



Alamance County High Impact Opioid Abatement Strategies
RFA #1 Opioid Settlement

Proposal # 2024-01

REQUEST FOR APPLICATIONS (RFA)

2024 Alamance County High Impact Opioid Abatement Strategies

RFA #1: Opioid Settlement

Date of Issue: March 20th, 2024

Bidders' Conference Webinar date:	March 27 th at 1 PM (EST)
Webinar link:	https://zoom.us/j/5685448573?omn=93284165999
Questions due date:	April 12 th at 5 PM (EST)
Proposal due date:	May 1 st at 5 PM(EST)

READ, REVIEW AND COMPLY: It shall be the applicant's responsibility to read this entire document, review all enclosures and attachments, and any addenda thereto, and comply with all requirements specified herein. Proposals shall be submitted in accordance with the terms and conditions of this RFA and any addenda issued hereto.

Direct all inquiries concerning this RFA to:

OpioidRFA@alamancecountync.gov

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SECTION 1: BACKGROUND & STRATEGY INFORMATION

1.1. Background and Purpose

In 2017, Governor Roy Cooper launched the North Carolina (NC) Opioid Action Plan, which was updated as the NC Opioid Action Plan 2.0 in June 2019. The NC Opioid Action Plan advances various strategies for overdose prevention and response, including prevention, connections to care, and harm reduction. In May 2021, the plan was updated again to become NC's [Opioid and Substance Use Action Plan 3.0 \(OSUAP\)](#). The latest update includes a broader focus on polysubstance use as well as centering on equity and lived experiences.

In July 2021, NC Attorney General Josh Stein announced multiple national settlement agreements with companies engaged in the manufacturing, distribution, and dispensing of opioids. These history-making agreements will bring much needed resources to communities impacted by the opioid overdose epidemic. The allocation, use, and reporting of funds stemming from these national settlement agreements and bankruptcy resolutions ("Opioid Settlement Funds") are governed by the Memorandum of Agreement Between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation ([NC MOA](#)) and the Supplemental Agreement for Additional Funds from Additional Settlements of Opioid Litigation (SAAF). The NC MOA allocates 15 percent of settlement funds to the State and sends the remaining 85 percent to NC's 100 counties and 17 municipalities.

The resulting funds from the national settlements will be welcome relief for the opioid crisis currently facing Alamance County. In 2022, the overdose death rate in Alamance County was 32.4 out of 100,000 people. This represents **55** deaths of Alamance County residents from opioid overdose that year.¹ For every death, there are even more non-fatal overdoses. While not all opioid overdoses are captured, in 2022 there was a recorded 284 emergency department visits by Alamance County residents from opioid overdoses, representing a rate of 167.5 out of 100,000 people in Alamance County.²

The purpose of this RFA is to fund eligible organizations to implement evidence-based, high-impact strategies to address the opioid overdose epidemic in Alamance County North Carolina. In addition, this RFA builds capacity and local infrastructure to respond to the overdose crisis in Alamance County, North Carolina. The goals of the RFA are to:

1. Enhance community efforts to develop and/or expand evidence-based programs and resources to address opioid use disorder.
2. Build capacity and infrastructure to prevent fatal and non-fatal overdoses in Alamance County and measure the impact of these programs.
3. Reduce overdose deaths and emergency department visits in Alamance County.
4. Strengthen community partnerships to improve access to care related to opioid use disorder.

As a result of the opioid settlements, Alamance County government is set to receive **\$16,105,082** in installments over an 18-year period. Before spending settlement funds, every local county or municipality must first select which opioid mitigation strategies they would like to fund.

Under [Option A of the MOA](#), a local government may fund one or more strategies from a shorter list of high-impact strategies to address the epidemic. The strategies laid out in Option A are:

1. Collaborative strategic planning
2. Evidence-based addiction treatment
3. Recovery support services
4. Recovery housing support

¹ <https://www.ncdhhs.gov/opioid-and-substance-use-action-plan-data-dashboard>

² Ibid.

- | | |
|--------------------------------|--------------------------------------------------|
| 5. Employment-related services | 9. Syringe service programs |
| 6. Early intervention | 10. Criminal justice diversion programs |
| 7. Naloxone distribution | 11. Addiction treatment for incarcerated persons |
| 8. Post-overdose response team | 12. Reentry programs |

1.2. Strategy Information

In March, the Alamance County Commissioners approved the utilization of \$1,589,000 to fund two years' worth of projects that align with the Option A Strategies listed below. Each strategy has been authorized a specific amount that is listed beside the strategy number. Applicants must select from this list of strategies for their proposed project.

- 2. Evidence-Based Addiction Treatment (\$600,000)** – Develop or ensure access to evidence-based addiction treatment consistent with the [American Society of Addiction Medicine’s National Practice Guideline for the Treatment of Opioid Use Disorder](#). This includes Medication-Assisted Treatment (MAT) with any medication approved for this purpose by the U.S. Food and Drug Administration, through Opioid Treatment Programs, qualified providers of Office-Based Opioid Treatment, Federally Qualified Health Centers, treatment offered in conjunction with justice system programs, or other community-based programs offering evidence-based addiction treatment.

The following list of examples represents the type of eligible activities that could be included in your application and some guiding questions to consider when developing your application. Other related activities consistent with the NC MOA may also be proposed in your application.

- a. Provide clinical assessment to determine opioid use disorder or other diagnosis and appropriate care, including medications for opioid use disorder (OUD) to improve health outcomes.
 - i. How will the referral process work? Describe how referrals to harm reduction services, Substance Use Disorder or Mental Health (SUD/MH) providers (including MOUD/MAT options), and other services will be made. Be sure to include names and contact information of these services/providers.
 - ii. How will your team ensure that treatment options and referrals are being presented to people in an unbiased, non-coercive, and nonjudgmental way?
 - b. Ensure access to prescribed medications through patient assistance programs, community partnerships, etc.
 - c. Provide peer support services as appropriate to aid patients’ recovery.
- 3. Recovery Support Services (\$500,000)**– Build or expand evidence-based recovery support services, including peer support specialists or care navigators based in local health departments, social service offices, detention facilities, community-based organizations, or other settings that support people in treatment or recovery, or people who use drugs, in accessing addiction treatment, recovery support, harm reduction services, primary healthcare, or other services or supports they need to improve their health or well-being.

