

TOBACCO GRANT PROGRAM
2018-19
REQUEST FOR PROPOSALS
DOJ-PROP56-2018-19-1



XAVIER BECERRA
Attorney General
OFFICE OF THE ATTORNEY GENERAL

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I. GENERAL INFORMATION

A. Introduction

This Request for Proposals (RFP) relates to the Tobacco 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 California Department of Justice (DOJ) 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 DOJ 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.

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

B. Submission of Proposals

THE FINAL DEADLINE FOR RECEIPT OF ALL PROPOSALS IS:

DATE: FRIDAY, OCTOBER 5, 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 shall 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 shall disqualify the proposal.

C. Funding Duration

Agencies selected for funding will be funded for up to 32 months. This grant period will begin on November 1, 2018 and will end on June 30, 2021.

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.
- 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 – Summarize 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, relevant demographic and socio-economic characteristics of the community, rates and patterns of use of tobacco products in the community including by youth, the number of licensed tobacco retailers within your agency’s jurisdiction, data about sales of tobacco products to minors at stores within your agency’s jurisdiction, 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 your agency wishes 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.

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

Submit a detailed budget covering the entire grant period. 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.

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 grant applications 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 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 DOJ’s policy staff, a member of the Division of

Law Enforcement, a member of DOJ's budget office staff, and a member of DOJ'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 DOJ staff for additional information relevant to scoring an application and staff may provide this information; such information shall be provided to all committee members.

C. Selection

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

IV. PROCESSING AND FINALIZING GRANT AWARDS

A. Processing 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 scoring and recommendations to the DOJ staff. Staff submit the results of the administrative review, and the scoring and recommendations of the merits review committee, as part of an executive approval package to the Attorney General and executive staff, regarding proposals to be funded, the amount of funding to be provided, and proposals to be rejected.
 - e. Attorney General makes final decisions.
 - f. DOJ sends selection notification letter to all applicants, successful and unsuccessful. DOJ transmits the notification letter by email to email contact provided on the proposal.

- g. DOJ sends Memorandum of Understanding (MOU) 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.

B. 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.

C. Appeals

An applicant may appeal a denial or reduced award. However, a successful appeal may be remedied, at DOJ's discretion, either in this RFP grant cycle (DOJ-PROP56-2018-19-1) or in a subsequent cycle (e.g. during the 2019-20 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 and/or train _____ school resource officers with responsibilities and training for tobacco-related enforcement and outreach.

Install _____ signs and/or 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, about 98% 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?

Police and sheriff's departments 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 a 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.

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 can help address other problems. Also, California law defines "tobacco products" more broadly than just cigarettes – it includes vape pens, e-cigs, flavored cigarillos, blunts, etc. In many communities the number of kids using vape products has increased just as 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 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 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 at retailers. Other activities might include 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.

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.

The Unified School District of E covers an agricultural area in central California. The District requested about \$1.8 million and received about \$1.6 million from DOJ. These funds will be used to hire school resource officers, provide tobacco-related classes for students, parents and the community, conduct tobacco enforcement operations at locations where minors are likely to be present, and conduct tobacco retailer education classes.