

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

March 28, 2023

FROM

SHANNON D. DICUS, Sheriff/Coroner/Public Administrator

SUBJECT

Amendment to Contract with NaphCare, Inc. to Provide Correctional Facility Dialysis Services

RECOMMENDATION(S)

Approve **Amendment No. 4**, including non-standard terms, to **Contract No. 17-124** with NaphCare, Inc. to extend the contract term by six months, for a new contract period of April 1, 2017, through September 30, 2023, and increase the contract amount by \$428,000, from \$4,800,000 to \$5,228,000, for the provision of correctional facility dialysis services.
(Presenter: Kelly Welty, Chief Deputy Director, 387-0640)

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 additional Discretionary General Funding (Net County Cost). The estimated cost of correctional facility dialysis services, in the amount of \$428,000, will be funded within the Sheriff/Coroner/Public Administrator's (Department) existing budget allocation. Sufficient appropriation is included in the Department's 2022-23 budget (4420001000) and will be included in future recommended budgets.

BACKGROUND INFORMATION

The Department has an ongoing requirement to provide dialysis services, as medically needed, to inmates housed within the Department's correctional facilities. The Department has contracted with outside dialysis providers since 1998 to provide on-site dialysis treatment. Using on-site dialysis treatment increases public safety and is more efficient and cost-effective than transporting inmates to a dialysis clinic for treatment.

On March 7, 2017 (Item No. 61), as a result of a competitive procurement process, the Board of Supervisors (Board) awarded Contract No. 17-124 to NaphCare, Inc. (NaphCare) for the period of April 1, 2017 through March 31, 2020, for a total contract amount of \$2,400,000, with the option to extend the contract by two one-year periods.

On March 24, 2020 (Item No. 53), the Board approved Amendment No. 1 to Contract No. 17-124, to increase the contract amount by \$800,000, and exercised the first option to extend the

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term by one additional year, for a new total contract period of April 1, 2017 through March 31, 2021.

On March 9, 2021 (Item No. 40), the Board approved Amendment No. 2 to Contract No. 17-124, to increase the contract amount by \$800,000 and exercised the second option to extend the term by one additional year, for a new total contract period of April 1, 2017 through March 31, 2022.

On March 1, 2022 (Item No. 56), the Board approved Amendment No. 3 to Contract No. 17-124, to increase the contract amount by \$800,000 and to extend the contract term by one additional year to allow time for a new procurement of services, for a new total contract period of April 1, 2017 through March 31, 2023 and increase the total contract amount to \$4,800,000.

The proposed amendment accomplishes the following changes to the contract language:

- Extends the contract term by six months, for a new total contract period of April 1, 2017 through September 30, 2023.
- Replaces the current Attachment A – Fee Schedule with a new Attachment A – Fee Schedule.
- Adds additional provisions regarding Executive Order N-6-22 Russia Sanctions and the California Consumer Privacy Act.

The proposed amendment includes the following non-standard terms and conditions that differ from the County's standard contract language:

1. **Contract Term:** The proposed amendment extends the contract period by six months for a total contract period of five years and six months.
 - Standard Term: The standard County contract terms is five years. Indefinite contract terms are not permitted.
 - Potential Impact: None. The department is working towards releasing a Request For Proposal (RFP) to preview potential new providers of correctional dialysis services and their capabilities.
 - Justification: Extending the standard contract term allows the County to maintain quality correctional dialysis services while completing the competitive procurement process for new dialysis services.

While this is a notable exception to the County's standard contract language, the Department requires additional time to complete a competitive procurement process and recommends approval of the proposed amendment, including the non-standard term, with NaphCare to continue correctional dialysis services while the Department seeks a new contract.

PROCUREMENT

The proposed amendment will allow for sufficient time to complete a new procurement process in compliance with County Policy 11-04, which was delayed due to staffing vacancies. The proposed amendment will extend the contract from April 1, 2023 through September 30, 2023, and increase the contract amount by \$428,000. The Department has started a new competitive procurement process and anticipates completion prior to the contract termination date of September 30, 2023. Either party may terminate the agreement upon 60 days advance written notice.

**Amendment to Contract with NaphCare, Inc. to Provide Correctional
Facility Dialysis Services
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REVIEW BY OTHERS

This item has been reviewed by County Counsel (Richard D. Luczak, Deputy County Counsel, 387-5455) on February 9, 2023; Purchasing (Michael Candelaria, Lead Buyer, 387-0321) on February 9, 2023; Finance (Erika Rodarte, Administrative Analyst, 387-4919) on March 9, 2023; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on March 9, 2023.

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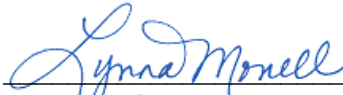
Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Curt Hagman

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: March 28, 2023



cc: Sheriff- Welty w/agree
Contractor- C/O Sheriff w/agree
File- w/agree
LA 04/5/2023