The following list represents the type of eligible activities that could be included in your application; related activities consistent with the NC MOA may also be proposed in your application:

- a. Hire recovery coaches, peer support specialists, outreach workers, care coordinators, health educators, and/or social workers to provide support to people in recovery.
 - b. Provide training to staff to strengthen skills and expand harm reduction and recovery support services (e.g., motivational interviewing, wellness recovery action planning, naloxone training, successful engagement documentation, certification programs for peer support specialists).
 - c. Utilize recovery capital assessment tools (for example, the [Multidimensional Inventory of Recovery Capital](#)) to assist participants in identifying assets to build on and measure growth.
 - i. What recovery capital does the individual have at initial engagement? What goals does the individual have for themselves to expand their recovery capital?
 - ii. How will you use tools to evaluate growth over time?
 - d. Develop recovery support groups for people with opioid use disorder and loved ones directly impacted (e.g., Moderation-based support groups like *Harm Reduction Works; Narcotics Anonymous, Parents of Addicted Loved Ones, Medication Assisted Recovery Anonymous*).
 - e. Develop processes and infrastructure to provide additional referral services, such as connections to communicable disease treatment providers, MAT providers, housing, transportation, employment, wound care, food, legal services, recovery, and related care services. Utilize [NCCARE360](#) to connect individuals to support resources and allow for a feedback loop on the outcome of that connection.
- 4. Recovery Housing Support (\$224,000)** – Fund programs offering recovery housing support to people in treatment or recovery, or people who use drugs, such as assistance with rent, move-in deposits, or utilities; or fund recovery housing programs that provide housing to individuals receiving Medication-Assisted Treatment for opioid use disorder.

We recommend connecting with your local [Continuum of Care](#) to support this work. Continuums of Care oversee coordinated entry to homelessness prevention and US. Department of Housing and Urban Development-funded housing and wraparound services.

The following list represents the type of eligible activities that could be included in your application; related activities consistent with the NC MOA may also be proposed in your application:

- a. Provide move-in (deposit), rental, or utility assistance for those who use drugs, are in recovery, or are transitioning from residential treatment or out of homelessness.
 - b. Fund recovery housing programs that provide housing to individuals receiving medications for opioid use disorder.
 - c. Utilize [NCCARE360](#) to connect participants to community housing resources and allow for a feedback loop on the outcome of that connection.
- 6. Early Intervention (\$125,000)** – Fund programs, services, or training to encourage early identification and intervention for children or adolescents who may be struggling with problematic use of drugs or mental health conditions, including Youth Mental Health First Aid, peer-based programs, or similar approaches. Training programs may target parents, family members, caregivers, teachers, school staff, peers, neighbors, health or human services professionals, or others in contact with children or adolescents.

The following list represents the type of eligible activities that could be included in your application; related activities consistent with the NC MOA may also be proposed in your application:

- a. Implement use of evidence-based screening tools for youth to identify risk of developing opioid use disorder and link those youth at risk to appropriate services (e.g., *Screening to Brief Intervention; Brief Screener for Alcohol, Tobacco, and other Drugs; Alcohol Screening and Brief Intervention for Youth*).
 - i. Develop protocol for linking youth to appropriate MH/OD services as needed
 - ii. Connect youth to peer support groups that strengthen recovery
 - iii. Connect families to support groups to enable strong support of their children who may be struggling
- b. Provide training for parents, caregivers, school staff, peers, human service professionals, etc. in early identification of opioid use disorder and mental health disorders (e.g., *Youth Mental Health First Aid*).
- c. Provide evidence-based programs that strengthen families and communities to enhance support of youth (e.g., *Strengthening Families*).
- d. Engage in trauma-informed trainings and improve programs focused on youth and adolescents to be more trauma-informed

- 12. Reentry Programs \$140,000**– Support programs that connect incarcerated persons to addiction treatment, recovery support, harm reduction services, primary healthcare, or other services or supports they need upon release from jail or prison, or that provide any of these services or supports.

The following list represents the type of eligible activities that could be included in your application; related activities consistent with the NC MOA may also be proposed in your application:

- a. Provide culturally competent, person-centered services capable of addressing the complex needs of people returning to their communities after incarceration in institutional prisons or detention centers.
- b. Develop a relationship with the Department of Public Safety and local detention center to coordinate warm handoffs of care from incarceration to services in the community.
- c. Hire a community health worker, linkage-to-care navigator, clinical social worker, and/or forensic peer support specialist to assist legal system involved individuals to create comprehensive reentry plans and provide ongoing support.
 - i. Assist individuals with securing identification, connecting to social and health services (housing, transportation, employment), navigating the court system, and other related supports that reduce the likelihood of a drug overdose.
- d. Provide training and skills that build opportunities for people who were recently incarcerated, focusing on topics such as resume writing, practicing interview skills, or how to address incarceration during the interview process.
- e. Support people who were recently incarcerated to pursue education and job opportunities. Some examples of this include providing case management support, helping place job seekers with apprenticeship and internship opportunities, and hosting education and employment fairs for people with a history of incarceration. Consider opportunities for peer-based mentoring and case management.

- f. Establish reentry programs to link or refer people to care services once released from incarceration and provide care service referrals, focusing on individuals with opioid use disorder.
- g. Educate incarcerated people and their loved ones on harm reduction strategies before release, including but not limited to training on overdose prevention planning and on overdose recognition and response with naloxone.
- h. Develop a program for take-home naloxone distribution for people upon release.

1.3. Additional Resources

The following resources may also be helpful as you plan your project and develop your application:

- **CORE-NC: Community Opioid Resources Engine for North Carolina:**
<https://ncopioidsettlement.org>
- **North Carolina Memorandum of Agreement Resource Center:**
<https://www.morepowerfulnc.org/opioid-settlements/nc-memorandum-of-agreement> (please take a close look at the ‘Full Text of the NC MOA’, ‘FAQ about the NC MOA’, and ‘FAQ about Option A Strategies in the MOA’)
- **North Carolina Opioid and Substance Use Action Plan Dashboard:**
<https://www.ncdhhs.gov/opioid-and-substance-use-action-plan-data-dashboard>

SECTION 2: RFA & PROGRAM REQUIREMENTS

2.1. Eligibility

Proposals will be accepted from nonprofit organizations, governmental agencies, hospital systems, and private behavioral health and mental health providers (including providers of Office-Based Opioid Treatment and Opioid Treatment Providers), Federal Qualified Health Centers, colleges and universities, K-12 schools, and other community-based organizations that are licensed to conduct business in North Carolina. Proof of nonprofit status is required for entities applying as a non-profit. Applicants must clearly demonstrate experience working with individuals with opioid use disorder and a commitment to evidence-based strategies addressing opioid use disorder.

Applicants may be individual organizations or a partnership/collaboration of multiple organizations, one of which must serve as the fiscal agent or the organization that will take total responsibility of the fiscal and grant-related requirements.

2.2. RFA Terms and Conditions

1. RFA Review and Compliance

It shall be the applicant's responsibility to read the instructions, Alamance County's terms and conditions, all relevant exhibits and attachments, and any other components made a part of this RFA, and comply with all requirements and specifications herein. Applicants also are responsible for obtaining and complying with all Addenda and other changes that may be issued in connection with this RFA.

