



## Legislation Details (With Text)

<b>File #:</b>	23-0930	<b>Version:</b>	1
<b>Type:</b>	Agenda Item	<b>Status:</b>	Approved
<b>File created:</b>	4/28/2023	<b>In control:</b>	Board of Supervisors
<b>On agenda:</b>	7/18/2023	<b>Final action:</b>	7/18/2023
<b>Title:</b>	<p>Probation Department recommending the Board:</p> <p>1) Make findings in accordance with El Dorado County Ordinance Code, Chapter 3.13.030(B) that contracting out for transdermal electronic monitoring equipment and services with SCRAM of California is 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;</p> <p>2) Make a finding in accordance with Procurement Policy C-17 Section 3.4(2)(f) that "the procurement is for goods where the continuity of providers will provide efficiency or critical knowledge, and other providers of the goods cannot provide similar efficiencies or critical knowledge";</p> <p>3) Approve and authorize the Chair to sign retroactive Agreement for Services 7784 effective June 1, 2023, through May 31, 2025, with three one year renewal options, for a Not to Exceed Amount of \$2,520,000; and</p> <p>4) Authorize the Purchasing Agent, or designee, to execute further documents relating to Agreement 7784, including amendments which do not increase the maximum dollar amount or term of the Agreement, and contingent upon approval by County Counsel and Risk Management.</p> <p>FUNDING: Public Safety Realignment (AB 109) (65%); Pretrial (20%); Substance Abuse Focus Grant (10%); and Juvenile Probation Funding (5%).</p>		

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. A - Contract Routing Sheet, 2. B - Agreement 7784, 3. C - Retroactive Memo, 4. Executed Agreement 7784

Date	Ver.	Action By	Action	Result
7/18/2023	1	Board of Supervisors	Approved	Pass

Probation Department recommending the Board:

- 1) Make findings in accordance with El Dorado County Ordinance Code, Chapter 3.13.030(B) that contracting out for transdermal electronic monitoring equipment and services with SCRAM of California is 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;
- 2) Make a finding in accordance with Procurement Policy C-17 Section 3.4(2)(f) that "the procurement is for goods where the continuity of providers will provide efficiency or critical knowledge, and other providers of the goods cannot provide similar efficiencies or critical knowledge";
- 3) Approve and authorize the Chair to sign retroactive Agreement for Services 7784 effective June 1, 2023, through May 31, 2025, with three one year renewal options, for a Not to Exceed Amount of \$2,520,000; and
- 4) Authorize the Purchasing Agent, or designee, to execute further documents relating to Agreement 7784, including amendments which do not increase the maximum dollar amount or term of the Agreement, and contingent upon approval by County Counsel and Risk Management.

**FUNDING:** Public Safety Realignment (AB 109) (65%); Pretrial (20%); Substance Abuse Focus Grant (10%); and Juvenile Probation Funding (5%).

## **DISCUSSION / BACKGROUND**

The Probation Department (Probation) has been continuously operating the Electronic Monitoring Program (EMP) since 2006 to provide home detention services as a custody alternative for appropriate offenders.

California Assembly Bill 109, also referred to as 2011 Public Safety Realignment (AB 109), was signed in 2011. AB 109 and its modification bill, Assembly Bill 117, “realigned” the responsibility of many justice involved individuals (JII) from state prison to local entities. Since passage of AB 109, grant funding for state probation departments has not been renewed, and a variety of bills have been passed by the state eliminating counties’ reimbursement for their EMP programs. The state allocates a portion of appropriations to counties to help offset discontinuance of other funding sources.

As funding for electronic monitoring programs has decreased, use of GPS and Continuous Alcohol Monitoring tracking device usage among the JII population has increased since the passage of AB 109 and the more recent Pretrial program implementation in El Dorado County. Costs are also increasing due to a significant, and continued, increase in defendants being released from custody resulting in a rise of court-ordered EMP services. Recent years have seen many jurisdictions shifting to electronic monitoring as an alternative to pretrial incarceration. Covid-19 and justice administrators’ use of monitors to reduce the number of people in overcrowded facilities has also expanded the use of electronic monitoring throughout the criminal legal system. Costs for lost or damaged equipment must also be absorbed by probation departments.

Probation has been utilizing SCRAM of California (SCRAM) since 2015 for EMP services. SCRAM provides EMP equipment to Probation’s clients, as well as staff to complete installations and removals of the devices. Though Probation Assistants also provide this service, it is more cost-effective to utilize SCRAM staff, to allow Probation personnel to address more pressing needs that affect El Dorado County community safety.

Since 2015, Probation has utilized National Association of State Procurement Officials (NASPO) ValuePoint Cooperative Purchasing Organization Master Agreements. Contract 4371 with SCRAM expired on May 31, 2023. For this expired contract Probation piggy-backed off of NASPO Cooperative Purchasing Organization Master Agreement #00212, which also expired on May 31, 2023 and was competitively bid.

Probation began working with Procurement & Contracts (P&C) in April of 2022 on an in-house Request for Proposal (RFP) for electronic monitoring services. During that process, P&C determined from NASPO that they were going to competitively bid EMP services upon expiration of their current contract. Probation’s intention was to leverage an awarded NASPO Master Agreement. On May 12, 2023, Probation was notified by NASPO that awards for EMP services would be awarded one entity at a time, with award dates still unknown. In communication with P&C it was suggested, in the interest of time and continuity of services, that Probation contract directly with SCRAM under the Procurement Policy exemption Section 3.4(2)(f) “the procurement is for goods where the continuity of providers will provide efficiency or critical knowledge, and other providers of the goods cannot provide similar efficiencies or critical knowledge.” Probation began working on this new retroactive agreement 7784 with SCRAM on May 15, 2023. Board approval was scheduled as soon as practicable after that date.

## **ALTERNATIVES**

The Board could choose not to approve this contract. Probation and P&C can perform an in-house RFP, which would delay the execution of a contract for EMP services by months.

## **PRIOR BOARD ACTION**

12/17/2019 Legistar Item 19-1377

06/12/2018 Legistar Item 18-0828

## **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

Procurement and Contracts and County Counsel

## **CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

## **FINANCIAL IMPACT**

There is no General Fund impact or increase to Net County Cost. Costs are budgeted in Probation's FY 2023-24 budget and will be budgeted in subsequent fiscal years of the Agreement term.

## **CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) Obtain signature of Chair on two (2) originals of Agreement 7784.
- 2) Forward one (1) fully executed document to the Probation Department, Attn: Jackie S. Cook, Administrative Analyst; for final processing and distribution to vendor.

## **STRATEGIC PLAN COMPONENT**

Public Safety

## **CONTACT**

Jackie S. Cook, Administrative Analyst, 530-621-5588