



# San Bernardino County

## Legislation Text

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**File #: 4745, Agenda Item #: 28**

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

**September 14, 2021**

**FROM**

**JACQUELYN GREENE, Interim Director, Preschool Services Department**

**SUBJECT**

Contract with Acorn Evaluation, Inc. for Data Capacity Assessment Services

**RECOMMENDATION(S)**

Approve Contract with Acorn Evaluation, Inc., in the amount of \$12,000, to provide Data Capacity Assessment Services, for the period of September 20, 2021 through June 30, 2022.  
(Presenter: Jacquelyn Greene, Interim Director, 383-2025)

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

**Provide for the Safety, Health and Social Service Needs of County Residents.**

**FINANCIAL IMPACT**

This item does not impact Discretionary General Funding (Net County Cost). The total cost of this contract is \$12,000 and is 100% federally funded by the United States Department of Health and Human Services, Administration for Children and Families grant funds. Adequate appropriation and revenue has been included in the Preschool Services Department's (PSD) 2021-22 budget.

**BACKGROUND INFORMATION**

Acorn Evaluation, Inc., provides Head Start data system analysis to meet Head Start Performance Standards of continuous quality improvement. The recommended consulting services contract will provide Data Capacity Assessments for PSD' Head Start and Early Head Start Programs. The assessments evaluate workflow processes, quality improvement, and provide strategies for improvement as required by the Office of Head Start. Upon approval, the Acorn Evaluation, Inc. will provide data assessments of children enrolled in Head Start and Early Head Start Programs.

PSD provides Head Start, Early Head Start, and State Preschool programs that include comprehensive child development and family services comprised of education, health, nutrition, and encourages parent involvement. Psychological services for children ages 0 to 5 and their families are also provided. These programs are designed to increase the health and school readiness of disadvantaged children and self-sufficiency of low-income families.

The contract with Acorn Evaluation, Inc., includes terms that differ from the standard County contract terms. The non-standard terms include the following:

1. The County is required to indemnify Acorn for County's negligent or wrongful acts or omissions related to the Company's provision of Services.
  - The County standard contract does not include any indemnification by the County of a Contractor.
  - Potential Impact: By agreeing to indemnify Acorn, the County could be contractually waiving the protection of sovereign immunity. Claims that may otherwise be barred against the County, time limited, or expense limited could be brought against Acorn without such limitations and the County would be responsible to reimburse Acorn for costs, expenses, and damages, which could exceed the total contract amount.
  
2. The contract does not require Acorn to meet the County's insurance standards as required pursuant to County Policy 11-07.
  - The County standard contract requires contractors to carry appropriate insurance at limits and under conditions determined by the County's Risk Management Department.
  - Potential Impact: The Agreement does not include County standard insurance requirements. This means that the County has no assurance that Acorn will be financially responsible for claims that may arise from the County's use of the software, which could result in expenses to the County that exceed the total contract amount.
  
3. All disputes arising under the contract must be settled by binding arbitration.
  - The County standard contract does not require binding arbitration.
  - Potential Impact: The contract requires binding arbitration for all disputes between the parties. Disputes that might otherwise be settled in small claims court would incur arbitration costs that would exceed the costs of a small claims action. Arbitration decisions are not appealable.

**PROCUREMENT**

Per County Policy 11-05, contracts that contain certain non-standard contract language must be approved by the Board of Supervisors. Acorn Evaluation, Inc., is the only vendor providing Head Start data system analysis to meet Head Start Performance Standards of continuous quality improvement that is experienced in working with early education providers and versed in the Head Start Performance Standards; as such, Purchasing supports the non-competitive sole source nature of this recommended contract with Acorn Evaluation, Inc.

**REVIEW BY OTHERS**

This item has been reviewed by Human Services Contracts (Becky Giroux, Contracts Manager, 388-0241) on August 25, 2021; County Counsel (Adam Ebright, Deputy County Counsel, 387-5455) on August 18, 2021; Purchasing (Bruce Cole, Supervising Buyer, 387-2148) on August 27, 2021; Finance (Paul Garcia, Administrative Analyst, 386-8392) on August 26, 2021; and County Finance and Administration (Tanya Bratton, Deputy Executive Officer, 388-0332) on August 26, 2021.