Awarded organizations must comply with all provisions of the funding [North Carolina MOA](#), including financial and impact reporting, and expenditure tracking and monitoring including costs incurred no earlier than the beginning of the contract period.

2. Award or Rejection

All qualified applications will be evaluated and awards made to the agency/ies or organization(s) whose combination of budget and service capabilities are deemed to be in the best interest of the funding agency. The Alamance County Board of Commissioners reserves the unqualified right to reject any or all offers determined not to be in the local government's best interest. Successful applicants will be notified by **June 18th, 2024**.

3. Cost of Application Preparation

Any costs incurred by an organization in preparing or submitting an application are the sole responsibility of the applying agency or organization. Alamance County will not reimburse any agency or organization for any pre-award costs incurred.

4. Elaborate Applications

Applicants are encouraged to provide sufficient documentation to support its proposal. However, elaborate applications in the form of brochures or other presentations beyond that necessary to present a complete and effective application are not desired. No materials other than those described in *Section 3: Application and Selection Processes* of this RFA will be reviewed.

5. Non-Collusion

By executing and submitting their proposal, the Applicant certifies that this application is made without reference to any other application and without any agreement, understanding, collusion or combination with any other person in reference to such proposal.

6. Oral Explanations

Alamance County will not be bound by oral explanations or instructions given at any time during the competitive process or after awarding the grant.

7. Reference to Other Data

Only information that is received in response to this RFA will be evaluated; information previously submitted will not be reviewed.

8. Questions

Questions or issues regarding any term, condition, or other component within this RFA must be submitted as questions in accordance with the instructions in *Section 3: Application and Selection Processes* of this RFA. Applicant's proposal shall constitute a firm offer.

9. Exceptions

If an applicant desires modification of the terms and conditions of this solicitation, it is urged and cautioned to inquire during the question period, in accordance with the instructions in this RFA, about whether specific language proposed as a modification is acceptable or will be considered by Alamance County. It is Alamance County's sole discretion to accept or reject requested modifications and/or exceptions as an Addendum to this RFA package.

All applications are subject to the terms and conditions of this RFA, including all Addenda. All submitted applications will be controlled by such terms and conditions. The attachment of other terms and conditions by any agency or organization may be grounds for rejection of that agency's or organization's application. Funded agencies and organizations will specifically agree to the conditions set forth in the *Performance Agreement* (contract).

10. Right to Submitted Material

All responses, inquiries, or correspondence relating to or in reference to the RFA, and all other reports, charts, displays, schedules, exhibits, and other documentation submitted by the agency or organization will become the property of the funding agency when received.

11. Competitive Offer

Pursuant to the provision of [G.S. 143-54](#), and under penalty of perjury, the signer of any application submitted in response to this RFA thereby certifies that this application has not been arrived at collusively or otherwise in violation of either Federal or North Carolina antitrust laws.

12. Subcontracting

Agencies and organizations may propose to subcontract portions of work provided that their applications clearly indicate the scope of the work to be subcontracted, and to whom. All information required about the prime subrecipient is also required for each proposed secondary subcontractor. Agencies and organizations shall also ensure that subcontractors are not on the state's [Suspension of Funding List](#).

13. Proprietary Information

Trade secrets or similar proprietary data which the agency or organization does not wish disclosed to other than personnel involved in the evaluation will be kept confidential, to the extent permitted by State law, if identified as follows: Each page shall be identified in boldface at the top and bottom as “CONFIDENTIAL.” Any section of the application that is to remain confidential shall also be so marked in boldface on the title page of that section. An applicant may not mark the entire application as “CONFIDENTIAL.”

14. Minority Participation

Pursuant to N.C.G.S. 143-48, 143-128.4 and Executive Order #13, Alamance County invites and encourages participation in this Request for Applications by businesses owned by minorities, women, disabled, disabled business enterprises, and non-profit work centers for the blind and severely disabled. Additional information may be found at <http://www.doa.nc.gov/hub>.

15. Registration with Secretary of State

Private, non-profit applicants must be registered with the North Carolina Secretary of State to do business in North Carolina or be willing to complete the registration process in conjunction with the execution of the contract documents. (Refer to: https://www.sosnc.gov/divisions/business_registration)

16. Contract

The County will issue a contract to the successful recipient(s) of the Opioid Settlement funding for specific services to be provided. Expenditures cannot begin until the County’s receipt of a completely signed contract.

17. Assurances

The contract may include assurances that the successful applicant would be required to execute prior to receiving a contract as well as when signing the contract.

18. Additional Legal Provisions

Additional legal provisions are listed in Section 4.1. Additional Legal Provisions. All provisions listed in this section apply to this RFA.

2.3. Scope of Services

2.3.1. Eligible Option A Strategies

In alignment with guidelines set by the NC MOA, Alamance County will consider funding qualified organizations to implement the following Option A strategies:

2. Evidence-based addiction treatment
3. Recovery support services
4. Recovery housing support
6. Early intervention
12. Reentry programs

Descriptions and non-exhaustive examples of allowable activities for each strategy option are detailed in *Section 1.2: Strategy Information*.

Applicants may apply to support more than one evidence-based strategy. **A separate proposal application is required for each Option A strategy.** Each application will have the same page limits and submission instructions as detailed in *Section 3: Application & Selection Processes*. Multiple proposal applications from a single applicant do not have to be connected to the same project or strategy. Each application will be reviewed independently.

Applicants may propose one or a combination of eligible activities or programs within a single strategy. Selecting more than one activity does not increase the likelihood that the application will score higher than those who select only one. **Proposals should be focused, realistic, well-planned, detailed, and include planning for sustainability beyond the project period.**

2.3.2. Programmatic Requirements

Funded projects must:

1. Meet a public purpose and fall within Alamance County authority to fund per NC General Statutes, to be affirmed and reviewed by the Alamance County Legal Department prior to execution of a contract or funding agreement;
2. Identify and directly address a need related to reducing opioid overdoses and related deaths through treatment, recovery, harm reduction, and other life-saving programs;
3. Directly address health inequities, social drivers/determinants of health, and support equitable outcomes for the most impacted populations:
 - a. **“Health inequities** are systematic differences in the health status of different population groups. These inequities have significant social and economic costs both to individuals and societies.”³
 - b. **Social drivers/determinants of health** are “the conditions in the environments where people are born, live, learn, work, play, worship, and age that affect a wide range of health, functioning, and quality-of-life outcomes and risks.” Example domains include economic stability, education access and quality, health care access and quality, neighborhood and built environments, and social and community contexts;⁴

³ <https://www.who.int/news-room/facts-in-pictures/detail/health-inequities-and-their-causes>

⁴ <https://health.gov/healthypeople/priority-areas/social-determinants-health>

4. Clearly describe specific plans to incorporate equity throughout the program, such as defining a role and fair compensation strategy for people with lived experience for each selected strategy;
5. Provide a plan to incorporate feedback from program participants to inform program delivery of the selected activity;
6. Utilize evidence-based practices;
7. Have at least one year of experience and demonstrated success of providing the type of proposed services;
8. Make best use of County resources;
9. Serve the residents of Alamance County;
10. Proposals must be not greater than 2-year projects;
11. A representative of funded agency(ies) must attend monthly meetings with the representative of the Alamance County Public Health Department to discuss the progress and data collection for their approved projects.

