



## Legislation Text

File #: 10-1249, Version: 1

Human Services Department recommending the Board approve and authorize the Purchasing Agent to execute Amendment 1 to Agreement for Services 340-S1010 with Promesa Behavioral Health, a group home/foster family agency, changing the term of the agreement from a three-year term to an ongoing agreement that shall continue until terminated, increasing the maximum annual compensation to \$250,000 for Fiscal Year 2010-11 and each subsequent fiscal year, and revising other contract terms to also allow placement by the Probation Department and to reflect current standard County contract language, to provide emergency shelter care and/or foster care placement services on an "as-requested" basis.

**FUNDING:** Federal and State Social Services Allocation with required County Share of Cost met primarily with realignment resources.

BUDGET SUMMARY:		
Total Cost of this Action		\$250,000 maximum annual compensation
Contract History		
Original Agmt	\$57,470 for a three-year term	
Amendment 1	\$250,000 maximum annual compensation each fiscal year	
Total Funding Available	\$250,000	
	\$	
	\$	
Change To Net County Cost		N/A

**Fiscal Impact/Change to Net County Cost:** No change. Emergency shelter care services, which are necessary pending Court-ordered case disposition, require a 15% to 30% County share of cost. Court-ordered foster care placement services require a 40% to 60% County share of cost. The State reimburses the County for the federal and state share of cost in a varying ratio based on an array of circumstances. A total of \$5,976,979 is included in the Department of Human Services (DHS) budget for provision of emergency shelter care and foster care services during FY 2010-11. Funds for these services are budgeted annually based on projected need. The not-to-exceed annual compensation of \$250,000 allows for anticipated maximum potential usage.

**Compensation:** Compensation is based upon the State-assigned Rate Classification Level of the group home/foster family agency providing services to the child placed at the facility. Payments to service provider are made monthly in arrears following notification that a child has been placed at the facility.

**Termination:** Agreement includes the County's standard Fiscal Considerations termination language as well as a provision for the County to terminate the Agreement without cause in seven (7) calendar days upon written notice.

**Reason for Recommendation:**

On April 6, 2010, the Purchasing Agent executed Agreement for Services 340-S1010 with Promesa Behavioral Health for the provision of as-needed emergency shelter care and/or foster care placement services for certain children who have been taken into protective custody by DHS. The initial term of the Agreement was three years with a maximum not-to-exceed compensation of \$57,470. The agreement was established in the event that DHS needed to place a child using this group home/foster family agency but was not based on a specific placement need at the time.

DHS currently has two children placed with this group home/foster family agency with the possibility of placing an additional four children for up to six children at this facility. The length of each child's placement is unpredictable as circumstances surrounding each child vary with the child's needs. The monthly rate for foster care placements is set by the State and is currently between \$1,430 and \$1,865 per child, per month based on the age of the child. The monthly rate for group home placements is set by the State and is currently between \$5,302 and \$7,917 per child, per month based on the age of the child. At present, the total monthly payment for the two children placed through this vendor is approximately \$15,712 per month. Based on current usage and in anticipation of potential future placement needs with Promesa Behavioral Health, DHS is recommending that the term of the Agreement be amended from a three-year term to an ongoing agreement that shall continue until terminated and that its compensation be increased from \$57,470 for three years to \$250,000 for FY 2010-11 and each subsequent fiscal year.

Although DHS does not anticipate reaching the \$250,000 maximum annual amount for this vendor in this or any other single fiscal year, this annual not-to-exceed amount provides DHS the flexibility necessary to enable accommodation of current demand and any sudden increase in the need for multiple placements with this particular vendor. Working in conjunction with the CAO, the Department has established a tracking system that regularly monitors the level of expenditures for combined placement services as well as for each individual vendor. This tracking system allows DHS to ensure that overall expenditures remain within budget, while also allowing sufficient time to amend any individual agreement for which actual placement costs will exceed its annual not-to-exceed maximum compensation amount.

Other changes to the Agreement were necessary to also allow the Probation Department to place children at this facility. Changes were made to the Recitals, Article I - Scope of Services, Article II - Term, Article III - Compensation for Services, Article IV - Foster Youth Personal Rights, Article VII - Medi-Cal Screening, Article XII - Access to Records, Article XX - Notice to Parties and Article XXX - Administrator. Articles XXXV and XXXVI were added to the Agreement to include current standard County contract language.

**Purchasing Agent Recommendations:** The Purchasing Agent reviewed the Department's request to enter into this Amendment 1 to Agreement 340-S1010 and concurs that it is not necessary to conduct a competitive selection process as the services are court ordered. The Department of Human Services maintains purchase of services Agreements with multiple local, state and national vendors for the provision of emergency shelter care services and/or foster care placement services

for its clients to ensure that clients can be referred by their caseworkers on an “as requested” basis to receive necessary services from the most appropriate and conveniently located vendor. Choice of vendor is based on the specific needs of each individual DHS client.

**Action to be taken following board approval:**

1. Purchasing Agent to execute two (2) copies of the approved Amendment 1 to Agreement 340-S1010 with Promesa Behavioral Health and return one (1) original of the Amendment to Human Services at 3057, Briw Road.
2. Human Services to distribute the document as appropriate.

**Contact:** Daniel Nielson, M.P.A. x7275

**Concurrences:** County Counsel, Risk Management, Purchasing Agent and Human Resources.