

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

February 27, 2024

FROM

SHANNON D. DICUS, Sheriff/Coroner/Public Administrator

SUBJECT

Amendment to Revenue Contract with Aramark Correctional Services, LLC for the Provision of Commissary Services to County Detention Facilities

RECOMMENDATION(S)

Approve **Amendment No. 3 to Revenue Contract No. 16-913** with Aramark Correctional Services, LLC, including a non-standard term, for the provision of commissary services to County detention facilities, at no cost to the County, extending the term by three months, for a new total contract term of December 6, 2016, through May 31, 2024.
(Presenter: Ernie Perez, Deputy Chief, 387-3760)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Operate in a Fiscally-Responsible and Business-Like Manner.

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

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The commissary services are provided at no cost to the County. Revenue generated from this contract, which is based on a 43% commission of sales or a Minimum Annual Guarantee (MAG) of \$2,750,000, whichever is greater, funds the cost of service and provides revenue to the Sheriff/Coroner/Public Administrator's (Department) Inmate Welfare Fund (4420005167) in accordance with Penal Code section 4025, subdivision (a). Sufficient appropriation and revenue are included in the Department's 2023-24 budget.

BACKGROUND INFORMATION

Penal Code section 4025, subdivision (a) establishes the authority for the Department to provide commissary services to inmates housed at the County's detention facilities. Through these services, inmates and their families and friends can purchase personal care and food items. A percentage of the sales is deposited into the Inmate Welfare Fund to provide educational, vocational, and life skills programs for inmates.

On December 6, 2016 (Item No. 69), resulting from a competitive bid process, the Board of Supervisors (Board) awarded Contract No. 16-913 to Aramark Correctional Services, LLC (Aramark) to provide commissary services for the period of December 6, 2016, through February 5, 2022, with the option to extend the term for two one-year periods or one two-year period.

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LLC for the Provision of Commissary Services to County Detention
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February 27, 2024**

On July 23, 2019 (Item No. 44), the Board approved Amendment No. 1 to Contract No. 16-913 with Aramark. This amendment removed the cost of indigent kits to the County, removed the transactional internet cost from the computation of commissionable revenue, revised the termination date to coincide with the last day of the month (February 28, 2022) to allow for simpler computations of commission (MAG) and a more logical start date in case of transition between vendors, formalized the rectification process, and revised the "Schedule of Commissary Deposits and iCare Package Service – Handling Fees" to reflect these changes. On February 8, 2022 (Item No. 56), the Board approved Amendment No. 2 to Contract No. 16-913 with Aramark. This amendment extended the term of the contract for a period of two years, for a new total contract term of December 6, 2016, through February 29, 2024.

The contract with Aramark contains the following non-standard contract term that differs from the standard County contract language:

1. The total contract term is seven years and five months.
 - The County's standard contract term is five years, including any extensions.
 - Potential Impact: Extending the contract term beyond five years may limit the County's ability to preview new providers of commissary services and their capabilities; however, the Department believes the contract extension is in the best interest of the County to allow for adequate time to complete the competitive procurement for new commissary services.

While this is a notable exception to the County's standard contract language, the Department recommends approval of the amendment with Aramark through May 31, 2024. This will ensure current commissary services to the County detention centers are not disrupted while the competitive procurement process is completed. County Counsel has reviewed and provided input on the amendment. Either party may terminate the contract upon 180 days advance written notice.

PROCUREMENT

On August 30, 2023, Proposal (RFP No. SHR123-ADMSR-4897) was approved and released for Commissary Services. County Policy 11-04 requires that contracts exceeding a five-year term must be approved by the Board. The Purchasing Department concurs that a non-competitive justification exists to extend the current contract allowing for uninterrupted services and to provide sufficient time to complete the competitive procurement process. Following completion of the procurement process, the resulting recommended contract will be presented to the Board, prior to the expiration of the Contract No. 16-913 extended term of May 31, 2024.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Grace B. Parsons, Deputy County Counsel, 387-5455) on February 14, 2024; Purchasing (Michael Candelaria, Lead Buyer, 387-0321) on February 14, 2024; Finance (Erika Rodarte, Administrative Analyst, 387-4919) on February 15, 2024; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on February 15, 2024.

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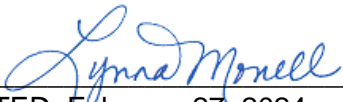
Record of Action of the Board of Supervisors
San Bernardino County

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: February 27, 2024



cc: Sheriff - Welty w/ agree
Contractor c/o Sheriff w/ agree
File w/ agree

JLL 02/29/2024