2.4. Monitoring and Reporting Requirements

2.4.1. Audit Requirements

Funds received through the National Opioid Settlements are not considered to be either federal or state financial assistance. However, as noted in the NC MOA, these funds are subject to G.S. Chapter 159, Article 3, the Local Government Budget and Fiscal Control Act (LGBFCA) and are subject to the audit requirements found in G.S. 159-34. Expenditures incurred are also subject to State Single Audit requirements. In accordance with the MOA, for expenditures for which no compliance audit is required under the Federal Single Audit Act of 1984, a compliance audit shall be required under a compliance supplement approved by the coordination group.

Please be advised that successful applicants may be required to have an audit in accordance with G.S. 143C-6-22 and G.S. 143C-6-23 as applicable to the agency's status. It is the responsibility of each applicant agency to determine and comply with all audit requirements.

G.S. 143C-6-23 requires every nongovernmental entity that receives State or Federal passthrough grant funds directly from a state agency to file annual reports on how those grant funds were used. There are 3 reporting levels which are determined by the total direct grant receipts from all State agencies in the entity's fiscal year:

Level 1: Less than \$25,000

Level 2: At least \$25,000 but less than \$500,000

Level 3: \$500,000 or more

Level 3 grantees are required to submit a "Yellow Book" Audit done by a CPA. Only Level 3 grantees may include audit expenses in the program budget. Audit expenses should be prorated based on the ratio of the opioid abatement grant to the total revenues received by the entity.

All grantees must maintain, for a period of at least five years, records of opioid abatement fund expenditures and documents underlying those expenditures, so that it can be verified that funds are being or have been utilized in a consistent manner.

2.4.2. Performance Reporting

Alamance County is responsible to the State of North Carolina for reporting and audit requirements for all uses of Opioid Settlement grant funds which it has received. To ensure that the County has all supporting documentation

for eligible disbursements, supporting documentation must be submitted with any request to the County for Opioid Settlement grant funds. Subrecipients must submit actual invoices to the County to receive reimbursement. For salary reimbursement, payroll records must be provided in support of the time charged to the proposed program.

For each period that the program is funded, quarterly performance status reports will be due by the 30th day following the end of a calendar quarter. Reports must contain information to describe progress, update program objectives on intended and actual impacts, and provide other performance data. For example, deadlines for subcontracts in FY24-25 may be:

Reporting Period	Report Due Date
July-September	November 30 th
October-December	January 30 th
January-March	April 30 th
April-June	July 30 th

Reporting forms will be provided to successful applicants. Suggested measures can be found [here](#) in the NC Opioid Settlement Measures Models document. These measures models were designed to help local governments and their subrecipients report on process, quality, and outcome measures associated with the planning and implementation of opioid abatement strategies. They served as the foundation for developing the Impact Report Measures Workbook, which local governments use to capture strategy-specific data for their Annual Impact Report. Each measures model reflects the underlying logic of one of the 12 high-impact opioid abatement strategies listed in Exhibit A of the NC MOA. Each model lists the strategy name and has columns for activities, process measures, quality measures, outcome measures, indicators, and a results statement. Each model also contains a list of assumptions related to the various components of the model.

2.5. Budget Requirements

Applicants must submit a budget with a line-item projection for each full year of funding and a narrative justification. The budget and narrative must adhere to the following terms.

2.5.1. Reimbursement Basis

Funds will be distributed to contracted agencies on the basis of reimbursement of actual expenses. No advance/startup funds will be provided to any programs/projects. Forms will be provided to successful applicants detailing reimbursement processes.

2.5.2. Allowable Costs

1. Salaries, stipends, and other wages for program staff and other supporting positions, such as peers, outreach workers, linkage-to-care navigators, case managers, administrators, contractors, and volunteers.
2. Costs associated with program implementation, linkage to care, and participant engagement, such as offering phone cards, cell phones, application fees, and related expenses.
3. Transportation-related needs through items such as bus vouchers, rideshare services, cab gift cards, gas cards, or other partnerships to support linkages to care.
4. Housing-related needs, such as short-term move-in deposit, rental, hotel stays, or utility assistance for those who use drugs, are in recovery, or are transitioning from residential treatment or incarceration.
5. Essential trainings and conferences related to implementing your program, including necessary travel reimbursement (e.g., mileage, lodging, and meals). Copies of training and conference agendas should be

attached to invoices/receipts. Actual documented costs will be reported for reimbursement. Agencies are advised to visit the IRS website to confirm the annual mileage reimbursement rates:

<https://www.irs.gov/tax-professionals/standard-mileage-rates>.

6. Providing evidence-based addiction treatment to uninsured individuals.

2.5.3. Funding Restrictions

1. Indirect costs or “overhead” are NOT allowed under the NC MOA. The MOA provides that all opioid settlement funds received by local governments must be spent on opioid remediation strategies listed in Exhibit A or Exhibit B – or on reasonable audit costs incurred by local governments in connection with opioid settlement funds. [MOA §§ B.5, E.1, E.5, F.3 and Exhibit E]
2. No more than 5% of total grant award for the budget period may be used for administrative costs.
3. Only U.S. Food and Drug Administration (FDA) approved medications may be purchased with settlement funds.
4. Funds may not be expended through the grant or a subaward by any agency which would deny any eligible client, patient, or individual access to their program because of their use of FDA-approved medications for the treatment of opioid use disorder (e.g., methadone, buprenorphine products).

2.5.4. Unallowable Costs

1. Purchasing vehicles or paying down existing mortgages and/or other loans.
2. Capital expenses, such as vehicles, new construction, or renovation of facilities.
3. Any type of research.
4. Lobbying activities (i.e., publicity or propaganda purposes, for the preparation, distribution, or use of any material designed to support or defeat the enactment of legislation before any legislative body).
5. Reimbursement of any pre-award costs.

