



# Board Agenda Item 37

DATE: September 12, 2017

TO: Board of Supervisors

SUBMITTED BY: Margaret Mims, Sheriff-Coroner

SUBJECT: Retroactive Agreement with the Fresno County Superintendent of Schools for Adult Education Program within the Jail Facilities

## RECOMMENDED ACTION(S):

- 1. Make a finding that it is in the best interest of the County to suspend the competitive bid process consistent with Administrative Policy No. 34 for unusual or extraordinary circumstances as Fresno County Superintendent of Schools has been the exclusive provider of educational services at the County jail since 1994; and**
- 2. Approve and authorize the Chairman to execute a retroactive Agreement with Fresno County Superintendent of Schools to provide an Adult Education Program within the Jail Facilities, effective October 1, 2016 through September 30, 2021, which includes a three-year base contract and two optional one-year extensions, total not to exceed \$593,437.**

There is no increase in Net County Cost associated with the recommended actions, which request a waiver of the competitive bid process to establish a suspension of competition agreement with the Fresno County Superintendent of Schools (FCSS) to operate an Adult Education Program for inmates within the County jail.

## ALTERNATIVE ACTION(S):

There are no viable alternative actions. The Sheriff is mandated to develop and implement an education program with available resources for inmates in the County jail

## SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

The Department's request to waive the competitive bidding process is consistent with Administrative Policy No. 34 as the California Education Code 1900 states the County superintendent of schools shall have the power to establish classes in the County jail. In addition, the Sheriff is mandated by California Code of Regulations, Title 15, Minimum Standards for Local Detention Facilities Article 6, Section 1061 to develop and implement an education program with available resources. Based on this and in order to not interrupt education classes for incarcerated adult(s), as the Sheriff-Coroner's has been using local governmental agency FCSS exclusively since 1994, a letter of interest was not issued. The Internal Services Department - Purchasing concurs with the Department's request to suspend the competitive bidding process.

## RETROACTIVE AGREEMENT:

The recommended agreement is retroactive to October 1, 2016 because the agreement was signed by FCSS on August 14, 2017 and is being brought to your Board on the first available Board date. In addition, FCSS applies for State jail education reimbursement and provides the Sheriff-Coroner's Office a yearly invoice after deducting jail education funds received from the State. The California Department of Education may take up to 24 months

to reimburse participating county local education agencies, mainly due to receipt of the Budget Act confirmation to allow or disallow growth in the Cost of Living Allowance (COLA).

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. Compensation will follow the schedule below for each school year, not to exceed \$593,437 for the five year term, and will be paid using the Inmate Welfare Fund Org 1500. Appropriations and estimated revenues for this agreement are included in the Sheriff-Coroner's FY 2017-18 Recommended Budget for Org 3111 and Inmate Welfare Fund Org 1500 and will be included in subsequent budget years.

October 1, 2016 to September 30, 2017 = \$98,140  
October 1, 2017 to September 30, 2018 = \$109,917  
October 1, 2018 to September 30, 2019 = \$118,710  
October 1, 2019 to September 30, 2020 = \$128,207  
October 1, 2020 to September 30, 2021 = \$138,463

DISCUSSION:

Penal Code section 4025 allows the Sheriff-Coroner's Office to establish and maintain an Inmate Welfare Fund (IWF). Monies deposited into this Fund include commissions on inmate telephone calls, inmate purchase of commissary items and interest earned on the IWF balance. Monies from the Fund are expended by the Sheriff-Coroner for the benefit, education, and welfare of the inmates confined within the jail and may be expended for the maintenance of County jail facilities. This includes, but is not limited to, education, drug and alcohol treatment, library services, accounting, and other programs deemed appropriate by the Sheriff-Coroner.

California Code of Regulations, Title 15, Minimum Standards for Local Detention Facilities, Article 6, and Section 1061 mandates the Sheriff to develop and implement an education program with available resources for adult inmates in any County jail. The County Board of Education has approved that the FCSS is qualified and willing to provide classes to inmates in the County detention facilities per Section 1900 of the California Education code. FCSS has agreed to provide educational programming in the following areas of: reading, writing, vocabulary, math skills, career awareness/training, reduced recidivism rates and stress; General Education Development (GED); English as a Second Language (ESL); Adult Basic Education (ABE), Career Education, Personal/Life Skills Training, Special Education; and other subject matter as determined by both parties.

FCSS has been providing such classes since 1994 and the Sheriff paid for these classes directly from the Inmate Welfare Fund prior to the establishment of Special Revenue Funds.

The FCSS is not a corporation and is a governmental agency; therefore, the "Disclosure of Self-Dealing Transactions" is not included in the Agreement.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Suspension of Competition Acquisition Request Form  
On file with Clerk - Agreement with FCSS

CAO ANALYST:

Jeannie Z. Figueroa