



San Bernardino County

Legislation Text

File #: 5373, Agenda Item #: 40

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

January 11, 2022

FROM

SHANNON D. DICUS, Sheriff/Coroner/Public Administrator

SUBJECT

Contracts for Forensic Odontology Services

RECOMMENDATION(S)

1. Approve the following Contracts to provide forensic odontology services for the period of January 12, 2022 through January 11, 2025, in an aggregate amount of \$30,000 per year, for a total amount not to exceed \$90,000, with the option for one additional two-year extension, or two additional one-year extensions to the original contract terms:
 - a. Cathy A. Law, DDS, at a variable rate of \$360 - \$400 per hour and/or per dental identification and analysis.
 - b. Stephen M. Lojeski, DDS, at a variable rate of \$375 - \$470 per hour and/or per dental identification and analysis.
 - c. Janice W. Klim-Lemann, DDS, doing business as Janice W. Klim, Inc., at a variable rate of \$350 - \$500 per hour and/or per dental identification and analysis.
2. Authorize the Sheriff/Coroner/Public Administrator or Undersheriff to execute change orders to the contracts, as needed, subject to review by County Counsel, as long as the total aggregate amount of such change orders does not exceed \$50,000, and the change orders do not amend the contract terms.
3. Direct the Sheriff/Coroner/Public Administrator or Undersheriff to transmit all change orders to the Clerk of the Board of Supervisors within 30 days of execution.

(Presenter: John Ades, Deputy Chief, 387-3760)

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 the use of additional Discretionary General Funding (Net County Cost). The aggregate costs in the amount of \$30,000 for the first year of forensic odontology services will be funded within the Sheriff/Coroner/Public Administrator's (Department) existing budget allocation. Sufficient appropriation is included in the Department's 2021-22 budget (4430001000) and will be included in future recommended budgets.

BACKGROUND INFORMATION

The Department's Coroner Division (Coroner) is responsible for investigating all deaths that occur within the

County; this includes determining the cause of death and clarifying all circumstances surrounding or pertaining to the manner of death of a decedent. The Coroner performs approximately 1,900 autopsies per year and utilizes forensic odontology services, as needed, to assist in the identification of decedents using dental records of the physical examination and comparison of dentition. Approximately 1.5% of the autopsies performed each year require the services of a forensic odontologist. Previously, the Coroner utilized Purchase Orders to procure forensic odontology services, as needed. Approval of Recommendation No. 1 will establish contracts to maintain competitively bid professional services as directed by County Policy 11-04.

Approval of Recommendation No. 2 will allow the Sheriff/Coroner/Public Administrator or Undersheriff to address changes in workload; any such change orders cannot exceed a total aggregate of \$50,000 or amend the contract term.

PROCUREMENT

On June 22, 2021, Request for Proposals (RFP) No. SHR121-ADMSR-4143 was approved and released through San Bernardino County's electronic Procurement Network (ePro) for the provision of forensic odontology services. The RFP was posted for 36 days and 172 registered vendors were notified of the RFP via e-mail; responses were due July 27, 2021. Four vendors responded to the RFP and one was disqualified upon initial evaluation. The three remaining vendors were: Cathy A. Law, DDS (Law); Stephen M. Lojeski, DDS (Lojeski); and Janice W. Klim-Lemann, DDS, doing business as Janice W. Klim, Inc. (Klim).

A committee consisting of two representatives from the Coroner evaluated the proposals. The evaluations were based upon the proposers' qualifications, professional references, and proposed fees. As a result, Law, Lojeski, and Klim, are recommended for contract award, having demonstrated the ability to meet the needs of the County. No protests or appeals were received.

The proposed contracts include terms and conditions that differ from the County's standard contract language as follows:

Law

- Insurance Specifications
 - a. