



Board Agenda Item 35

DATE: April 13, 2021

TO: Board of Supervisors

SUBMITTED BY: Dawan Utecht, Director, Department of Behavioral Health

SUBJECT: Retroactive Agreement with Fresno County Superintendent of Schools - All 4 Youth Wellness Centers

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 the Fresno County Superintendent of Schools is a local government agency and the sole, unique vendor to provide school-based prevention and early intervention services for the Department of Behavioral Health;**
- 2. Approve and authorize the Chairman to execute a retroactive Agreement with the Fresno County Superintendent of Schools, for the expansion of school-based mental health and prevention and early intervention services, effective September 1, 2020 through August 31, 2024, total not to exceed \$6,000,000;**
- 3. Approve and authorize the Department of Behavioral Health Director, or designee, upon review by County Counsel as to legal form and Auditor-Controller/Treasurer-Tax Collector as to accounting form, to approve minor changes to program services and budgets, as needed, to accommodate changes in the laws relating to mental health treatment, with no change to the maximum compensation;**
- 4. Adopt Budget Resolution increasing the FY 2020-21 appropriations for Mental Health Student Services Act Grant Org 1072 in the amount of \$861,845 (4/5 vote); and,**
- 5. Adopt Budget Resolution increasing the FY 2020-21 appropriations and estimated revenues for Department of Behavioral Health Org 5630 in the amount of \$861,845 (4/5 vote).**

There is no increase in Net County Cost associated with the recommended actions. Approval of the recommended actions will utilize grant funds received from the California State Mental Health Services Oversight and Accountability Commission (MHSOAC) via the Mental Health Student Services Act 2019 (MHSSA) to fund the expansion of the Fresno County Superintendent of Schools (FCSS) integrated school-based prevention and early intervention All 4 Youth Program by developing four school-based Wellness Centers for the unserved and/or underserved communities in the County. Approval of the recommended actions will adopt budget resolutions to increase appropriations and estimated revenues to fund the program and allow the Department of Behavioral Health Director, or designee, to approve minor changes to the program and funding reallocation, as necessary, with no changes to the total maximum compensation. This item is countywide.

ALTERNATIVE ACTION(S):

There are no viable alternative actions. Should your Board not approve the recommended actions, the awarded grant would not be implemented, and supplemental school-based mental health and prevention and early intervention services will not be expanded.

SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

The Department's request to suspend the competitive bidding process consistent with Administrative Policy No. 34 results from the fact that FCSS provides the All 4 Youth Program services and is a governmental agency encompassing many of the school districts, charter schools, and schools within the County. FCSS is advantageous to coordinate care with all school districts county-wide. Also, as the awarded partner in the MHSSA competitive grant application, FCSS is the sole, unique vendor to provide the proposed services. Internal Services Department - Purchasing Division concurs with the Department's request to suspend the competitive bidding process.

RETROACTIVE AGREEMENT:

The recommended agreement is retroactive to September 1, 2020, as the final agreement from MHSOAC was received on July 15, 2020 and subsequent contract negotiations delayed presentation at an earlier date.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The maximum cost of the recommended agreement in FY 2020-21 is \$861,845; \$6,000,000 for the term and will be financed with MHSSA. Adoption of the recommended budget resolutions will allow for an Operating Transfer Out of MHSSA Grant Org 1072 and an Operating Transfer In to the Department's Org 5630 to fund the FY 2020-21 costs associated with program operational needs.

DISCUSSION:

On June 5, 2018, your Board approved Agreement No. 18-308 with FCSS to provide Mental Health Services Act specialty mental health services and prevention and early intervention services to individuals aged 0-22 and their families, at school sites throughout the County. The goal of this integrated expanded treatment program (collectively referred to as the "All 4 Youth" Program) is to provide one school-based integrated system of care for the behavioral health needs of youth and their families. Services include individual and group therapy, intensive case management, rehabilitation, medication support, and other related mental health services.

