

COUNTY OF KERN

**KERN BEHAVIORAL HEALTH &
RECOVERY SERVICES**

REQUEST FOR MINIMUM QUALIFICATIONS (RFQ)

TO PROVIDE

FLEXIBLE HOUSING POOL OPERATOR SERVICES

DUE: MARCH 23, 2026

TIME: BEFORE 11:00 A.M.

COUNTY OF KERN
KERN BEHAVIORAL HEALTH & RECOVERY SERVICES
**Request for Minimum Qualifications (RFQ) To Provide Flexible Housing
Pool Operator Services**

The County of Kern, through its Behavioral Health and Recovery Services department, is seeking qualified contractors to provide Flexible Housing Pool Operator Services within Kern County. The selected contractor will be responsible for managing a pool of flexible funds designated to secure housing for individuals experiencing homelessness or housing instability.

The procurement process will be conducted in two phases:

- ❖ **Phase I:** Will involve screening potential contractors to determine if they meet the request for minimum qualifications.
- ❖ **Phase II:** Will consist of contractor presentations to further evaluate their capabilities and approach.

Only those potential contractors who fully satisfy the requirements in Phase I will be invited to advance to Phase II of the selection process.

Potential contractors are specifically directed not to contact any County personnel, other than the Contact Person indicated below, for any purpose related to this RFQ. **Unauthorized contact of any County personnel may be cause for rejection of a vendor's proposal.** All inquiries concerning this RFQ should be directed to the following Contact Person:

Kern Behavioral Health & Recovery Services 2001 – 28th Street Bakersfield, CA 93301
jscases@kernbhhs.org

Envelopes containing the Request For Minimum Qualifications (RFQ) are to be marked:

Flexible Housing Pool Operator Services

The following dates are set forth for information and planning purposes only. These dates may be changed by County upon notice to prospective qualified contractors:

Issuance Date February 25, 2026
Proposal Due Date March 23, 2026 Proposal Due
Time Before 11:00 a.m.

Postmark date will not constitute timely delivery. Responses received after the above time **will not** be considered. Qualified potential contractors are solely responsible for ensuring timely receipt of their Proposals. If hand delivery is planned to our offices, please be aware that delays through building security protocol should be planned for by the potential contractors since timely receipt of all Proposals is required.

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I. GENERAL INFORMATION

A. Project Background

Kern County spans 8,161 square miles in the San Joaquin Valley of California. The County is divided into eleven (11) Geographic Service Areas for serving individuals who need mental health care. The Behavioral Health and Recovery Services (BHRS) administration office is located in Bakersfield, the county seat, in the southern region of the San Joaquin Valley.

BHRS is the Mental Health Plan for specialty mental health services and the Drug Medi-Cal Organized Delivery System in Kern County and has been providing specialty mental health services and SUD treatment for more than thirty (30) years. The Department operates under the directorship of Ms. Alison Burrowes, MA, LCSW and is governed by the five (5) members of the Kern County Board of Supervisors (BOS). The Department strives to promote its mission statement, “Working together to achieve hope, healing, and a meaningful life in the community”.

The Department’s goal is to ensure the citizens of Kern County who are afflicted with mental and behavioral health disorders are provided with services and resources necessary for their treatment and recovery. The Department utilizes the services of contracted providers for mental and behavioral health treatment services for adults and minors in most geographic areas throughout Kern County.

The Housing Services Team (HST) operates under the Kern Linkage Division of Behavioral Health and Recovery Services. The Kern Linkage Division provides comprehensive outpatient mental health and supportive services for adults experiencing serious mental illness (SMI) and co-occurring substance use disorders (SUD). Within this framework, the HST serves as a critical liaison across the system of care—collaborating with community-based organizations, service providers, and partner agencies—to support client placement into safe, stable, recovery-oriented, and supportive housing environments.

The HST delivers housing-related and supportive services using a variety of state and federal funding sources, based on client eligibility and funding criteria. Housing types currently supported include interim housing, bridge housing, permanent supportive housing, adult residential facilities, residential care facilities for the elderly, and sober living environments.

In response to recent policy and funding changes that promote stronger integration between housing and health systems, KernBHRS is developing a Flexible Housing Pool (FHP). The FHP is designed to improve housing outcomes for individuals with serious behavioral health conditions by creating a responsive and adaptable mechanism to secure and maintain safe, decent, and affordable housing. The FHP may be implemented in phases, depending on available funding sources:

- **Phase One** may include Transitional Rent reimbursements from Managed Care Plans (MCPs) and Behavioral Health Services Act (BHSA) Housing Intervention funds.
- **Phase Two** may incorporate additional housing-related funding from other County departments.
- **Phase Three** may expand to include funding from community-based organizations.

