

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

November 19, 2024

FROM

Leonardo Gonzalez, Director, Human Resources Department

SUBJECT

Contract with Psychological Consulting, Inc. for Psychological Fitness-For-Duty Evaluation Services with Psychological Consulting Associates

RECOMMENDATION(S)

Approve **Contract No. 24-1141** with Psychological Consulting Associates, Inc., including non-standard terms, for psychological fitness-for-duty evaluation services, for an estimated amount of \$100,000, for the contract term of December 1, 2024, through November 30, 2029.
(Presenter: Leonardo Gonzalez, Director, 387-5565)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

**Provide for the Safety, Health, and Social Service Needs of County Residents.
Operate in a Fiscally-Responsible and Business-Like Manner.**

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). Psychological fitness-for-duty (FFD) evaluations are funded by the Center for Employee Health and Wellness (CEHW), which is then reimbursed by the department requesting the FFD evaluation for the employee. Reimbursements are based on the County's fee schedule which covers actual cost of services. Sufficient appropriation and revenue are included in the Human Resources Department's (Department) 2024-25 budget and will be included in future recommended budgets.

BACKGROUND INFORMATION

The Fitness-for-duty (FFD) evaluations are requested by departments to determine whether an employee is fit to perform duties when medical, physical, or psychological concerns arise. For evaluations related to potential psychological conditions, the CEHW utilizes certified third-party psychologists to perform FFD evaluations to determine whether employees can safely work in their current assignment.

On average, the CEHW refers approximately 10 employees per year for psychological FFD evaluations. These evaluations must adhere to federal, state, and County regulations pertaining to the employees, and assignment (e.g., Peace Officer Standards & Training for deputy sheriff personnel).

The contract with Psychological Consulting Associates, Inc. (PCA) was negotiated by the parties and includes the following non-standard contract terms:

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1. The contract does not require PCA to meet all of the County's insurance standards as required by County Policies 11-05, 11-07 and 11-07SP. More specifically, the contract does not require that PCA maintain an annual aggregate of \$2,000,000 for Cyber insurance claims. The contract only requires PCA to maintain an annual aggregate of \$1,000,000 for Cyber insurance claims, covering privacy violations, information theft, damage to or destruction of electronic information, intentional and/or unintentional release of private information, alteration of electronic information, extortion and network security.
 - (c) County policy requires contractors to carry appropriate insurance at limits and under conditions determined by the County's Risk Management Department and as set forth in County policy and in the County standard contract.
 - (d) Potential Impact: By limiting PCA's Cyber Liability coverage as summarized above, the County has no assurances that PCA will be financially responsible for all claims that may arise from the contract, and which otherwise would be covered under the County's standard insurance requirements for Cyber Liability insurance. This could result in expenses for the County that exceed the total contract amount.

The Department recommends approval of this contract, including the non-standard terms, in order to continue providing psychological fitness for duty evaluation services for departments through the contract term.

PROCUREMENT

The Department approved and authorized the release of Request for Proposal (RFP) No. HRD124-HR-5430 with the Purchasing Department on June 5, 2024, to solicit proposals from interested and qualified agencies to provide fitness for duty psychological evaluation services for a period of five years. The RFP was posted to the County's Electronic Procurement Network (ePro).

One proposal was received by the established deadline of July 10, 2024, from PCA in response to the RFP. The proposal was evaluated and found to meet all minimum requirements.

PCA was notified that they were awarded the contract on August 5, 2024. No protests were received within the allowable period.

The Purchasing Department supports this competitive procurement based on the formal solicitation described above.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Kenneth Brown, Deputy County Counsel, 387-5455) on October 21, 2024; Risk Management (Gregory Ustaszewski, Staff Analyst II, 386-9008 on October 15, 2024; Purchasing (Jessica Barajas, Purchasing Supervisor, 387-2065) on October 16, 2024; Finance (Abigail Grant, Administrative Analyst, 387-4603) on November 1, 2024; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on November 4, 2024.

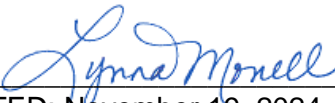
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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Curt Hagman Seconded: Joe Baca, Jr.
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: November 19, 2024



cc: HR - Gonzalez w/agree
Contractor - c/o HR w/agree
File - w/agree
CCM 11/27/2024