

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

December 5, 2023

**FROM**

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

**SUBJECT**

Contract with CSG Forte Payments, Inc. for Electronic Payment Transaction Processing Services

**RECOMMENDATION(S)**

Approve **Contract No. 23-1303** with CSG Forte Payments, Inc., including non-standard terms, to provide electronic payment transaction processing services, in the amount of \$2,500, for the period of December 5, 2023 through December 4, 2024.

(Presenter: Joshua Dugas, Director, 387-9146)

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

**Provide for Safety, Health, and Social Services Needs to County Residents.**

**FINANCIAL IMPACT**

Approval of this item does not impact Discretionary General Funding (Net County Cost). The Department of Public Health's (DPH) Division of Environmental Health Services (EHS) and Vital Statistics Registration Office (VSRO) will fund the electronic payment transaction processing service with user fees. The contract amount of \$2,500 is based on an estimated 8,000 eCheck payments processed for EHS and VSRO combined. The contract amount may vary with the actual number of payments processed but will include a fee of \$0.30 per eCheck transaction for the Department. Adequate appropriation and revenue have been included in the DPH's 2023-24 budget and will be included in the 2024-25 recommended budget.

**BACKGROUND INFORMATION**

The contract with CSG Forte Payments, Inc. (CSG Forte) will allow EHS and VSRO to accept electronic payment transactions, including credit cards, debit cards, and electronic checks, for permit and service fees. DPH has contracted with CSG Forte to provide payment processing services since 2013. The use of electronic payments will provide EHS and VSRO customers reliable and convenient options for payment of fees.

On December 3, 2013 (Item No. 25), as the result of an informal procurement, the Board of Supervisors (Boad) approved Contract No. 13-944 with Forte Payment Systems (now CSG Forte) to process electronic payment transactions, in an amount not to exceed \$10,800, for the period of December 4, 2013 through June 30, 2016. The contract was subsequently extended through December 3, 2018. The most recent contract with CSG Forte, Contract No. 4400011034, was approved by the Purchasing Department (Purchasing) for the five-year period beginning December 4, 2018.

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EHS provides services to reduce environmental health hazards and protect the public from the effects of disease. VSRO is responsible for registering all births and deaths and issuing burial permits in San Bernardino County. Customers can purchase burial permits and copies of records in person at the registration office and online through its payment portal. Customers will pay 2.55% of the payment amount with a minimum fee of \$2.00 for payments made with credit card and no fee for eCheck, while the Department will pay \$0.30 per eCheck payment transaction.

Electronic payment transaction processing services are important for providing customers the convenience and timely processing they expect. This is especially true for customers not residing near the VSRO and EHS offices, which otherwise would have to mail fees by check or travel long distances to pay with cash. To provide efficiency of County government operations, EHS and VSRO seek to continue to offer electronic payment options for service fees.

County Policy 11-05 requires departments to obtain the Board of Supervisor's approval for the procurement of goods and services with non-standard terms and conditions. The non-standard and missing terms include the following:

1. CSG Forte's maximum liability to the County is limited to the amount paid under the contract during the previous six months, but does not exclude indemnification, gross negligence, willful misconduct or violation of law.
  - The County standard contract does not include a limitation of liability.
  - Potential Impact: Claims could exceed the liability cap and the contract amount, leaving the County financially liable for the excess.
  
2. The contract does not require CSG Forte 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: CSG Forte 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 contract. As a result, the County may be solely liable for the costs of defense and damages, which could exceed the total contract amount.

DPH recommends approval of the contract with CSG Forte, including the non-standard terms, to provide for continuity of and convenience of service. Customers would be required to pay for services by check or with cash if the electronic payment services were not available.

**PROCUREMENT**

Approval of this item will allow EHS and VSRO to continue electronic payment transactions for services through December 5, 2024, while completing a formal procurement for these services.

Purchasing concurs with the non-competitive justification to provide continuity of services on a previously approved existing contract.

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**REVIEW BY OTHERS**

This item has been reviewed by Human Services Contracts (Patty Steven, Contracts Manager, 388-0241) on November 7, 2023; County Counsel (Adam Ebright, Deputy County Counsel, 387-5455) on November 9, 2023; Purchasing (Jessica Barajas, Supervising Buyer, 387-2065) on November 13, 2023; Risk Management (Gregory Ustaszewski, Staff Analyst II, 386-9008) on November 16, 2023; Finance (Paul Garcia, Administrative Analyst, 386-8392) on November 13, 2023; and County Finance and Administration (Cheryl Adams, Deputy Executive Officer, 388-0238) on November 15, 2023.

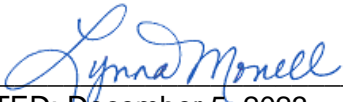
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Record of Action of the Board of Supervisors  
San Bernardino County

**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: December 5, 2023



cc: PH - Younger w/ agree  
Contractor c/o PH w/ agree  
File w/ agree  
JLL 12/20/2023