

TOBACCO GRANT PROGRAM
2019-20
REQUEST FOR PROPOSALS
DOJ-PROP56-2019-20-1



XAVIER BECERRA
Attorney General

OFFICE OF THE ATTORNEY GENERAL

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GENERAL INFORMATION

Introduction

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

- Information about procedures for preparing and submitting a grant proposal
- Information about the selection process
- A link to the Grantee Handbook which contains more detailed information on certain topics
- A sample budget form
- A grant proposal template

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.

Once an RFP is issued, staff in the California Department of Justice (Department) may promote the Tobacco Grant Program in general terms and 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 Department's merits review panel shall be insulated so that they do not comment on the grant program to any applicant or potential applicant, or respond to questions about the RFP or Grantee Handbook asked by any applicant or potential applicant.

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

Submission of Proposals

APPLICATIONS MUST BE POSTMARKED OR RECEIVED BY:

DATE: FRIDAY, JULY 12, 2019

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 Department. Proposals received after the deadline shall not be eligible for consideration. It is the responsibility of the applicant to ensure that the proposal is postmarked or received by the specified deadline. The Department 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. The Department will not accept electronic documents, such as facsimiles or e-mails of the proposals.

The Department 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. Templates for each section are included and must be utilized.
- Proposals must be typed or computer-generated using the application template provided. Font size shall not be modified.
- 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 and individually fastened in the upper left-hand corner.

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

Funding Duration

Agencies selected for funding will be funded between 36 and 60 months. This grant period will begin on/about September 2019 and will terminate on the grant expiration date listed on the Memorandum of Understanding (MOU).

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.

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

Proposal Components

The original and each copy of the proposal must contain the following **required** components in the order listed below. Templates for the proposal are provided and must be utilized.

- Proposal Template
- Budget Detail Spreadsheet

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

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. More information about the eligibility criteria is contained in the Grantee Handbook.

Evaluation Criteria

In accordance with Proposition 56, funds will be awarded to applicants that demonstrate capacity to support and/or 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. More information about the evaluation criteria is contained in the Grantee Handbook.

PREPARING PROPOSALS

General

When completed, the following documents become the proposal to be submitted to the Department for consideration: Proposal Template and Budget Detail. The templates are attached to this RFP and must be used.

Cover Sheet

The Proposal Cover Sheet is the cover page for the Proposal Template and must contain signatures of those authorized to submit a grant application on behalf of the requesting agency. The Proposal Cover Sheet must be filled out in its entirety.

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.

When preparing the proposal utilize the template provided and address each of the following five areas.

- **Summary – Description of Request**

Information in this section must explicitly address the following components.

Description	Describe agency mission, agency size, structure and staffing.
Funding Requested	Dollar amount requested. The proposal should include a breakdown of funds requested by fiscal year. Transpose these numbers onto the Budget Detail.
Funding Duration	Agency may choose a funding duration from 36 months to 60 months. Only those agencies that intend to hire personnel may choose the 60-month grant term.
Goals and Objectives Summary	List goals and objectives in order of highest priority to least priority. They must be measurable and include an anticipated timeline of completion.

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

Geographic Area to be Served	Include population data, relevant demographic and socio-economic characteristics of the community.
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Tobacco Use Rates and Patterns	Rates and patterns of use of tobacco products in the community including youth; the number of tobacco retailers within the jurisdiction; data about sales of tobacco products to minors at stores; data about specific problem locations.
Other Factors	Any other factors contributing to the tobacco problems in your agency's jurisdiction.

- **Project Description – Describe the goals and objectives of the proposed project.**

Goals	List goals in priority, starting with highest priority, ending in least priority.
Measurable Outcomes	Each goal must include a measurable outcome, and must include either the number of accomplishments (if a quantifiable goal) or desired outcome.
Timelines	Each goal must include a timeline in which the agency anticipates it will take to accomplish each goal. Goals should be measurable in three-month increments in order to adequately submit mandatory Quarterly Progress Reports to the Department.
Narrative Description	Summarize the key characteristics and description of each goal, and include any relevant information that Department's merits review panel should take into consideration.

