



## Legislation Details (With Text)

**File #:** 22-1548      **Version:** 1

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**File created:** 8/19/2022      **In control:** Board of Supervisors

**On agenda:** 11/15/2022      **Final action:** 11/15/2022

**Title:** Health and Human Services Agency (HHS) recommending the Board:

- 1) Make findings that the provision of Child Welfare Services substance use assessments and treatment services provided by Contractor are in the public's best interest and that there are specialty skills, qualifications, and equipment not expressly identified in County classifications involved in the performance of the work in accordance with El Dorado County Ordinance Code, Chapter 3.13.030(B), El Dorado County Charter, Section 210(b)(6), and/or Government Code Section 31000;
- 2) Make findings in accordance with Procurement Policy C-17 Section 3.4(3) exempting the competitive bidding process, with Purchasing Agent concurrence, because "competitive bidding would produce no economic benefit to the County" and result in a potential break in Child Welfare Services drug testing and treatments services on the West Slope of El Dorado County;
- 3) Approve and authorize the Chair to sign Amendment I to Agreement for Services 5989 with Shamanic Living Center, Inc., doing business as Recovery In Action, increasing the not to exceed amount by \$74,181, to increase the maximum obligation from \$75,819 to \$150,000, revising the scope of work and compensation of services without a change to the term; and
- 4) Authorize the HHS Director, or Assistant Director of Human Services, to execute further documents relating to Agreement 5989, contingent upon approval by County Counsel and Risk Management, including amendments which do not increase the maximum dollar amount or term of the Agreement.

**FUNDING:**

28% Federal Funding including Temporary Assistance for Needy Families (TANF), Stephanie Tubbs Jones Child Welfare Services Program (Title IV-B), Foster Care (Title IV-E), and 72% County Realignment Funding.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Approved CRS Shamanic Living Center, 5989 A1, 2. B - Amendment 1 Shamanic Living Center, 5989 A1, 3. C - Executed Agreement Shamanic Living Center, 5989, 4. D - Non-Competitive Bid Purchase Justification Form, 5. Executed Amd I to Agreement 5989

Date	Ver.	Action By	Action	Result
11/15/2022	1	Board of Supervisors	Approved	Pass

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**DISCUSSION / BACKGROUND:**

Pursuant to Welfare and Institutions Code Section 16501-16508, the Health and Human Services Agency's (HHS) Child Welfare Services Program (CWS) is required to provide services to promote family reunification for children and families. Such services are designed to promote the well-being of children by ensuring safety, achieving permanency, and strengthening families to successfully care for their children. HHS maintains agreements with multiple vendors for the provision of substance use treatment centers to ensure that CWS clients can be referred by their case worker on an "as needed" basis to receive necessary, and sometimes court-mandated services from the most appropriate and conveniently located vendor. The choice of vendor is based upon the specific needs of each individual HHS client.

HHS CWS currently utilizes services provided under Agreement for Services 5989 with Shamanic Living Center, Inc., dba Recovery In Action, in the amount of \$75,819. Services under this Agreement are directed to those clients who do not qualify for other services through their private insurance and includes: case management, attendance of court meetings and court appearances, group/individual counseling, initial visits and alcohol/other drug (AOD) assessments, multidisciplinary team meeting appearances, and substance use testing. The provider works collaboratively with CWS staff to assist clients with addressing their substance use issues with the goal of family reunification and/or safely maintaining children in the home. The frequency of services are based on the results of the AOD assessment.

Agreement for Services 5989 with Shamanic Living Center, Inc., dba Recovery In Action was executed on November 8, 2021, with a not-to-exceed amount of \$75,819. Due to the current demand for substance use assessments and treatment services, Amendment I is necessary to increase the not-to-exceed amount of \$75,819 by \$74,181 for a new maximum obligation of \$150,000, to revise the scope of work to include ethyl glucuronide (ETG) testing, and update Article III, Compensation for Services. There are no changes to the term of the Agreement.

In accordance with Board of Supervisors Procurement Policy C-17, Section 7.11, effective October 11, 2006, through October 19, 2022, which was in effect at the time this amendment was negotiated, the contractor selection process for service contracts in excess of \$100,000 must include a review of the scope of services and contractor's professional qualifications by a group of individuals (including at least one representative from outside the department requesting the services) qualified to judge the contractor's ability to perform the services. HHS has documentation on file that such a review was performed for Amendment I of Agreement 5989 with Shamanic Living Center, doing business as Recovery In Action.

Shamanic Living Center, Inc., doing business as Recovery in Action is currently the only active local Contractor for drug testing and treatment services for the West Slope of El Dorado County. Without this amendment, the court could find a lack of reasonable efforts conducted by the County for family reunification cases, which could result in children remaining in foster care for longer periods, further delaying family reunification. In addition, there could be a negative fiscal impact due the inability to claim federal dollars for those families impacted by the lack of County drug testing and outpatient services.

For this reason, under the County of El Dorado Board of Supervisors Procurement Policy C-17 Section 3.4, effective October 20, 2022, HHSA recommends with El Dorado County Chief Administrative Office Procurement and Contracts Division concurrence, that competitive bidding (3) “would produce no economic benefit to the County.” The potential loss of federal dollars and the financial impact of children potentially remaining in foster care for longer periods without access to these required services, outweighs any benefits from beginning the competitive solicitation process before the termination date of the current agreement. Competitive solicitation will be engaged prior to the expiration date of Agreement 5989 to maintain continuity of operations.

**ALTERNATIVES:**

Should the Board decline to approve this Amendment I of Agreement for Services 5989 with Recovery In Action, HHSA would fail to meet the needs of CWS clients.

**PRIOR BOARD ACTION:**

N/A

**OTHER DEPARTMENT / AGENCY INVOLVEMENT:**

Approved by County Counsel, Human Resources, CAO Procurement and Contracts, and Risk Management. The Auditor-Controller has been notified per Policy B-12.

**CAO RECOMMENDATION:**

Approve as recommended.

**FINANCIAL IMPACT:**

There is no General Fund associated with this Agenda item. Sufficient appropriations were included in the Fiscal Year 2022-23 budget and will be included in future budgets for the term of the Agreement.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

Clerk of the Board to obtain signature of Chair on one (1) original Amendment I of Agreement for Services 5989.

**STRATEGIC PLAN COMPONENT:**

Healthy Communities

**CONTACT**

Evelyn Schaeffer, Director, Health and Human Services Agency