

Section 2. That this resolution shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Analysis

This resolution approves a contract with Youth Opportunity Investments, LLC (YOI), for the operation and management of the Davidson County Juvenile Detention Facility (the "Facility"). YOI is the current operator of the facility pursuant to a 2015 five-year contract. Metro purchasing issued a request for qualifications (RFQ # 57122) for this contract. One of the proposals was deemed nonresponsive, and YOI received the highest score of the remaining two.

This contract is for a term extending through February 2026, with an estimated total contract value of \$28,000,000. YOI will be compensated based upon a per diem rate for each juvenile housed. The per diem amounts under the contract are as follows:

- Year 1 - \$299.29
- Year 2 - \$308.27
- Year 3 - \$317.52
- Year 4 - \$327.04
- Year 5 - \$336.85

YOI will be responsible for all operation and management of the Facility. They must ensure that the Facility maintains American Correctional Association accreditation at all times. When differences arise between various standards, YOI must comply with the highest standards, as determined by Metro Juvenile Court. The contract requires that there be a Metro contract monitor who will be granted access to the Facility and records.

The Facility Director must be approved by the Juvenile Court Judge. All new employees must undergo background checks and drug screening. YOI must provide adequate healthcare and nutrition, and must provide a fulltime on-site licensed counselor or social worker. They must also provide a dietician, an on-call psychiatrist 24/7, and an on-call physician. YOI will be responsible for implementing alternative behavior management options to reduce detainee isolation.

As the Council will recall, Metro entered into a settlement agreement with YOI in June 2020 to recoup a portion of Metro's costs associated with the escape of several juveniles from the Facility. This contract includes several provisions pertaining to the procedures surrounding escapes, riots, and fires. In the event of an escape, YOI is not to attempt to apprehend the individual(s), but rather is to immediately call 911, notify the Facility Director, and notify the Juvenile Court contract monitor. Any incident that involves the dispatch of EMS must also be reported to the contract monitor. YOI must perform a monthly inspection of all safety equipment, including locks and video monitoring equipment.

The contract provides for liquidated damages in the amount of \$10,000 per incident of nonperformance to be paid by YOI. Such incidents of nonperformance include, but are not limited to, the failure to comply with mandatory staffing ratios, solitary confinement regulations, and the failure to report incidents to the Department of Children Services.

The contract includes standard insurance and indemnification provisions protecting Metro from loss. No part of the operating or management services can be subcontracted without Metro's consent.

Section 4.12.240 of the Metropolitan Code provides that “all contracts for the provision of management services for correctional facilities owned by the metropolitan government, executed on or after January 1, 2017, must be approved by resolution of the metropolitan council, duly adopted by twenty-one affirmative votes.”