SECTION 3: APPLICATION & SELECTION PROCESSES

3.1. Application Process & Submission Instructions

3.1.1. Timeline

March 20th, 2024	Request for Applications released to eligible applicants, Q&A period begins
March 27th, 2024	Bidder's Conference Webinar
April 1st, 2024	Bidder's Conference Webinar recording will be posted at https://www.alamance-nc.com/purchasing/bidding/
April 12th, 2024	End of Q&A period. All questions due in writing to OpioidRFA@alamancecountync.gov by 5 pm
April 16th, 2024	Answers to Questions released as an addendum to the RFA at https://www.alamance-nc.com/purchasing/bidding/
May 1st, 2024	Applications due via email to OpioidRFA@alamancecountync.gov by 5pm, Eastern Time
June 17th, 2024	Recommendations Presented to Board of County Commissioners
June 18th, 2024	Successful applicants will be notified
June 30th, 2024	Deadline for Completing Performance Contract
July 1st, 2024	Proposed Contract begins

3.1.2. Bidders' Conference Webinar

All prospective applicants are **strongly encouraged** to attend an informational Bidder's Conference Webinar on Wednesday, **March 27th, 2024 at 1 pm**. The Bidders' Conference will provide applicants an opportunity to learn more about the purpose, goals, and processes of the RFA, as well as an opportunity to ask Alamance County questions about the RFA and program.

The Bidders' Conference will be recorded and published online on **April 1st, 2024** at <https://www.alamance-nc.com/purchasing/bidding/>

3.1.3. Q&A Period

Written questions concerning the specifications in this RFA will be received until **5pm on Friday, April 12th, 2024** at OpioidRFA@alamancecountync.gov. As an Addendum to this RFA, a summary of all questions and answers from the Q&A Period and the Bidders' Conference will be posted online at www.alamance-nc.com/purchasing/bidding by **April 16th, 2024**.

3.1.4. Submission instructions

1. Application Deadline

Applicants shall submit their application to OpioidRFA@alamancecountync.gov by 5pm, Eastern Time on May 1st, 2024.

2. Application Submission

Separate applications are required for each different strategy proposal submitted by a single applicant organization. The original application must contain all requested information with signature completed by the agency's authorized representative.

Each application should be submitted as two attachments:

- i. One consolidated PDF document that includes all materials except the budget.
 - i. This file should follow the naming convention, "ApplicantName_opioidRFA_Strategy#.pdf."

- For example, this might read, “ABCHospital_opioidRFA_Strategy6.pdf”
- ii. One Budget worksheet as an Excel file.
 - i. This file should follow the naming convention, “ApplicantName_budget_Strategy#.xlsx”
 - For example, this might read, “ABCHospital_budget_Strategy6.xlsx”

If you submit more than one application, reviewers should be able to distinguish between the files you submit based on the strategy number in the naming conventions.

For instructions on how to combine multiple PDFs into one PDF file, [click here](#).

3.2. Application Instructions

3.2.1. Format

1. Form of Application

Each proposal **must** be submitted on the application form provided by Alamance County, which will be incorporated into a successful agency's Performance Agreement (contract). Additional pages can be inserted if necessary for the narrative sections. Use appropriate headings for each section.

2. Space Allowance

Page limit of the Project Narrative section is 10 pages. Responses should be single spaced, Calibri size 11 font. This limit does not include the Proposal Summary, the budget with narrative, letters of commitment, nor signed certifications. Page limit suggestions for each sub-section of the Project Narrative are provided in the application worksheet for each section of the application.

3.2.2. Application Content

The following sections should be submitted as **one PDF file**. The **Proposal Summary**, **Project Narrative**, and **Certifications** should be completed in the application form provided by Alamance County. Additional required documentation should be incorporated at the end of the same PDF.

1. Proposal Summary (0 points) – Required, not scored, maximum 250 words

Provide a brief (no more than 250 words) overview of the planned project. Summary must include a purpose statement describing how your application will address the needs of people who use drugs in the community with particular considerations for historically marginalized populations. **Applications without a proposal summary will be deducted 2 points**. The Proposal Summary does **not** count toward the page limit for the Project Narrative.

2. Project Narrative – Required, scored out of 100 points total

Page limit of the project narrative section is 10 pages total. Suggested page limits are listed beside each section of the Project Narrative below and in the accompanying application. This limit applies **only** to the Project Narrative section. Be as **specific as possible** in the project narrative section. This will be the basis for evaluating applications and monitoring the selected organization’s performance.

A. Assessment of Community Need (16 total points) – Suggested page limit: 1 ½ pages

- List the geographic area to be served by the proposed project and the overdose burden in that area according to DHHS poisoning data (<https://www.injuryfreenc.ncdhhs.gov/DataSurveillance/Poisoning.htm>).
- Provide any pertinent and/or necessary information as it relates to the need for this work in your community. Identify any gaps in services you intend to address by identifying and/or defining current programs/providers.
- Describe the needs of the priority population that this proposal will serve and how those needs were determined (e.g., focus groups, survey, patient engagement).

NOTE: Provide citations/reference sources for any included community demographic or health status data. Current and relevant data is available at:

- <https://ncopioidsettlement.org/data-dashboards>
- <https://www.ncdhhs.gov/opioid-and-substance-use-action-plan-data-dashboard>
- <https://injuryfreenc.ncdhhs.gov/DataSurveillance/Poisoning.htm>
- [Alamance County Health – Alamance County Health Department \(alamance-nc.com\)](http://Alamance County Health – Alamance County Health Department (alamance-nc.com))
- <https://nc211.org/data/>
- <https://medicaid.ncdhhs.gov/reports/dashboards#annual>

B. Project Description and Program Sustainability (28 points) – Suggested page limit: 2 ½ pages

- Clearly identify which implementation strategy from the NC MOA’s Option A list of eligible strategies are included in the proposal, including the number (e.g., “Strategy 2: Evidence-Based Addiction Treatment”). **Only one eligible strategy may be selected for each proposal.**
- Describe the proposed project in detail, including:
 - Project activities and the evidence-base about their effectiveness for the priority population;
 - Plans to incorporate feedback from program participants to inform delivery of the selected activity or activities;
 - How the project will address identified community needs and/or service gaps;
 - The project’s expected impact on preventing opioid overdose, increasing access and linkages to care for the most marginalized and underserved populations; and,
 - How the project will build local infrastructure to respond to the opioid overdose crisis.
- Explain how you will engage or have already engaged the priority population in developing this proposed project.
- Detail how this project will advance your organization’s goals.
- Include timelines for project implementation with specific program objectives as they relate to performance measures and budget (e.g., hiring staff, purchasing supplies, establishing policies and protocols, enrolling participants, etc.) including who is responsible for associated activities.
- Explain how the project will increase the capacity of your organization or your community over time to address opioid use disorder. **Note that applications must describe how they will plan for enhancements, improvements, or increases achieved during the project year to be sustained past the funding secured during the project period.**
- Describe obstacles that may affect your organization’s ability to sustain this program after the project cycle and potential solutions to identified challenges.
- Detail any other funding sources that will be used towards this project.

C. Equity Impact (8 points) – Suggested page limit: ¾ page

- Describe how the proposed project addresses health inequities and/or social determinants of health (transportation, housing, employment, etc.) directly or through collaboration with other agencies.
- Describe how the proposed project reaches, benefits, and equitably engages historically marginalized populations and addresses the needs of the uninsured and underinsured.

