



State of New Jersey

DEPARTMENT OF CORRECTIONS

WHITTLESEY ROAD

PO Box 863

TRENTON NJ 08625-0863

PHILIP D. MURPHY

Governor

SHEILA Y. OLIVER

Lt. Governor

VICTORIA L. KUHN, ESQ.

Acting Commissioner

Request For Proposals Residential Community Release Program(s) Bid No. PCS-2021-Rev

Questions and Answers

Question 1 – (Section 1.0 Page 1)

Can you provide a breakdown of the number of inmates in the prison system that would be potentially eligible for the types of facilities listed in this section?

- Level 1 Facilities
- Level 2A Facilities
- Specialized Level 2B Facilities
- Level 3A Facilities
- Specialized Level 3B Facilities
- Specialized Level 3C Facilities
- Specialized Level 4 Facilities

Answer – For illustrative purposes, the information provided below is a snapshot of the New Jersey Department of Corrections (NJDOC) population on September 27, 2021 and cannot be generalizable to any other day, nor is it a commitment from the NJDOC that the daily population shall remain at this level.

- On September 27, 2021, there were approximately 10,800 male Inmates in the custody of the NJDOC correctional facilities of which 781 had full minimum status.

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- On September 27, 2021, there were 2,687 male Inmates between the ages of 18 – 29 in the custody of the NJDOC correctional facilities.
- On September 27, 2021, there were 1,635 male Inmates ages 55+ in the custody of the NJDOC correctional facilities.
- On September 27, 2021, there were 389 Inmate-students enrolled in college courses through New Jersey Scholarship and Transformative Education in Prison (NJ-STEP) while in the custody of the NJDOC correctional facilities and 16 Inmate-students enrolled in college courses or vocational training programs while residing in the Residential Community Release Programs (RCRPs).
- On September 27, 2021, there were approximately 380 female Inmates in the custody of the NJDOC of which 111 had full minimum status.

Question 2 – (Section 1.0 Page 1, Specialized 2A Facilities)

What range from the LSIR are you using for “low risk”?

Answer – The assessment and treatment center(s) utilizes a multitude of assessment tools for review by a classification committee in determining appropriate assignment to a Residential Community Release Program. Classification is not solely dependent on the LSIR score. Inmates who are determined to present a low risk for recidivism may have minimal arrests and indictable convictions, one term of incarceration, recent substance abuse treatment participation or minimal substance abuse history, substantial program participation and/or minimal history of violent offenses.

Note the reference for this question refers to a Specialized Level 2A Facility for male Inmates who are assessed as medium to high level of recidivism.

Question 3 – (Section 1.0 Page 1, Specialized Level 3B Facilities)

Does this mean the males in this age group cannot be placed in level 2A facilities?

Answer – There is no restriction on age for a Specialized Level 3B Facility which is the Facility type referenced by the potential Bidder for this question.

Question 4 – (Section 1.0 Page 1, Specialized Level 4 Gender Responsive)

Has the department looked at the cost of the additional requirements for TIC/education?

Answer – Yes, the NJDOC has invested resources to train personnel in Trauma Informed Care.

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Question 5 – (Section 1.0 Page 2)

If a one year contract extension is awarded, will bidders have the opportunity to adjust the cost proposal for the additional year?

Answer – The NJDOC will award a Firm-Fixed Price Contract. The rates set forth in the Bidder's proposal, if accepted, shall remain in force for the term of the Contract, including any contract extensions.

Question 6 – (Section: Per Diem Rate Calculation Instruction Sheet Page 39)

If the rent charged to a facility is from a subsidiary of the bidder and considered intercompany, is a paid invoice still required?

Answer – If a Bidder is unable to provide a paid invoice for Facility rent that coincides with the Lease Agreement, also required with the bid proposal, the Bidder may provide a signed letter from the Bidder's Chief Financial Officer explaining why a paid invoice is not available. If additional clarification of cost calculations is required during the cost proposal review process, the Bidder will be contacted via formal letter from the NJDOC to provide the required clarification.

Question 7 – (RFP Page #1, Section 1, Purpose and Intent)

Do Specialized Level 4 Facilities need to be licensed?

Answer – Yes, Specialized Level 4 Facilities are required to comply with N.J.A.C. 10:161B (2016) Standards for Licensure of Outpatient Substance Use Disorder Treatment Facilities for licensed outpatient level of care substance use disorder treatment services.

Question 8 – (RFP Page #26, Section 6.2 Proposal Format and Content, Part 3 Bid Response Requirements, #2n)

Is it necessary or advised to update letters of support if nothing has changed since the last RFP was issued?

Answer – No, if Bidders submitted bid proposals in response to RFP Bid No. PCS-2021 in May 2021, the same letters of support may be submitted with their bid proposals for RFP Bid No. PCS-2021-Rev.

