



**SUD SERVICES BULLETIN**

Title: Trafficking Victims Protection Act of 2000		Issue Date: November 4, 2015	Issue No.: 15-05
Approval: Joseph Rangel, Division Manager Contracts Division-Mental Health and Substance Use Disorder Services		Expiration Date: N/A	
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Function:			
<input checked="" type="checkbox"/> Treatment			
<input checked="" type="checkbox"/> Prevention			
<input checked="" type="checkbox"/> Education/Training			
<input type="checkbox"/> Fiscal			
<input checked="" type="checkbox"/> Other			

**PURPOSE**

The purpose of this Bulletin is to inform substance use disorder (SUD) treatment, prevention and recovery services providers of the requirement to comply with the State-County Contract (Negotiated Net Amount and Drug Medi-Cal Contract) and Section 106(g) of the Trafficking Victims Protection Act of 2000.

**DISCUSSION**

The Department of Behavioral Health, Contracts Division – SUD Services, is responsible for ensuring that all contracted providers are adhering to the terms and conditions of the State-County contract. The Department would like to inform all prevention, treatment and recovery services providers of their responsibility to comply with Section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA) which requires the County and its providers to include language in all contracts that authorizes the termination of the contract, without penalty, if the provider or their subcontractor violates the TVPA.

The TVPA established several methods of prosecuting traffickers, preventing human trafficking, and protecting victims and survivors of trafficking. The Act establishes human trafficking and related offenses as federal crimes and attaches severe penalties to them.

**Statutory Requirement**

In each agency award under which funding is provided to a private entity, section 106(g) of the TVPA, as amended, requires the agency to include a condition that authorizes the agency to terminate the award, without penalty, if the recipient or a subrecipient:

- (a) Engages in severe forms of trafficking in persons during the period of time that the contract is in effect;

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- (b) Procures a commercial sex act during the period of time that the contract is in effect; or
- (c) Uses forced labor in the performance of the contract.

The following language will be included in all new County contracts entered into through a procurement process or existing contracts when amended:

***“Trafficking in Persons Provisions – Private Entity***

*CONTRACTOR, CONTRACTOR’s employees, subrecipients, and subrecipients’ employees may not:*

- a) Engage in severe forms of trafficking in person during the period of time that the award is in effect;*
- b) Procure a commercial sex act during the period of time that the award is in effect; or*
- c) Use forced labor in the performance of the award or subawards under the award.*

*This agreement may be unilaterally terminated, without penalty, if CONTRACTOR or a subrecipient that is a private entity is determined to have violated a prohibition of the TVPA or has an employee who is determined by the DBH Director or her designee to have violated a prohibition of the TVPA through conduct that is either associated with performance under the award or imputed to the CONTRACTOR or their subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, “OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement).*

*CONTRACTOR must inform the DBH Director or her designee immediately of any information received from any source alleging a violation of a prohibition of the TVPA.”*

Additionally, providers will be required to sign a form (Attachment A) certifying their agreement to comply with the TVPA, specifically Section 106(g). The certification will be effective retroactively to the beginning of existing contracts and will be required for all new contracts.

REFERENCES

Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. 7104(g)) Prevention of Trafficking; Negotiated Net Amount and Drug Medi-Cal Contract (NNA)

CONTACT

Please contact your assigned analyst with any questions or concerns.