

RFP #32901-31342 Attachment Four: Liquidated Damages

<p>Liquidated Damages Event <i>Enter event giving rise to the liquidated damages (attach contract and include contract section references to describe Contractor's required activity or deliverable as applicable)</i></p>	<p>Liquidated Damages Amount <i>Enter assessed monetary amount if the Liquidated Damages Event occurs (e.g., one thousand dollars (\$1,000.00) for each day beyond the deadline that any service deliverable is not completed).</i></p>	<p>Method used to estimate the Liquidated Damages Amount <i>Explain how the liquidated damages amount was selected. Reminder: assessment amounts should be a reasonable estimate of the damages that would occur from the Liquidated Damages Event.</i></p>
<p>Policies and Procedures – Contractor failure to develop and submit an Operations Manual for review and written approval, to the State, on or before June 30th of each year that contains all relevant policies and procedures applicable to the operation of the facility.</p>	<p>Two hundred dollars (\$200.00) per noncompliant Operations Manual.</p>	<p>This amount has been figured based on the average hourly salary of an Assistant Commissioner times the number of hours anticipated to be involved in developing an Operations Manual with State SMEs and the vendor.</p> <p>\$80/hour X 3 hours of meal service = \$240.</p>
<p>Staffing Background Checks – Contractor failure to conduct background investigations on staff hired to work at the facility</p>	<p>Seventy-five dollars (\$75.00) per noncompliant background investigation.</p>	<p>This amount has been figured based on the average cost of a background check ranging from \$20 to \$150.</p>
<p>Staffing Plans– Contractor failure to submit staffing plans.</p> <p>Contractor failure to maintain the required level of staff and service during staff vacation, sick leave, and other absences.</p>	<p>One hundred fifty dollars (\$150.00) per occurrence.</p>	<p>This amount has been figured based on the average hourly salary of the TDOC Program Director 2 times the number of hours anticipated they would be involved to develop a staffing pattern and/or mitigation staff deficiencies with the vendor.</p> <p>\$20/hour X 7.5 hours = \$150.</p> <p>If the vendor does not complete a staffing pattern and/or does not account for staffing during absences, the Program Director 2 overseeing the contract will visit the site to accurately assess the situation and make</p>

RFP #32901-31342 Attachment Four: Liquidated Damages

		decisions on how to resolve the staffing issues. Since this is in Chattanooga and the Program Director 2 is in Nashville, it has been calculated it would take no less than a day.
<p>Staffing Vacancies – Contractor failure to fill vacancies for program staff positions within forty-five (45) business days.</p>	Amounts for vacancies not filled within forty-five (45) calendar days will be based on salaries, plus benefits, for each vacant position.	This amount will be determined by the salary, plus benefits for the position. This amount is typically offset by the amount of overtime paid by the Contractor.
<p>Credentialing – Contractor failure to ensure staff possess the proper license and credentials as required by the State of Tennessee licensing and health boards and are kept on file on-site.</p>	Five hundred dollars (\$500.00) per noncompliant license, certificate, or registration.	This amount has been figured based on the fines imposed by TDOH, Chapter 0880-2. Failure to maintain proper licensure, certification, or registration is considered a Class A Civil Penalty ranging from \$500.00 to \$1,000.00. Additionally, fees to obtain certain licensures, etc. can average \$510.00.
<p>Offender Placement – Contractor failure to only accept offenders that have been referred and placed by the State.</p> <p>Contractor failure to ensure sex offenders are excluded from placement.</p> <p>Contractor failure to only house offenders for up to twelve (12) months or by the length of stay as dictated by the State.</p>	One thousand dollars (\$1,000.00) per occurrence.	<p>This amount has been figured based on the average daily cost of a residential treatment center being \$1,500 to \$2,000 per month.</p> <p>If the Contractor accepts another program participant without the State's approval or allows an offender to stay over the allotted amount of time, the State would like to reserve the right to charge for each month the Contractor was paid while providing services to the unapproved offender.</p>
<p>Resident Service Requirements – Contractor failure to develop and submit a Resident Handbook for review and written approval, by the State, on or before June 30th of each year.</p>	Fifty dollars (\$50.00) per occurrence.	<p>This amount has been figured based on the average hourly salary of a Case Manager times the average number of hours required for orientation and inventory to take place.</p> <p>\$20/hour X 3 hours = \$60</p>

RFP #32901-31342 Attachment Four: Liquidated Damages

<p>Contractor failure to ensure each offender receives orientation within seven (7) days of arrival.</p> <p>Contractor failure to document the orientation and receive written acknowledgment the offender received such orientation and maintain records of orientation for each offender.</p> <p>Contractor failure to take an initial inventory of the offender's personal possessions at the time of arrival.</p> <p>Contractor failure to document changes in offender possessions on a personal inventory log.</p>		<p>Orientation allows the offender to ask any questions or voice concerns to the Case Manager about the facility.</p> <p>Additionally, taking inventory of the offender's possessions and logging them ensures that any missing, stolen, or damaged property can be accounted for and replaced in accordance with TDOC Policy.</p>
<p>Program Requirements –</p> <p>Contractor failure to provide Trauma Resolution groups twice per week.</p> <p>Contractor failure to provide life skills group twice per week for Phase 2 participants.</p> <p>Contractor failure to provide Family Reunification groups one per week for Phase 3 participants.</p> <p>Contractor failure to provide Transition Planning groups once per week.</p> <p>Contractor failure to maintain program files for each participant.</p>	<p>Four hundred dollars (\$400.00) per occurrence.</p>	<p>This amount has been figured based on the average daily salary of a Case Manager times the number of minimum business days per week the Contractor must provide services.</p> <p>\$160/day X 3 hours = \$480</p> <p>If these groups are not provided to the offenders, the purpose and effectiveness of their treatment significantly reduces. Maintaining a schedule of group sessions offenders can attend.</p> <p>Maintaining program files for monitoring progress is required by the State to measure progress and participation of the offender.</p>