Question 9 – (RFP Page #28, Section 6.2 Proposal Format and Content, Part 3 Bid Response Requirements, #7)

Is it necessary or advised to update letters notifying local public officials of the intended program if nothing has changed since the last RFP was issued?

*Questions and references to the RFP pages and section numbers to which the questions relate are presented exactly as submitted by the potential Bidders.

Answer – No, if a Bidder submitted a bid proposal in response to RFP Bid No. PCS-2021 in May 2021 and the intended program has not changed, the same letter(s) notifying public officials of the intended program may be submitted with the bid proposal for RFP Bid No. PCS-2021-Rev.

Question 10 – (Section I—1.0 Purpose and Intent, page 2).

“Eligible Inmates must be within 24 months of their parole and/or completion date, have satisfactory institutional adjustment records and have been deemed by the NJDOC to be appropriate for participation in a RCRP, pursuant to State law.”

- a. Please quantify the number of inmates in NJDOC’s custody who are currently eligible for referral to the following:
 - i. Level 1 Facilities
 - ii. Level 2A Facilities
 - iii. Level 2B Facilities
 - iv. Level 3C Facilities
 - v. Level 4 Facilities

Answer – For illustrative purposes, the information provided below is a snapshot of the New Jersey Department of Corrections (NJDOC) population on September 27, 2021 and cannot be generalizable to any other day, nor is it a commitment from the NJDOC that the daily population shall remain at this level.

- On September 27, 2021, there were approximately 10,800 male Inmates in the custody of the NJDOC correctional facilities of which 781 had full minimum status.
 - On September 27, 2021, there were 2,687 male Inmates between the ages of 18 – 29 in the custody of the NJDOC correctional facilities.
 - On September 27, 2021, there were 1,635 male Inmates ages 55+ in the custody of the NJDOC correctional facilities.
 - On September 27, 2021, there were approximately 380 female Inmates in the custody of the NJDOC of which 111 had full minimum status.
- b. Please quantify the number of inmates in NJDOC’s custody who meet the eligibility requirements for Residential Community Release Program referral.

Answer - The total daily population of inmates in NJDOC correctional facilities and the total number of inmates with full minimum status provided in response to Question 10 (a) above is not indicative of the number of Inmates who are eligible for RCRP participation. Inmates must apply for RCRP participation and be successfully classified to community release.

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- c. Please estimate the number of inmates in NJDOC custody that will be eligible for referral to the following on July 1, 2022:
 - i. Level 1 Facilities
 - ii. Level 2A Facilities
 - iii. Level 2B Facilities
 - iv. Level 3C Facilities
 - v. Level 4 Facilities

Answer – The number of RCRP eligible Inmates is fluid and contingent based upon the number of Inmates who have obtained full minimum status, apply for participation in RCRPs and who are successfully classified to community release. The number of RCRP eligible Inmates in NJDOC custody on July 1, 2022 cannot be estimated.

Question 11 – (Section I, 5.1 Number and Type of Program Beds, page 20)

“Currently, the NJDOC contracts with 5 non-profit providers that operate 13 RCRP locations throughout the State for a total of 2,073 beds.”

- a. In July 2021, the New Jersey Department of Corrections utilized 855 of the 2,073 contracted beds (41.2%). Please confirm that at least 95% of the contracted beds to be awarded as a result of Bid No. PCS-2021-Rev will be utilized during the ensuing contract term.
 - i. If not, please provide a percentage guarantee for bed utilization to allow bidders the ability to propose the most competitive and sustainable Per Diem Rates.

Answer – According to research published by the Bureau of Justice Statistics titled “Correctional Populations in the United States, 2019 – Statistical Tables,” (July 2021) the number of persons supervised by U.S. adult correctional systems decreased for the twelfth consecutive year. The national trend of the declining correctional population is evident in the NJDOC population census.

At the time of contract award to current RCRP Contractors in December 2019, the NJDOC did not anticipate the occurrence of a pandemic. The ongoing decline in the correctional population combined with the pandemic-related furloughs under Executive Order 124 and releases under the Public Health Emergency Credits Legislation, P.L. 2020, c.111, has resulted in an unprecedented reduction in the RCRP daily census and eligible Inmates.

The NJDOC will consider the population census in the contract award process for maximum utilization of contracted RCRP beds. The NJDOC does not guarantee any minimum population or bed space usage; however, the NJDOC will make every effort to keep the RCRPs at 100% of their contracted beds, if possible.

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Question 12 – (Section I, 5.1 Number and Type of Program Beds, page 20)

“Currently, the NJDOC contracts with 5 non-profit providers that operate 13 RCRP locations throughout the State for a total of 2,073 beds. The NJDOC intends to award new contracts for the operation of RCRPs with an anticipated Service Commencement Date of July 1, 2022. The number and program type of male and female beds awarded will be contingent upon the number of proposals received, the type of services proposed to address community re-entry needs and populations to be served, as well as the proposed Per Diem Rates received. The number of beds awarded cannot exceed the appropriation indicated in the Notice of Availability of Grant Funds, as published in the New Jersey Register.”

