9. Electronic Posting of RFP Results and Resulting Contract

- 7.9.1. At the time of receipt of responses, the Department will post the number of responses received with no further information. No later than five (5) business days prior to submission of a contract to the Department of Administrative Services pursuant to this solicitation, the Department will post the name, rank or score of each responding Vendor. In the event that the resulting contract does not require Governor & Executive Council approval, the Agency will disclose the rank or score at least five (5) business days before final approval of the contract.
- 7.9.2. Pursuant to RSA 91-A and RSA 9-F:1, the Secretary of State will post to the public any document submitted to G&C for approval, including contracts resulting from this solicitation, and posts those documents on its website (<https://sos.nh.gov/administration/miscellaneous/governor-executive-council/>). By submitting a response to this solicitation, vendors acknowledge and agree that, in accordance with the above mentioned statutes and policies, (and regardless of whether any specific request is made to view any document relating to this solicitation), any contract resulting from this solicitation that is submitted to G&C for approval will be made accessible to the public online.

7.10. Non-Commitment

Notwithstanding any other provision of this solicitation, this solicitation does not commit the Department to award a contract. The Department reserves the right to reject any and all responses to this solicitation or any portions thereof, at any time and to cancel this solicitation and to solicit new solicitation responses under a new procurement process.

7.11. Liability

By submitting a response to this solicitation, the Vendor agrees that in no event shall the Department be either responsible for or held liable for any costs incurred by a Vendor in the preparation or submittal of or otherwise in connection with a solicitation response, or for work performed prior to the Effective Date of a resulting contract.

7.12. Request for Additional Information or Materials

The Department may request any Vendor to provide additional information or materials needed to clarify information presented in the solicitation response. Such a request will be issued in writing and will not provide a Vendor with an opportunity to change, extend, or otherwise amend its solicitation response in intent or substance.

7.13. Oral Presentations and Discussions

The Department reserves the right to require some or all Vendors to make oral presentations of their solicitation response. The purpose of the oral presentation is to clarify and expound upon information provided in the written solicitation response. Vendors are prohibited from altering the original substance of their solicitation response during the oral presentations. The

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Department will use the information gained from oral presentations to refine the technical review scores. Any and all costs associated with an oral presentation shall be borne entirely by the Vendor.

7.14. Successful Vendor Notice and Contract Negotiations

If a Vendor is selected, the Department will send written notification of their selection and the Department's desire to enter into contract negotiations. Until the Department successfully completes negotiations with the selected Vendor(s), all submitted solicitation responses remain eligible for selection by the Department. In the event contract negotiations are unsuccessful with the selected Vendor(s), the evaluation team may recommend another Vendor. The Department will not contact Vendor(s) that are not initially selected to enter into contract negotiations.

7.15. Scope of Award and Contract Award Notice

- 7.15.1. The Department reserves the right to award a service, part of a service, group of services, or total solicitation response and to reject any and all solicitation responses in whole or in part. A contract award is contingent on approval by the Governor and Executive Council.
- 7.15.2. If a contract is awarded, the selected Vendor(s) must obtain written consent from the State before any public announcement or news release is issued pertaining to any contract award.

7.16. Site Visits

The Department may, at its sole discretion, at any time prior to contract award, conduct a site visit at the Vendor's location or at any other location deemed appropriate by the Department, to determine the Vendor's capacity to satisfy the terms of this solicitation. The Department may also require the Vendor to produce additional documents, records, or materials relevant to determining the Vendor's capacity to satisfy the terms of this solicitation. Any and all costs associated with any site visit or requests for documents shall be borne entirely by the Vendor.

7.17. Protest of Intended Award

Any challenge of an award made or otherwise related to this solicitation shall be governed by RSA 21-G:37, and the procedures and terms of this solicitation. The procedure set forth in RSA 21-G:37, IV, shall be the sole remedy available to challenge any award resulting from this solicitation. In the event that any legal action is brought challenging this solicitation and selection process, outside of the review process identified in RSA 21-G:37, IV, and in the event that the State of New Hampshire prevails, the challenger agrees to pay all expenses of such action, including attorney's fees and costs at all stages of litigation.

7.18. Contingency

Aspects of the award may be contingent upon changes to state or federal laws and regulations.

