

**TOBACCO LAW ENFORCEMENT GRANT  
PROGRAM**

**2017-2018**

**REQUEST FOR PROPOSALS**

**DOJ-PROP56-2017-18-2**



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## **I. GENERAL INFORMATION**

### **A. Introduction**

This Request for Proposals (RFP) relates to the Tobacco Litigation Grant Program and furnishes grant applicants with the following:

- Procedures for preparing grant proposals
- Sample budget form
- Proposal Cover Sheet template

Once an RFP is issued, staff in the Department of Justice (DOJ) may answer technical questions about the RFP and Grantee Handbook, but may not assist applicants with the preparation of their proposals. Individuals who will serve on the DOJ merits review panel shall be insulated so that they do not promote the grant program or comment on it to any applicant or potential applicant, or respond to questions about the RFP or Grantee Handbook asked by any applicant or potential applicant.

Applicants selected for funding must retain a copy of this RFP and the Grantee Handbook as these materials are the requirements for the entire grant award period.

Information must be provided as directed. This includes following all instructions, using specific formats and providing requested information. Failure to provide the required information or to provide the information in the manner directed may disqualify the proposal or result in a lower rating.

Questions regarding this grant can be directed to:

Shannon Patterson, Program Manager  
California Department of Justice  
1300 I Street, Suite 1140  
Sacramento, CA 95814  
(916) 210-7418  
[TobaccoGrants@doj.ca.gov](mailto:TobaccoGrants@doj.ca.gov)

**B. Submission of Proposals**

***THE FINAL DEADLINE FOR RECEIPT OF ALL PROPOSALS IS:***

**DATE: MAY 25, 2018**

**TIME: 5:00 p.m.**

**Mail or deliver proposals in an envelope to:**

**California Department of Justice  
Division of Law Enforcement  
Attn: Shannon Patterson  
1300 I Street, Suite 1140  
Sacramento, CA 95814**

All proposals are time stamped upon receipt by the DOJ. Proposals received after the deadline will not be eligible for consideration. It is the responsibility of the applicant to ensure that the proposal is received by the DOJ by the specified deadline. DOJ will not be responsible for late delivery of a proposal due to mistakes or delays of the applicant or the carrier used by the applicant. A postmark is not sufficient. DOJ will not accept electronic documents, such as facsimiles or e-mails of the proposals.

DOJ will not notify applicants regarding omissions or accept any late additions to the proposals. All proposals will be rated solely on the timely-submitted content.

All grant applicants must strictly adhere to the following:

- Each proposal must be completed by the applicant in its entirety.
- Proposals must be typed or computer generated. Typed characters must be no smaller than the equivalent of 12 point font. Page size must not exceed standard 8 ½ x 11 inch paper.
- Five (5) copies of the proposal must be submitted; one (1) with original signatures plus four (4) copies.
- The original and each copy of the proposal must be assembled separately from the other copies and individually fastened in the upper left-hand corner.

**If the applicant does not adhere to the items listed above, the DOJ may disqualify the proposal.**

**C. Funding Duration**

Agencies selected for funding will be funded for up to 25 months. This grant period will begin on June 1, 2018 and will end on June 30, 2020.

**D. Resolution from Governing Body**

Applicants selected for funding must provide a resolution of the applicant's governing body authorizing the applicant to enter into a contract with the State and identifying the person authorized to execute the contract for the applicant. The resolution should expressly authorize future amendments, if any, for the purpose of increasing funding provided in the original contract, without an additional resolution from the governing body. Applicants selected for funding will be required to submit an original or a certified copy of the resolution.

**Once notified of selection, the successful applicant should promptly request the resolution to avoid funding delays.**

**E. Proposal Components**

The original and each copy of the proposal must contain the following **required** components in the order listed below:

- ☐ Proposal Cover Sheet (Template is included and required for submission.)
- ☐ Scope of Work
- ☐ Budget Detail (Template is included and required for submission.)

Failure to include all information will result in the rejection of the proposal. DOJ will not advise applicants that their proposal is incomplete prior to its rejection.

**F. Eligibility Criteria**

In accordance with the State Budget Act and Proposition 56, any local government or local government agency within the State of California that has authority to enforce tobacco-related state laws or local ordinances, is eligible to receive funds. This includes agencies that support programs that enforce state and local laws related to the illegal sale and marketing of tobacco products to minors, investigate those activities, or conduct compliance checks to reduce illegal sales of tobacco products to minors.