RFP #32901-31342 Attachment Four: Liquidated Damages

<p>Contractor failure to establish 12-step Substance Use support group meetings on-site.</p>		
<p>Security – Contractor failure to take a physical count of offenders at curfew each night.</p> <p>Contractor failure to report absconders to the State, including the assigned supervising officer within twenty-four (24) hours.</p> <p>Contractor failure to establish daily sign-in and sign-out procedures for all times the offender will be absent from the treatment facility.</p>	<p>One thousand dollars (\$1,000.00) per occurrence.</p>	<p>This amount has been figured based on the average hourly salary of an Assistant Commissioner times the 1 day allowance for reporting allowed.</p> <p>\$80/hour X 24 hours = \$1,920.</p> <p>If an offender absconds and the State is not notified or after the allowed amount of time, the State uses more resources to locate the offender. The Assistant Commissioner involved will have to make notifications to local law enforcement officers for assistance in locating the offender, create reports for the Commissioner and Governor to discuss apprehension efforts.</p>
<p>Medical Services – Contractor failure to maintain first aid kits for offenders to access.</p> <p>Contractor failure to secure an on-call physician through an approved subcontract or written agreement for offenders to access.</p>	<p>Three hundred dollars (\$300.00) per occurrence.</p>	<p>This amount has been figured based on the average cost of a visit with a physician being between \$300 and \$600.</p> <p>Contractor failure to secure a physician will require the State to transport and provide medical services to the offender. First aid kits being provided allow offenders to treat minor injuries prior to the injury escalating to the need of a physician's intervention.</p>
<p>Food Services – Contractor failure to prepare menus and post them in a conspicuous place for offenders.</p>	<p>Fifty dollars (\$50.00) per occurrence.</p>	<p>This amount has been figured based on the average hourly salary of a Dietician times the number of hours for each meal service.</p>

RFP #32901-31342 Attachment Four: Liquidated Damages

		<p>\$35/hour X 2 hours of meal services = \$70.</p> <p>Preparing menus and providing those to offenders is essential to meet dietary needs or restrictions prior to the meal service.</p>
<p>Drug Testing and Breath Analysis – Contractor failure to conduct monthly drug screens on each offender in the program.</p> <p>Contractor failure to maintain drug testing logs.</p> <p>Contractor failure to contact assigned PPO immediately for any positive drug screen notifications received.</p>	<p>One hundred dollars (\$100.00) per occurrence.</p>	<p>This amount has been figured based on the average cost of a drug and alcohol tests ranging from \$85 to \$120.</p> <p>Drug and alcohol testing allows the Contractor and the PPO to properly monitor drug and alcohol use of the offender, mitigate the risks of offender use, and allows the State to make determinations regarding the continued placement of the offender in the program.</p>
<p>Grievances – Contractor failure to review, resolve, document, and maintain resolutions to grievances at the facility.</p> <p>Contractor failure to refer Title VI complaints/grievances to the State's Title VI Coordinator.</p>	<p>Two hundred dollars (\$200.00) per occurrence.</p>	<p>This amount has been figured based on the average daily salary of the State's Title VI Coordinator.</p> <p>Failure to acknowledge or resolve Title VI complaints/ grievances puts the Contractor and State at risk for legal action taken by the offender, loss of funding, and/or enhanced monitoring by the Department of Justice.</p>
<p>Reports – Contractor failure to submit quarterly reports to the State on the 10th day following the end of the quarterly reporting month, to include all subject matter required to be reported.</p> <p>Contractor failure provide a written, quarterly report detailing the number of vacancies and the length of each vacancy.</p>	<p>One hundred fifty dollars (\$150.00) per occurrence.</p>	<p>This amount has been figured based on the average hourly salary of the TDOC Program Director 2 times the number of hours anticipated they would be involved to collect the data required by the Contractor to report to the State.</p> <p>\$20/hour X 7.5 hours = \$150.</p>

RFP #32901-31342 Attachment Four: Liquidated Damages

<p>Contractor failure to provide written quarterly updates on the status of beds utilized to the State.</p> <p>Contractor failure to submit a cumulative report on or before June 30th of each year.</p> <p>Contractor failure to complete and present an annual report of utilization statistics and a narrative summarizing any accomplishments, barriers to improvement, and recommendations by the end of the fiscal year.</p>		<p>If the vendor does not complete the required reporting, the Program Director 2 overseeing the contract will visit the site to accurately collect data and make the necessary recommendations/ report for the Assistant Commissioner to review. Since this is in Chattanooga and the Program Director 2 is in Nashville, it has been calculated it would take no less than a day.</p>
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