

Introduction

The audit of the contract with Trybe Ecotherapy, LLC (Trybe) for mental health services for the Monroe County Department of Veterans Services was selected based on the Office of Public Integrity's (OPI's) risk assessment for Monroe County.

Background

On May 21, 2021, Trybe was awarded a contract for \$125,000 to provide mental health services for veterans for the period of May 1, 2021 thru April 30, 2022. The award was made subsequent to a Request for Proposals that was issued on February 19, 2021. Trybe was the only company to submit a proposal.

Trybe provided nature-based therapy for veterans with illnesses related to trauma or prolonged exposure to stress. Trybe provided 3 consecutive cohorts, each consisting of approximately ten (10) veterans, on a private outdoor property in Monroe County. Each cohort met once per week for twelve weeks. Twenty-nine (29) veterans completed the program.

The expected outcomes for the program participants were a 70% increase in overall positive social and behavioral change (i.e. reduced stress and improved restoration, greater coping ability, cognitive functioning and wellbeing, self-esteem, and reductions in depression and anxiety related symptoms).

The program was evaluated by a doctoral candidate in Public Health after the first two cohorts were finished. The evaluation stated that there was a "statistically significant difference in both mindfulness and PTSD scores".

Trybe was reimbursed for actual expenses that were allowable as part of a budget to perform the program.

Framework for Audit

OPI's audits are based on the following 5 Control Objectives:

- Compliance with laws, regulations, and contracts
- Accomplishment of goals and objectives
- Reliability and integrity of financial and operational information
- Effectiveness and efficiency of operations
- Safeguarding of assets

Based on OPI's 5 Control Objectives, audit plans are developed to assess whether:

- All eligible customers are being served
- Revenues are maximized
- Receivables are collected
- Expenditures are proper and authorized
- Assets are safeguarded
- Employees are trained and competent
- Liabilities are minimized and laws are complied with
- Financial and operational reports are timely, relevant and accurate

Risks to Monroe County

Risk is the possibility of an event occurring, which could prevent the County from meeting its objectives. To maximize its resources and effectiveness, OPI focuses on areas of high risk to the County. Based on our preliminary research and discussions, we determined that the contract posed the following potential risks to the County, which were addressed in our audit objectives:

- a) Did the County follow its procurement policies and procedures?
- b) Were expenditures to the Contractor allowable, authorized, necessary, and for services that were actually provided?
- c) Did the Contractor meet its contractual requirements?

Audit Objectives

Based on the risks that the contract posed to Monroe County, our objectives were to:

- a) Confirm that the County followed its procurement policies and procedures.
- b) Confirm that expenditures to the Contractor were allowable, authorized, necessary, and for services that were actually provided.
- c) Confirm that the Contractor was in compliance with the contractual requirements.

Scope and Methodology

OPI's scope was the contract with Trybe that covered the period of May 1, 2021 through April 30, 2022.

To meet our objectives, OPI performed the following:

- Reviewed the documents related to the selection process, including, but not limited to, the Request for Proposals, the vendors' proposals, the vendor scoring sheet, and any Contract Approval form.
- Reviewed the documents related to the contract process, including, but not limited to, legislative referrals and resolutions, the executed contract and amendments, insurance certificates, debarment certifications, and any MWBE certifications.
- Reviewed the documents related to the payment process, including, but not limited to, invoices, supporting documentation, and performance reports.
- Made inquiries to management as to certain policies and procedures.
- Performed a site visit and met with the vendor.

Opinion

Based on the procedures performed during our audit, in our opinion, the expenditures to Trybe were proper and authorized, and Trybe was in compliance with the contractual requirements. Our findings below are related to the procurement process that was followed by Monroe County in executing a contract with Trybe.

Findings and Recommendations

Procurement Process

Criteria

For all professional services agreements greater than \$20,000, an RFP, RFQ or EOI is mandatory. Once the document is finalized, the opportunity is advertised by Purchasing in the County's publications of record: the Daily Record and the Rochester Business Journal, and posted on the County's website, monrecounty.gov.