- a. The uncertainty of not knowing the estimated number of beds to be awarded by program level or sublevel, or whether the contracted beds will be utilized, may lead to Bidders proposing higher Per Diem Rates. For example, a Bidder's price and related expenses are directly correlated with the number of beds it is bidding. Therefore, we request the NJDOC please provide the estimated number of beds by level and sublevel. In addition, a bidder cannot assume that the NJDOC will utilize all contracted beds. Bed utilization is aligned with pricing because when it is lower than the contracted number of beds, it jeopardizes the operational and financial sustainability of a program, as most expenses are fixed—even during census declines. Given there is not a commitment to utilize all contracted beds, Bidders will likely need to assume that a portion of the beds will be vacant, which leads to a higher per diem as expenses are spread over a lower number of beds.
- i. Given the concerns above, please consider the following alternatives to the current Per Diem Rate method.
 - (1) Tiered Pricing: With this structure, Bidders would provide a Per Diem Rate for varying census levels. For illustrative purposes only, please consider a Bidder proposing a varying Per Diem for 1-50 beds, 51-100 beds, and 100-150 beds. In this scenario, if the Per Diems are \$500 for 1-50, \$250 for 51-100, and \$50 for 101-150, and the average census for a 30 day month was 120, the NJDOC would pay a blended rate of \$321.00 The blended rate decreases as the census increases. The calculation of the monthly total would be \$500 for 50 beds, \$250 for 50 beds, and \$50 for the remaining 20 beds $[(50 \times \$500 \times 30 \text{ days}) + (50 \times \$250 \times 30 \text{ days}) + (20 \times \$50 \times 30 \text{ days}) = \$1.2\text{M} / 30 \text{ days} / 120 \text{ beds} = \$321 \text{ blended rate}]$. The first-tier beds would be paid based on available beds (whether occupied or not), whereas all other tiers would be paid only if occupied. This allows Bidders to recover a portion of their fixed costs during periods of prolonged lower census levels; and reduces the cost per inmate to the NJDOC on a blended basis as bed utilization increases. Tiered pricing benefits the NJDOC as the Per Diem decreases once each quantity within a “tier” is satisfied.

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- (2) **Fixed Fee and Per Diem Combination:** This pricing structure combines the characteristics of Fixed Fee and Per Diem payment methodologies. In a combined Fixed Fee and Per Diem structure, the Bidder would receive a Fixed Fee for a minimum number of residential beds (e.g., 80%) to cover fixed facility operating costs (i.e. staffing and real estate related expenses) and a Per Diem would be paid to cover the costs of delivering the additional residential beds (e.g. 20%). This approach is similar to the pricing approach used by the NJSPB for Community Resource Centers. Benefits include: (1) funding is connected to fixed operational costs and limits the risk of census fluctuations to a defined point; and (2) risk to the Contractors is reduced which enables them to offer a lower price when compared to a flat Per Diem.

- (3) **Facility Usage Fee and Per Diem Combination:** With this structure, the NJDOC would pay a set monthly Facility Usage Fee for facility fixed operating costs and pay a low Per Diem to cover the marginal, variable costs (i.e. food and resident expenses) of operating each residential bed. The difference between this structure and the one detailed above is that the NJDOC would pay a Per Diem for all beds utilized in addition to the Facility Usage Fee, whereas in the option above the NJDOC would only pay a Per Diem for any bed utilized above the guaranteed minimum number of beds. Benefits include: (1) allows the Bidder to recover fixed costs regardless of beds utilized while connecting funding to the number of beds utilized and ensuring that the NJDOC does not pay for unused beds; and (2) reduces the cost per resident to the NJDOC on a blended basis, as bed utilization increases.

Answer – The alternate payment calculations proposed above are not accepted.

In response to the concerns noted above in Question 12 regarding the difficulty in preparing Per Diem Rate cost proposals without an estimate of the number of beds to be awarded, Bidders may propose up to three (3) bed proposal scenarios. For each bed proposal scenario, Bidders must submit complete Proposed Per Diem Rate Calculation sheets (Schedules A, B-1, B-2 and B-3) reflecting the proposed number of beds and appropriate staffing and cost allocation plan if other programs are operated at the Facility.

If the Bidder elects to submit up to three (3) Proposed Per Diem Rate Calculations, each with a different bed proposal scenario, each proposed Per Diem Rate will receive a separate score.

The Bidders with the most advantageous combination of technical score, Per Diem Rate and bed scenarios subject to available funding, will be recommended for contract awards.

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Question 13 – (Section I, Part 3: Bid Response Requirement, Number 6, page 28)

“Proposed Facility site plan. If a new location, NJDOC reserves the right to assess the plan appropriateness of the Facility site plan.”