D. Organizational Readiness (20 total points) – Suggested page limit: 2 pages

- Describe the capacity of the fiscal agent/organization that will take total responsibility for the fiscal, reporting, and grant-related compliance requirements to manage grants and comply with financial and monitoring requirements.
- If applicable, identify any proposed subcontractors and their role on the proposed project. If the specific subcontractor is not yet identified, describe how the subcontractor will be selected.
- Provide specific examples of the organization's or partnership/collaboration of multiple organizations' capacity to deliver information in a culturally humble, sensitive, and appropriate manner. The applicant must demonstrate an understanding of issues specifically affecting people who use drugs (PWUD) and/or other intersecting historically marginalized populations. A successful applicant will have staff and/or volunteers with diverse backgrounds who are sensitive to drug user health issues.
 - If applicable, provide specific examples of how any identified subcontractors demonstrate these capacities.
- Describe your organization's or partnership/collaboration of multiple organizations' history promoting the health and dignity of individuals and communities impacted by drug use or your plans to incorporate this mission into your core activities and how your organization will be delivering program activities in a culturally appropriate manner.
 - If applicable, provide specific examples of how any identified subcontractors demonstrate these capacities.
- If applicable, highlight if your organization or partnership/collaboration of multiple organizations and/or any proposed subcontractors serve the following prioritized groups:
 - Those experiencing homelessness and housing instability,
 - Black, Indigenous, and People of Color (BIPOC),
 - Federal or NC recognized tribal communities, and/or
 - Those transitioning from correctional settings to the community.

E. Evidence of Collaborations/Partnerships (16 points) – Suggested page limit: 1 ¼ pages

- Describe how you will collaborate on this project or initiative with other relevant organizations in your community and how this project will improve collaboration between local stakeholders and/or engage new ones.
- Describe how you will verify that projects or services are not being duplicated in the community and with the population served.

F. Performance Measures and Program Evaluation (12 points) – Suggested page limit: 1 page

- Detail how you will evaluate your project.
- Describe to what extent your program will be subject to various federal and state healthcare privacy laws and how, if required, you will manage compliance with those requirements.
- Describe how you will engage the priority population in the design and implementation of the evaluation of this project.
- Recipients providing direct services will be required to report client-level data on elements including but not limited to demographic characteristics, substance use, diagnosis(es), services received, and types of medications for opioid use disorder received. Explain how you will capture this data. (See <https://nctopps.ncdmh.net/dev/gettingstartedwithnctopps.asp> for a suggested tool.)
- Explain how you will monitor the project and capture metrics for each of the supported strategies included in your project. You may wish to include metrics in a table format. Consult suggested metrics provided below:

3. Letters of Commitment and Letters of Support (0 points) – Required, not scored

Letters of commitment must be included from any agency or community organization integral to the success of proposed activities. Additional letters of support that are relevant and descriptive will strengthen applications. Each key partner referenced in the application narrative and/or the budget should have an accompanying letter of commitment/support to demonstrate evidence of collaboration. The partnership highlighted in the letter of commitment/support should also be reflected in the application narrative. Letters of commitment/support will not be scored, but they will be considered in connection to the scored Evidence of Collaborations/Partnerships section of the Project Narrative.

Letters must be included with each application as an appendix and will not count toward the narrative page limit. Do not have letters sent separately to Alamance County. Letters sent separately from applications will not be read by reviewers.

4. Latest audited financial statement – Required, not scored

Latest audited financial statement, including Management Letter. If unable to provide, please attach a written explanation.

5. Documentation of Tax Identification Number – Required, not scored

All applicants are required to include Tax Identification (TIN) documentation. Those applicants which are private non-profit agencies are to include a copy of an IRS determination letter regarding the agency's 501(c)(3) tax-exempt status. (This letter normally includes the agency's tax identification number, so it would also satisfy that documentation requirement.) If, during the project period, the recipient agency has any changes to its 501(c)(3) status, it must notify Alamance County immediately.

6. For non-profit agencies only – All required, not scored

- A. IRS Determination Letter: provide a copy of an IRS determination letter which states that your organization has been granted exemption from federal income tax under section 501(c)(3) of the Internal Revenue Code. The organization's name and address on the letter must match your current organization's name and address. This IRS determination letter can also satisfy the documentation requirement of your organization's tax identification number (TIN).
- B. Verification of 501(c)(3) Status Form: If applicable, an Authorized Representative must annually submit verification that the organization remains a qualified 501(c)(3) tax-exempt organization.
- C. Copy of Form 990 Federal Tax return filed for latest fiscal year.
- D. Agency organizational chart.
- E. Current Board of Directors Roster with names, addresses, office terms (with dates), and professional and/or community affiliations.
- F. A completed and signed statement which includes a copy of the Agency's adopted Code of Ethics.
- G. A copy of the Agency's Articles of Incorporation and Bylaws (if applicable).

7. Certifications and required forms – Required, not scored

See the Application Form provided by Alamance County for all required forms and signatures. Please note that some forms require signatures from Board Chairs/Elected Officials, and two require notarization.

8. Budget and budget narrative – Required, not scored

Use the Budget Worksheet to document your anticipated program budget, including line-item calculations and a budget narrative. The budget and budget narrative must comply with the budget requirements listed in Section 2.5. Budget Requirements. The budget will not be scored, but if it is incomplete or does not appropriately support the proposed project, **up to 5 points will be deducted from the total score.**

The budget and narrative worksheet must be submitted as a separate Excel file.

3.3. Application Checklist

The following checklist is for your reference only as you prepare your application.

- One PDF file** that includes **all** the following components:
 - Filled application, including agency information, Proposal Summary, and Project Narrative
 - Letters of Commitment and/or letters of Support
 - Latest audited financial statement, if applicable, with Management Letter
 - Documentation of Tax Identification Number
 - For non-profit agencies only:**
 - IRS Determination Letter
 - Copy of Form 990 Federal Tax return filed for latest fiscal year
 - Agency organizational chart
 - Current Board of Directors Roster with names, addresses, office terms (with dates), and professional and/or community affiliations
 - A completed and signed statement which includes a copy of the Agency's adopted Code of Ethics
 - A copy of the Agency's Articles of Incorporation and Bylaws (if applicable)
 - A. Signed Application Certification (included in Application Form)
 - B. Signed Verification of 501(c)(3) Status Form (included in Application Form)
 - C. Signed Certification of No Overdue Tax Debts (**requires notarization**) (included in Application Form)
 - D. Signed Code of Conduct Policy (included in Application Form)
 - E. Signed Conflict of Interest Policy (included in Application Form)
 - F. Signed e-Verify form (**requires notarization**) (included in Application Form)
 - G. Individuals Authorized to Submit Forms (included in Application Form)
 - H. Business Association Addendum (included in Application Form)
- One Excel file** that contains completed budget worksheet with narrative justification

3.4. Application Evaluation Process and Criteria

3.4.1. Application Evaluation Process

1. Initial screening for eligibility and completeness

Alamance County staff will screen all applications to ensure they are complete (i.e., they include all the required information and documentation), that they are eligible, and that they have complied with basic RFA requirements such as selecting only one eligible Option A strategy per application. Incomplete and/or ineligible applications will not be reviewed further.

