

ADDENDUM No. 1

RFP No. 24-16

Unarmed Crisis Response Implementation

Due: April 18, 2024 at 3:00 P.M. (local time)

The information contained herein shall take precedence over the original documents and all previous addenda (if any) and is appended thereto. **This Addendum includes seven (7) pages.**

The Proposer is to acknowledge receipt of this Addendum No. 1, including all attachments in its Proposal by so indicating in the proposal that the addendum has been received. Proposals submitted without acknowledgement of receipt of this addendum may be considered non-conforming.

The following forms provided within the RFP Document should be included in the submitted proposal:

- Attachment B – City of Ann Arbor Non-Discrimination Declaration of Compliance
- Attachment C - City of Ann Arbor Living Wage Declaration of Compliance
- Attachment D - Vendor Conflict of Interest Disclosure Form

Proposals that fail to provide these completed forms listed above upon proposal opening may be rejected as non-responsive and may not be considered for award.

I. CORRECTIONS/ADDITIONS/DELETIONS

Changes to the RFP documents which are outlined below are referenced to a page or Section in which they appear conspicuously. Offerors are to take note in its review of the documents and include these changes as they may affect work or details in other areas not specifically referenced here.

Section/Page(s)	Change
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All Mentions	City of Ann Arbor Living Wage Ordinance Declaration of Compliance and Living Wage Poster provided in the RFP Document, are replaced with the versions provided in this Addendum. The change reflects an increase in the City of Ann Arbor Living Wage that will be in effect during the period of work under this project.
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Comment: The intent with this change is to simply replace the 2023-2024 Living Wage items provided in the RFP Document with the updated 2024-2025 Living Wage items that are reflective of the effective rates into 2025.

Page 13	Remove - R. Unarmed Crisis Response teams must call 911 immediately, or as soon as they can safely do so if they observe or reasonably suspect a crime in progress. This is required under the law and cannot be waived or eliminated.
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Comment: The intent with this change is simply to eliminate Requirement R from the RFP and re-letter the requirements that follow as other requirements adequately address situations in which a police response must be activated.

II. QUESTIONS AND ANSWERS

The following Questions have been received by the City. Responses are being provided in accordance with the terms of the RFP. Respondents are directed to take note in its review of the documents of the following questions and City responses as they affect work or details in other areas not specifically referenced here.

1. We are aware of the conditions under which unarmed response is not feasible in the City of Ann Arbor (the specific instances are listed under Requirement H and have not changed significantly since the initial RFP was issued in 2023). Requirement H also states, however, that UCRP “must never dispatch to criminal matters.” Does this mean the city does not desire unarmed response in the case of all “criminal matters” (e.g. public intoxication, sleeping outdoors, or panhandling)? This would severely limit the scope of unarmed response. Will the provider have any flexibility in this regard based on e.g., the type of activity involved or the caller’s preference?

ANSWER: Resolution 21-0612 called for an UCRP to be developed for “calls with no direct nexus to suspected criminal activity or clear and present threat to the physical safety of others.” The City of Ann Arbor has consistently stated that we are seeking a program that “would take charge of a portion of non-criminal calls for service that have historically been handled by police officers.” (See both RFP 23-42 and RFP 24-16). At this time, the UCRP may not respond to criminal matters regardless of the type of activity involved or the caller’s preference.

With respect to your specific examples, public Intoxication is a misdemeanor in the City of Ann Arbor and should be handled by law enforcement at this time. Ann Arbor City Code 39 3:2 makes it a civil infraction to camp overnight in city parks. A civil infraction is not a crime, and admitting responsibility to one does not result in a criminal record or conviction. Panhandling is constitutionally protected speech following the US Supreme Court’s decisions in *Reed v. Town of Gilbert*, 135 S. Ct. 2218 (2105) and *Thayer v. City of Worcester*, 135 S. Ct. 2887 (2015) and is no longer prosecuted by the Ann Arbor City Attorney’s Office.

The City of Ann Arbor strongly encourages potential providers to have a full and complete understanding of the Ann Arbor City Code and its interaction with State and Federal law if they intend to submit a proposal for RFP 24-16, and to seek independent legal advice if needed.