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

Personnel Needed to Complete Goals & Objectives	<p>All positions funded under this grant program <u>must</u> be clearly dedicated to tobacco-related work as described under California Healthcare, Research and Prevention Act of 2016 (Proposition 56). These positions must also provide <u>direct service</u> to grant activities.</p> <p>This section must include personnel titles, a description of duties, and percentage allocation of time attributed to said duties. If an agency intends to redirect existing staff to new tobacco-related duties, the application must clearly describe the current duties and proposed duties of each proposed staff member.</p>
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- **Budget – Describe and include all costs associated with this application on the Budget Detail Sheet and in the narrative in this section.**

Budget Detail Sheet	This Excel worksheet must clearly describe all expenditures the applicant wishes to fund under this grant. All project costs must be directly related to the objectives and activities of the project.
Budget Narrative	All costs that are included in your Budget Detail Sheet must be adequately described in your narrative. All Personnel-related costs must be described in Section II(C)(iv). Any costs outside of personnel expenditures must be described in this section of your narrative. Any costs identified in the Budget Detail Sheet that does not have sufficient justification may be subject to reduced funding.
Travel	All travel-related expenditures are subject to State rates, rules, and regulations. These can be found at: http://www.calhr.ca.gov/employees/Pages/travel-reimbursements.aspx . Rates are subject to change without notice.
Unallowable Expenses	The following expenses are considered unallowable and shall not be reimbursed: <ul style="list-style-type: none"> • Pictures • Ribbons • Balloons • Calendars (Decorative) • Cleaning supplies • Facilities renovations • Plastic eating utensils • Refrigerators • Luggage • Luggage Carriers • Briefcases • Portable fans • Portable heaters • Hand sanitizers • Kleenex/tissue paper • Gift cards • Food, beverages, and any other consumables. • Vehicles, vehicle trailers (vehicle usage, leases, fees, and mileage reimbursement are allowable; however, vehicle purchases will not be considered under this grant program.)
Other Funding Sources	Describe all other funds that your agency currently utilizes for similar work and all other funds that your agency will utilize or contribute toward this project, if any.

SELECTION OF PROPOSALS FOR FUNDING

Administrative Review

All grant applications will be reviewed by an independent reviewer upon submission to the Department to ensure that all requirements are met under Sections I and II. This administrative review will render a pass/fail score.

Merits Review

All grant applications that pass the administrative review will move forward to the merit review. The merits review committee will be comprised of four individuals selected by the Attorney General or his designee, to read, evaluate, and rate all proposals that pass administrative review.

The committee will consist of a senior member of Department's policy staff, a member of the Division of Law Enforcement, a member of Department's Budget Office staff, and a member of Department's Tobacco Litigation and Enforcement Section. The committee will receive instruction, as set forth below, regarding scoring, and each member will make a written declaration, prior to reviewing any proposal, regarding the confidentiality of the procedure and attesting to the absence of a conflict of interest.

The committee members will score each application that passes administrative review. The initial assessment will be whether or not the proposed project is within the scope of the Tobacco Grant Program. If the project is within the scope, the following criteria will be scored on a 7-point scale (well-qualified: 6-7; qualified: 3-5; not qualified: 0-3): description of the problem to be addressed, description of the proposed project and its goals, description of the personnel required to execute the project, detailed budget, and the capacity of the applicant to achieve the goals. In assessing the capacity of the applicant, the committee members will score the application based, among other things, on indicators of community support for the proposed project, e.g., letters of support from community organizations or local elected officials, and information about community outreach and meetings. The committee members may score based on individual review of the proposals, discussion with other members of the committee, or a combination. A committee member may ask Department staff for additional information relevant to scoring an application and staff may provide this information; such information shall be provided to all committee members.

More information about the evaluation criteria is contained in the Grantee Handbook.

Selection

The merits review committee's recommendations for funding will be submitted to the Attorney General for final selection.

PROCESSING AND FINALIZING GRANT AWARDS

Processing of Grant Award

The following are the steps the Department will take in processing grant proposals and awards:

- Department receives proposals.
- Department performs administrative review.
- Merits review committee reads and evaluates proposals.
- Merits review committee submits scoring and recommendations to Department staff. Staff submit the results of the administrative review, and the scoring and recommendations of the merits review committee to the Attorney General for approval.
- Attorney General approves or modifies final recommendations.
- Department sends selection notification letters to all applicants, successful and unsuccessful.
- Department sends MOU to successful grant applicants for signature and applicants execute and return the MOU to Department, with the required resolution of the governing body.
- Department reviews completed MOUs from awarded agencies and signs completed forms.
- Department sends fully-executed copy of MOU to applicant with further instructions on the reimbursement process.