2. Reviewer scoring

At least three reviewers who have experience or expertise with opioid overdose prevention, treatment, and/or harm reduction will score each application using the scoring criteria in Section 3.3.2. below. Reviewers may or may not leave comments in addition to their scores.

All reviewers will be asked if they have conflicts of interest with any applicants; reviewers will not be assigned to review an application for which they have a conflict of interest.

3. Request for additional information

At their option, the application reviewers may request additional information from any or all applicants for the purpose of clarification or to amplify the materials presented in any part of the application. However, agencies and organizations are cautioned that reviewers are not required to request clarification. Therefore, all applications should be complete and reflect the most favorable terms available from the agency or organization.

4. Addressing scoring discrepancies

Alamance County staff will compile scores for each application and identify any scoring discrepancies, such as a large range of scores on one application, a high or low outlier score, and significantly harsh or lenient review patterns. A review committee call will be convened about any application for which there is a discrepancy. All reviewers who scored such an application will discuss their scores with each other and will have an opportunity to revise and resubmit their scores.

Alamance County staff retains the right to exclude or adjust scores under certain circumstances. Examples of these circumstances include:

- The ability to exclude a reviewer's score for one or more applications if, for instance, the scores are or appear to be influenced by illegal discrimination,
- The ability to adjust a reviewer or review committee's scores up or down uniformly across the applications reviewed based on patterns of harshness or lenience, or
- The ability to exclude a reviewer's score if the scores they submitted are incomplete.

5. Recommendations to County Commissioners

Based on applications' average scores after reviewer revisions and government staff exclusion or adjustment, if applicable, Alamance County staff will make a recommendation to County Commissioners about which applications should be funded. Funding, if awarded, will be awarded to the highest scoring applications. Alamance County reserves the right to not fund any applications.

6. Final score sharing

Alamance County staff will share each applicant’s final scores and any de-identified reviewer comments their application received. This will occur after awards, if any, are finalized and publicly announced.

3.4.2. Application Scoring Criteria

Applications will be scored based on the responses to the application content areas in the chart below. Each content area shall be scored on a scale of 1-4 based on the scale below:

1.	POOR	Applicant only marginally addressed the application area
2.	AVERAGE	Applicant adequately addressed the application area
3.	GOOD	Applicant did a thorough job of addressing the application area
4.	EXCELLENT	Applicant provided a superior response to the application area

Each content area will be weighted and the score of 1 to 4 will be multiplied by the assigned weight of the content area. The following represents the evaluation criteria and relative importance of each criterion (criteria weight):

Evaluation Criteria	Score Distribution	Weight
1. Proposal Summary: deduct 2 points if missing	0 pts.	--
2. Assessment of Need a. Clear and appropriate geographic area to be served b. Clear statement of needs and gaps in services c. Thorough description of priority populations that is well supported by evidence	0 pts. if missing. Otherwise, 4-16 pts.	4
3. Project Description and Sustainability a. Exactly one of the eligible Option A strategies is selected and proposed project clearly supports the identified strategy b. Well-planned project that is likely to lead to the intended opioid-related impacts, based on the evidence base about strategy and/or activity effectiveness for the prioritized population c. Clear and appropriate plans to incorporate feedback from program participants to inform program delivery d. Intended impacts of project will likely meet community needs/service gaps e. Applicant has engaged or will engage the priority population meaningfully in developing the proposed project f. Proposed project fits applicant’s organizational goals well g. Project timelines are achievable and adequate to make intended impacts h. Clear and appropriate plans for project sustainability	0 pts. if missing. Otherwise, 7-28 pts.	7
4. Equity Impact a. Project is likely to improve health inequities and/or social determinants of health b. Project is likely to reach, benefit, and equitably engage historically marginalized populations and uninsured and underinsured people	0 pts. if missing. Otherwise, 2-8 pts.	2
5. Organizational Readiness a. Applicant demonstrates the skills and capacity needed to manage the funding award and meet reporting and compliance requirements. b. Subcontractors are clearly identified, if applicable, and will enhance the success of the project	0 pts. if missing. Otherwise, 5-20 pts.	5

<ul style="list-style-type: none"> c. Applicant (team) has demonstrated the capacity to conduct culturally humble, sensitive, and appropriate work d. Applicant (team) has demonstrated clear understanding of issues that affect people who use drugs e. Applicant (team) has demonstrated experience and/or clear and adequate plans for promoting the health and dignity of people and communities impacted by drug use f. Applicant (team) has demonstrated experience serving those experiencing homelessness and housing instability; Black, Indigenous, and People of Color; federal or NC recognized tribal communities, and/or those transitioning from correctional settings to the community 		
<p>6. Evidence of Collaborations/Partnerships, Letters of Commitment/Support</p> <ul style="list-style-type: none"> a. Clear plan to collaborate with other relevant community organizations that is likely to improve collaboration between local stakeholders b. Clear plan to verify that projects or services are not being duplicated in the community and with the population served c. Letters of commitment/support are present from all key project partners and match partners' proposed roles in the project 	<p>0 pts. if missing. Otherwise, 4-16 pts.</p>	<p>4</p>
<p>7. Performance Measures and Program Evaluation</p> <ul style="list-style-type: none"> a. Specific, achievable plans for program evaluation that will yield meaningful assessment of project's success b. Clear and appropriate plans to engage priority population in evaluation design and implementation c. Clear and appropriate plans to capture client data (if applicable) and proposed metrics, and to monitor project progress on a regular basis 	<p>0 pts. if missing. Otherwise, 3-12 pts.</p>	<p>3</p>
<p>8. Project Budget: If budget is incomplete and/or does not appropriately support the proposed project, deduct up to 5 points</p>	<p>0 pts.</p>	<p>--</p>
<p>Total</p>	<p>0-100 points</p>	

SECTION 4: ADDITIONAL LEGAL PROVISIONS

4.1 Additional Legal Provisions

If selected, applications will be fully incorporated as part of the contract. By submitting an application, the applicant agrees to the following terms, in addition to all other terms in this RFA:

1. Deviations

Alamance County reserves the right to allow or disallow minor deviations or technicalities should the County deem it to be to the best interest of the County. Alamance County shall be the sole judge of what is to be considered a minor deviation or technicality.