The selected FHP Operator will be expected to braid and maximize multiple funding streams, collaborate closely with providers and County departments, and deliver measurable outcomes in areas such as timely housing placements, increased landlord participation, and long-term housing stability

B. Primary Role Of Kern County's Flexible Housing Pool Operator

The primary roles of the FHP Operator will include:

1. Act as a fiscal intermediary for rental subsidies:
 - a. Provide timely payments to property owners/manager.
 - b. Track eligibility of all client expenses by funding source.
 - c. Have the ability to track and provide reports on expenditures by client, service type, time period, and funding source(s).
 - d. Have the ability to contract with Kern County's three Managed Care Plans (MCPs) for the provision of the "Housing Trio" Community Supports, which includes Housing Deposits, Housing Transition and Navigation Services, and Housing Tenancy and Sustaining Services in order to maximize funding.
2. Identify, secure, and maintain housing units across Kern County appropriate for the population to be served:
 - a. Maintain a database of available and leased housing units.
 - b. Cultivate and sustain relationships with property owners/managers.
 - c. Enter into and execute lease agreements, including master leasing with property owners/managers.
 - d. Management of landlord incentive and risk management fund.
 - e. Ongoing coordination with Housing Community Supports providers, tenants and property owners/managers.
3. Connect individuals to housing:
 - a. Match available housing units to eligible individuals referred by KernBHRS or its contracted providers.
 - b. Host housing fairs at various housing settings as needed.

C. General Contract Information

Contract Start Date	July 1, 2026
Initial Term	Three (3) years (subject to budget and funding availability)
Renewal Options	Up to two (2) one-year extensions at BHRS's sole discretion
Contract Amount	The Department expects to spend approximately \$2.8 million per fiscal year for these services, but may adjust budget as needed.
Contract Funding	The proposer may apply for up to \$200,000 for one time funding to build the internal infrastructure needed to support the start-up of the FHP. These funds can support
	items such as Information Technology infrastructure, onboarding of staff, equipment, office furniture, supplies, space rent, and other costs related to start-up as approved by BHRS.

D. Request For Minimum Qualifications

Behavioral Health and Recovery Services (BHRS) has established a set of minimum qualifications that must be met by all potential contractors in order to be considered for an invitation to Phase II of the procurement process. These qualifications are outlined in the document titled Request For Minimum Qualifications Matrix.

All potential contractors are expected to thoroughly review the Request For Minimum Qualifications Matrix to understand each criterion and ensure they submit the required supporting documentation. This documentation is essential to demonstrate the contractor's eligibility and capacity to perform the requested services.

Failure to provide the required documentation will result in disqualification from advancing to Phase II of the evaluation process. Only those potential contractors who meet all of the requests for minimum qualifications and submit complete documentation will be invited to participate in the next phase.

E. Services Provided By BHRS

BHRS will provide a Contact Person as a primary contact, who will arrange for staff assistance by other County staff as may be required. Contact person is for this solicitation is: CFrayreRamos@kernbhrs.org.

F. Selection Process

BHRS is seeking qualified potential contractors to provide Flexible Housing Pool Operator Services within Kern County. The selected contractor will be responsible for managing a pool of flexible funds designated to secure housing for individuals experiencing homelessness or housing instability.

The selection process will be conducted in two phases:

Phase I – Request For Minimum Qualifications Screening:

- ❖ During this phase, potential contractors will be evaluated to determine whether they meet the request for minimum qualifications required to perform the requested services. Potential contractors must clearly demonstrate their capabilities and relevant experience in order to advance to Phase II.
- ❖ All potential contractors who submit the required documentation by the specified deadline will be reviewed by an Evaluation Committee. Submissions will be scored based on the established evaluation criteria.
- ❖ Potential contractors who receive a score of 80 points or higher will be selected to advance to Phase II of the evaluation process.
- ❖ Selected potential contractors will be notified in writing by Jewelle Scaes regarding their invitation to participate in Phase II.

Phase I constitutes a Request for Minimum Qualifications (RFQ) process. Only those meeting all minimum qualifications will be invited to Phase II, which functions as the formal Request for Proposals (RFQ).

