

State of Washington
Department of Social and Health Services
Request for Information #1512-555
Competency Restoration Services for Pretrial Detainees



June 1, 2015

Dear Potential Provider:

The Department of Social and Health Services (the Department), Behavioral Health and Service Integration Administration (BHSIA) of the state of Washington is soliciting information from providers of forensic or other mental health services regarding their capabilities and interest in providing services for pretrial detainees within the state of Washington.

Background

The Department of Social and Health Services is responsible for the provision of certain forensic mental health services (Services) for pretrial detainees within the state of Washington. In the case of *Dusky v. United States*, 362 U.S. 402 (1960), the U.S. Supreme Court articulated the legal standard for competence to stand trial—a defendant must be able to consult with his attorney with a reasonable degree of rational understanding, and demonstrate a rational and factual understanding of the proceedings against him. Washington state law incorporates this standard by providing that incompetency means a person lacks the capacity to understand the nature of the proceedings against him or her or to assist in his or her own defense as a result of mental disease or defect. RCW 10.77.010(15). No incompetent person may be tried, convicted, or sentenced for the commission of an offense so long as such incapacity continues. RCW 10.77.050.

The Department is responsible in this state for services to determine an individual’s competency to stand trial (Competency Evaluation or CE Services) as well as the provision of competency restoration services (Competency Restoration or CR Services) for individuals who have been determined to lack competency to stand trial and who are ordered by the court to undergo such CR Services.

Currently, the majority of CE Services are provided while an individual is incarcerated in a jail setting and the majority of CR Services are provided in the setting of one of two state hospitals (Hospitals) that provide mental health services to persons with significant mental illness. Eastern State Hospital is a 287 bed inpatient psychiatric facility located in Medical Lake, Washington, about twenty miles west of Spokane. Western State Hospital has approximately 700 psychiatric beds and is located in Lakewood, Washington.

On April 2, 2015, the United States District Court for the Western District of Washington (Court) issued a decision and permanent injunction in the case of *Trueblood, et al. vs. Washington State Department of Social and Health Services, et al.*, C14-1178 MJP, ordering that the Department provide CE and CR Services within seven days of a court order requiring that they be provided. The Court has ordered that DSHS achieve compliance with the seven day standard by January 2, 2016.

This Request for Information focuses on the Department's continuing efforts to expand its capacity to provide CR Services. The Department is expanding its internal capacity, including an increase in the number of beds available for the provision of Services within the Hospitals. In addition, the Department seeks to identify potential contractual options that would allow it to provide an additional thirty beds, supplementing the beds available in the Hospitals, for delivery of CR Services. The Department is particularly interested in receiving information that pertains to one or more of the models described below, but also invites the submission of information about other models that may be available. For purposes of these models, CR Services includes both direct clinical services and the managerial and administrative services required to arrange and oversee the CR Services.

For purposes of this RFI, Competency Restoration Services include all services required to house, in a secure setting, individuals referred for the CR Services and to provide clinical behavioral health care services and related administrative and supportive services. Competency Restoration Services include receipt of referrals, arranging for admissions, performance of initial and comprehensive assessments, development of individualized treatment plans, provision of daily restorative and other treatment services including psychological, psychiatric and pharmaceutical care, milieu and behavior management and timely periodic reassessments. Services must include methods for addressing language and other barriers to effective care, planned recreational programming and proactive planning for transitional care of patients who have completed CR Services to prevent decompensation following discharge.

Under Model 1, a contractor would provide CR Services in a secure facility that is owned and operated by the state of Washington and is made available for this purpose. Under this model, the state of Washington will provide all equipment, supplies and services required to operate the facility; for example, custodial, maintenance and food services. A contractor would provide CR Services. Under Model 2, a contractor would provide CR Services in a secure facility owned by the state of Washington. The contractor would be responsible for operating the facility and for providing CR Services. Under Model 3, a contractor would provide CR Services and would also provide the secure facility in which they would be provided. The facility could be a secure health care facility or a jail facility, and the contractor would be responsible for all arrangements required to operate the facility and to provide the CR Services.

Prior to contracting out for services, state law requires the Department to provide notice to employees occupying positions in the classified services that have customarily and historically provided such services where employees' positions may be displaced by a contract. [RCW 41.06.142](#). The Department notified employees by letter dated May 15, 2015 that it is considering contracting out for the CR Services, although we do not expect any current employees to be displaced. Rather, the Department anticipates that the number of state employees providing these Services within the Hospitals will increase as we expand CR Service capacity in the state Hospitals. However, we may still need to supplement the Services provided by state employees through contractual arrangements in order to meet the timelines established by the Court. Depending upon employee response to the May 15 notice, the Department may enter into one or more contracts for the provision of CR Services to supplement the Services provided in the Hospital on or after August 14, 2015.

Request for Information Process

This Request for Information is not a competitive solicitation. Rather, it is intended to obtain information that may assist us in determining the contractual options that may be available as we plan. Participation in this RFI is voluntary and responses are not considered Proposals. This document does not obligate the Department to issue a competitive solicitation, to evaluate the services of any responding organization or to enter into any contract. The Department has not yet determined whether it will issue a competitive solicitation to procure CR Services. The Department reserves the right to explore any and all options for meeting its CR Service needs including, but not limited to, options that are brought to its attention through this RFI. The Department shall not be responsible for any cost that may be incurred by persons responding to this RFI.