2. Indemnity

Applicant shall indemnify and hold the County, its agents and employees, harmless against any and all claims, demands, causes of action, or other liability, including attorney fees, on account of personal injuries or death or on account of property damages arising out of or relating to the work to be performed by Applicant hereunder, resulting from the negligence of or the willful act or omission of Applicant, agents, employees and subcontractors.

3. Responsibility of Compliance with Legal Requirements

The Applicant's products, service and facilities shall be in full compliance with any and all applicable state, federal, local, environmental and safety laws, regulations, ordinances and standards or any standards adopted by nationally recognized testing facilities regardless of whether or not they are referred to in the Proposal documents.

4. Advertising

In submitting its application, agencies and organizations agree not to use the results therefrom or as part of any news release or commercial advertising without prior written approval of the County.

5. Insurance

Upon award, the applicant is to provide proof of commercial insurance with, at a minimum, the following coverage and limits:

- a. **Workers' Compensation** – The Agency shall provide and maintain Worker's Compensation insurance, as required by the laws of the State of North Carolina, as well as employer's liability coverage with minimum limits of \$1,000,000 for bodily injury per accident. This insurance must cover all of Agency's employees who are engaged in any work under this Contract.
- b. **General Liability** – The Agency shall provide and maintain General Liability Coverage at a minimum of \$1,000,000 per occurrence for bodily injury, personal injury, and property damage. Non-owned vehicle coverage may be included in General Liability Coverage with proof of a minimum combined single limit of \$1,000,000 bodily injury and property damage; \$1,000,000 uninsured/under-insured motorist; and \$1,000,000 medical payment.
- c. **Automobile Liability** – The Agency shall provide and maintain Automobile Liability Insurance covering all owned, hired, and non-owned vehicles used in connection with this Contract. The minimum combined single limit shall be \$1,000,000 bodily injury and property damage; \$1,000,000 uninsured/under-insured motorist; and \$1,000,000 medical payment.

6. Notices

Any notice or other communication required or permitted under the Agreement shall be in writing and shall be deemed to have been given on the date delivered personally or deposited in the United States Postal Service, certified mail, return receipt requested, with adequate postage affixed, addressed as follows:

Alamance County	Vendor
Attn: County Attorney	Attn: POC
124 W. Elm Street	Street
Graham, NC 27253	City, State, Zip

Either party may change its address for notices under the Agreement by giving written notice of such change to the other party in accordance with the provisions of this paragraph.

7. Annual Appropriations and Funding

The Agreement is subject to the annual appropriation of funds by the Alamance County Board of Commissioners. Notwithstanding any provision herein to the contrary, in the event that funds are not appropriated for the Agreement, County shall be entitled to immediately terminate the Agreement, without penalty or liability, except the payment for all Service satisfactorily provided under the Agreement up to and through Vendor's receipt of notice of termination.

8. E-Verify

The parties hereby stipulate that Vendor shall use the E-Verify system established and maintained by the United States Department of Homeland Security to ensure Vendor and subcontractor employees meet the employment eligibility requirements as set forth in the federal laws, rules and regulations and further shall maintain E-Verify records and make them immediately available upon the written request of Alamance County.

9. Governing Law

The Agreement and the rights and obligations to the parties hereunder shall be construed and governed by the laws of the State of North Carolina and venue for any proceedings arising hereunder shall be in the state court of appropriate jurisdiction located in Alamance County, North Carolina.

10. Entire Agreement

The Agreement contains the entire agreement between the parties pertaining to the subject matter of the Agreement. With respect to that subject matter, there are no promises, agreements, conditions, inducements, warranties or understandings, written or oral, expressed or implied, between the parties, other than as set forth or referenced in the Agreement.

11. Waiver

A waiver of any provision of the Agreement must be in writing, designated as such, and signed by the party against whom enforcement of the waiver is sought. The waiver of a breach of any provision of the Agreement shall not operate or be construed as a waiver of any subsequent or other breach thereof.

12. Status of Parties

Nothing contained in this Agreement shall be construed as establishing a partnership or joint venture relationship between the Parties. Vendor and its employees and representatives are independent contractors, solely responsible for its or their performance or non-performance under the Agreement and shall have no legal authority to bind County. Furthermore, no employee or contractor of Vendor will be construed as an employee of Alamance County should Vendor fail to maintain workers' compensation insurance as required by law.

13. Confidentiality

All proprietary data and information, if any, furnished to Vendor by County shall be regarded as confidential, shall remain the sole property of County and shall be held in confidence and safekeeping by Vendor for the sole use of County and Vendor under the terms of this Agreement. Vendor agrees that its officers, employees, and agents will not disclose to any person, firm, or entity other than County or its designated legal counsel, accountants, or practice management consultants any confidential information about County. Vendor agrees to carry out its obligations to County in compliance with all privacy and security regulations required by law.

14. Quality of Goods and/or Services

All goods and/or services hereunder shall be provided in a competent, professional and workmanlike manner and in strict compliance with this Agreement. The items and/or services hereunder shall be provided according to County's Specifications and Vendor's Proposal, which is attached hereto and incorporated herein by reference. Vendor will provide all goods and/or perform all services in accordance with the service levels and performance levels as may be set forth in this Agreement.

15. Intellectual Property Owned by Vendor

This Agreement is subject to the North Carolina public records law, and may be released upon request. Not all "Trade Secrets" will qualify as protected under N.C.G.S. §132-1.2 and 66-152. Vendor should consult legal counsel before signing this document if Vendor is unsure of its intellectual property status under these statutes.

16. Assignment and Subcontracting

Neither this Agreement nor any rights or obligations hereunder shall be subcontracted, assigned, or delegated by Vendor without prior written consent of County, which consent may be withheld in County's sole discretion.

17. Binding Effect

This Agreement shall be binding upon the parties hereto, their heirs, administrators, executors, successors and assigns, if such assignment has been approved by the County.

18. Force Majeure

Neither Party shall be liable to the other party for any failure or delay caused by events beyond such party's control and not due to its own negligence, provided that such party uses commercially reasonable efforts to resume performance as soon as reasonably practicable. The non-performing Party shall notify the other Party of the force majeure event within twenty-four (24) hours of the onset thereof. In the event that a force majeure event precludes Vendor from performing services and/or providing goods for a period of ten (10) consecutive business days, County shall have the right to: (a) procure replacement goods and/or services from an alternative source and/or (b) terminate the Contract or portion(s) of Contract upon written notice to Vendor.

19. Modifications

This Agreement may be amended or modified only by the mutual written consent of the parties. A modification is not enforceable against the County unless it is signed by the County Manager or other duly authorized official.

20. Severability

If any provision of this Agreement is held unenforceable, then it shall be stricken and all remaining provisions of this Agreement shall remain in full force and effect.

21. Controlling Document

In the event of any conflict between this Agreement and any document, instrument, or other agreement prepared or provided by Vendor (including, without limitation, Vendor's purchase orders, invoices and warranties), the terms of this Agreement shall control.