Phase II – Contractor Presentations:

- ❖ Potential contractors who meet the request for minimum qualifications in Phase I will be invited to participate in Phase II, which will consist of formal presentations. This phase will further assess each contractor’s approach, capacity, and overall suitability to deliver the required services.
- ❖ Only those potential contractors who successfully demonstrate their qualifications and capabilities in Phase I will receive an invitation to proceed to Phase II of the selection process.
- ❖ This solicitation is intended to select a single qualified contractor to serve as the Flexible Housing Pool Operator (FHP Operator) for Kern County’s Flexible Housing Pool.

G. Additional Selection Information

Behavioral Health and Recovery Services (BHRS) reserves the right to select the potential contractors who, in its sole judgment, best meet the needs of the Department to participate in Phase II of the evaluation process.

All contractors who respond to this solicitation will be notified in writing of their selection or non-selection for Phase II.

Selected proposers will receive written notification from the designated BHRS representative, Jewelle Scaes, including the date and details of the Department’s recommendation to proceed to Phase II of the selection process.

County employees will not participate in the selection process when those employees have a relationship with a person or business entity submitting a Proposal which would subject those

employees to the prohibition of Section 87100 of the Government Code. Any person or business entity submitting a Proposal who has such a relationship with a County employee who may be involved in the selection process shall advise the County of the name of the County employee in the Proposal.

Any person or business entity which engages in practices which might result in unlawful activity relating to the selection process including, but not limited to, kickbacks or other unlawful consideration paid to County employees, will be disqualified from the selection process.

H. Local Vendor Preferences

If one or more of the proposers is a local vendor as defined herein, said proposer(s) shall be entitled to a local vendor preference as herein described, provided: (i) said proposer(s) achieved a score of at least seventy percent (70%) during the initial scoring phase by the Evaluation Committee; and (ii) they were included in the short list of proposers for further consideration by the Evaluation Committee, if the Evaluation Committee elected to create a short list of Proposals.

All local vendors meeting the above stated criteria shall have their final evaluation score increased by five percent (5%) for purposes of determining the Evaluation Committee's final selection for recommendation to the Board of Supervisors.

A local vendor is defined as a proposer who:

- (a) Has had a fixed office or distribution point located in and having a street address within the county for at least six (6) months immediately prior to the issuance of the request for competitive bids by the purchasing agent
- (b) Holds any required business license by the county or a city within the county; and
- (c) Employs at least one (1) full-time or two (2) part-time employees whose primary residence is located within Kern County, or if the business has no employees shall be at least fifty percent (50%) owned by one or more persons whose primary residence is located within Kern County.

All local vendors with a Local Employee Ratio of 50% or higher will receive an additional 2% score increase, and those with a ratio of 100% will receive a 3% increase to their score. (Rev 11/19)

- (d) Will credit all sales taxes generated pursuant to the contract awarded as a result of the application of this local vendor preference to its business location in Kern County.

This local vendor preference shall not apply to any contracts funded in whole or in part with federal or state funds which do not allow the use of local preferences, or any other contracts which are statutorily or otherwise precluded from the use of local preferences during the selection process.

At-Risk Employer Preference

Per County Ordinance 2.38.132, the At-Risk Employer preference will be implemented. This ordinance provides a preference to local vendors who are also at-risk employers. If there is a tie for the low bid and both bidders are local vendors but one of the bidders is also an at-risk employer, the contract shall be awarded to the low bidder that is also the at-risk employer. In the event local vendors are allowed to submit a new bid equal to or less than the out of county low bidder, and there is a tie for the low bid

and one of the responsible low bidders is also an at-risk employer, the local vendor who is also an at-risk employer will be awarded the contract

To qualify as an "At-Risk Employer," Vendor shall state below that you have provided gainful employment to "at-risk" individuals residing in Kern County for at least one (1) year prior to submitting this bid; and you continue to provide gainful employment to 'at-risk individuals. "At-Risk Individuals" are defined in County Ordinance 2.38.132 as those individuals who have been incarcerated within the last five (5) years and/or have been convicted of a misdemeanor or felony within the last five (5) years and/or are youth in foster care.

Vendor has employed at least one (1) at-risk individual residing in the County of Kern for at least one year prior to submitting a bid for this project and continues to provide gainful employment to at-risk individuals residing in the County of Kern.

I. Proposal Accuracy and Format Compliance

Proposals containing errors may be subject to rejection at the discretion of BHRS. In evaluating submissions, BHRS will assess whether the documentation provided by the potential contractor conforms to the required format and content as outlined in this solicitation.

