



JUSTIFICATION FOR EXCEPTIONS TO COMPETITIVE PROCUREMENT

Form ID: HHS-Sin-

It is the policy of the Board that the County conduct an open, fair and full competitive solicitation process for the procurement of goods and/or services, with exemptions for certain goods, services and classes of procurement, and case-by-case exceptions, subject to a detailed review and approval process. The residents of Santa Clara County are best served when sound business decisions are made through a full and open competitive bidding processes. There may be certain instances when exceptions are warranted and justifiable. When a County agency/department recommends that competitive bidding is not practicable or in the best interest of the tax payers, appropriate justification supporting an exception must be submitted to the Procurement Department. Should you have any questions, please do not hesitate to contact: Cheryl Liu, Director of Procurement at (408) 491-7401.

Date of Submission:			
Submit Document via Requisition	Refer to the Contact and Commodity Assignment List for buyer code guidance.		
SECTION I			
Proposed Contractor/ Consultant:	Los Gatos Therapy Center		
Total Estimated Value of the Award:	\$ 200,000.00	Start Date:	02/23/2023
		End Date:	06/30/ 2028 ²⁰²⁵
Description of Good/Service:	To provide outpatient eating disorder programs		
User Budget Unit - Agency/Dept:	0415 - Behavioral Health Services	Agency/Dept Abbreviation:	HHS
Name of Requestor:	Julianne Reyes	Phone #:	(408) 593-7050

SECTION II

Mark appropriate box for Contract's Signature Authority

<input type="radio"/>	Board of Supervisors
<input type="radio"/>	Delegated to Department Head or designee
<input checked="" type="radio"/>	Director of Procurement

SECTION III

Pursuant to Board Policy 5.6.5.1 (D)(2), the following are **EXCEPTIONS** to competitive bidding. Select the appropriate exception. *Agencies/ Departments requesting an Exception must provide documentation to establish there is only one source or it is otherwise in the County's best interest to waive the required bidding procedures.*

<input type="radio"/>	Sole Source: Pursuant to Board Policy 5.6.5.1 (D)(2)(a)(i) a Sole Source Procurement is a sourcing method used to procure a service without competition when it has been determined that there is only one source for the required service that is capable of meeting the requirements of the acquisition as defined in the Scope of Work or specification.
<input checked="" type="radio"/>	Single Source: Pursuant to Board Policy 5.6.5.1 (D)(2)(a)(ii) a Single Source Procurement is a sourcing method used to procure a service from one source, without soliciting competition, even though there are other vendors that can provide the service as defined in the scope of work or specification.

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SECTION III (cont.)



Patent Rights: Pursuant to Board Policy 5.6.5.1(D)(2)(b), competition is precluded because of the existence of patent rights, copyrights, secret processes, control of the basic raw material(s) or similar circumstances, and there is no equivalent item or service.



Absolute Compatibility: Pursuant to Board Policy 5.6.5.1(D)(2)(c), the following are Exceptions to Competitive Procurement for Goods/Professional Services. Select the appropriate exception:

(i) Replacement parts or components for equipment – performs the same function in the equipment.

(ii) Replacement parts or components for equipment – prevent compromise of safety or reliability of product or void or invalidate manufacturer’s warranty or guarantee.

(iii) Upgrades, enhancement or additions to hardware or software - compatibility

SECTION IV

PURPOSE OF THE PURCHASE - Please describe the minimum requirements and the benefits of making the acquisition.

The purpose of this acquisition is to provide an expansion of levels of care that will enhance current treatment options for eating disorders for the youth and adult target population. While the County of Santa Clara (the County) has contractors to provide residential, intensive outpatient (IOP), and partial hospitalization (PHP) levels of care to youth and adult clients suffering from eating disorders, there is currently an insufficient amount of providers for standard outpatient services (OP). The most significant distinction between intensive outpatient and standard outpatient treatment is the dosage. IOP is approximately four (4) hours daily, while OP varies from 3–5 days of services per week (with one (1) hour per week with a therapist and one (1) hour per week with a dietitian). The most serious concern is the urgency of this need, as eating disorders are a serious health issue that can result in death. Eating disorders, including bulimia and anorexia, are serious mental health conditions treatable with medically necessary specialized services. In addition, eating disorders are included in listings of disorders that define "severe mental illnesses" by the California Mental Health Parity Act.

The Behavioral Health Services Department (BHSD) requires a lower intensity level of specialized Eating Disorder (ED) therapy than the existing intensive outpatient programs. This additional lower level of care is required to adequately support clients' transition back into the community and support recovery and decrease re-admission to higher levels of care. Additionally, an outpatient level of care can be used to provide early treatment options for those individuals that are beginning to struggle with disordered eating.

Minimum Requirements for the provider to include:

1. Ability to provide OP;
2. Ability to provide IOP;
3. Ability to provide PHP;
4. Must be physically located in the County;
5. Registered Dietitian with an eating disorder specialty;
6. Licensed clinical and medical staff;
7. Ability to provide a transition plan;
8. Ability to provide both in-person and virtual services; and
9. Must provide interpretation services for monolingual speakers.