7.19. Ethical Requirements

From the time this solicitation is published until a contract is awarded, no Vendor shall offer or give, directly or indirectly, any gift, expense reimbursement, or honorarium, as defined by RSA 15-B, to any elected official, public official, public employee, constitutional official, or family member of any such official or employee who will or has selected, evaluated, or awarded a solicitation, or similar submission. Any Vendor that violates RSA 21-G:38 shall be

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subject to prosecution for an offense under RSA 640:2. Any Vendor who has been convicted of an offense based on conduct in violation of this section, which has not been annulled, or who is subject to a pending criminal charge for such an offense, shall be disqualified from submitting a response to this solicitation, or similar request for submission and every such Vendor shall be disqualified from submitting any solicitation response or similar request for submission issued by any state agency. A Vendor that was disqualified under this section because of a pending criminal charge which is subsequently dismissed, results in an acquittal, or is annulled, may notify the Department of Administrative Services, which shall note that information on the list maintained on the state's internal intranet system, except in the case of annulment, the information, shall be deleted from the list.

7.20. Liquidated Damages

The selected Vendor agrees that liquidated damages may be determined by the Department as part of the contract specifications, as failure to achieve required performance levels will more than likely substantially delay and disrupt the Department's operations.

8. COMPLIANCE

8.1. The selected Vendor(s) must be in compliance with applicable federal and state laws, rules and regulations, and applicable policies and procedures adopted by the Department currently in effect, and as they may be adopted or amended during the contract period.

8.2. The selected Vendor(s) may be required to participate in monitoring activities for the resulting contract(s), at the sole discretion of the Department, including, but not limited to:

- 8.2.1. Site visits.
- 8.2.2. File reviews.
- 8.2.3. Staff training.

8.3. Records

8.3.1. The selected Vendor(s) must maintain the following records during the resulting contract term where appropriate and as prescribed by the Department:

- 8.3.1.1. Books, records, documents and other electronic or physical data evidencing and reflecting all costs and other expenses incurred by the selected Vendor(s) in the performance of the resulting contract(s), and all income received or collected by the selected Vendor(s).
- 8.3.1.2. All records must be maintained in accordance with accounting procedures and practices, which sufficiently and properly reflect all such costs and expenses, and which are acceptable to the Department, and to include, without limitation, all ledgers, books, records, and original evidence of costs such as purchase requisitions and orders, vouchers, requisitions for materials, inventories, valuations of in-kind contributions, labor time cards, payrolls, and other records requested or required by the Department.
- 8.3.1.3. Statistical, enrollment, attendance or visit records for each recipient of services, which shall include all records of application and eligibility (including all forms required to determine eligibility for each such

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recipient), records regarding the provision of services and all invoices submitted to the Department to obtain payment for such services.

8.3.1.4. Medical records on each patient/recipient of services.

8.3.2. During the term of the resulting contract(s) and the period for retention hereunder, the Department, the United States Department of Health and Human Services, and any of their designated representatives shall have access to all reports and records maintained pursuant to the resulting contract(s) for purposes of audit, examination, excerpts and transcripts. If, upon review of the Final Expenditure Report, the Department must disallow any expenses claimed by the selected Vendor(s) as costs hereunder, the Department shall retain the right, at its discretion, to deduct the amount of such expenses as are disallowed or to recover such sums from the selected Vendor(s).

8.4. Credits and Copyright Ownership

8.4.1. All documents, notices, press releases, research reports and other materials prepared during or resulting from the performance of the services of the resulting Contract(s) must include the following statement, "The preparation of this (report, document etc.) was financed under a Contract with the State of New Hampshire, Department of Health and Human Services, with funds provided in part by the State of New Hampshire and/or such other funding sources as were available or required, e.g., the United States Department of Health and Human Services."

8.4.2. All written, video and audio materials produced or purchased under the contract must have prior approval from the Department before printing, production, distribution or use.

8.4.3. The Department will retain copyright ownership for any and all original materials produced, including, but not limited to:

8.4.3.1. Brochures.

8.4.3.2. Resource directories.

8.4.3.3. Protocols.

8.4.3.4. Guidelines.

8.4.3.5. Posters.

8.4.3.6. Reports.

8.4.4. The selected Vendor(s) must not reproduce any materials produced under the contract without prior written approval from the Department.

8.5. Culturally and Linguistically Appropriate Services

8.5.1. Vendors are required to consider the need for language services for individuals with Limited English Proficiency as well as other communication needs, served or likely to be encountered in the eligible service population, both in developing their budgets and in conducting their programs and activities.

8.5.2. Vendors are required to complete Appendix B, Culturally and Linguistically Appropriate Services (CLAS) Requirements as part of their solicitation response. This is in accordance with Federal civil rights laws and intended to

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help inform Vendors' program design, which in turn, will allow Vendors to put forth the best possible solicitation response.