J. Solicitation Caveats

The issuance of this solicitation does not constitute an award commitment on the part of BHRS, and BHRS shall not pay for costs incurred in the preparation or submission of Proposals. **BHRS reserves the right to reject any or all Proposals or portions thereof if BHRS determines that it is in the best interest of BHRS to do so.**

Failure to furnish all information requested or to follow the format requested herein, or the submission of false information, may disqualify the potential contractor, in the sole discretion of BHRS. BHRS may waive **any** deviation in a Proposal. BHRS's waiver of a deviation shall in no way modify the solicitation requirements nor excuse the successful potential contractor from full compliance with any resultant agreement requirements or obligations.

Potential contractors shall have no rights whatsoever regarding the processes and procedures used by BHRS relating to this solicitation or the manner in which a potential contractor is selected by the Evaluation Committee, provided their decisions are not arbitrary and capricious, and there is some reasonable basis for the selection(s) made.

The process, procedures and evaluation criteria used by County in developing and issuing this solicitation and evaluating the required documentation received for purposes of making a recommendation to Phase II of the selection process shall be determined in the sole discretion of BHRS.

II. PROPOSAL INFORMATION AND REQUIREMENTS

A. General Instructions

To receive consideration, submission of required documents shall be made in accordance with the following general instructions:

1. The complete submission of required documents shall be without alterations or erasures. Errors may be crossed out and corrections printed in ink or typed adjacent and must be initialed in ink by an authorized representative of the proposer.
2. No oral, telephonic, telegraphic, e-mailed, or faxed submission of required documents will be considered.
3. The submission of the required documents shall be an indication that the potential contractor has investigated and satisfied him/herself as to the selection process to be used by the County, the conditions to be encountered, the character, quality, and scope of the work to be performed, and the requirements of the County.

B. Business Address

Potential contractors shall furnish their business street address. Any communications directed either to the address so given, or to the address listed on the sealed Proposal container and deposited in the U.S. Postal Service by Certified Mail, shall constitute a legal service thereof upon the proposer.

C. Proposal Format

1. Provide all required documentation for each request for minimum qualifications requirement criterion.
2. Please do not include Resident Information in this or any other section of your proposal. This will be grounds for immediate disqualification from the RFQ process.
3. Please do not submit canned or generic documentation. (A “canned” submission is one that is being repurposed from a previous solicitation. Submission should be specifically written for this solicitation.)

D. Proposal Contents

For ease of review and to facilitate evaluation, the solicitation for this project must be organized and presented in the order requested as follows **(no exceptions)**:

1. Cover Page:

Clearly indicate the project title and the name of the firm on the cover page. For example:

Request For Minimum Qualifications For:
Flexible Housing Pool Operator Services
Submitted By: Organization X
James Smith, Chief Operating Officer

2. Request Minimum Qualifications and Evaluation Criteria

Section 1: Experience

Section 2: Organizational Capacity & Staffing

Section 3: Financial Management & Compliance

Section 4: Infrastructure & Systems

Section 5: Data Integration & Privacy

Section 6: MCP-Funded Services (CalAIM)

Section 7: Partnership & Governance

Section 8: Audit & Risk Management

Section 9: Legal & Administrative

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3. Request For Minimum Qualifications and Evaluation Criteria Table

Directions:

To be considered for participation in Phase II of this solicitation process, all applications must meet the request for minimum qualifications outlined in this section. Proposals that do not meet these requirements will not advance to the next phase of evaluation.

The Evaluation Committee will use the following general criteria to assess each submission and make its recommendation to the Kern County Board of Supervisors. All required documentation must be submitted as part of the proposal and clearly identified as attachments or exhibits.

Failure to include the required documentation may result in disqualification from further consideration.

In the event the County does not receive any responses meeting all of the Request For Minimum Qualifications listed below, the County shall have the option to consider responses demonstrating a reduced level of experience performing the required functions of the Flex Pool Operator.