Scope of Work Funded

Applicants selected for funding must retain a copy of this RFP and the Grantee Handbook because these materials set forth the requirements for the entire grant award period. The grant award is based on this RFP, Grantee Handbook, the proposal and all documents referenced therein, the completed MOU, and any other documents duly incorporated.

Appeals

An applicant may appeal a denial or reduced award. However, a successful appeal may be remedied either in this RFP grant cycle (DOJ-PROP56-2019-20-1) or in a subsequent cycle (e.g. during the 2020-21 fiscal year).

SAMPLE GOALS AND OBJECTIVES

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 by minors of different types of tobacco products, depending on the community, e.g., in some areas youth tend to use chew, in others they tend to use e-cigarettes, and in others they tend to use cigarillos. The Department encourages applicants to consider strategies that reduce illegal sales and marketing of all tobacco products to minors, and that take into account these variations as they exist locally.

The Department 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. The Department encourages applicants to develop their own strategies to address these problems. Other resources that applicants might find helpful include the California Department of Tax Fee Administration list of licensed corporate retailers <https://www.cdtfa.ca.gov/taxes-and-fees/cigarette-licensees.htm> , the FDA retailer compliance database https://www.accessdata.fda.gov/scripts/oc/inspections/oc_insp_searching.cfm , and the reports of the California Department of Public Health Tobacco Control Branch <https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/CTCB/Pages/FactsandFigures.aspx> .

- Identify and target _____ problematic retailers of tobacco products.
- Conduct _____ tobacco-related enforcement operations targeting licensed retailers.
- Conduct _____ post-enforcement operations targeting non-compliant retailers.
- 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 meetings focusing on furnishing of tobacco products to minors.
- Hire and/or train _____ school resource officers with responsibilities and training for tobacco-related enforcement and outreach.
- Survey and test _____ e-cigarettes confiscated at schools (for nicotine, flavor, cannabis, etc.).
- Establish procedures for safe storage and/or disposal of e-cigarettes
- 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.

- Provide roll call training on tobacco-related issues for all sworn personnel on a regular basis.
- Conduct _____ tobacco enforcement operations targeted at Internet retailers.
- 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.

FAQs ABOUT THE DEPARTMENT’S TOBACCO GRANT PROGRAM

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

Yes. Look at the examples of the grants the Department previously awarded – they are from all over the state and include many small cities and rural counties. See

<https://oag.ca.gov/sites/all/files/agweb/pdfs/tobacco/tobacco-grants-17-18.pdf>

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

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

The Department 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.

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 products. Addressing tobacco problems can help solve other problems. Also, California law defines “tobacco products” more broadly than just cigarettes – it includes e-cigs, flavored cigarillos, blunts, etc. In many communities, the number of kids using vape products has increased faster than the number of kids using cigarettes has decreased.

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 tobacco-related enforcement 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. A law enforcement agency could subcontract with another organization to perform work in support of enforcement efforts. There are many options.

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

Minors get tobacco products from many sources and the Department seeks to fund a wide range of enforcement activities – not only undercover buys at brick and mortar retailers. Other funded activities might include undercover internet buys, school-based operations, shoulder tap operations, retailer education, outreach by school resource officers, and media campaigns.

If a community already has a robust tobacco retailer inspection and education program, will the Department fund other activities?

Yes. 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 tobacco enforcement in the community, those activities may be eligible – ranging from paying for anti-tobacco posters on bus benches on routes taken by young people, erecting no smoking signs at parks and playgrounds, developing a retailer diversion program, and enforcement in hookah lounges. The Department’s grant program gives fiscal support to local agencies to pursue activities that will produce results in their communities.

Officers and inspectors cite retailers, but the district or city attorney never prosecutes for tobacco-related violations. Can the tobacco grant program help?

Yes. Funds are available for the prosecution of tobacco-related violations, in a judicial or administrative venue. This could include city attorneys, county counsels or district attorneys.