- a. Please specify the type of drawings—created by a licensed architect—that the NJDOC requires a Bidder provide to demonstrate they will comply with Bid No. PSC-2021-Rev requirements promulgated in Section II—6.2 Sleeping Units.
 - i. For example, are dimensioned as-built drawings showing furniture layouts required?
 - ii. If not, please define what the NJDOC expects a Bidder to provide within a site plan.

Answer – The RFP does not require drawings to show compliance with the requirements of sleeping units. The Application for Contractual Services requires signature by the Chief Executive Officer/Executive Director that the information provided in the bid proposal is true and correct. Site visits will be conducted to ensure compliance with the Statement of Work specifications indicated in the bid proposal/Contract. In accordance with RFP Bid No. PCS-2021-Rev Section I, 6.3 RFP and Contract Conditions (9), any Contract resulting from the RFP may be immediately terminated at the sole discretion of the NJDOC if false or misleading information contained in the proposal is discovered after the Contract is awarded.

Question 14 – (Section I, 6.3 RFP and Contract Conditions, page 31)

“A Bidder’s prices shall include the cost of insurance and every other item of allowable expense, direct or indirect, including State sales tax incidental to the bid price. No prices other than those included on the price sheet shall be payable or paid.”

- a. Governor Phil Murphy signed A-15, which increases New Jersey’s minimum wage from \$10.00 per hour in 2019 to \$15.00 per hour by 2024. This impacts the year over year labor costs. If a fixed Per Diem Rate is used over the 3-year contract, Bidders will need to include an average cost of wages. This would result in the NJDOC paying more in year 1 and less in year 3. Considering the lower funding levels for fiscal year 2022, please allow a Bidder to include separate Proposed Per Diem Rates to account for Cost of Living Adjustments (COLA) for each contract year.
- b. As an alternative, please revise Schedule A (Bid No. PCS-2021-Rev) to include a section for Bidders to specify the annual percentage increase to the Per Diem Rate.

Answer – It is acknowledged that the operational costs increase over the term of a Firm-Fixed Price Contract. Bidders should calculate Per Diem Rates that are representative of

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actual costs projected for the duration of the contract term with reserved funds during the lower cost period supporting increased costs during the latter period of the Contract. The Bidder's proposed Per Diem Rate may not be submitted with annualized Cost of Living Adjustments.

Question 15 – (Section I, 6.7 Electronic Question and Answer Period, page 34)

“There will be an electronic question and answer period for this RFP, which will begin from the posting of the RFP on the NJDOC website, www.state.nj.us/corrections, on September 20, 2021, and end at 5:00 p.m. Eastern Daylight Time on September 23, 2021. All questions and answers will be posted on the NJDOC website within 5 business days of the end date for submission of questions.”

- a. In consideration of the accelerated timeline to submit this round of questions, please offer Bidders a second round of questions to respond to and capture any material information that results from the NJDOC's answers to this round of questions.

Answer – A second round of questions is not permitted in this RFP process.

Question 16 – (Section I, 6.8 Bid Response Submission Deadline, page 34)

“All bid responses must be received by the Office of Financial Management, Bureau of Procurement and Contract Management at the address written in Section I, 6.5 Bid Proposal Submission, no later than 12:00 p.m., October 15, 2021.”

- a. Please extend the Bid Response Submission Deadline so Bidders have sufficient time to understand answers to questions, operationally plan to meet the numerous changes promulgated by Bid No. PCS-2021-Rev, and accurately project financials for the new contract years.

Answer – The bid response submission deadline for this RFP is not extended.

Question 17 – (Section II, 6.2 Sleeping Units, page 61)

“Socially distanced sleeping units are a Contract requirement at all times and are not pandemic specific. Bunks must be arranged to provide 6 feet in all directions and arranged so that Inmates sleep head to foot to increase the distance between their faces. All multiple occupancy sleeping units shall contain a minimum of 25 square feet of unencumbered floor space per Inmate. The requested contract capacity of the bid proposal shall not prohibit this requirement from being met.”

- a. There are many requirements in Bid No. PCS-2021-Rev that will increase Per Diem Rates. We recognize the importance of these new requirements, such as the CDC-related social distancing and floor space requirements to keep inmates and

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staff safe. This requirement will significantly decrease the number of beds a Bidder can offer, as most facilities were not designed to accommodate these space requirements at full occupancy. For example, a 300-bed facility that has 6 units with 50 beds in each unit may now only be able to provide a total of 125 beds—yet staffing and the majority of fixed costs would not significantly change. Even though proposed inmate capacity will be significantly reduced, please confirm Bidders are expected to operate Residential Community Release Programs in alignment with these sleeping unit requirements for the entirety of the contract.

Answer – As indicated in RFP Bid No. PCS-2021-Rev Section II (6.2) Sleeping Units, socially distanced sleeping units are a Contract requirement at all times and are not pandemic specific.

- b. Please confirm a Bidder's Per Diem Rates and Per Diem Rate Calculations must account for inmate capacity in alignment with the space requirements for all three years of the contract.