Criteria		Request For Minimum Qualifications	Required Documentation That The Potential Contractor Must Submit
1	Experience	<ol style="list-style-type: none"> 1. At least five (5) years of administering rental subsidies and/or managing housing placement/rehousing programs on a large scale. 2. Demonstrated success with landlord engagement (recruitment, retention) and housing market navigation. 3. Experience with Housing First, rapid rehousing, transitional housing, and permanent supportive housing. 	<ol style="list-style-type: none"> 1. Project list with dates/scope and funder/partner information 2. Two example contracts or award letters 3. Brief outcome summary including placements and retention rates, number of landlords recruited and number of landlords who have renewed leases or offered additional units.
2	Organizational Capacity & Staffing	<ol style="list-style-type: none"> 1. Organizational structure with dedicated leadership plus in-house (not subcontracted) fiscal, housing, and data/reporting staff. 2. Ability to provide timely landlord/tenant mediation and housing navigation support. 	<ol style="list-style-type: none"> 1. Organizational Chart 2. Resumes for staff involved in providing services 3. Staffing plan and coverage model

General Criteria		Request For Minimum Qualifications	Required Documentation That The Potential Contractor Must Submit
3	Financial Management & Compliance	<ol style="list-style-type: none"> 1. Experience managing multimillion-dollar public contracts with layered funding sources. 2. History of clean audits (no material weaknesses or serious noncompliance) for the last two fiscal years. 3. Ability to provide timely invoicing and cost allocation across multiple programs. 4. Accounting system that is able to meticulously track and tie expenditures and revenues to multiple programs/projects AND funds/funding sources. 5. Strong financial reserves. 6. Experience with receiving and administering Federal funds. 	<ol style="list-style-type: none"> 1. Two most recent completed audited financial statements and single audits with auditor opinion for either July 1, 2022 to June 30, 2023 (or January 1, 2023 to December 31, 2023); July 1, 2023 to June 30, 2024 (or January 1, 2024 to December 31, 2024); unaudited financial statements from July 1, 2024 (or January 1, 2025) to June 30, 2025. 2. Organization's approved cost allocation plan with samples. 3. Sample invoice to another public funder. 4. Reference from a public funder. 5. Sample of your general ledger that includes all data headers, and demonstrates it can track an expenditure to a specific program and funding source.
4	Infrastructure & Systems	<ol style="list-style-type: none"> 1. Internal controls and systems to separately track multiple funding streams at the client, month, and item level. 2. Ability to track expenditures by participant, participant-level outcomes, and housing retention by funding source. 3. Use of a case management or data system capable of timely, accurate reporting. 4. Familiarity with CalAIM services for MCPs and related data requirements. 	<ol style="list-style-type: none"> 1. System description. 2. Sample reports (GL by fund, outcomes dashboard).

General Criteria		Request For Minimum Qualifications	Required Documentation That The Potential Contractor Must Submit
5	Data Integration & Privacy	<ol style="list-style-type: none"> 1. Experience with Homeless Management Information Systems (HMIS) and CalAIM/healthcare data systems. 2. Ability to securely share data in compliance with HIPAA, 42 CFR Part 2, and state privacy laws. 3. Demonstrated capacity to generate outcomes and performance reports for funders. 4. Experience with the Coordinated Entry System (CES) for placements into permanent supportive housing units, preferred. 	<ol style="list-style-type: none"> 1. HMIS participation letter. 2. Privacy/Security policies. 3. Example of data-sharing standard operating procedures.
6	MCP-Funded Services (CalAIM)	<ol style="list-style-type: none"> 1. Capacity to administer Transitional Rent and other related Community Supports funded through BHRS's contracts with the three MCPs serving Kern County Medi-Cal beneficiaries. 2. Ability to provide timely documentation and data reporting required for BHRS to bill MCPs for CalAIM services. 3. Ongoing coordination with MCPs, as directed by BHRS, to ensure compliance with CalAIM Community Supports requirements. 	<ol style="list-style-type: none"> 1. Commitment Letter from Potential contractor agreeing to administer MCP-funded services in alignment with County contracts and to coordinate with MCPs as directed by BHRS within 90 days of contract execution with BHRS.
7	Partnership & Governance	<ol style="list-style-type: none"> 1. Demonstrated success collaborating with County, MCPs, housing authorities, behavioral health, shelters, and/or community-based organizations. 2. History of participation in governance bodies or cross-agency collaboratives. 	<ol style="list-style-type: none"> 1. Demonstrated success collaborating with County, MCPs, housing authorities, behavioral health, shelters, and/or community-based organizations. 2. History of participation in governance bodies or cross-agency collaboratives.