2. We note that some calls may come from persons who, while facing an issue that might have a criminal dimension, explicitly request that there be no police involvement. Do you have guidance on how providers should respond to such calls?

ANSWER: The City of Ann Arbor is unable to speculate as to what issues you are envisioning that “might have a criminal dimension”. Without greater specificity, we can only restate that the UCRP may not respond to criminal matters regardless of the type of activity involved or the caller’s preference.

3. Relatedly, Requirement R states that “Unarmed Crisis Response teams must call 911 immediately, or as soon as they can safely do so if they observe or reasonably suspect a crime in progress. This is required under the law and cannot be waived or eliminated.” Would this include survival “crimes” such as instances of possession of drugs/paraphernalia, sex work, or residing in tent encampments?

ANSWER: Requirement R has been eliminated as other requirements adequately address the situations in which law enforcement and/or centralized intake must be activated.

With respect to survival crimes, Ann Arbor City Code 39 3:2 makes it a civil infraction to camp overnight in city parks. A civil infraction is not a crime, and admitting responsibility to one does not result in a criminal record or conviction. Ann Arbor City Code Chapter 108 9:62(8) makes it illegal to “solicit or accost any other person in a public place for the purpose of inducing participation in an act of prostitution”, but sex work itself is not criminalized. Consensual sex work is no longer prosecuted by the Washtenaw County Prosecutor’s Office as a matter of policy. The City of Ann Arbor has no law prohibiting the possession of drug paraphernalia, nor does Ann Arbor City Code prohibit the possession of drugs, though these may be charged as crimes at the State or Federal level. The City of Ann Arbor strongly encourages potential providers to have a full and complete understanding of the Ann Arbor City Code and its interaction with State and Federal law if they intend to submit a proposal for RFP 24-16, and to seek independent legal advice if needed.

4. Should this be read to mean that the teams will have a special obligation to report suspected criminal activity, above and beyond the responsibilities of all citizens? If not, can you point us to the law requiring such reporting of citizens, generally? If so, can you point us to the law requiring this of the special category of reporters to which the Unarmed Crisis Response teams would be classified and the law requiring that this specific program need be categorized within that category?

ANSWER: Requirement R has been eliminated as other requirements adequately address the situations in which law enforcement and/or centralized intake must be activated.

It is not against the law in the State of Michigan for a private citizen having knowledge of the commission of a crime to remain silent, or fail to report the matter to the police, unless the person accepts payment or compensation given for the express purpose of ensuring their silence, and/or the unreported crime is treason. (See MCL 750.545). However, the City of Ann Arbor believes that those engaged in Unarmed Crisis Response are unlikely to be viewed as private citizens under the law as they are functioning as first responders. We have written the RFP accordingly.

5. Can you provide guidance on the standard that will be used to determine whether a team member should have had "reasonable suspicion" in such instances? How will such evaluation be conducted and who will conduct it? Again, if these questions are determined by state or Federal law, could you please direct us to the specifics?

ANSWER: Reasonable suspicion is less than probable cause, but more than an "inchoate and unparticularized suspicion or 'hunch'"; it must be based on "specific and articulable facts", "taken together with rational inferences from those facts", and the

suspicion must be associated with the specific individual. *Terry v Ohio*, 392 U.S. 1 (1968). UCR team members will be required to use their best professional judgment, just as law enforcement officers do every day, in determining the actions they take on scene. The City of Ann Arbor strongly encourages potential providers to have a full and complete understanding of the laws and legal principles likely to prove necessary in unarmed crisis response if they intend to submit a proposal for RFP 24-16, and to seek independent legal advice if needed.

6. Requirement J mentions MDHHS guidelines for licensure. Could the City please provide a link to—or description of—these guidelines?

ANSWER: MDDHS guidelines for licensure can be found in the Public Health Code (Act 368 of 1978), and the Mental Health Code (Act 258 of 1974).

7. Requirement L states a need for coordination with law enforcement when “necessary.” What is the City’s definition of “necessary” conditions in this requirement?

ANSWER: Section L requires the UCRP to “coordinate with existing emergency responders, including but not limited to fire, law enforcement, and CMH, when such coordination is necessary to ensure the safety of the caller, the public, or members of any emergency response team.” Within the context of this section, the word “necessary” carries its usual definition: “needed” or “essential”.