Answer – Per Diem Rates must account for Inmate capacity in alignment with space requirements for the total term of the Contract.

Question 18 – (Section II, 8.7 Substance Use Disorder Prevention, education, Counseling and Supportive Services, page 78)

“The Contractor shall maintain compliance with N.J.A.C. 10:161B (2016) Standards for Licensure of Outpatient Substance Use Disorder Treatment Facilities throughout the duration of the Contract.”

- a. Please confirm Level 1 Facilities are not required to comply with N.J.A.C. 10:161B Standards for Licensure of Outpatient Substance Use Disorder Treatment Facilities.

Answer – As indicated in RFP Bid No. PCS-2021-Rev Section I (1.0) Purpose and Intent, compliance with N.J.A.C. 10:161B (2016) Standards for Licensure of Outpatient Substance Use Disorder Treatment Facilities for licensed outpatient level of care substance use disorder treatment services to Inmates in the Facility is applicable to Correctional Treatment Programs – Level 2A and Specialized Level 2B Facilities and Gender Responsive Programs Serving Female Inmates. Level 1 Facilities are not required to comply with N.J.A.C. 10:161B (2016) Standards for Licensure of Outpatient Substance Use Disorder Treatment Facilities.

Question 19 – (Section III, 1.6 Liquidated Damages, pages 113)

“Staff Vacancies – \$1,000 per calendar quarter
Failure to fill 90% of staff vacancies within 45 days Reviewed Quarterly.”

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- a. RCRP contractors strive to recruit and retain personnel with competitive wages and benefits; however, a national staff shortage resulting from the COVID-19 pandemic has caused vacancy issues. Please grant awarded bidders any of the following exceptions to the aforementioned condition:
 - i. Exemption from staff vacancy penalties until the pandemic constraints subside.
 - ii. Grant lead times greater than 45 days to assess penalties.
 - iii. Remove the liquidated damage related to Staff Vacancies in its entirety.

Answer – The NJDOC recognizes the personnel shortages currently experienced by employers due to the pandemic and understands the great lengths employers are taking to be creative and competitive in their efforts to recruit and maintain personnel. As such, the NJDOC has not imposed liquidated damages during the pandemic for staff vacancies in instances where the Contractor is documenting its detailed approach to recruit personnel for each vacancy listed on the Staff Rosters as instructed in RFP Bid No. PCS 2021-Rev, Section II, 7.16 Staff Rosters. In these instances the Contractors have developed strategies to continue to offer essential services despite staff shortages and the accountability staff to Inmate ratio has been maintained through overtime. However, the NJDOC also recognizes and emphasizes the importance of maintaining the RCRPs’ key decision makers and accountability staff and minimizing the duration of these vacancies in order to maintain the safety of the Inmates and staff.

Question 20 – (Section III, 2.6 State of New Jersey’s Option to Reduce Scope of Work, page 119)

“The NJDOC shall have the option, at its sole discretion to reduce the number of beds or the scope of services provided under this Contract by written notice to the Contractor along with a corresponding reduction in payments to the Contractor. The NJDOC may exercise the option to reduce the number of beds or the scope of services during or as a result of a pandemic. The Contractor shall be permitted to submit a revised staffing pattern, with a reduction in personnel, for approval by the OCP Chief Administration Section.”

- a. Each facility has fixed costs and minimum staffing levels to maintain the safety and security of the facility and its residents. These costs and staffing levels do not change based on bed reductions. In order to allow Contractors to remain financially solvent in the event the NJDOC exercises the option to reduce the Scope of Work, please confirm Contractors will be allowed to negotiate revised Per Diem Rates and Per Diem Rate Calculations for the reduced number of beds or scope of services-given that a Contractor’s pricing is directly tied to the number of beds contracted.

Answer – As indicated in RFP Bid No. PCS-2021-Rev Section I (1.0) Purpose and Intent, the NJDOC will award a two-year, Firm-Fixed Price Contract subject to

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availability of funding and contingent upon annual recertification of the Contractor's program by the NJDOC. As defined in the Request For Proposals Bid No. PCS-2021-Rev Table of Contents, "Firm-Fixed Price Contract" means a firm-fixed price contract that provides for a price that is not subject to any adjustment on the basis of a contractor's cost experience in performing the contract.

Question 21 – (Section III, 5.2 Right to Terminate for Convenience, page 132)

"The Contract may be terminated at the convenience of the NJDOC, upon 60 calendar days' written notice."

- a. Please extend the Right to Terminate for Convenience to the Contractor provided that 60 days of written notice is given and the circumstances of termination are documented.

Answer – The exception request for the NJDOC to extend the Right To Terminate for Convenience to the Contractor as long as 60 days of written notice is provided and the circumstances of termination are documented is not accepted.

Question 22 – (Exhibit E -V. Hospital Care, page 4)

"Contractor will be responsible for negotiating rates and pay for inmates' inpatient hospitalizations at Saint Francis Medical Center if Medicaid is not activated or Medicaid denies payment and at all other hospitals where inmates receive treatment while assigned to the Assessment and Treatment Center."