In July 2019, the Governor signed Senate Bill 75 (Statutes of 2019, Chapter 75), which created the MHSSA to establish a mental health partnerships between county mental health or behavioral health departments and local educational entities for the purpose of increasing access to mental health services in locations that are easily accessible to students and their families. Since the County has an existing partnership with FCSS, the County was deemed eligible to receive a total grant amount of \$6,000,000. On December 12, 2019, the Request for Application (RFA) was released from the MHSOAC with a submission deadline of February 28, 2020. The Department and FCSS collaborated to develop a proposal for this grant opportunity.

On March 24, 2020, your Board approved the retroactive MHSSA grant application submission to MHSOAC for the competitive grant opportunity for supplemental funds to the All 4 Youth Program. On April 23, 2020, the MHSOAC announced the selection of the County as an award recipient of the MHSSA grant.

On August 4, 2020, your Board approved Agreement No. 20-283 with MHSOAC to accept the award, which will be passed through to the local education agency and partner, FCSS, to implement the submitted

proposal.

Approval of the recommended actions will allow for an expansion of the integrated school-based prevention and early intervention All 4 Youth Program. The proposal will fund capital investments and expansion of the prevention and early intervention component in the All 4 Youth Program. The funds would establish four new service delivery locations, to be referred to as "Wellness Centers", throughout the County. These centers will provide outreach, prevention and early intervention services, behavioral health services, and referral to supportive services to youth and their families. The new component includes recruitment and incorporation of Family Partners from the local community, with lived experience that reflects the population they serve. Family Partner services will be provided at the Wellness Centers and in the field, to complement the existing All 4 Youth Program's clinical treatment services.

The recommended agreement allows for changes to services, staffing, and responsibilities of FCSS, as needed, to accommodate changes in the laws relating to mental health treatment, may be made after review and approval by County Counsel and Auditor-Controller/Treasurer-Tax Collector. Additionally, the Department Director can approve changes in service sites and budget expense category subtotals that do not exceed 10% of the contractor's total annual maximum compensation. These changes ensure the necessary flexibility in budget and capacity for contractors to be able to hire staff appropriately and meet capacity needs, without a gap or delay in services. Modifications approved by the Director shall not result in any change to the total maximum compensation payable to the contractor under the recommended agreement.

In addition, the Termination clause of the recommended agreement has modification to the standard County language which allows a breach to be cured before either party can terminate the agreement. Therefore, waiving either parties' ability to immediately terminate the agreement for a breach. It is noted that Risk Management did not approve of the language as it was standard for county agreements to have the ability to immediately terminate for safety of program records and integrity. However, with County Counsel's review, it was allowed due to the identity of the contractor (another government agency) and circumstances of the MHSSA award, which requires prior notification to the MHSOAC before terminating. The agreement still has language to terminate for breaches and is dependent on incoming MHSSA funds and can be terminated for non-allocation of funds. Another unique change to the standard County language is the inclusion of mutual indemnity and hold harmless language. Due to this grant only being awarded from the MHSOAC as a recognized partnership between Department and FCSS, with Counsel's review, the Department is allowing mutual indemnity and hold harmless language as there is a need for these efforts for both parties and the risk is very minimal.

The recommended agreement is a four-year contract with FCSS. The contract term will be in alignment with the MHSOAC contract (Agreement No. 20-283) for the term of September 1, 2020 to August 31, 2024.

OTHER REVIEWING AGENCIES:

The Behavioral Health Board was informed of the MHSOAC competitive grant opportunity during the February 19, 2020 Behavioral Health Board meeting.

REFERENCE MATERIAL:

BAI #32, August 4, 2020

BAI #32, March 24, 2020,

BAI #9, June 5, 2018

ATTACHMENTS INCLUDED AND/OR ON FILE:

Suspension of Competition Acquisition Request

On file with Clerk - Agreement with FCSS

On file with Clerk - Resolution (Org 1072)

On file with Clerk - Resolution (Org 5630)

CAO ANALYST:

Sonia M. De La Rosa