8. Given these limitations, how would the city delineate the scope of unarmed response scenarios that would not require contacting 911?

ANSWER: A call that is non-criminal and does not otherwise exceed the UCRP’s stated scope of practice, during which no UCR team member observes or reasonably suspects that there is an immediate risk of self-harm, harm to a UCR team member, or harm to another person present at the scene to which they are responding, and no crime is observed or suspected that requires mandatory reporting under the law.

9. Requirements O, P, and Q - FOIA and reporting. It seems that the RFP is expecting providers to provide public access to client-identifying personal information for all callers and all persons served by the program through the FOIA. Is this correct?

ANSWER: This is incorrect. FOIA allows for exemption and/or redaction of personal information. The City of Ann Arbor anticipates we will receive FOIA requests regarding the work of the UCRP. It is the expectation of the City that the UCRP provider will keep complete records as described in RFP 24-16, and comply with the law with respect to disclosure, exemption and/or redaction under FOIA.

10. It is our understanding that in general nonprofits aren't subject to FOIA. We were assuming that the provider would not provide individually identifiable information to the city or to members of the public. (The provider would report on services – through aggregate data and/or through data purged of identifying information.) Would this more limited reporting and data access be acceptable to the city?

ANSWER: Sections O, P and Q describe what records and reports must be generated and/or preserved by the UCRP, as these records may be subject to subpoena or FOIA. The City of Ann Arbor has not asked that individually identifiable information be

provided to the city but does require a full accounting of any calls to which the Unarmed Crisis Response Program responded, including any actions taken at the scene or during follow-up undertaken by the Unarmed Crisis Response Team. Individually identifiable information may be redacted in accordance with the law. The City of Ann Arbor expects that the UCRP will appropriately comply with lawful requests for its records.

11. We value client confidentiality. We believe that most clients will contact the UCRP with the expectation that their personal information will remain confidential absent a valid subpoena or a court order. Can you provide guidance on what, if any, client information an applicant will be required to share with the police, the city, and the public as opposed to types of information the agency is permitted to maintain as confidential between the client and the agency?

ANSWER: The records of the UCRP may be subject to subpoena or FOIA. The City of Ann Arbor expects that the UCRP will fulfill the record-keeping requirements of RFP 24-16, and appropriately comply with lawful requests for its records. You may wish to seek independent legal advice to ensure full compliance with the laws of confidentiality and disclosure.

12. We believe that it is not possible to operate a 24/7, City-wide, UCRP for the \$3.5m in ARPA money offered in the RFP. Should applicants who believe this request the additional funding necessary to meet the program requirements? Or should applicants propose a program that fits within the budget proposed by the city?

ANSWER: The City of Ann Arbor issued RFP 24-16 seeking proposals from applicants who are able to meet the requirements as written within the stated budget. The City of Ann Arbor cannot provide guidance as to how a particular group should structure their proposal in the event that they do not feel they can provide the services sought by the City of Ann Arbor within the budget and/or timeline proposed.

13. We are committed to developing and rolling out this program as responsibly and effectively as possible, and we plan to conduct rigorous evaluation along the way. Requirement D states that the program must “Create a sustainable Unarmed Crisis Response Program that is available to all Ann Arbor residents, as well as any person present within Ann Arbor city limits.” How does the city propose that a program achieve that level of geographical coverage within the established timeline, particularly given Ann Arbor’s unique population fluctuations (e.g. game day crowds, events like Art Fair, undergraduate move in/commencement, etc.)?

ANSWER: The City of Ann Arbor published RFP 24-16 seeking proposals from agencies interested in creating “a sustainable Unarmed Crisis Response Program that is available to all Ann Arbor residents, as well as any person present within Ann Arbor city limits.” How an organization proposes to create such a program is entirely up to the submitting organization.

Offerors are responsible for any conclusions that they may draw from the information contained in the Addendum.