- a. Please confirm the NJDOC will assume the hospitalization costs of Level 1 inmates after their 24th hour of hospitalization.
 - i. If not, please be aware that this cost will be reflected in the Per Diem Rate.

Answer – The NJDOC will assume the hospitalization costs for Inmate patients who are admitted to the hospital, after their 24th hour of hospitalization. However, if an Inmate patient is not admitted to the hospital and is on observation status, this is considered an outpatient service and the Contractor will assume the cost.

- b. Please specify the timeframe in which the NJDOC will take custody of the Inmate while he is at the hospital.

Answer – NJDOC correctional police officers will be dispatched to assume custody of an Inmate upon RCRP staff notification to the NJDOC Regional Institution Shift Commander and the Office of Community Programs that the Inmate has been admitted. NJDOC will assume custody within a two-hour period.

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Question 23 – (Exhibit E-X. Specialized Services to be Provided, page 9)

“There are currently grants that provide enhanced services that are ultimately the Contractor's responsibility in accordance with the specifications outlined below. Some of the services provided include, but are not limited to, HIV Education Service Programs, pre- and post-test counseling services, supportive services, and discharge planning services. It is understood that any of the services provided by the current, and any future grants, do not remove these responsibilities from the Contractor.”

- a. In the event any current grants expire, please identify who will assume the financial responsibility of those services.
- i. If a Contractor becomes financially responsible for the services that were formerly provided by grants, please confirm a Contractor may separately itemize those costly services and pass-through the expenses to the NJDOC.

Answer – The Contractor will be financially responsible for enhanced HIV services in the event any current grants that provide enhanced services expire and the costs may not be separately itemized and charged to the NJDOC.

Question 24 – (Exhibit E-XIV. Pharmacy Services, page 13)

“The Contractor shall provide medication as ordered or prescribed by a health care provider to all inmates.”

- a. Due to the increasing adoption rates of expensive opioid/MAT medications, please specify if the NJDOC will agree to assume the costs of such medications as a pass-through. A pass-through would allow the provision of a lower Per Diem Rate, as it would be more costly to the NJDOC for the Contractor to project the unknown growth rates in the population as well as the unknown availability of grants to cover these costs over the three (3) year contract term.

Answer – The Contractor will not be authorized to separately bill the NJDOC for the costs of medications provided to Inmates receiving medical care at a Level 1 Facility.

- b. There is concern regarding the Contractors' responsibility for costly biologic medications. Biologics include medications for diabetes such as Dupixent which is over \$3,000 per dose. The CDC states that 13% of US adults had diabetes in 2018. Additionally, a biologic called Humira used for arthritis, plaque psoriasis, Crohn's disease, etc., which is also costly at almost \$4,000 per dose. Please confirm the NJDOC will allow a pass-through for biologic medications due to the uncertainty of anticipated future needs of the residents so the Contractor can reflect a lower Per Diem Rate for all Level 1 beds proposed.

*Questions and references to the RFP pages and section numbers to which the questions relate are presented exactly as submitted by the potential Bidders.

Answer – The Contractor will not be authorized to separately bill the NJDOC for the costs of medications provided to Inmates receiving medical care at a Level 1 Facility.

Question 25 – (Reference Public Notice, page 1)

“Successful applicants will be awarded a two-year contract with a service commencement date of July 1, 2022.”

- a. Please provide clarity on the significant length of time between the Proposal Submission Deadline, Notification of Award, and the Service Commencement Date.

Answer – The anticipated Service Commencement Date is July 1, 2022. The following factors will guide the timeline from Proposal Submission Deadline through Service Commencement Date:

- Evaluation of proposals by the technical evaluation committees consisting of personnel from the NJDOC, other State government departments and agencies, professional organizations, and non-interested parties of non-profit organizations;
- Review of cost proposals for accurate calculations, determination of allowable costs and clear cost-allocation plans (as applicable);
- Request written clarification of Per Diem Cost calculations, as deemed necessary by the NJDOC;
- Request Best and Final Offer(s);
- Conduct site visits to a Bidder’s Facility to verify the physical plant sections of the Bidder’s proposal, as necessary;
- Review period for award recommendations and contract awards; and
- Contractor’s ability to commence services under new guidelines as outlined in RFP Bid No. PCS-2021-Rev.

Question 26 – (Reference Public Notice, page 1)

“The Department’s Fiscal Year 2023 budget request for the appropriation of funds for Residential Community Release Programs will be subject to approval by the Office of Management and Budget and the State Legislature. The final Fiscal Year 2023 appropriation amount will not be known until late June 2022.”

- a. In order to ensure the most sustainable and accurate proposals are submitted to the New Jersey Department of Corrections, please confirm a Bidder can assume similar funding to Fiscal Year 2022 will be available for the ensuing contract term.

