

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

March 26, 2024

FROM

SHARON NEVINS, Director, Department of Aging and Adult Services

SUBJECT

Contract with T-Mobile USA, Inc. for Access to Technology Program Equipment and Service

RECOMMENDATION(S)

Approve **Contract No. 24-275** with T-Mobile USA, Inc., including a non-standard term, to provide Apple devices, accessories, and cellular data service for the Access to Technology Program, in an amount not to exceed \$1,400,000 for the period of April 1, 2024 through September 30, 2024.

(Presenter: Sharon Nevins, Director, 891-3917)

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 impact Discretionary General Funding (Net County Cost). The total cost of \$1,400,000 for the equipment and cellular data service is 100% funded by the California Department of Aging (CDA) Access to Technology (ATT) Program and does not require a local match. Adequate appropriation and revenue have been included in the Department of Aging and Adult Services – Public Guardian (DAAS-PG) 2023-24 budget and will be included in the 2024-25 recommended budget.

BACKGROUND INFORMATION

In 2021, Governor Newsom signed Assembly Bill 135 into law, which required the CDA to create the ATT Program to provide older adults (i.e., 60 years of age and older) and adults with disabilities access to technology and digital connectivity to reduce isolation, increase social connections, build self-confidence, and enhance self-empowerment in navigating digital and online resources. CDA's allowable uses of the funds for older adults and adults with disabilities include:

- Providing technology, which includes items such as tablets, and smartphones.
- Arranging reliable internet access (via service plans or mobile hotspots).
- Developing or arranging education and training on the use of technology.
- Conducting program outreach.

On August 9, 2022 (Item No. 5), the Board of Supervisors (Board) approved and authorized submission of a grant application from DAAS-PG to CDA for ATT Program funding, in the amount of \$2,793,450, for the period of October 1, 2022 through December 31, 2024. The original grant application submission budget exceeded the planning estimate provided by CDA,

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and on September 14, 2022, DAAS-PG was asked to reduce the budget until CDA determined whether more funding was available based on the number of participating counties.

On January 10, 2023 (Item No. 6), the Board approved grant award Agreement No. 23-16 (Grant Agreement No. AT-2223-36) with CDA for the ATT Program, in the amount of \$2,056,883, for the period of October 1, 2022 through December 31, 2024. Should additional funding be awarded, DAAS-PG will return to the Board to request acceptance.

DAAS-PG will utilize the ATT Program funding to provide a minimum of 842 older adults and adults with disabilities access to technology, digital connectivity, and training activities, which will include providing Apple iPhones, iPads, and mobile hotspots; arranging reliable internet access via service plans; arranging education and training on the use of technology; and conducting outreach regarding the program. On February 27, 2024, the CDA notified DAAS-PG that all grant funds will be expended prior to September 30, 2024. As a result of this expenditure deadline, equipment and training will be purchased prior to September 30, 2024, and the contractor will allow advanced payment from the County for the two-year unlimited data service plans for each device purchased.

The contract with T-Mobile USA, Inc. differs from the standard County contract and omits certain County contract terms. The contract enables DAAS to purchase wireless products and services through participation in the NASPO ValuePoint Participating Addendum Master Agreement No. 176 between T-Mobile USA, Inc., and San Bernardino County.

The Agreement does not include certain standard County insurance requirements, including the waiver of subrogation and complete indemnity.

- The County standard contract requires contractors to carry appropriate insurance at limits and under conditions determined by the County’s Risk Management Department and complete indemnity, including selection of the attorneys and settlement.
- Potential Impact: No waiver of subrogation may allow T-Mobile USA., Inc.’s insurer to file a lawsuit against the County, which could result in expenses that exceed the contract amount. In addition, not having complete indemnity, including selection of attorneys and settlement, could also result in expenses that exceed the total contract amount.

DAAS recommends approval of this contract, including the non-standard term, as it will allow DAAS to provide a minimum of 842 older adults and adults with disabilities access to technology to reduce isolation, increase social connections, build self-confidence, and enhance self-empowerment in navigating digital and online resources.

PROCUREMENT

On October 16, 2023, the County Administrative Office approved and authorized the release of an Invitation to Bid (ITB) to solicit proposals from qualified agencies to provide iPhone devices, accessories, and two-year unlimited data service plans to an estimated 842 older adults and adults with disabilities. ITB No. DAAS123-OAPG-4964 was posted on the Electronic Procurement Network (ePro) and mailed to prospective vendors. A formal procurement was conducted, and three responsive proposals were received as follows:

Agency	Proposed Cost
T-Mobile USA, Inc.	\$684,261
Horizon ATM LLC	\$763,121

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Cellco Partnership dba Verizon Wireless	\$1,133,813
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The proposals were evaluated by Human Services (HS) Contracts Division staff to determine the lowest bid from a responsive and responsible bidder. T-Mobile USA, Inc. was recommended for the award, based on the offer of pricing lower than current market value, due to participation in National Association of State Procurement Officers' (NASPO) voice, data, and accessories contracts. The unsuccessful agencies were notified by letter that they may protest the recommendation by submitting a formal protest letter.

HS Contracts received a written protest letter from Cellco Partnership dba Verizon Wireless. A protest panel, comprised of representatives from the HS Finance Department, HS Program Development Division, and Children and Family Services, was convened in accordance with the provisions stated in the ITB. After a comprehensive review of the submitted protest and corresponding documentation, the panel determined the protest was without merit as the County followed the selection procedures in adherence to the requirements specified in the ITB.

Contractor performance will be measured by reviewing monthly reports to monitor compliance with the administrative, fiscal, and program requirements of the contract. The contract may be terminated by the County immediately in the event that funds are not available, and without cause by serving a written notice to the contractor 30 days in advance of termination.

The Purchasing Department supports this competitive procurement based on the formal solicitation above.

REVIEW BY OTHERS

This item has been reviewed by Human Services Contracts (Patty Steven, Contracts Manager, 388-0241) on March 19, 2024; County Counsel (Jacqueline Carey-Wilson, Deputy County Counsel, 387-5455) on March 18, 2024; Risk Management (Victor Tordesillas, Deputy Executive Officer, 386-8621) on March 13, 2024; Purchasing (Christina Reddix, Buyer III, 387-2060) on March 7, 2024; Innovation and Technology Department (Lynn Fyhrlund, Chief Information Officer, 388-5501) on March 18, 2023; Finance (John Hallen, Administrative Analyst, 388-0208) on March 11, 2024; and County Finance and Administration (Cheryl Adams, Deputy Executive Officer, 388-0238) on March 11, 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: March 26, 2024



cc: DAAS - West w/agree
 Contractor - c/o DAAS w/agree
 File - w/agree
CCM 03/28/2024