



# County of El Dorado

330 Fair Lane, Building A  
Placerville, California  
530 621-5390  
FAX 622-3645  
www.edcgov.us/bos/

## Legislation Text

File #: 09-0576, Version: 3

Health and Human Services Agency, Public Health Division, recommending the Board authorize the Chair to sign retroactive Amendment III to Agreement 811-S0811 with Tahoe Youth and Family Services, Inc., for the provision of alcohol and drug counseling services during the term July 1, 2008 through June 30, 2009, increasing the Not-to-Exceed Amount to \$130,292.61 to allow payment of Cost Report settlement, with no change to the term of the Agreement.

**FUNDING:** State and Federal funding via the California Department of Alcohol and Drug Programs.

### Fiscal Impact/Change to Net County Cost

There is no Net County Cost associated with Amendment III to 811-S0811.

<b>Budget Summary</b>	
Total Estimated Cost .....	\$130,292.61
Original Agreement.....	\$89,068.00
Amendment I.....	\$18,023.00
Letter to Contractor dated July 1, 2009.....	\$5,909.00
Amendment II.....	\$0.00
Amendment III.....	\$17,292.61
Total Funding Available.....	\$130,292.61
Change to Net County Cost.....	\$0.00

### Compensation for Services

Payments are made based on monthly invoicing at specified billing rates for actual services performed and documentation per the Agreement's requirements. Monthly payments to Contractor are made within forty-five (45) days following the County's receipt and approval of itemized invoices.

Payment to Contractor for settlement of Cost Report findings will be submitted upon execution of Amendment III to that Agreement 811-S0811.

### Background

Prior to 2011, Alcohol and Drug Program (ADP) funding was comprised of multiple State and Federal funding streams which were changed by the funding agency during the course of a fiscal year. In addition to changes in funding amounts, ADP agreements were historically amended numerous times to adjust funding available to providers based on actual client services being provided. Working with County Counsel, staff developed contract language that included both a Provisional Amount and a

Not-to-Exceed Amount for each contract, and allowed the Director to modify provisional compensation amounts via a letter to the Contractor so long as the Not-to-Exceed amount of the Agreement was maintained.

Agreement 811-S0811 with Tahoe Youth and Family Services included services funded by Drug Medi-Cal and was subject to review by the State via the Cost Report process. Upon receipt of FY 2008-09 Cost Report findings that revealed the need for a settlement with Tahoe Youth and Family Services, Inc., the Health and Human Services Agency, Public Health Division ("HHS/PHD") determined clarification of the Cost Report language in the Agreement via Amendment would be necessary. Amendment II to Agreement 811-S0811 with Tahoe Youth and Family Services (Board item 09-0576) was approved by the Board October 16, 2012, at which time the Cost Report language was corrected to allow payment for cost settlement. However, when HHS/PHD attempted to make payment to the Contractor based on revised language in Amendment II to Agreement 811-S0811, they were informed that the Not-to-Exceed amount of the Agreement had to be increased to allow payment. HHS/PHD now returns to the Board to increase the Not-to-Exceed amount of Agreement 811-S0811 to ensure payment of cost settlement.

### **Retroactive Term**

The Amendment is retroactive to FY 2008-09 due in part to the time required for the State to complete Cost Report review and findings (approximately a two [2] year process). When the Board approved Amendment II, HHS/PHD immediately attempted to pay the cost settlement to each Contractor. However, HHS/PHD was notified that the Not-to-Exceed of the Agreement had to be increased to allow Procurement and Contracts to encumber funds for the payment. Upon that determination, every effort was made to present this Amendment to the Board at the next available Agenda date.

### **Reason for Recommendation**

Approval of Amendment III to Agreement 811-S0811 with Tahoe Youth and Family Services, Inc., for the provision of alcohol and drug counseling services during the term July 1, 2008 through June 30, 2009 will allow HHS/PHD to make payment to the Contractor based on Cost Report settlement findings from the State.

### **Action(s) to be taken following Board approval**

1. Chair to sign two (2) Amendments III to Agreement 811-S0811,
2. Board Clerk's Office to return one (1) signed original Amendment to 811-S0811 to HHS/PHD at 3057 Briw Road, Suite A.
3. HHS/PHD to distribute documents as appropriate.

### **Contact**

Daniel Nielson, M.P.A., Director [\(530\) 642-7275](tel:5306427275)

### **Concurrences**

County Counsel and Risk Management.