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SECTION V

MARKET RESEARCH - Please describe your market research and the results thereof. This should include a description of similar sources or products available in the market, if any, and why they are not acceptable.

The BHSD conducted three (3) solicitations, shown below for providers to provide various levels of Eating Disorder Treatment Services that included Residential Treatment Services, PHP, IOP, and OP. In addition additional market research was conducted (see Attachment A).

1. RFSQ-BHS-FY20-0115 - released on November 15, 2019:
 - a. Three (3) proposals were received and evaluated.
 - b. Two (2) contracts awarded to Cielo House and The Healthy Teen Project as result of the solicitation.
 - c. One (1) proposer (Castlewood) resulted in failed negotiations.
2. RFP-BHS-FY19-003 - released on August 1, 2018:
 - a. One (1) proposal was received and evaluated.
 - b. Did not result in a contract award as it do not meet the required criteria.
3. ICP-BHS-FY18-001 - released on July 18 2017:
 - a. No responses were received.

Currently, there are accessibility issues with our current contractors that provide OP services. Due to supply and demand as well as the urgency and nature of the need, more providers are required to provide timely access to these services and will be chosen in accordance with the minimum requirements outlined in Section IV. Los Gatos Therapy Center (LGTC) did not participate in the solicitations as they did not have a facility that provided outpatient services at the time. However, recently LGTC has opened a new facility in Los Gatos to provide both in-person and virtual outpatient services for eating disorders, which fulfills our requirement for a local provider within our County limits.

Several providers that the BHSD reached out to during market research did not fulfill the minimum requirements. Additionally, they meet the minimum requirements to expand their contracted services to now include OP eating disorder services. LGTC has a multi-disciplinary team with licensed psychotherapists, psychiatrists and registered dietitians who work together to provide individualized treatment for those suffering from disordered eating. Their expert team ensure individuals and their families receive culturally sensitive care by providing interpretation services for monolingual speaking people. LGTC offers evening virtual appointments for individual's who need a flexible treatment schedule.

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SECTION VI

BEST INTEREST OF THE COUNTY – Please provide a detailed description as to why a waiver of formal bidding is in the County’s best interest (e.g. product standardization, compatibility, proprietary access or distributorship and the consequences of not doing so. NOTE: A lack of advance planning, loss of funding, or insufficient time are not an acceptable justification for exceptions.)

Waiving the formal bidding is crucial due to the urgent nature of this need. The BHSD needs to enter into a contract with LGTC in order to increase its capacity for outpatient treatment services for eating disorders. There are currently approximately ten (10) youths on a 2-3 week waiting list. It would be optimal to continue treatment without changing providers.

If this request is denied, the BHSD will be unable to serve clients in need of standard outpatient eating disorder services and may incur higher costs for acute care services due to the client's medical and psychological decline.

Failure to contract with LGTC would result in the BHSD's inability to provide a critical level of outpatient eating disorder treatment services in the County. At providing adequate providers for access it would mitigate any additional harms for youth and adults in terms of their medical condition and risks to the County.

SECTION VII

FUTURE PLANS - Please describe the actions the department/agency will take to overcome the present barriers to competition prior to any future purchases of this product or service if this exception is approved.

The average number of referrals the BHSD is receiving per month is 18–20 for all levels of eating disorder care. To fulfill the urgent capacity needs for the OP continuum of IOP and PHP, the BHSD will also need to seek another provider, which is included in Attachment A. There is currently an overall shortage of eating disorder service providers, but the BHSD will continue to maintain and strengthen relationships with existing organizations while actively seeking new providers.

The long term plan is as new providers become available, the BHSD will work to integrate them into our care network via the County's competitive procurement processes.

Please note that the funding estimate on this form covers only the estimated annual spend.



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SECTION VIII

SCOPE OF WORK/SPECIFICATIONS - Please provide all scopes of work or stated specifications. Use an attachment for additional pages. SOW must include these elements: Objective (well-defined, quantifiable expected results include any significant deliverables & milestones) and Scope (what the work should or should not include; brief description of services desired; location of work). Do not include contract language vendor information or pricing.

The contractor shall provide the County of Santa Clara ("the County") a continuum of outpatient eating disorder treatment services, including Partial Hospitalization Program (PHP), Intensive Outpatient Program (IOP), and Outpatient (OP).

I. Description of Services and Goals:

- A. Contractor shall provide Standard Outpatient Program (OP) treatment services for clients as agreed to by the parties.
- B. Contractor shall complete an initial assessment and develop a treatment plan:
 1. Within five (5) days of client's admission to the program.
 2. That it be tailored to meet the treatment needs of the client's diagnosis.
 3. That it be measurable and includes time-bound goals, objectives, and an intervention plan.
- C. Contractor shall follow weekly treatment schedules that include individual and family therapy sessions, consultations with providers of psychiatric and medical services (e.g., access to labs, monitoring of vitals, and medication compliance), as well as weigh-ins, monitoring of calorie intake, and therapeutic groups as needed.
- D. Contractor shall provide culturally competent and linguistically appropriate services to meet the needs of the target population.

