



# San Bernardino County

## Legislation Text

---

**File #: 3622, Agenda Item #: 58**

---

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

**February 9, 2021**

**FROM**

**JOHN McMAHON, Sheriff/Coroner/Public Administrator**

**SUBJECT**

Revenue Agreement with the United States Federal Bureau of Investigation for Emergency Vehicle Operations Course Training Classes

**RECOMMENDATION(S)**

Approve Revenue Agreement with the United States Federal Bureau of Investigation (Federal Contract No. 15F06721P0002523), for the period of February 9, 2021 through February 8, 2026, in the amount of \$326,060 for Emergency Vehicle Operation Course training classes at the Emergency Vehicle Operation Center. (Presenter: John Ades, Captain, 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.**  
**Pursue County Goals and Objectives by Working with Other Agencies.**

**FINANCIAL IMPACT**

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). As a Commission on Peace Officer Standards and Training (POST) certified Regional Training Center, the Sheriff/Coroner/Public Administrator (Department) provides mandated Emergency Vehicle Operation Course (EVO) training classes to other local, state, or federal law enforcement agencies. The United States Federal Bureau of Investigation (FBI) will reimburse the Department a maximum of \$65,212 per fiscal year, for a total not to exceed amount of \$326,060 for the term of the agreement. Approval of the necessary appropriation and revenue adjustments are not requested at this time, but will be included in a future quarterly countywide budget report presented to the Board of Supervisors (Board) for approval, if necessary. Sufficient appropriation and revenue will be included in future recommended budgets.

**BACKGROUND INFORMATION**

The Department provides Emergency Vehicle Operation Course training classes for in-service peace officers at its Emergency Vehicle Operation Center (EVOC). Instruction is delivered via classroom and "behind-the-wheel" practical training classes. The FBI requested the Department provide certified EVO training for their agents and indicated a federal agreement would be necessary to make payment to the County.

The standard federal agreement provided by the FBI contains terms and conditions that differ from the

standard County contract, including but not limited to the following:

1. Limitation of Liability

- The County standard contract language does not include a limitation of liability.
- Potential Impact: FBI caps its liability to the County to make expenditures of incurred obligations in performance of the contract. Expenses could exceed the revenue of the contract, leaving the County financially liable for the excess.

2. Indemnification

- The County standard contract requires the Contractor to indemnify the County.
- Potential Impact: The FBI standard federal agreement has no indemnity to the County but requires the County to indemnify for patent infringement. County may be liable for any potential harm or loss incurred by the FBI.

3. Waiver of Subrogation

- The County standard contract language requires a waiver of subrogation.
- Potential Impact: The FBI standard federal agreement does not include waiver of subrogation. The County could be held liable for potential damages sought by the federal employee, agency, or insurance company.

4. Insurance Standards

- The County standard contract language requires contractors to carry appropriate insurance or self-insurance at limits and under conditions determined by the County's Risk Management Department.
- Potential Impact: The FBI standard federal agreement does not include County standard insurance requirements. The County has no assurance that the FBI will be financially responsible for potential claims, which could result in expenses to the County that exceed the revenue amount of the contract.

5. Governing Law

- The County standard language requires contracts to be governed by the laws of the State of California.
- Potential Impact: The FBI standard federal agreement requires disputes to be resolved in federal court pursuant to federal law and could require the County to hire outside counsel competent to advise on federal law, which may result in fees that exceed the revenue amount of the contract.

6. Venue

- The County standard contract language requires venue for disputes in Superior Court of California, County of San Bernardino, San Bernardino District.
- Potential Impact: The matter must be tried in federal court applicable to the County.

While these are notable exceptions to the County's standard contract language, the Department recommends approval of this contract to pursue the County goals and objectives by working with other agencies. County Counsel and Risk Management have reviewed the FBI standard federal agreement and agree with the above recommendation based on the minimal risk to the County.

**PROCUREMENT**

Not applicable.

**REVIEW BY OTHERS**

---

**File #: 3622, Agenda Item #: 58**

---

This item has been reviewed by County Counsel (Richard D. Luczak, Deputy County Counsel, 387-5455) on January 15, 2021; Risk Management (LeAnna Williams, Director of Risk Management, 386-8623) on January 19, 2021; Finance (Carolina Mendoza, Administrative Analyst, 387-0294) on January 19, 2021; and County Finance and Administration (Kelly Welty, Deputy Executive Officer, 387-5423) on January 19, 2021.