



Board Agenda Item 42

DATE: June 20, 2023

TO: Board of Supervisors

SUBMITTED BY: Susan L. Holt, Director of Behavioral Health

SUBJECT: Master Agreement with Driving Under the Influence and Drug Diversion Programs

RECOMMENDED ACTION(S):

- 1. Make a finding that is in the best interest of the County to suspend the competitive bidding process consistent with Administrative Policy No. 34 for unusual or extraordinary circumstances as A & J Social Services dba Special Services Community Center, Kings View, and Fresno County Hispanic Commission on Alcohol and Drug Abuse Services, Inc., are uniquely qualified to provide Driving Under the Influence and Penal Code 1000 Drug Diversion programs.**
- 2. Approve and authorize the Chairman to execute a revenue Master Agreement for Driving Under the Influence and Penal Code 1000 Drug Diversion programs with A & J Social Services dba Special Services Community Center, Kings View, and Fresno County Hispanic Commission on Alcohol and Drug Abuse Services, Inc., effective July 1, 2023, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed \$510,330:**
- 3. Authorize the Department of Behavioral Health Director, or designee, to review and make recommendation for approval or denial to the California Department of Health Care Services, requests by Driving Under the Influence and Drug Diversion Programs to increase participant fees.**

Approval of recommended actions will enable the Department of Behavioral Health (Department) to continue as the County Alcohol and Drug Administrator for Department of Health Services (DHCS)-licensed Driving Under the Influence (DUI) Programs and Board of Supervisors-approved Penal Code (PC) 1000 Drug Diversion programs and continue to be reimbursed for administrative and monitoring fees through a portion of participant fees with no Net County Cost. The programs follow specific Health and Safety Codes Sections 11836 through 11838, Penal Code Sections 1000 and 1211, and Fresno County PC-1000 Standards. Approval of recommended action three will allow the Department to review participant fee increase requests by programs as specified in California Health and Safety Code Section 11837.4, Title 9, California Code of Regulations, Section 9878 and Fresno County PC-1000 Standards respectively on behalf of the Board. This item is countywide.

ALTERNATIVE ACTION(S):

If your Board does not approve the recommended actions, the current agreement with Kings View expires June 30, 2023 and on-going participants will not be able to complete their DUI programming. Transition to other contracted DUI providers, A and J Social Services (SSCC) and Fresno County Hispanic Commission

(FCHC) under their existing evergreen contracts, will include additional costs to participants. The existing evergreen agreements with SSCC and FCHC will not have the County's insurance and data security requirements. If the third recommended action is not approved, the Department will have to return to your Board for approval of participant fee increases and not be able meet its thirty-day review period as mandated before contractors' direct requests to DHCS.

SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

The Department's request to suspend the competitive bidding process is consistent with Administrative Policy No. 34 as A and J Social Services dba Special Services Community Center, Kings View, and Fresno County Hispanic Commission on Alcohol and Drug Abuse Services, Inc., are uniquely qualified to provide DUI and PC 1000 Drug Diversion programs. The DUI programs are approved by the Board and licensed by the State as set by requirement and guidelines in Health and Safety Code section 11836(a) and the County provides only administrative and monitoring duties. The Department of Health Care Services licenses the programs, establishes regulations, and approves fee schedules. The programs do not receive Federal, State or Local funding and are outside of the County bid processes. PC-1000 programs are certified by the Department of Behavioral Health and a Board-approved contract is established as set by requirements and guidelines in Penal Code 1000 and 1211. Penal Code 1000 standards allow counties to collect up to 5% of a program's client fees for administrative and monitoring duties. The Internal Services Department - Purchasing concurs with the Department's request to suspend the competitive bidding process.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The County does not pay any compensation to the Drunk Driving and Drug Diversion programs. As the administrator of the DUI and Drug Diversion programs in Fresno County, the County retains up to 5% of the actual client fees revenue less the State collected fees to offset the County's administrative program and indirect costs. Actual direct and indirect costs incurred by the County to provide administrative services are 100% financed with the programs' client fees revenue.

