



County of Fresno

Hall of Records, Rm. 301
2281 Tulare Street
Fresno, California
93721-2198

Legislation Text

File #: 18-0857, **Version:** 1

DATE: September 11, 2018

TO: Board of Supervisors

SUBMITTED BY: Kirk Haynes, Chief Probation Officer
Margaret Mims, Sheriff-Coroner

SUBJECT: Suspension of Competition and Agreement with Sierra Education and Research Institute for Adult Counseling Services

RECOMMENDED ACTION(S):

- 1. Make a finding that it is in the best interest of the County to waive the competitive bidding process consistent with Administrative Policy No. 34 for unusual or extraordinary circumstances for the solicitation of operating a counseling program utilizing local doctoral candidate interns as approved by the Public Safety Realignment Act Community Corrections Partnership; and**
- 2. Approve and authorize the Chairperson to execute an Agreement with Sierra Education and Research Institute to provide counseling services for adults on probation or in custody effective September 15, 2018, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, not to exceed \$700,000.**

There is no additional Net County Cost associated with the recommended actions, as all costs for this agreement are fully offset with Public Safety Realignment Act (AB 109) revenue. Under the recommended agreement, the Contractor will utilize doctoral candidate interns to provide counseling services to adults on probation or in custody. This item is countywide.

ALTERNATIVE ACTION(S):

If the recommended actions are not approved, the Probation Department and Sheriff's Office will not receive the counseling program services.

SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

The Department's request to waive the competitive bidding process is consistent with Administrative Policy No. 34, as Sierra Education and Research Institute (SERI) is the only accredited clinical psychology doctoral program in the Fresno area that provides clinical supervision of PhD or doctoral candidate interns. Based on this, a letter of interest was not issued. The interns are required to complete mandatory clinical hours in order to be certified as psychologists. The interns will be providing the services at no costs. The costs under this agreement are for supervision and coordination of the interns as well as costs for office supplies and overhead. In addition, the program was approved by the Community Corrections Partnership (CCP). The current agreement with SERI was approved by your Board on September 10, 2013 through a suspension of competition. The Internal Services Department - Purchasing concurs with the request to waive the competitive bidding process.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. Funding for this agreement is fully offset with AB 109 revenue. The maximum annual compensation for this agreement is \$140,000 with a maximum compensation for the full five-year term totaling \$700,000. Appropriations and estimated revenues are included in Probation's FY 2018-19 Recommended Org 3430 Budget. Funding for this agreement will be included in subsequent requested budgets. No appropriations for this agreement are included in the Sheriff's Recommended Budget.

DISCUSSION:

AB 109 was signed into law on April 4, 2011. AB 109 transferred responsibility for housing/supervising specified inmates and paroles from the California Department of Corrections (CDCR) to Counties. The Public Safety Realignment Act went into effect on October 1, 2011. Under this legislation, a CCP Implementation Plan was required to be developed that would enable the county to meet the goals of the public safety realignment. The Implementation Plan was approved by the CCP on August 19, 2011 and your Board on September 13, 2011. An updated CCP plan was approved by the CCP on March 15, 2013 and your Board on April 23, 2013 that included a program to provide counseling services to adults in custody and on probation.

The goal of the services is to reduce recidivism by targeting behaviors that lead to or continue criminal behavior. The services provided by SERI since 2013 have been developed around the identified and assessed needs of the offender and with the direction of a probation officer or case manager at the jail. The program uses doctoral candidate interns to provide the services. Under the recommended agreement, the interns will provide a minimum of 80 hours of services per week. A portion of the service in the recommended agreement will take place at the jail; however, all appropriations for the services will be included in Probation's Org 3430 budget and will be fully offset with AB 109 revenue. The recommended agreement is for three years with two one-year renewals options upon written approval from both parties.

A provision has been added to Section 6 of the agreement, "Compensation," providing that the hourly rates set forth in Exhibit C may be changed from time to time, but to not exceed ten percent (10%) annually for each such rate, and in any event not exceed ten percent (10%) of each such rate's respective annual maximum compensation payable to SERI, upon the written approval of both the Chief Probation Officer or his or her designee and SERI, as long as the changes do not exceed the total respective amounts of County's obligations to compensate SERI for services performed. This provision will increase flexibility for SERI, as SERI will be able to adjust the salaries for the individual positions described in Exhibit C, provided that they do not exceed 10% of the existing salary.

It should be noted, Section 11 of the agreement contains the insurance coverage and language currently approved for use in the County's model contract. Risk Management has recently proposed that the insurance coverage and language in the County's model contract be revised. County Counsel and Risk Management will be working on these changes over the next several months. However, the Departments have a need to move forward with this agreement to address service needs. Additionally, the Departments believe the insurance coverage required in Section 11 of the agreement adequately protects the interest of the County in this contract and County Counsel is comfortable signing the agreement as to legal form. Therefore, it is recommended your Board approve the recommended agreement in its current form.

REFERENCE MATERIAL:

BAI # 40, September 10, 2013
BAI #10, April 23, 2013
BAI #8, September 13, 2011

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement with SERI
Suspension of Competition Form PD-048

CAO ANALYST:

Samantha Buck