II. Deliverables and Milestones:

- A. Contractor's services shall be provided on an outpatient basis where clients can be monitored for eating disorders and other behavioral conditions. Services shall include, but not limited to, access to doctors, nutritionist, frequent monitoring of vitals and medication compliance, and access to labs as necessary. Clients shall be provided individual group, or family therapy, nutrition support as needed to improve their physical and mental health condition and reduce the need for admissions into higher levels of care.
- B. Contractor shall provide thorough information regarding client's treatment, including comprehensive summaries and treatment goals to the client's team of providers (including those outside the program) comprised of the client's primary care physician, outpatient eating disorder specialist, psychiatrist, and clinicians. Regular ongoing communication and consultation shall allow for the smooth transition of services into and from outpatient treatment.
- C. Contractor shall immediately (within 24 hours) report any changes in the client's medical or mental health condition requiring a higher level of care (including medical or psychiatric hospitalization) to the BHSD Eating Disorder Care Coordinator.
- D. Contractor shall provide the initial assessment and the client Treatment Plan to the Behavioral Health Services Department (BHSD) staff within seven (7) days of client admission.

III. Performance Standards

- A. Contractor shall provide services in an efficient and timely manner to improve client's physical and mental health condition and to avoid hospitalization and further medical conditions needing higher level of care.
- B. Contractor's treatment team shall coordinate and monitor treatment for the client and shall consult with other providers as needed.
- C. Licensed and unlicensed staff shall uphold to legal and ethical standards of their profession.
- D. Contractor shall contact the BHSD Eating Disorder Care Coordinator regarding any additional treatment requests prior to treatment provided. In the event where client is requiring unplanned medical procedure or mental health treatment/intervention. Contractor shall take all reasonable measures to contact the BHSD Eating Disorder Care Coordinator in the timeliest manner.
- E. County representatives, including the BHSD Program Manager and Eating Disorder Care Coordinator, reserve the right for periodic visitations to the facility for the purpose of care coordination, monitoring of services, and to ensure that the client is receiving the highest level of quality care.

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SECTION IX

Requesting Agency/Department Contracts Manager:	Print Name: Angeleah Macatiag
	Signature:  <small>DocuSigned by: ED384900DB3C44F...</small>
	Phone: (669) 235-2152
	Email: Angeleah.Macatiag@hhs.sccgov.org

Requesting Agency/Department Director:	Print Name: Sherri Terao
	Signature:  <small>DocuSigned by: DAB899BA2A154D...</small>

SECTION X

Decision and Required Steps Following Decision (to be completed by OCCM or Procurement)	
<input type="radio"/> Approved	<input type="radio"/> Attach to Legislative File <input type="radio"/> Attach to Delegation of Authority Coversheet <input type="radio"/> Attach to Service Agreement Checklist <input type="radio"/> Attach to PO/Contract File
<input checked="" type="radio"/> Approved with Conditions	Comments: Per discussion and agreement with BHSD personnel, SSJ is approved through 6/30/25 wherein BHSD's RFSQ-BHS-FY20-0115 would have reached its 5-year term. Any extension to SSJ beyond this term will require extenuating rationale. Service will be solicited henceforth.
<input type="radio"/> Additional Information Required	Comments:
<input type="radio"/> Denied with Recommended Action	Comments:

SECTION XI

Office of Countywide Contracting Management/Procurement Department Signature

 <small>DocuSigned by: CEA090A27EB84EA...</small> Matthew Hada, Director of Procurement	Date: <p style="text-align: center; font-weight: bold;">3/21/2023</p>
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Eating Disorder Market Research

Date of initial contact	Name and contact of program	Location:	PHP	IOP	RTC	Hybrid? (in-person vs. virtual)	Language Capacity?	Licensed with CCL Yes/No	Recommendations/Comment
11/9/22 11/18/22	Sunol Hills Jamie Lopez jamie.lopez@sunolhills.com	Local (Cupertino)	Yes	Yes	Yes	Hybrid	Yes	Yes	Recommend
11/14/22 11/28/22	Los Gatos Therapy Center: Eating Disorder Programs - LGTC GROUP Azhar Sultanova azhar@lgtc.net Eugene Tilman eug@lgtc.net	Local (2 locations in downtown San Jose)	Yes	Yes	Yes	Hybrid for PHP, IOP, OP	English providers for therapy/partnered with Kaiser for translation services	No, tentative in 12/2022	Recommend
11/16/22	New Port Academy https://www.newportacademy.com/locations/female-residential/		No	No	No	n/a	n/a	n/a	Do Not Recommend: Do not provide specific Eating Disorder (ED) services (only Mental Health services).



COUNTY OF SANTA CLARA
Behavioral Health Services
Supporting Wellness and Recovery

**Sunol Hills
Attachment A**

11/15/22 11/18/22	Embark https://www.embar kbh.com/eating-disorders-in-teens/ Sarina Raghvan Sarina.raghvan@embarkbh.com	Yes	Yes	No	n/a	n/a	n/a	Do Not Recommend: Do not provide specific Eating Disorder (ED) services (only Mental Health services).
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