



Board Agenda Item 33

DATE: September 23, 2025

TO: Board of Supervisors

SUBMITTED BY: Susan Holt, Director, Department of Behavioral Health

SUBJECT: Agreement with Syracuse University

RECOMMENDED ACTION(S):

- 1. Under Administrative Policy No. 34 for competitive bids or requests for proposals (AP 34) determine that an exception to the competitive bidding requirement under AP 34 is satisfied and a suspension of competition is warranted due to unusual or extraordinary circumstances, and that the best interests of the County would be served by entering into the Agreement given Syracuse University is the only vendor able to continue serving as the fiscal intermediary for multiple counties for the Psychiatric Advance Directives Innovations Project Phase II;**
- 2. Approve and Authorize the Chairman to execute an Agreement with Syracuse University for fiscal intermediary services related to the multi-county Psychiatric Advance Directives Innovations Project Phase II, effective upon execution through June 30, 2029, total not to exceed \$3,000,000; and**
- 3. Approve and Authorize the Department of Behavioral Health Director, or designee, to be the signatory and act as the Fresno County representative on behalf of the Board of Supervisors on associated Syracuse University fiscal intermediary services related to the multi-county Psychiatric Advance Directives Innovations Project reports and forms, without modifying the maximum compensation.**

There is no increase in Net County Cost associated with the recommended actions. Approval of the recommended actions will allow the Department of Behavioral Health to send funds to Syracuse University (SU) for fiscal intermediary services related to the multi-county collaborative Psychiatric Advance Directives Innovation Project (Project). The Project involves eight California counties. Through the recommended agreement, SU will engage multiple subcontracts on the County's behalf and provide oversight of budgets and invoices including approved direct and indirect costs. Approval of the recommended actions will also allow the Department Director to sign related reports and forms, without modifying the maximum compensation, and act as a representative of the County. The recommended agreement will be funded with Mental Health Services Act - Innovations (MHSA - INN) funds, with no increase in Net County Cost. This item is countywide.

ALTERNATIVE ACTION(S):

Should your Board not approve the recommended actions, the Department would be unable to allocate resources to the Project in a timely manner as part of a multi-county project and will need to seek separate contracts with five individual vendors of services for phase II and challenges timely participation in the project would result. If the Department is unable to secure individual contracts for services, these MHSA-INN funds will remain unexpended and will be subject to reversion to the state.

SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

It is requested that the County find under AP 34 that an exception to the competitive bidding requirement is satisfied, and a suspension of competition is warranted due to unusual or extraordinary circumstances due to a continuation of the Psychiatric Advance Directives Innovation Project into Phase II. Four other counties are part of a multi-county collaborative project with Syracuse University as the fiscal intermediary. The project required five counties to come together to work with vendors to implement Mental Health Services Oversight and Accountability Commission (MHSOAC). None of the counties have the capacity to be the fiscal intermediary for this project. Other vendors were reviewed but Syracuse University is the only vendor that is able to provide this service at this time. The General Services Department - Purchasing concurs with the Department's assessment that this satisfies the exception to the competitive bidding process required by AP 34.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The maximum compensation of \$3,000,000 for this agreement will be fully funded with MHSA - INN. Sufficient appropriations and estimated revenues are included in the Department's Org 5630 FY 2025-26 Adopted Budget and will be included in subsequent budget requests for the duration of the term.

DISCUSSION:

On June 18, 2019, the Board approved the County's MHSA FY 2018-2019 Annual Update, which included the addition of the Psychiatric Advance Directives Innovation Project (Project). Phase I of this Project included the development of a statewide Psychiatric Advance Directives (PADs) document, training and education, and the associated system needed for partner agencies to access the PADs. The County's share of the statewide cost was \$863,087 and was funded with MHSA -INN funds which were subject to reversion if funds were not spent or encumbered by June 30, 2019.

On May 3, 2022, the Board approved Agreement No. 22-175 with Syracuse University (SU) for fiscal intermediary services. SU is a leading entity in the field of PADs and Supportive Decision Making, with experience acting as a fiscal intermediary and was chosen as the fiscal intermediary by participating counties during Phase I of this project. SU engaged multiple subcontracts on the County's behalf and provided oversight of budgets and invoices including approved direct and indirect costs. The SU administrative staff provided detailed oversight for all financial transactions of the Project. Phase I of the PADS agreement terminated on June 30, 2025.

The recommended agreement is for Phase II of the project. SU will continue to be the fiscal intermediary for Phase II of the agreement with additional responsibilities. SU will provide a dedicated team to coordinate all related operational, legal, and fiscal activities within the various departments at SU, including the Offices of Sponsored Programs and Sponsored Accounting, Payroll, Purchasing, Disbursements, and the Burton Blatt Institute as the principal investigator and engaged external evaluator for the implementation of PADS Phase II across all counties.

Reimbursement shall be made by the County upon receipt of itemized invoices. The recommended agreement includes an indirect cost rate to the MTDC as agreed with the Project Manager and participating California counties. Indirect Operating Costs: Total of \$117,891 for Fresno County.

The Agreement varies from the standard County template as it was drafted by SU. This agreement is consistent across all counties participating in Phase 2 of the Project. The following clauses are included in the recommended agreement:

- The County is agreeing to the Termination Clause regarding "Cure Period" in section 7.01 in which in

the event of termination for cause, the Party alleged to be in failure of performance shall have twenty (20) calendar days from the date of notice to cure the stated failure with an option to extend the initial cure period if mutually agreed upon.

- The County is agreeing to Commercial General Liability (CGL) insurance limits below the County standard limit of \$2 million per occurrence/ \$ 4 million aggregate. The recommended agreement will require a \$1 million per occurrence CGL policy.
- The County is agreeing to the dispute resolution process outlined in section 15.05 in which the County is agreeing to wait sixty (60) days before seeking relief in a court of law should it be determined necessary.
- The County is agreeing to the Attorney Fee clause outlined in section 15.27 in which each party agrees to bear their own attorney's fees, costs, and expenses.

The Department has determined the benefits of this agreement as written outweigh any potential risks and recommends approval of the agreement.

OTHER REVIEWING AGENCIES:

The Behavioral Health Board was notified of the recommended Agreement during the August 2025 meeting.

REFERENCE MATERIAL:

BAI #32, May 3, 2022

BAI #36, June 18, 2019

ATTACHMENTS INCLUDED AND/OR ON FILE

Suspension of Competition Acquisition Request

On file with Clerk - Agreement with Syracuse University

CAO Analyst:

Ronald Alexander Jr.