Service contracts with a total consideration over \$20,000 also require approval by the County Legislature and/or County Executive in accordance with Monroe County Local Law #2 of 2014. A procurement statement is required in the referral letter to the County Legislature. The referral letter must also state length of term, which may be one year with two, one-year renewals. The term should also appear in the solicitation document.

Finding #1:

A press-release by a Monroe County legislator was held on January 13, 2021 (see 13WHAM.com). 13WHAM reported that "a pilot eco-therapy program will be developed with the money pulled from a recently-approved community contingency fund. The proposal would allocate and have the Rochester-based Trybe Ecotherapy run the pilot program. The eco-therapy program would cost \$125,000."

This press-release and mention of a vendor creates the appearance of impropriety in the County's procurement process, as a Request for Proposals (RFP) was not released until 5 weeks later on 2/19/21. The contract with Trybe was not fully executed by the County Executive until 7/15/21. Thus, the public statement that Trybe would run the program was made over 6 months before Trybe had a legal agreement with the County.

Recommendation #1:

To ensure compliance with Monroe County's procurement policies, we recommend that an RFP be issued prior to entering into another contract for ecotherapy services. This will allow for the next contract to follow the proper chronological order of bid solicitation, vendor selection, and contract execution.

Finding #2:

A legislative referral was submitted on 2/4/22, requesting that Resolution 168 of 2021 be amended to include an option to renew the agreement with Trybe for 2 additional one-year terms. However, the RFP did not contain a length of term greater than 1 year, nor the option for two, one-year renewals.

Recommendation #2:

As recommended above, to ensure compliance with Monroe County's procurement policies, we recommend that an RFP be issued prior to entering into another contract for ecotherapy services. This will allow for the RFP to state the County's intentions regarding the length of an initial contract and any possible amendments. Disclosing this information in the RFP may impact the number and type of proposals that the County receives, thus creating an opportunity to provide enhanced or additional services for Veterans.

Finding #3:

The contract with Trybe consists of 3 cohorts, with each one meeting 12 times (once per week for 3 hours). Thus, with a total of 36 sessions and a contract amount of \$125,000, each 3-hour session costs the County an average of \$3,472. OPI noted that these are full 3-hour sessions, with additional time allotted beforehand for participant self-assessments and additional time afterwards for leaving the session.

Recommendation #3:

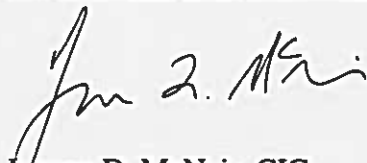
As recommended above, to ensure compliance with Monroe County's procurement policies, we recommend that an RFP be issued prior to entering into another contract for ecotherapy services. This will allow for more vendors to submit proposals and for the County to possibly be more efficient (lower cost per unit of service) if additional ecotherapy services can be obtained for its Veterans without increasing costs.

Management's Response

"In regards to the recommendation that was provided, please be assured that the options were thoroughly explored regarding whether or not to RFP this contract. This was researched by our law department, purchasing department, budget office, and the County Executive's office. It was concluded that because our needs were so unique and specific, there were no other vendors that could possibly have met the criteria to execute this contract and that it met the qualification criteria for a sole source contract, which does allow us by law to avoid the bureaucracy and time it would take to do an RFP. When dealing with Veterans' mental health, I felt that time is of the essence in providing what are often life-saving services. Your recommendation has been shared with my administration, and we are still convinced that it would be counterproductive to enter the RFP process with this contract. Again, this is based on the collective research done by law, purchasing, and the Veterans Service Agency when determining whether or not there could possibly be another vendor. We have determined that there could not. It should also be noted that this contract is viewed and voted on by the County Legislature."

Final Note

We would like to thank Nick Stefanovic, Director of the Veterans Service Agency, Meredith Rutherford and Lindsay Cray of Trybe Ecotherapy, and Tanya Henry (program evaluation) for their time and assistance during our audit and their commitment and services to the Veterans of Monroe County.



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To report fraud, waste, or abuse, or to comment on this report, please contact the Monroe County Office of Public Integrity.

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