Answer – The NJDOC will request funding from the State Legislature for Residential Community Release Programs for State Fiscal Year 2023 that is similar to the State Fiscal Year 2022 appropriation indicated in the Notice of Availability of Funds.

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Question 27 – (Section III, 5.1 Right to Terminate for Cause)

The Contract can be immediately terminated for cause without an opportunity to cure. The term “for cause” shall mean that the Contractor fails to meet one or more of the material terms, conditions and/or responsibilities of the Contract.

Could the DOC provide examples of circumstances in which it would terminate the contract?

Answer – The Contract can be immediately terminated if false or misleading information contained in the Contractor’s proposal is discovered after the Contract is awarded.

Also, as indicated in RFP Bid No. PCS-2021-Rev, Section III, 1.6 Liquidated Damages (F), in lieu of or in addition to liquidated damages, the NJDOC can elect to declare the Contractor in default of the Contract, terminate the Contract for cause, withhold a monthly payment until the deficiency has been corrected to the satisfaction of the NJDOC or exercise any other available remedy. Use of an available remedy to rectify repeated escapes from the same Facility may, either, in the discretion of the NJDOC: (i) be a basis to declare a default of the Contact or (ii) result in NJDOC issuing written mandatory security enhancements, which must be implemented in accordance with the term period set by NJDOC and at full cost to the Contractor.

Question 28 – (Page 1, 1.0 Purpose and Intent, Facility Levels and page 5, 4.1 Residential Community Release Program Structure)

What is the expectation from the DOC pertaining to the co-mingling of male residents assigned to different levels in the same facility (i.e., Level 1, Level 2A, Level 2B, Level 3A, etc.)? Specifically, will co-mingling of the different levels be permitted provided that the population is all male?

Answer – Co-mingling of male Inmates assigned to different RCRPs within the same Facility is not permitted.

Question 29 – (Page 8, Correctional Treatment Programs - Level 2A)

Can residents who have been assigned to Level 2A be reclassified to Level 3A, if re-assessed to show a lower-level risk of recidivism after the completion of treatment?

Answer – Baring any exigent circumstances, an Inmate assigned to a Level 2A Facility may not be reclassified to a Level 3A Facility. After an Inmate completes the treatment phase of the program in a Level 2A Facility, he will transfer to Phase 3 – Educational, Vocational Training, and Work Release with a continued correctional treatment support structure.

*Questions and references to the RFP pages and section numbers to which the questions relate are presented exactly as submitted by the potential Bidders.

Male Inmates who are assigned to a Level 2A Facility Correctional, and enter Phase III upon completion of the treatment phase, could submit an inter-agency transfer request to transfer to a Level 3A Facility contingent upon their conduct. Submission of the Inter-Agency Transfer Request Form is not a guarantee of approval.

Question 30 – (Page 8, Correctional Treatment Programs - Level 2A)

Do residents classified as Level 2A have to be kept separate from other Level 2A residents who are in different phases of the program? For example, can residents in Phase 2-Treatment be housed with residents who are in Phase 3-Work Release?

Answer – Inmates who are in different phases of the same RCRP do not have to be kept separate. It is good practice however, among correctional populations, to have those Inmates who are working separated from other Inmates to reduce the possibility of introduction of contraband that may be obtained during movement in the community.

Question 31 – (RFP Page and Section Number Were Not Referenced by the Bidder)

Can the vendor submit one proposal to operate a single program (i.e., Level 2A) that would be housed in two distinct buildings at the same complex? For example, if the vendor has more than one building located adjacent to each other, can the buildings house a single program with a single Facility Director shared between them?

Answer – Yes, a Bidder may submit one proposal to operate one RCRP that would be housed in two distinct buildings on the same complex with one Facility Director shared between them.

Question 32 – (Page 8, Correctional Treatment Programs - Level 2A)

Is age the sole factor when determining placement in Level 2A versus Level 2B? For example, will all residents between the ages of 18-29 who are assessed to need correctional treatment be referred to Level 2B, while all residents 30+ found to be in need of correctional treatment be referred to Level 2A?

Answer – If a bid response(s) is received and the NJDOC awards a Contract(s) for a Specialized Level 2B Facility, Inmates between the ages of 18-29 would be assigned to a Specialized Level 2B Facility. However, age cannot be the sole factor in assignment to a Level 2A Facility or Specialized Level 2B Facility. The Inmate's release address and keep separate orders are among other factors to consider and could result in the assignment of male Inmates ages 18-29 to a Level 2A Facility.

*Questions and references to the RFP pages and section numbers to which the questions relate are presented exactly as submitted by the potential Bidders.

Question 33 – (Page 11, Specialized Level 3B)

Will residents assigned to Level 3B be referred directly from the Assessment Center based on their intent to enroll in college/vocational training or will they already have been enrolled at the Assessment Center?