Estimated per year revenues per program:

- A & J Social Services, dba Special Services Community Center
 - Driving Under the Influence Program (\$49,635)
 - Drug Diversion Program (\$834)
- Fresno County Hispanic Commission on Alcohol and Drug Abuse Services, Inc.
 - Driving Under the Influence Program (\$28,050)
- Kings View
 - Driving Under the Influence Program (\$23,301)
 - Drug Diversion Program (\$246)

Sufficient appropriations and estimated revenue will be included in the Department's Org 5630 FY 2023-24 Recommended Budget and in subsequent budget requests for the duration of the agreement term.

DISCUSSION:

Fresno County contracts with a number of community-based organizations to provide alcohol and drug services to Fresno County residents. The DUI programs are recommended by the Board of Supervisors to DHCS for licensure. Drug Diversion programs are certified by DBH and approved by the Board of Supervisors. State Health and Safety Codes and Penal Codes provide guidelines for establishment and regulation of the programs. The County functions as the State's local monitoring agency. The recommended revenue Master Agreement would allow the County to be reimbursed for the administrative and monitoring duties at three (3%) of participant fees

On June 17, 2003, the Board approved the following agreements:

- No. 03-279 with A and J Social Services, dba Special Services Community Center, to provide a second offender 18-month driving-while-under-the-influence (DUI) program, a first offender DUI program and a Wet Reckless Driver program pursuant to Health and Safety Code, sections 11836 through 11839 and Vehicle Code, sections 23536 through 23568.
- No. 03-280 with A and J Social Services, dba Special Services Community Center, to provide a PC 1000 Drug Diversion Program under California Penal Code sections 1000 and 1211.
- No. 03-281 with Fresno County Hispanic Commission on Alcohol and Drug Abuse Services, Inc., to provide a second offender 18-month driving-while-under-the-influence (DUI) program, a first offender DUI program and a Wet Reckless Driver program pursuant to Health and Safety Code, sections 11836 through 11839 and Vehicle Code, sections 23536 through 23568.
- No. 03-283 with Kings View Corporation to provide a second offender 18-month driving-while-under-the-influence (DUI) program, a first offender DUI program and a Wet Reckless Driver program pursuant to Health and Safety Code, sections 11836 through 11839 and Vehicle Code, sections 23536 through 23568. The agreement also provides for a PC 1000 Drug Diversion program under California Penal Code sections 1000 and 1211.

On June 21, 2022, the Board approved Agreement No. 22-253 with Kings View to correct Kings View's legal entity name, with a change to the term to and an end date of June 30, 2023.

The recommended Master Agreement will supersede existing agreements with Special Services Community Center and Fresno County Hispanic Commission.

State Health and Safety Codes and Title 9 require Drunk Driving programs to submit fee increase requests to the County. As specified under HSC Section 11837.4(b)(2)(A)(B) and Title 9, CCR, Section 9878(c)(2), the County shall have 30 days from receipt of request to review and forward the request to DHCS with a recommendation to approve or deny. If the County fails to submit the request and recommendation within 30 days, programs may submit requests directly to DHCS. Authorizing the Department of Behavioral Health Director or designee to review and make recommendation to DHCS requests will allow the County to forward the requests and recommendations in a timely manner that is in compliance with Health and Safety Codes and Title 9 regulations.

Fresno County PC-1000 Standards Section 1042 require programs to submit program fee schedules to the County Alcohol and Drug Administrator. Within 30 days of receipt, the Administrator shall review and notify the program of approval or denial of the fee schedule. Authorizing the Department of Behavioral Health Director or designee to review and approve or deny fee schedule submissions will allow the County to make recommendations in a timely manner that is in compliance with Fresno County PC-1000 Standards.

OTHER REVIEWING AGENCIES:

The Behavioral Health Board was informed of the recommended actions at its May 2023 meeting.

REFERENCE MATERIAL:

BAI #37 - June 21, 2022

BAI #48 - June 17, 2003

ATTACHMENTS INCLUDED AND/OR ON FILE:

Suspension of Competition

On file with Clerk - Master Agreement

CAO ANALYST:

Ron Alexander