Criteria		Request For Minimum Qualifications	Required Documentation That The Potential Contractor Must Submit
8	Audit & Risk Management	<p>1. Ability to meet County insurance requirements as stated in this RFQ (see information listed in the “Required Documentation That The Potential Contractor Must Submit Section”).</p> <p>2. Active conflict of interest policy and subcontractor oversight policies in place.</p>	<p>1. Certificate of insurance policy</p> <p>2. Type and Insurance coverages include:</p> <p><u>Workers’ Compensation and Employers Liability Insurance Requirement</u> ONE MILLION DOLLARS (\$1,000,000) for bodily injury or disease.</p> <p><u>Commercial General Liability Insurance Requirement</u> ONE MILLION DOLLARS (\$1,000,000) each occurrence and TWO MILLION DOLLARS (\$2,000,000) aggregate.</p> <p><u>Automobile Liability Insurance Requirement</u> ONE MILLION DOLLARS (\$1,000,000) for each occurrence.</p> <p><u>Professional Liability (Errors and Omissions) Insurance Requirement</u> ONE MILLION DOLLARS (\$1,000,000) per occurrence and THREE MILLION DOLLARS (\$3,000,000) aggregate.</p> <p>3. Proof of insurance (or binder).</p> <p>4. Subcontractor monitoring policy.</p> <p>5. Brief narrative of how your organization monitors subcontractors.</p>
9	Legal & Administrative	<p>1. Not debarred or suspended from public contracting.</p> <p>2. Authorized to do business in the State of California.</p> <p>3. Valid business license in the State of California prior to contract execution.</p>	<p>1. Signed certification.</p> <p>2. Secretary of State/Business License documentation.</p>

E. Questions From Potential Contractors

All questions regarding this solicitation must be submitted in writing via email to: Jewelle Scales at jscales@kernbhrs.org. Phone inquiries will not be accepted. Only written questions will receive a response.

Responses to all submitted questions will be compiled and issued as an addendum to this solicitation. The deadline to submit questions is **March 16, 2026**. Questions received after this date will not be considered.

F. Proposal Submission

The potential contractors shall submit all required documentation as follows:

- ❖ one (1) written copy of all of the required documentation
- ❖ one (1) copy on thumb drive

The thumb drive (virus free) must be a standard Microsoft Windows (Word, Adobe, Excel etc.) compatible format readable by the County; using word processing software that is Windows based, preferably Microsoft Word. The potential contractor agrees to be fully responsible for any damage caused by any materials submitted to BHRS. Please submit all required documentation to:

Kern County General Services Division
**REQUEST FOR MINIMUM QUALIFICATIONS:
FLEXIBLE HOUSING POOL OPERATOR SERVICES**
1115 Truxtun Ave., 3rd Floor
Bakersfield, CA 93301
Telephone (661) 868-3000

All of the required documentation may be delivered in person, by courier service or by mail to the address indicated above. **ALL REQUIRED MUST BE SEALED AND RECEIVED BEFORE 11:00 A.M. on March 23, 2026**, at the above office and address. Proposals submitted after the above deadline will not be accepted. It is strongly suggested that any proposers intending to hand deliver a proposal on the last day for submission arrive at the General Services Division third floor main lobby at least ten (10) minutes prior to the proposal receipt deadline to receive a "test" time stamp to validate the official current time. The time stamp clock in the main lobby of General Services will be the official time. Any Proposal received at or after 11:00 a.m. will be returned unopened.

Only one (1) submission from each potential contractor. For purposes of this solicitation, a potential contractor is defined to include a parent corporation of the potential contractor and any other subsidiary of that parent corporation. If a potential contractor submits more than one (1) set of required documentation, all documentation from that potential shall be rejected.

Submissions are not publicly opened.

G. Withdrawal and Submission of Modified Required Documentation

A potential contractor may withdraw their submission at any time prior to the submission deadline by submitting a written notification of withdrawal signed by the po or his/her authorized agent. The potential contractor must, in person, retrieve the entire sealed submission package. Another submission may be submitted prior to the deadline. A submission may not be changed after the designated deadline for submission of the required documentation.

H. Confidential Information:

Potential contractors are cautioned that because the County is a public entity, materials designated as "confidential" may nevertheless be subject to disclosure. Proposers are advised that the County does not wish to receive confidential or proprietary information and that proposers are not to supply such information except when it is absolutely necessary.

IF CONFIDENTIAL INFORMATION IS SUBMITTED:

a. ALL CONFIDENTIAL INFORMATION MUST BE STAMPED WITH A "CONFIDENTIAL" WATERMARK AND MARKED "CONFIDENTIAL".

b. Any documents labeled "CONFIDENTIAL" shall include the following statement signed and placed on the first page of the CONFIDENTIAL material:

"_____ (legal name of proposer) shall indemnify, defend and hold harmless the County of Kern, its officers, agents and employees from and against any request, action or proceeding of any nature and any damages or liability of any nature, specifically including attorneys' fees awarded under the California Public Records Act (Government Code §6250 et seq.) arising out of, concerning or in any way involving any materials or information in this Proposal that (legal name of proposer) has labeled as confidential, proprietary or otherwise not subject to disclosure as a public record."

