

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

May 21, 2024

**FROM**

**SHANNON D. DICUS, Sheriff/Coroner/Public Administrator**

**SUBJECT**

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

**RECOMMENDATION(S)**

Approve **Amendment No. 4 to Contract No. 16-913** with Aramark Correctional Services, LLC, including a non-standard term, for the continued provision of commissary services to County detention facilities, at no cost to the County, extending the term by six months, revising the sales commission rate from 43% to 38%, for a new total contract term of December 6, 2016, through November 30, 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, as of the execution and for the term of this Amendment, is based on an adjusted 38% commission of sales or a Minimum Annual Guarantee (MAG) of \$2,750,000, whichever is greater, and funds the cost of service, providing revenue to the Sheriff/Coroner/Public Administrator's (Department) Inmate Welfare Fund (4420005167) in accordance with Penal Code section 4025, subdivision (a). Sufficient revenue and appropriation are included in the Department's 2023-24 budget and will be included in the 2024-25 recommended 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.

**Amendment to Contract with Aramark Correctional Services, LLC for the Provision of Commissary Services to County Detention Facilities  
May 21, 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.

On February 27, 2024 (Item No. 54), the Board approved Amendment No. 3 to Contract No. 16-913 with Aramark. This amendment extended the term of the contract for a period of three months, for a new total contract term of December 6, 2016, through May 31, 2024, allowing for completion of a new procurement process.

The negotiated amendment to 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 11 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 November 30, 2024. County Counsel has reviewed and provided input on the recommended amendment. Either party may terminate the contract upon 30 days advance written notice.

Due to the reduction in the average daily inmate population currently housed at the County’s detention centers, the Department and Aramark negotiated a reduction of the sales commission from 43% to 38% to take effect only during the recommended contract extension period of June 1, 2024 through November 30, 2024.

**PROCUREMENT**

On August 30, 2023, Request for Proposal (RFP) No. SHR123-ADMSR-4897 was approved and released for Commissary Services. 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 negotiations for a new contract. County Policy 11-04 requires that contracts exceeding a five-year term must be approved by the Board.

**Amendment to Contract with Aramark Correctional Services, LLC for  
the Provision of Commissary Services to County Detention Facilities  
May 21, 2024**

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Grace B. Parsons, Deputy County Counsel, 387-5455) on May 14, 2024; Purchasing (Jason Cloninger, Lead Buyer, 387-0321) on May 7, 2024; Finance (Erika Rodarte, Administrative Analyst, 387-4919) on May 14, 2024; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on May 15, 2024.

**Amendment to Contract with Aramark Correctional Services, LLC for  
the Provision of Commissary Services to County Detention Facilities  
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: Sheriff - Welty w/ agree  
Contractor c/o Sheriff w/ agree  
File w/ agree  
JLL 05/23/2024