**G. Evaluation Criteria**

In accordance with Proposition 56, funds will be awarded to applicants that demonstrate capacity to support and hire law enforcement officers for programs that include, but are not limited to, enforcing state laws and local ordinances relating to illegal sales of tobacco products to minors, marketing of tobacco products to minors,

increasing investigative activities and compliance checks to reduce illegal sales of tobacco products to minors and youth.

## **II. PREPARING PROPOSALS**

### **A. General**

When completed, the following documents become the proposal to be submitted to DOJ for consideration: Proposal Cover Sheet, Scope of Work, and Budget Detail.

### **B. Proposal Cover Sheet**

The Proposal Cover Sheet is the cover page for the proposal and must contain signatures of those authorized to submit a grant application on behalf of the requesting agency. The Proposal Cover Sheet must also include the name, signature and contact information of the grant contact person(s). A sample Proposal Cover Sheet is provided under Appendix A.

A Memorandum of Understanding (MOU) will be provided to applicants that are selected for funding. The MOU is the agreement between the applicant and the DOJ. The official signing the MOU for the grantee must be the official authorized to sign the contract and designated by title in the resolution of the applicant's governing body, which will also be required if the applicant is selected for funding.

### **C. Scope of Work**

The Scope of Work is the main body of information which describes the applicant's proposed use of funding and the plan to address a community's problems/issues through appropriate and achievable objectives and activities. The Scope of Work should be a detailed description of the project, explaining how it is designed, how it will be implemented, who will be involved, and what results are expected.

The Scope of Work must be no more than five (5) typewritten pages. Do not reduce standard 12-point font or standard paper size of 8 1/2" by 11". Reduction in print or paper size will be considered a violation of mandatory criteria and the proposal will be disqualified. When preparing the proposal, follow the format below and address each of the following five areas.

#### **i. Summary**

- a.** Agency Description – Describe your agency, including size, structure, staffing, demographics of jurisdiction, and number of licensed tobacco retailers in your agency's jurisdiction.
- b.** Funding Requested – Dollar amount requested. The Proposal should include a breakdown of funds requested by fiscal year.
- c.** Goals and Objectives – List the goals and objectives of your project.
- d.** Measureable outcomes – Describe your agency's anticipated method or methods to measure the success achieved through the use of these grant funds.

**ii. Problem Statement – Describe the issues or problems to be addressed with grant funds.**

- a. Clearly identify the geographic area to be served, any specific problem locations, the issues to be addressed, and any known factors that may be contributing to the problem.

**iii. Project Description – What are the goals and objectives of the proposed project?**

- a. Describe in detail the goals and objectives you wish to accomplish during the grant period.
- b. Objectives should be measurable, concise, deal with a specific item, and be realistic with a reasonable probability of achievement. (Please see Appendix B for sample goals and objectives.)

**iv. Project Personnel – Describe the staffing required to carry out the grant objectives as supported by the proposed budget.**

- a. Include the number of personnel, titles, and current duties and proposed duties of each proposed existing staff member.
  - i. If hiring new personnel, your budget projections should reflect the approximate hiring date of any new personnel funded by this grant.
- b. Include unit/division that will be responsible for the grant.

**v. Budget**

**a. Budget Detail**

A sample budget is attached under Appendix B. The budget is the basis for management, fiscal review, and audit. Project costs must be directly related to the objectives and activities of the project. The budget must be detailed and cover the entire grant period.

**b. Other Funding Sources**

Describe other funds that your agency will contribute towards the success of this project, if any.

**III. SELECTION OF PROPOSALS FOR FUNDING**

**A. Administrative Review**

All submissions will be reviewed by a grant administrator to ensure that all requirements are met under Sections I and II. This administrative review will render a pass/fail score.

**B. Merit Review**

All grant applications that pass the administrative review will move forward to the Merit Review. The Merit Review committee will be comprised of a DOJ-appointed selection committee to read, evaluate, and rate all proposals that pass administrative review.

**C. Selection**

The Merit Review committee will submit recommendations for funding to the Attorney General or his designee for final selection.



