



Legislation Text

File #: 23-2162, **Version:** 1

Sheriff's Office and Probation Department recommending the Board:

- 1) Make findings that the provision of health services in the County detention facilities by licensed healthcare professionals trained in correctional medicine 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 County Ordinance 3.13.030(B);
- 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 may result in the lack of continuity in appropriate mandated correctional medical care to detained adults and children in detention facilities in the County of El Dorado; and
- 3) Approve and authorize the Chair to sign Amendment III to Agreement for Services 2989 with California Forensic Medical Group increasing the maximum obligation by \$2,000,000, from \$21,695,139 to \$23,495,139, with the term extended from the original term of January 1, 2019, through December 31, 2023, to January 1, 2019, through February 29, 2024.

FUNDING: General Fund.

DISCUSSION / BACKGROUND

Pursuant to California Penal Code Section 4011 and California Code of Regulations Title 15, the County is responsible for the provision of health care for detained adults and children. Since 1996, the County of El Dorado has met this requirement through contracts with the CFMG administered by the Health and Human Services Agency (HHS) Public Health and Behavioral Health Divisions, in conjunction with the Sheriff's Office and Probation Department. Prior to adoption of the FY 2023-24 budget, it was decided that the Sheriff's Office would administer this agreement, in collaboration with Probation, going forward. All prior Board items referenced below were submitted by HHS.

The current CFMG Agreement for Services 2989 was approved by the Board of Supervisors on December 18, 2018 (File ID: 18-1793) for the provision of health services in the two jail facilities and the two juvenile detention facilities for the term of January 1, 2019, through December 31, 2023, as it was determined by the Board that it was more economical and feasible to engage an independent contractor for these services.

The CFMG Agreement has an annual amount divided into adult services for the jails, juvenile services for the juvenile detention facility (JDF), and a per diem amount if the average daily population (ADP) at any of the facilities exceeds the agreed-upon ADP. The annual amounts are divided into twelve equal monthly flat-rate payments for billing. There is an annual escalator of 3.6 percent.

Effective June 30, 2019, the County discontinued operations at the Placerville JDF. On November 5, 2019, with Legistar item 19-1576, Amendment I to Agreement for Services 2989 was executed to reduce the annual contracted amount for healthcare services due to the closure of the Placerville

JDF with the remaining juvenile services being provided at the JDF in South Lake Tahoe.

Amendment II to Agreement for Services 2989, approved on 12/13/22 with Legistar item 22-1449, was the result of a CFMG negotiated increase of \$115,623 to the Calendar Year 2023 compensation amount that increased the 3.6 percent escalator effective July 1, 2023. Half of the increase (\$57,811.50) was to be applied January 1, 2023, and the remainder was to be applied July 1, 2023, after the 3.6% annual Base Rate increase compounded by the increase in January 2023. This total increase of \$145,569.37 was projected to mitigate the extraordinary effects of the healthcare staffing crisis due to the Covid-19 pandemic.

Previously, CFMG was currently the only active Contractor providing licensed healthcare professionals trained in correctional medical care for the provision of healthcare services in County detention facilities. Under the Procurement Policy C-17 Section 3.4(3), effective October 20, 2022, it was recommended, with Procurement and Contracts Division concurrence, that competitive bidding “would produce no economic benefit to the County.” The potential financial impact from the lack of appropriate mandated correctional medical care to individuals incarcerated in County jails or JDFs outweighs any benefits from beginning the competitive solicitation process before the termination date of the current agreement. Amendment III updates the term to end on February 29, 2024 to allow the Sheriff’s Office, as administrator of the contract, to determine the best path forward for medical care in our Jails and JDF in concurrence with Probation. If this timeline is not sufficient for the Sheriff’s Office or Probation to address service requirements in our facilities, we will return for an additional extension, if needed.

Amendment III also increases the not-to-exceed amount based on two factors. The first being the additional two months of services being added to the agreement estimated at approximately \$1,000,000. The second being the not-to-exceed amount in Amendment II of Agreement 2989 was only inclusive of the flat rate paid to CFMG and did not include amounts that may be incurred for exceeding ADP, overruns, or reimbursements over CFMG’s financial liability. Because there was no funding included in the not-to-exceed amount for these types of payments, there is not enough funds left on the contract to even pay the base rates for the additional two months being added to the agreement. The additional increase of \$1,000,000 will ensure there is enough funding on the contract to make base payments plus if ADP is exceeded, overruns, or reimbursements over CFMG’s financial liability.

ALTERNATIVES

No viable alternative recommendations are available. The County remains under a Federal Court Decree (York vs El Dorado County 12/15/1993) to provide correctional medical care 24 hours per day 7 days a week. Disapproval of Amendment III to Agreement for Services 2989 would result in a gap in correctional medical care in the County of El Dorado and the inability to meet standards pursuant to the California Penal Code Section 4011 and California Code of Regulations Title 15.

PRIOR BOARD ACTION

12/18/2018 Legistar item 18-1793
11/05/2019 Legistar item 19-1576
12/13/2022 Legistar item 22-1449

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel, Human Resources and Risk Management, Procurement and Contracts

CAO RECOMMENDATION / COMMENTS

Approve as recommended.

FINANCIAL IMPACT

There is no increase to net county cost, the funds are included in the Sheriff's FY 2023-24 budget.

CLERK OF THE BOARD FOLLOW UP ACTIONS

Return one signed Amendment III to Sheriff's Office for distribution.

STRATEGIC PLAN COMPONENT

Public Safety

CONTACT

Undersheriff Bryan Golmitz
Chief Probation Officer Brian Richart