

Solicitation 1082-2018-0060 Question and Answer: October 24, 2017

1. Question: Section B – Supplies or Services and Offeror's Prices states that "only those services marked by an "X" under the Required Services column are being solicited". Under required services, Page B-2, there services are listed, and none of them have the specified "X". Please verify that the following 3 services are required:

9905 Provision of Shelter
1010 Urine Collection & Reporting
1501 Defendant Reimbursement/Copayment

Answer: You are correct, there are three services being requested in this solicitation and they are as you listed.

2. Question: Section C.F – Vendor Testimony: Our County Attorney noticed that there are not any territory restrictions included in this section. May something be added that either limits our requirement appearance to the Federal Court in Denver, or within the State of Colorado? C.F.(3) mentions reimbursement through the Department of Justice; could we receive a copy of that reimbursement schedule and can you tell us if travel expenses and/or overnight lodging is included when applicable?

Answer: No additions or limitations can be added to our solicitation document. The judiciary cannot pay for witnesses, any reimbursements would go through the United States Attorney's Office.

3. Question: The County Attorney's Office asked if the following statement could be added to Section H.1 Clause 7-25, Indemnification section (page 59) of the purchase agreement: **"This provision is subject to any limitations or prohibitions on indemnification under Colorado law for governmental entities".**

Answer: No language can be added to our solicitation document. Per the solicitation document (Section L.B.4 Proposal Submission) "By submission of a signed proposal (including the submission of the Certification of Compliance (Attachment A) the offeror is agreeing to comply with all requirements, terms, and conditions of this solicitation and any resultant agreement or contract."

4. Question: The instructions state that the offeror shall prepare and submit the offeror's staff qualifications for all staff performing services under any resultant contract. Larimer County Community Corrections has approximately 76 regular/ full time employees dedicated to halfway house services, and approximately 8 temp employees. (These numbers exclude our treatment staff.) Would a list of key individuals suffice for this section, i.e. an identified Case Manager, Supervisory case management and security personnel be sufficient?

Answer: Yes all staff who will work under this agreement must be listed in Attachment A. We understand that some lists may be lengthy. In this case it is suggested that a vendor

download a copy of their payroll and delete confidential information and those employees who will not have contact with our clients. Employees can be easily group into the services they render, type of function, education etc.

5. Question: In section C - Description/Statement of Work a definition is not provided for “Material Witness”. Please define Material Witness for this blanket purchase agreement and give us a synopsis on how we would manage a material witness. Please include whether a material witness would be under the supervision of the U.S. Government as a defendant or an offender in the criminal justice system.

Answer: A material witness is an individual (UA Tech, Counselor, etc.) whose testimony is material to a criminal proceeding. Under 18 U.S.C. § 3144, if a party shows that the testimony of a material witness cannot be secured by subpoena, the judicial officer may order the arrest of the person and treat the person in accordance with the release and detention provisions of 18 U.S.C. § 3142. The officer interviews a material witness the same as any defendant. Material witnesses are not referred to as “defendants” because they are not charged with crimes.

6. Question: On page 55, section D, it states that “When necessary, the vendor may take appropriate and immediate action to protect staff and defendants”. Does this statement mean that we are authorized to request law enforcement to place an individual in custody and detain them until further action by your office?

Answer: Vendors staff can call the police if they feel threatened/harmed just as any citizen can. That doesn't mean police will arrest or detain them necessarily as with any citizen complaint it is a case-by-case basis as deemed appropriate by law enforcement i.e., new criminal charges. They can not ask police to hold them pending further action on our behalf, but we have an after hours SUSPO on call after regular business hours and weekends who has the ability to request a warrant from the duty Magistrate Judge.

7. Question: Larimer County Community Corrections currently has two contracts with your office, contracts #1082-18-18 and 1082-16-15 in which we provide Urine Collection services. Is it possible for us to utilize the same UA Collection process for this proposed solicitation as we are currently providing on these other two contracts?

Answer: The collection process for our current UA contracts and this solicitation can be the same.

8. Question: If we are unable to change the wording of the template, (especially the section re: indemnification), may we then include something in our proposal that states an exception to the template? Under the Colorado Constitution, Larimer County, as a Government agency, cannot indemnify.

Answer: No language can be added to our solicitation document. Per the solicitation document (Section L.B.4 Proposal Submission) “By submission of a signed proposal (including the submission of the Certification of Compliance (Attachment A) the offeror is agreeing to comply with all requirements, terms, and conditions of this solicitation and any resultant agreement or contract.” If a proposal is submitted that takes exception to any language in the solicitation document, then it will be deemed technically unacceptable.

9. Question: Would you allow us to use our regular residential UA system instead of the system described in the Solicitation? Our regular system was used for our Federal Bureau of Prisons contract which served Federal Probation Residential Clients. The system includes:

- a. Using our own collection and lab process
- b. Testing level designated by referral agency (any testing schedule you would like could be set up)
- c. Results posted in our data system
- d. Individual hard copies of testing in each case management file
- e. Monthly report sent to your office about testing frequency and results

Answer: All contracted UA’s must follow the procedures in our solicitation. Additionally our district does utilize a testing facility located in the District of New Mexico. All testing materials and shipping is provided by the District of Colorado.