#### **IV. PROCESSING GRANT AWARDS**

##### **A. Notification of Grant Award**

- i.** The following are the steps the DOJ will take in processing grant proposals and awards:
  - a.** DOJ receives proposals.
  - b.** DOJ performs administrative review.
  - c.** Merit Review Committee reads and evaluates proposals.
  - d.** Merit Review Committee submits recommendations to the Attorney General (or his designee) for proposals to be funded and for the amount of funding to be provided.
  - e.** Attorney General (or his designee) makes final funding decisions.
  - f.** DOJ sends selection notification letter to all applicants, successful and unsuccessful.
  - g.** DOJ sends Memorandum of Understanding to successful grant applicants for signature and applicants execute and return the MOU to DOJ, with the required resolution of the governing body.
  - h.** DOJ reviews completed MOUs from awarded agencies and signs completed forms.
  - i.** DOJ sends fully executed copy to applicant and instructs the State Controller's Office to distribute funds for the current fiscal year.

## **V. SAMPLE GOALS AND OBJECTIVES**

DOJ provides the following sample goals and objectives to help guide applicants and give ideas upon which to build. Applicants may incorporate those that will help solve local problems. DOJ encourages applicants to develop their own strategies to address these problems.

Identify and target problematic retailers of tobacco products.

Conduct \_\_\_\_\_ tobacco-related enforcement operations targeting licensed retailers.

Conduct \_\_\_\_\_ post-enforcement operations targeting licensed retailers that previously violated statutes or ordinances.

Conduct \_\_\_\_\_ tobacco-related enforcement operations targeting locations where minors are likely to be present, e.g., playgrounds, youth sports events, baseball stadiums, school and college campuses, public transit systems, vehicles with a child present, etc.

Survey and conduct \_\_\_\_\_ enforcement operations targeting hookah bars and lounges, particularly relating to sale or service to minors or in areas near college campuses.

Conduct \_\_\_\_\_ "shoulder tap" or other operations involving the furnishing of tobacco products to minors from non-commercial sources.

Conduct \_\_\_\_\_ local tobacco retail license inspection operations.

Conduct \_\_\_\_\_ operations involving the sale of single cigarettes ("loosies").

Conduct \_\_\_\_\_ operations involving the sale of tobacco products in violation of local ordinances, e.g., flavored products, minimum pack size, coupons, samples, etc.

Conduct \_\_\_\_\_ retailer education classes focusing on furnishing tobacco products to minors.

Install \_\_\_\_\_ signs regarding tobacco-related regulations, e.g., no smoking signs in parks.

Hire \_\_\_\_\_ school resource officers with responsibilities and training for tobacco-related enforcement and outreach.

Install \_\_\_\_\_ vapor and smoke detection devices in school bathrooms.

Prepare a written evaluation of the agency's existing system of recording and utilizing reports regarding compliance, citations, warnings, convictions, suspensions, appeals and/or dismissals of tobacco-related inspections or offenses, and implement improvements.

Increase communication and involvement with students and youth by meeting with student and youth organizations, schools and/or colleges \_\_\_\_\_ times.

Provide roll call training on tobacco-related issues for all sworn personnel on a regular basis.

Prosecute \_\_\_\_\_ tobacco-related violations.

Conduct and prosecute \_\_\_\_\_ unlawful sales of tobacco products on the internet.

Develop and implement a retailer diversion program for tobacco-related violations.

Develop and implement a multi-agency task force, a multi-jurisdiction task force, a community task force, or a multi-issue task force, to identify and address local tobacco-related issues.

The patterns of use of tobacco products in California are increasingly uneven, e.g., smoking rates vary widely depending on age, race, national origin, education, income, sexual identification, region, etc. There are also variations in the use of different types of products, e.g., cigarettes, e-cigarettes, tank systems, cigarillos, chew, flavored products, products containing tobacco together with other substances, etc. DOJ encourages applicants to consider strategies that reduce illegal sales and marketing of all tobacco products to minors, and that take into account these social and product variations as they exist locally.

## **VI. FAQs ABOUT DOJ'S TOBACCO LAW ENFORCEMENT GRANTS**

*Is it worthwhile for a small agency in a small city to apply for these funds?*

Yes! Look at the examples of the grants DOJ previously awarded – they are from all over the state and include many small cities and rural counties. Also, 97% of the applicants received full or close to full funding.

*This program looks like it is only for police or sheriffs. Can a code enforcement agency, or an environmental health department, apply?*

Every police and sheriff's department is eligible to apply, but those are not the only eligible agencies. If an agency enforces a local ordinance or state law relating to tobacco, e.g., inspects tobacco retail licenses or enforces the rule against possession of vape products on school grounds, it is probably eligible. If a city, county or educational institution has a law enforcement branch or function, it is probably eligible.