By: _____ Date: _____

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FREE SPEECH POLICY

Kern County Administrative Bulletin



ADMINISTRATIVE BULLETIN NO. 19

Issued: January 23, 2024

SUBJECT: FREE SPEECH POLICY

Purpose

The purpose of this Free Speech Policy is to inform all employees, employment applicants, and contractors of their constitutional rights to free speech, to petition the government for redress of grievances, to instruct representatives, and to freely associate and assemble. Unlawful discrimination based on the exercise of these rights is unacceptable and incompatible with the County's standards, as well as being a violation of the law. This Free Speech Policy also establishes the complaint and investigation procedure for alleged violations of these rights.

First Amendment Rights

Every County employee, employment applicant, and contractor has a constitutional right to free speech, to petition the government for redress of grievances, to instruct representatives, and to freely associate and assemble. ¹ For simplicity, this policy shall refer to such rights as "First Amendment Rights."

Every County employee, employment applicant, and contractor shall be free from any unlawful discrimination or retaliation by the County of Kern for exercising their First Amendment Rights while employed, while seeking employment, or while doing or seeking to do business for or with the County.

Free Speech Policy

The County of Kern remains committed to creating a professional environment in which the First Amendment Rights of all County employees, employment applicants, and contractors are protected.

It is a violation of the Constitutions of the United States and California for the County to unlawfully discriminate against County employees, employment applicants, or contractors because they exercised their First Amendment Rights.

¹ California Constitution, article I, sections 2(a) and 3(a); U.S. Constitution, amend. I.

Every County employee, and other person acting on behalf of the County, including members of the Board of Supervisors, is prohibited from unlawfully discriminating against, harassing, or retaliating against an employee, employment applicant, or contractor because the employee, employment applicant, or contractor exercised their First Amendment Rights, or because they filed a complaint or participated in an investigation under this Free Speech Policy.

All County employees and other persons acting on behalf of the County, including members of the Board of Supervisors, shall uphold and abide by this Free Speech Policy by cooperating fully in any investigation of a complaint of unlawful discrimination, harassment, or retaliation under this Free Speech Policy.

Persons in positions of authority, including managers and supervisors, shall act immediately on potential violations of this Free Speech Policy. They are responsible for knowing and enforcing this Policy and creating and maintaining a workplace free of discrimination, harassment, and retaliation, and should address potential problems before they become serious.

This Free Speech Policy applies at every level of the County and to every aspect of the workplace environment, including but not limited to, County events that occur outside of the physical workplace.

This Free Speech Policy shall be posted on the Kem County websites and in designated physical locations, and shall be attached to all County-issued Requests for Proposals (RFQs) and other solicitations for contract or grant proposals, County contracting forms and templates, and relevant notices to employees, employment applicants, and contractors.

Examples of unlawful discrimination:

- A department head recommends that a contract not be renewed because the contractor is politically active, regardless of their political position.
- A supervisor declines to recommend a supervisee for a promotion, or assigns a supervisee to less favorable job duties or to a less favorable location, because of the supervisee's union activity.
- A manager gives a supervisee poor job evaluations because the manager does not agree with their supervisee's political views.
- A county decision-maker declines to award a contract to provide social services to a particular community based organization because that organization actively campaigns for a particular bill or social movement.
- A county decision maker stops communicating with a potential contractor about a contract because the contractor has threatened to file lawsuit against the County in an unrelated case.

The California and U.S. Constitutions also provide specific First Amendment protection for County elected officials and other persons acting on behalf of the County, including volunteers and interns. This policy does not address such persons' rights.

Complaint and Investigation Procedure

Each employee, employment applicant, or contractor who believes that they have experienced unlawful discrimination or harassment described in this Policy may file a written complaint setting forth the specific facts and evidence supporting the complaint with the County Complaint Coordinator (see below). Such complaints shall be promptly forwarded to the Free Speech Retained Expert (see below). The complainant shall provide all documentary evidence, names of potential witnesses, and any other information believed by the complainant to be relevant to the complaint.