- 8.5.3. If awarded a contract, the selected Vendor(s) will be:
 - 8.5.3.1. Required to submit a detailed description of the language assistance services they will provide to LEP persons to ensure meaningful access to their programs and/or services, within ten (10) days of the date the contract is approved by Governor and Council; and
 - 8.5.3.2. Monitored on their Federal civil rights compliance using the Federal Civil Rights Compliance Checklist, as made available by the Department.

8.6. Background Checks

- 8.6.1. For all Contractor employees, interns, volunteers, and any subcontractor employees, interns, and volunteers providing services under this Agreement, the Contractor must, at its own expense, after obtaining a signed and notarized authorization form from the individual(s) for whom information is being sought:
 - 8.6.1.1. Submit the person's name for review against the Bureau of Elderly and Adult Services (BEAS) state registry maintained pursuant to RSA 161-F:49;
 - 8.6.1.2. Complete a criminal records check to ensure that the person has no history of:
 - 8.6.1.2.1. Felony conviction; or
 - 8.6.1.2.2. Any misdemeanor conviction involving:
 - 8.6.1.2.2.1. Physical or sexual assault;
 - 8.6.1.2.2.2. Violence;
 - 8.6.1.2.2.3. Exploitation;
 - 8.6.1.2.2.4. Child pornography;
 - 8.6.1.2.2.5. Threatening or reckless conduct;
 - 8.6.1.2.2.6. Theft;
 - 8.6.1.2.2.7. Driving under the influence of drugs or alcohol; or
 - 8.6.1.2.2.8. Any other conduct that represents evidence of behavior that could endanger the well-being of any individual served under the resulting contract(s); and
- 8.6.2. Unless the selected Vendor requests and obtains approval from the Department, it will not hire any individual or approve any individual to act as a volunteer if:
 - 8.6.2.1. The individual's name is on the BEAS state registry;

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- 8.6.2.2. The individual has a record of a felony conviction; or
- 8.6.2.3. The individual has a record of any misdemeanors as specified above.

- 8.6.3.
- 8.6.4.

8.7. Audit Requirements

- 8.7.1. The selected Vendor(s) must email an annual audit to dhhs.act@dhhs.nh.gov if any of the following conditions exist:
 - 8.7.1.1. Condition A - The selected Vendor expended \$750,000 or more in federal funds received as a subrecipient pursuant to 2 CFR Part 200, during the most recently completed fiscal year.
 - 8.7.1.2. Condition B - The selected Vendor is subject to audit pursuant to the requirements of NH RSA 7:28, III-b, pertaining to charitable organizations receiving support of \$1,000,000 or more.
 - 8.7.1.3. Condition C - The selected Vendor is a public company and required by Security and Exchange Commission (SEC) regulations to submit an annual financial audit.
- 8.7.2. If Condition A exists, the selected Vendor(s) shall submit an annual single audit performed by an independent Certified Public Accountant (CPA) to the Department within 120 days after the close of the Vendor's fiscal year, conducted in accordance with the requirements of 2 CFR Part 200, Subpart F of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal awards.
- 8.7.3. If Condition B or Condition C exists, the selected Vendor(s) shall submit an annual financial audit performed by an independent CPA within 120 days after the close of the selected Vendor's fiscal year.
- 8.7.4. Any selected Vendor that receives an amount equal to or greater than \$250,000 from the Department during a single fiscal year, regardless of the funding source, may be required, at a minimum, to submit annual financial audits performed by an independent CPA if the Department's risk assessment determination indicates the Vendor is high-risk.
- 8.7.5. In addition to, and not in any way in limitation of obligations of the resulting Contract(s), it is understood and agreed by the selected Vendor(s) that the selected Vendor(s) shall be held liable for any state or federal audit exceptions and shall return to the Department all payments made under the resulting Contract(s) to which exception has been taken, or which have been disallowed because of such an exception.

9. APPENDICES TO THIS SOLICITATION

- 9.1. Appendix A – Form P-37 General Provisions and Standard Exhibits**
- 9.2. Appendix B – Culturally and Linguistically Appropriate Services (CLAS) Requirements**

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- 9.3. Appendix C – Transmittal Letter and Vendor Information**
- 9.4. Appendix D – Technical Response to Questions**
- 9.5. Appendix E – Budget Sheet**
- 9.6. Appendix F – Program Staff List**
- 9.7. Appendix G – Submission Checklist**