

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

May 21, 2024

**FROM**

**JOSHUA DUGAS, Director, Department of Public Health**

**SUBJECT**

Non-Financial Agreement with Maximus, Inc. to Provide Workspace for California Health Care Options Program Education and Outreach Services

**RECOMMENDATION(S)**

1. Approve non-financial Space Use **Agreement No. 24-418** with Maximus, Inc., including non-standard terms, for workspace for the California Health Care Options Program to provide education and outreach services to Medi-Cal eligible customers, for the period of May 21, 2024 through May 20, 2027.
2. Authorize the Director of the Department of Public Health to electronically accept the terms and conditions of the Space Use Agreement, and any future non-substantive amendments, on behalf of the County, subject to review by County Counsel.
3. Direct the Director of the Department of Public Health to transmit all amendments to the Space Use Agreement to the Clerk of the Board of Supervisors within 30 days of execution.  
(Presenter: Joshua Dugas, Director, 387-9146)

**COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

**Provide for the Safety, Health and Social Service Needs of County Residents.**

**Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.**

**FINANCIAL IMPACT**

The recommended Space Use Agreement (Agreement) is non-financial in nature and does not impact Discretionary General Funding (Net County Cost).

**BACKGROUND INFORMATION**

The California Department of Health Care Services has contracted with Maximus, Inc. (Maximus) to provide outreach educational services to Medi-Cal eligible customers regarding the California Health Care Options Program. The State contract requires Maximus to meet with Medi-Cal eligible clients, answer questions about program enrollment, and provide information regarding health care options offered by Medi-Cal. To assist Maximus in meeting this requirement and to extend additional services to Medi-Cal patients, the Department of Public Health (DPH) recommends approval of the Agreement to provide workspace within the Hesperia, San Bernardino, and Ontario health centers at no charge to Maximus.

Upon execution, the Agreement is electronically provided to Maximus, requiring electronic acceptance of the terms. Recommendation No. 2 authorizes the Director of DPH to electronically accept these terms on behalf of the County.

**Non-Financial Agreement with Maximus, Inc. to Provide Workspace for California Health Care Options Program Education and Outreach Services**  
**May 21, 2024**

The Agreement includes terms that differ from the standard County contract and omits certain County standard contract terms. The non-standard and missing terms include the following:

1. The Agreement does not require Maximus to meet the County's insurance standards as required pursuant to County Policies, 11-05, 11-07 and 11-07SP.
  - 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.
  - Potential Impact: The County has no assurance that Maximus will be financially responsible for claims that may arise under the Agreement, which could result in expenses to the County that exceed the total Agreement amount.
2. The Agreement does not require Maximus to indemnify the County for all claims arising out of the contract.
  - The County standard contract indemnity provision requires the Contractor to indemnify, defend, and hold County harmless from third party claims arising out of the acts, errors or omissions of any person.
  - Potential Impact: Maximus is not required to defend, indemnify or hold the County harmless from claims arising from the County's own acts or omissions which may arise during the performance of the Agreement. The County may be solely liable for the costs of defense and damages, which could exceed the total Agreement amount.
3. Maximus has a maximum liability to the County, limited to \$100,000 and does not exclude indemnification obligations or violations of the law.
  - The County standard contract does not include limitations of liability.
  - Potential Impact: Claims could exceed the liability cap and the Agreement amount, leaving the County financially liable for the excess.

DPH recommends the approval of the Agreement, including the non-standard terms, as Maximus provides specialized credentials, expertise, and training. Maximus has been awarded the State of California Health Care Options Contract by the California Department of Health Care Services to provide health plan education and enrollment services.

**PROCUREMENT**

Not applicable.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Adam Ebright, Deputy County Counsel, 387-5455) on May 9, 2024; Risk Management (Greg Ustaszewski, Staff Analyst, 386-9008) on May 8, 2024; Purchasing (Ariel Gill, Supervising Buyer, 386-2070) on May 9, 2024; Finance (Carl Lofton, Administrative Analyst, 387-5404) on May 3, 2024; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on May 6, 2024.

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California Health Care Options Program Education and Outreach  
Services  
May 21, 2024**

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.), Dawn Rowe, Curt Hagman, Joe Baca, Jr.  
Absent: Jesse Armendarez

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: May 21, 2024



cc: PH - Saucedo w/ agree  
Contractor c/o PH w/ agree  
File w/ agree

JLL 05/24/2024