The County Complaint Coordinator shall initiate a formal investigation of the allegations in the complaint, interview all witnesses to the incident giving rise to the complaint (including the complainant and the person(s) against whom the complaint is directed), and issue written findings as to the merits of the complaint and the remedies that should be implemented to resolve the complaint under existing County ordinances, policies, and procedures. The County Complaint Coordinator shall have a period of not more than 75 business days from receipt of the complaint to conduct the investigation and to issue appropriate draft findings and recommended remedies. The 75-day time period may be extended due to the unavailability of a material witness, or with the written agreement of the complainant.

The County Complaint Coordinator shall provide the draft findings and recommended remedies to the Free Speech Retained Expert for review and approval. The County Complaint Coordinator shall also provide the Free Speech Retained Expert with a copy of the complaint, all information and documentary evidence provided by the complainant, all witness interview materials and documents provided by witnesses, and all information and documentary evidence developed by the County Complaint Coordinator in conducting the investigation.

In the event that the Free Speech Retained Expert does not approve the County Complaint Coordinator's draft findings and recommended remedies, the Free Speech Retained Expert shall prepare a written explanation of the reasons for non-approval. The Free Speech Retained Expert and County Complaint Coordinator shall meet and confer to resolve any disagreement or deficiencies, and both parties shall state their positions in writing. The County Complaint Coordinator shall then take all necessary steps to correct any deficiencies and re-submit the draft findings and recommended remedies to the Free Speech Retained Expert for review and approval.

In the case of any complaints in which there is an appearance of bias, conflict of interest, or insufficient independence with regard to the handling of the complaint by the County Complaint Coordinator, the Backup Complaint Coordinator (see below) shall conduct the investigation, and the Free Speech Retained Expert shall review and approve in the same manner as any investigation conducted by the County Complaint Coordinator.

The Free Speech Retained Expert shall conduct the investigation if both the Complaint Coordinator and the Backup Complaint Coordinator are conflicted. The County shall implement the Free Speech Retained Expert's findings and remedies.

Department heads shall be responsible for ensuring that all new employees and contract staff in their department receive a copy of this policy and sign an acknowledgment which shall be retained in the employee's personnel file (or a similar file for contract staff). In addition, department heads shall ensure that, on an annual basis, each employee in their department receives a copy of this policy and that an acknowledgment of receipt is contained in each employee's personnel file.

Department heads may establish departmental policies and internal complaint procedures provided that those policies and procedures are consistent with this Policy. Nothing in this Policy shall abrogate any legal evidentiary standards in a court of law.

Complaints Within the Scope of Civil Service Commission Rule 1810.00, et seq.

The Kern County Rules of the Civil Service Commission ("Civil Service Rules") provide a voluntary complaint procedure for some complaints that fall within the scope of this Policy. These Civil Service Rules apply to civil service employees or applicants for civil service employment complaining of unlawful discrimination, harassment, or retaliation based on religious, union, or political affiliation, or due to their participation in a government investigation.

A complainant whose complaint falls within the scope of both the Civil Service Rules and this Policy may choose to file their complaint using the procedure described in the Civil Service Rules, commencing at section 1820.00, or using the procedure otherwise described in this Policy, but not both. If a complainant invokes both procedures for the same complaint, the complainant shall be required to make a written election of which procedure they wish to have apply.

The Free Speech Retained Expert will review all such complaints consistent with the time limitations, procedure, and appellate rights set forth in Civil Service Rule 1820.00. The Free Speech Retained Expert will review and approve findings of fact and recommended remedies issued by the Equal Employment Opportunity Officer.

Under Civil Service Rule 1830.00-1830.02, either the complainant or the County may request a hearing before the Civil Service Commission. The Free Speech Retained Expert does not review the Civil Service Commission's decision for approval but will provide a report to the County and complainant regarding any comments, concerns, or recommendations related to the Commission's final decision, within 60-120 days of that decision.

County Complaint Coordinator: Sarah Gutierrez, Director of Diversity, Equity and Inclusion; (661) 868-3919; gutierrezsa@kerncounty.com

Backup County Complaint Coordinator: Mercedes Perez, Senior Human Resources Specialist; (661) 868-3915; perezmer@kerncounty.com

Free Speech Retained Expert:
Barry McDonald, (310) 506-4668; barry.mcdonald@pepperdine.edu

Apm/AB/AB-19_01-23-2024

By my signature below, I acknowledge that I have received and reviewed this Free Speech Policy (AB19) and I understand that a copy will be placed into my personnel file.

Printed Name

Employee Signature

Date

[END OF RFQ DOCUMENT]