*DOJ should offer these funds for alcohol, opioids, cannabis or any number of other issues that are big problems. But not for cigarettes, hardly any kids smoke cigarettes any more.*

Actually, tobacco remains our most serious public health issue. Further, tobacco use often tracks other issues that are of great concern. For example, the prevalence of tobacco use by people with mental health problems is much higher than among the population as a whole, and stores that are associated with neighborhood blight often sell tobacco. So addressing tobacco can help address other problems. Also, California defines "tobacco products" much more broadly than just cigarettes – they include vape pens, flavored cigars and cigarillos, blunts, etc.

*It is difficult for a small jurisdiction to conduct effective minor decoy operations. Does this program fund other types of enforcement?*

Yes! Funds are available for many different types of activities, not only for undercover buy operations. Also, combined applications and applications with subcontracts are allowed, e.g., several adjoining rural counties could collaborate on joint operations using shared enforcement personnel and a local community group. There are many options.

*Kids get tobacco from friends, or siblings, or the internet. How does doing more undercover buys at retailers address that reality?*

Minors get tobacco products from many sources. DOJ seeks to fund a wide range of enforcement activities – not only undercover buys. Other activities might include undercover shoulder tap operations at youth-oriented events or outside tobacco retailers, undercover internet buys and prosecutions, school-based operations to gain a better understanding of the sources of tobacco products in the community, outreach by school resource officers, and media campaigns.

*If a community already has a robust retailer inspection and retailer education program, will DOJ fund other activities?*

Prop. 56 provides funding to support local law enforcement officers in programs that include, but are not limited to, enforcing state and local laws relating to tobacco. Thus, if other activities will support enforcement in the community, those activities may be eligible – ranging from paying for posters on bus benches on routes taken by young people, to erecting no smoking signs at parks and playgrounds, to developing a retailer diversion program. The DOJ grant program gives fiscal support to local agencies to pursue activities that will produce results in their communities.

## **VII. EXAMPLES OF PRIOR DOJ TOBACCO LOCAL LAW ENFORCEMENT GRANT AWARDS**

**The following examples provide information as to how grant funds may be used by local government entities. They are only examples and neither reflect the only types of activities that are eligible for funding nor those that are specially favored by DOJ. If you have questions about applying for grant funds, please contact [tobaccogrants@doj.ca.gov](mailto:tobaccogrants@doj.ca.gov).**

The City of A is located in a rural county far from the population centers of the state. It has about 3,000 residents. The City demonstrated in its application that adult smoking prevalence among its citizens was considerably higher than the statewide level. The City proposed to bring all city businesses into compliance with its new tobacco ordinance, through community and retailer outreach and education programs, a retailer diversion program, police training, a media campaign, and other activities. The City sought and received over \$200,000, a large part of which was to hire an additional code enforcement officer.

The County of B stretches from the valley into the mountains. DOJ awarded the Sheriff's Office a grant of over \$400,000 to be used for a wide range of activities, including to hire an additional School Resource Officer to focus on tobacco issues, install air quality detection devices in school bathrooms to alert the School Resource Officer to vaping, increase undercover buys and retailer license inspections, conduct shoulder tap operations at youth-oriented events to detect non-commercial providers to minors, enforce existing tobacco laws including store signage restrictions, educate retailers, install signs in parks and schools, and collaborate regularly with the county public health department. The agency justified its application by referring to surveys showing, among other things, that the percentage of youth using tobacco products in the county was considerably higher than the statewide level and that the percentage of stores selling chewing tobacco was much higher than across the state.

The City Attorney of C requested funds for an extensive, multi-agency expansion of its efforts to decrease adolescent access to tobacco products. This large city received over \$4.25 million, the bulk of which will support employment of additional city attorneys, officers and support personnel. The proposed new activities include additional minor decoy operations, additional retailer inspections to ensure compliance with the city's tobacco retail license, searches for unstamped tobacco products, investigations and enforcement against problem hookah lounges, officer training, retailer education, anti-tobacco outreach presentations at schools, and development of a bilingual media campaign (social media, bus benches, etc.)

The City of D has a very diverse population of about 30,000 and is part of a much larger metropolitan area. The City's Police Department asked for and received \$200,000. The city explained that it had already identified ten most serious offending tobacco and alcohol retailers for priority enforcement. These locations are also associated with narcotics trafficking, loitering and other public concerns. The Prop. 56 funds will be used to conduct minor decoy, shoulder tap and general enforcement operations with a focus on the problem stores. Other activities include retailer education classes and school classes given by school resource officers.