**CITY OF ANN ARBOR
LIVING WAGE ORDINANCE DECLARATION OF COMPLIANCE**

The Ann Arbor Living Wage Ordinance (Section 1:811-1:821 of Chapter 23 of Title I of the Code) requires that an employer who is (a) a contractor providing services to or for the City for a value greater than \$10,000 for any twelve-month contract term, or (b) a recipient of federal, state, or local grant funding administered by the City for a value greater than \$10,000, or (c) a recipient of financial assistance awarded by the City for a value greater than \$10,000, shall pay its employees a prescribed minimum level of compensation (i.e., Living Wage) for the time those employees perform work on the contract or in connection with the grant or financial assistance. The Living Wage must be paid to these employees for the length of the contract/program.

Companies employing fewer than 5 persons and non-profits employing fewer than 10 persons are exempt from compliance with the Living Wage Ordinance. If this exemption applies to your company/non-profit agency please check here No. of employees __

The Contractor or Grantee agrees:

- (a) To pay each of its employees whose wage level is not required to comply with federal, state or local prevailing wage law, for work covered or funded by a contract with or grant from the City, no less than the Living Wage. The current Living Wage is defined as \$16.43/hour for those employers that provide employee health care (as defined in the Ordinance at Section 1:815 Sec. 1 (a)), or no less than \$18.32/hour for those employers that do not provide health care. The Contractor or Grantor understands that the Living Wage is adjusted and established annually on April 30 in accordance with the Ordinance and covered employers shall be required to pay the adjusted amount thereafter to be in compliance with Section 1:815(3).

Check the applicable box below which applies to your workforce

- Employees who are assigned to any covered City contract/grant will be paid at or above the applicable living wage without health benefits
- Employees who are assigned to any covered City contract/grant will be paid at or above the applicable living wage with health benefits

- (b) To post a notice approved by the City regarding the applicability of the Living Wage Ordinance in every work place or other location in which employees or other persons contracting for employment are working.
- (c) To provide to the City payroll records or other documentation within ten (10) business days from the receipt of a request by the City.
- (d) To permit access to work sites to City representatives for the purposes of monitoring compliance, and investigating complaints or non-compliance.
- (e) To take no action that would reduce the compensation, wages, fringe benefits, or leave available to any employee covered by the Living Wage Ordinance or any person contracted for employment and covered by the Living Wage Ordinance in order to pay the living wage required by the Living Wage Ordinance.

The undersigned states that he/she has the requisite authority to act on behalf of his/her employer in these matters and has offered to provide the services or agrees to accept financial assistance in accordance with the terms of the Living Wage Ordinance. The undersigned certifies that he/she has read and is familiar with the terms of the Living Wage Ordinance, obligates the Employer/Grantee to those terms and acknowledges that if his/her employer is found to be in violation of Ordinance it may be subject to civil penalties and termination of the awarded contract or grant of financial assistance.

Company Name

Street Address

Signature of Authorized Representative

Date

City, State, Zip

Print Name and Title

Phone/Email address

**CITY OF ANN ARBOR
LIVING WAGE ORDINANCE**

RATE EFFECTIVE APRIL 30, 2024 - ENDING APRIL 29, 2025

\$16.43 per hour

If the employer provides health care benefits*

\$18.32 per hour

If the employer does **NOT** provide health care benefits*

Employers providing services to or for the City of Ann Arbor or recipients of grants or financial assistance from the City of Ann Arbor for a value of more than \$10,000 in a twelve-month period of time must pay those employees performing work on a City of Ann Arbor contract or grant, the above living wage.

ENFORCEMENT

The City of Ann Arbor may recover back wages either administratively or through court action for the employees that have been underpaid in violation of the law. Persons denied payment of the living wage have the right to bring a civil action for damages in addition to any action taken by the City.

Violation of this Ordinance is punishable by fines of not more than \$500/violation plus costs, with each day being considered a separate violation. Additionally, the City of Ann Arbor has the right to modify, terminate, cancel or suspend a contract in the event of a violation of the Ordinance.

* Health Care benefits include those paid for by the employer or making an employer contribution toward the purchase of health care. The employee contribution must not exceed \$.50 an hour for an average work week; and the employer cost or contribution must equal no less than \$1/hr for the average work week.

The Law Requires Employers to Display This Poster Where Employees Can Readily See It.

**For Additional Information or to File a Complaint contact
Colin Spencer at 734/794-6500 or cspencer@a2gov.org**