Answer – Some Inmates will already be enrolled in college courses upon transfer from a NJDOC correctional facility into an assessment and treatment center. Other Inmates may be considered for assignment to a Level 3B Facility based on their intent to initially enroll or re-enroll in college or a vocational school training program. However, it will not be the role of assessment and treatment center personnel to enroll Inmates in college courses and/or vocational school training.

Question 34 – (Page 11, Specialized Level 3B)

Will residents assigned to Level 3B be transferred from other RCRPs to Level 3B programs after enrollment into college/vocation training has been completed at the original RCRP?

Answer – Inmates assigned to a Level 3B Facility may remain in the Level 3B Facility if they complete college or a vocational school training program or they can request a transfer to another RCRP through submission of an inter-agency transfer request contingent upon their conduct. Submission of the Inter-Agency Transfer Request Form is not a guarantee of approval.

Question 35 – (Page 11, Specialized Level 3B)

Will residents enrolled in school or vocational programs while in Level 2A/Phase 3 have the opportunity to transfer to Level 3B?

Answer – Yes, male Inmates who are assigned to a Level 2A Facility and enter Phase III upon completion of the treatment phase, could submit an inter-agency transfer request, contingent upon their conduct, to a Specialized Level 3B Facility. Submission of the Inter-Agency Transfer Request Form is not a guarantee of approval.

Question 36 – (Page 13, Specialized Level 3C Facilities)

Will residents who are 55+ be referred to Level 2A based on assessment/risk level? Will these residents be considered for advancement to Level 3C after completion of the treatment phase?

Answer – Yes, Male Inmates who are 55+ years of age may be referred to a Level 2A Facility based on assessment/risk level if treatment is evidenced as required or they may be referred to a Specialized Level 3C Facility directly from an assessment and treatment center.

*Questions and references to the RFP pages and section numbers to which the questions relate are presented exactly as submitted by the potential Bidders.

Question 37 – (Page 13, Section 5.1 Number and Type of Program Beds)

Could the DOC provide a breakdown by Facility Level (Level 1, Level 2A, etc.) of the number of beds that are sought to meet the DOC's anticipated needs?

Answer – The NJDOC is not soliciting a specific number of beds by Facility level. The number and program type of male and female beds awarded will be contingent upon the number of proposals received, the type of services proposed to address community re-entry needs and populations to be served, the proposed Per Diem Rates, and evaluation scoring.

Question 38 – (Page 13, Section 5.1 Number and Type of Program Beds)

Could the DOC provide an estimate to the total number of beds it intends to award to better allow vendors to determine pricing?

Answer – The NJDOC is unable to estimate the total number of beds to be awarded as the Bidder's proposed Per Diem Rates are unknown until bid proposal submission. In anticipation of increased Per Diem Rates, the total number of beds awarded through this Request For Proposals (RFP) will be lower than the current 2,073 beds.

The NJDOC cannot predict the number of bid responses that will be received, the proposed number of beds and Per Diem Rates included in those bid responses or the evaluation ranking of bid proposals that is utilized for contract award decisions.

Question 39 – (Part 3: Bid Response Requirements, 2. Business forms to include, page 19 of the RFP)

Please confirm that Chapter 271 Vendor Certification and Political Contribution Disclosure Form is not required to be submitted with this proposal.

Answer – The Chapter 271 Vendor Certification and Political Contribution Disclosure Form is not required and is not included on the Content of Bid Proposal Checklist.

Question 40 – (Page 56, Central Control Room)

If resident medications are secured in the central control booth, are staff permitted to escort residents into the control room for medication purposes (i.e., inject insulin)?

Answer – Inmates who are participating in a RCRP are not permitted to enter a Central Control Room.

*Questions and references to the RFP pages and section numbers to which the questions relate are presented exactly as submitted by the potential Bidders.

Question 41 – (Page 72, 8.8 Medical)

Could the DOC provide specifications as to what will fulfill the requirements for contractors to be equipped as a telemedicine site?

Answer – Contractors must be equipped with a computer that allows for camera and audio capabilities that is set up in a location conducive for private disclosure of medical information.

Question 42 – (Page 89, Section 2, 9.9 Telephone)

Is the expectation that call monitoring and call recording services will be active at all times for Special Investigations Division (SID), or will this be provided as-needed?

Answer – Call monitoring and call recording service shall be available at all times to the Special Investigations Division. Legal calls cannot be monitored or recorded.

Question 43 – (Page 28, Part 3: Bid Response Requirements, Section 7)

Given the short turnaround time for this proposal, are vendors required to send new letters to notify public officials of the proposed programs along with their written response?

Answer – No, if a Bidder submitted a bid proposal in response to RFP Bid No. PCS-2021 in May 2021 and the intended program has not changed, the same letter(s) notifying public officials of the intended program may be submitted with the bid proposal for RFP Bid No. PCS-2021-Rev.

*Questions and references to the RFP pages and section numbers to which the questions relate are presented exactly as submitted by the potential Bidders.