Desired Outcomes from this RFI

Your voluntary response to this RFI is important to the Department and will assist us in identifying potential providers and learning about potential contractual solutions to increase CR Service capacity. The information sought includes the identities of interested contractors, the service models they offer, contractor capacities, cost estimates, implementation timelines, and additional information that may be useful for planning purposes. Notice of this RFI is being sent to known potential contractors and will be published on the [procurement page of the Department's website](#) as well as on [Washington's Electronic Business Solution \(WEBS\)](#), the procurement website hosted by the State [Department of Enterprise Services \(DES\)](#). The Department reserves the right to utilize freely any ideas and information received as a result of this RFI in developing potential solutions to the Department's Competency Restoration Service requirements.

Questions and Answers about this RFI

Questions regarding this RFI may be directed via fax, e-mail, or regular mail to the RFI Coordinator listed below. Please provide your questions in writing, rather than verbally, and include the words **RFI #1512-555** in the subject line. Questions will be accepted through June 22, 2015. To the extent possible, answers will be provided at an Information Session to be conducted on June 26, 2015. Additional details concerning this Information Session will be set forth in an Amendment to this RFI that will be posted on or before June 22, 2015. In addition to verbal information provided at the Information Session, questions and answers will be reduced to writing and posted on the Department's procurement website and on WEBS in an Amendment to this RFI on a date following the Information Session.

How to Respond to this RFI

If you are interested in providing information in response to this RFI, please submit a letter of interest together with a completed questionnaire addressing your organization's capabilities and potential approach to providing the CR Services described in this RFI. The questionnaire is appended to this RFI as Attachment 1. Please submit your response so that it is received no later than July 17, 2015. You may email your response, deliver it or send it via regular mail to:

Timothy J. Hunter

State Hospital Forensic Policy and Legislative Administrator

Behavioral Health and Service Integration Administration

Washington State Department of Social and Health Services

4500 10th Avenue S.E., Lacey, WA 98503 (for Responses that are delivered)

P.O. Box 45050, Olympia, WA 98504-5050 (for Responses that are mailed)

huntetj@dshs.wa.gov (for Responses that are emailed; please include **RFI #1512-555** in subject line)

Confidentiality

The Department of Social and Health Services is subject to public records laws and cannot guarantee the confidentiality of responses. Therefore, submission of confidential and proprietary information in response to this RFI is strongly discouraged. To the extent that any information that is submitted is deemed confidential and proprietary by the respondent, each page containing such information must be clearly marked as such. If the Department receives a request to view or copy any response to this RFI, it will respond according to applicable law and policy governing public disclosure. The Department will not disclose any information marked *Confidential and Proprietary* without giving the respondent ten (10) days' notice to seek relief in superior court per RCW 42.56.540. Please refrain from marking your entire response confidential and proprietary.

Timeline and Next Steps

Following a review of the responses it receives, the Department may choose to request additional information from some or all respondents. Should the Department ultimately elect to issue a competitive solicitation to procure CR Services, we will place all responding organizations on the list of potential bidders who will receive notice of any solicitation. If the Department does decide to issue a competitive solicitation document, it would expect to do so in August 2015.

Thank you for your assistance and participation in this Request.

Sincerely,

Jane Beyer

Assistant Secretary

Behavioral Health and Service Integration Administration

Washington State Department of Social and Health Services

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Attachment 1: Respondent Questionnaire

Please provide the following information pertaining to your organization. Please note that upon submission to the Department of Social and Health Services, your response to this Questionnaire will be deemed a public record. While submission of proprietary and confidential information is strongly discouraged, if you do consider specific information to be proprietary and confidential, this information should be clearly and specifically marked as such.

1. Your organization name, address, principal place of business and a point of contact name, phone number, fax number and mailing and e-mail address.
2. Please describe your organization's experience in providing forensic or other related mental health services in an institutional or residential setting, and in particular, in providing Competency Restoration Services within an institutional or residential setting.
3. Please describe the volume and nature of your organization's current contractual commitments to provide forensic or other related mental health services and the number and professional designations of full time employed or contracted providers currently engaged by your organization.
4. Please describe your organization's experience in providing a range of services to support competency restoration including, for example, assessment, therapeutic, educational, supportive and recreational program components.
5. It is likely that a proportion of patients admitted for competency restoration services will have co-occurring psychiatric and substance use issues. It is possible that certain patients will be in the early phases of discontinuance of illicit substances and have a treatment need for brief chemical dependency interventions. Please describe your organization's experience and capacity to provide appropriate services in such cases.
6. Please describe your organization's experience and capabilities to deliver CR Services to individuals from a variety of cultural, educational, and linguistic backgrounds.
7. Please describe your organization's ability to manage infrastructure, budgets, and administrative complexity within its contractual funding allocation.
8. Please describe the strategies used by your organization to achieve cost effectiveness while maintaining and continuously improving program delivery.
9. Please describe your experience with hiring, training and deploying staff under tight timeframes and in competitive behavioral health workforce markets.
10. Please describe the services your organization would be interested in and capable of providing in response to the needs identified in this RFI, either through services provided directly by your organization or through a combination of direct services and subcontracting. Please identify which model or models, as described in this RFI, your

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organization is interested in and may be capable of fulfilling. If applicable, please provide the details of any alternative service delivery model your organization offers that you believe DSHS should consider.

11. Please note that this question seeks a voluntary, non-binding estimate. Please provide a summary of the types and estimated amounts of start-up costs you anticipate your organization would incur in providing facility based CR Services with an average occupancy of thirty (30) beds, and an estimated first year budget that is in addition to these costs. Please include your assumptions; e.g., the service delivery model, the types of costs you would expect DSHS to absorb, in addition to the amounts that would be paid to you under a potential contract.
12. Please provide any comments you believe DSHS should consider in formulating a possible contractual approach to quickly increase capacity for facility based competency restoration services for detainees within the State of Washington.