

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

March 12, 2024

FROM

JEANY ZEPEDA, Director, Children and Family Services

SUBJECT

Master Subscription and Services Agreement with Binti, Inc. for License and Support Services for the Binti Platform

RECOMMENDATION(S)

1. Approve non-financial Master Subscription and Services **Agreement No. 24-205**, including non-standard terms, with Binti, Inc. for license and support services for the Binti Platform, from the effective date and continuing until terminated by either party, or there are no active orders in place.
2. Approve Order Form (**Agreement No. 24-206**) with Binti, Inc., subject to the terms of the Master Subscription and Services Agreement in Recommendation No. 1, for the purchase of license and support services for the Binti Platform, which will allow potential resource families to apply online, in an amount not to exceed \$1,432,692 for the period of April 1, 2024 through March 31, 2027.

(Presenter: Jeany Zepeda, Director, 387-2792)

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

This item does not require Discretionary General Funding (Net County Cost). The total cost will not exceed \$1,432,692 for the three-year period of April 1, 2024 through March 31, 2027, and is funded 100% with federal and state funding through the Resource Family Assessment Allocation. Adequate appropriation and revenue have been included in the Human Services Administrative Claim 2023-24 budget and will be included in future recommended budgets.

BACKGROUND INFORMATION

The recommended Master Subscription and Services Agreement (Agreement) with Binti, Inc. (Binti) will continue to provide Children and Family Services (CFS) with access and applicable license to use Binti's Platform, including support and training, for a three-year period. This Platform allows potential resource families to apply online and complete state requirements to be approved as a resource family, which is an alternative and stable family. This Platform will allow CFS to manage the approval workflow, tracking the status of each applicant's background check, application follow-up, and training completion.

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Welfare and Institution Code, section 16519.5, requires the California Department of Social Services (State), in conjunction with county child welfare agencies, to implement a unified Resource Family Approval (RFA) process. Current law requires San Bernardino County (County) to provide services to the family, so the child can return safely to the parents. The preferred route to permanency is through safe reunification, but when that is not possible, services must be provided for the child or youth through a resource family. Written directives received from the State required CFS to establish a single approval process or RFA, for all types of placements. CFS has been contracting with Binti for the use of their Binti Platform since 2018, which has assisted CFS in meeting the State requirement.

The Binti Platform allows CFS to run specific reports to monitor, expedite, and improve the RFA process for children and families who become involved in the child welfare system. The Platform is a web-based tool developed to assist California counties in meeting the service delivery activities and performance indicators established by both the California and federal regulatory requirements.

The Binti Platform is specifically designed and customized to work collaboratively with the existing California Child Welfare Services/Case Management System (CWS/CMS). The Platform supports the efforts of child welfare service agencies to efficiently move families through the rigorous RFA application process via a secure web-based platform. It is available seven days per week, 24 hours per day and allows applicant families to complete the application process online, ensures security of all personal data through database encryption, and allows CFS to manage the RFA workflow.

Services provided under the recommended Agreement with Binti may be terminated by the County or Binti without cause upon written notice to the other party. Binti's performance will be monitored annually for compliance with the administrative, fiscal, and program terms and conditions of the recommended Agreement.

The Agreement is Binti's standard commercial contract, which includes terms that differ from the standard County contract. While the parties negotiated certain contract terms to meet County standards, Binti would not agree to all County standard terms. Non-standard and missing terms include the following:

1. The Agreement includes indemnification for both parties including the requirement for the County to indemnify Binti under certain conditions from third party claims including reasonable attorney's fees.
 - The County standard contract does not include any indemnification or defense by the County of a contractor.
 - Potential Impact: By agreeing to indemnify Binti, the County could be contractually waiving the protection of sovereign immunity. Claims that may otherwise be barred against the County, time limited, or expense limited could be brought against Binti without such limitations and the County would be responsible to defend and reimburse Binti for costs, expenses, and damages, which could exceed the total Agreement amount.

CFS recommends approval of the Agreement with Binti, including non-standard terms, to continue streamlining of the RFA process to better meet County youth needs, as well as ensuring the department continues to comply with State law.

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PROCUREMENT

California child welfare service agencies were advised by the State to prepare data system strategies to address the implementation of the RFA process. The Binti Platform has assisted CFS in meeting this requirement since April 2018. The Platform is specifically designed and customized to work collaboratively with the existing CWS/CMS and is the only fully developed application available to meet this requirement. The Binti Platform is proprietary; as such, CFS is recommending system compatibility and functional specification non-competitive procurement. The Purchasing Department concurs with these justifications and supports the non-competitive procurement of the Binti Platform.

REVIEW BY OTHERS

This item has been reviewed by Human Services Contracts (Patty Steven, Contracts Manager, 388-0241) on February 14, 2024; Human Services Information, Technology, and Support Division (Ruben Hermosillo, Business Applications Manager, 386-3760) on January 31, 2024; County Counsel (Kaleigh Ragon, Deputy County Counsel, 387-5455) on February 8, 2024; Purchasing (Christina Reddix, Buyer III, 387-2060) on February 15, 2024; Risk Management (Victor Tordesillas, Deputy Executive Officer, 386-8621) on February 14, 2024; Finance (John Hallen, Administrative Analyst, 388-0208) on February 23, 2024; and County Finance and Administration (Cheryl Adams, Deputy Executive Officer, 388-0332) on February 26, 2024.

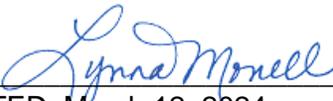
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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD

BY  _____
DATED: March 12, 2024



cc: CFS - Figueroa w/agrees
Contractor - c/o CFS w/agree
File - w/agree
CCM 03/15/2024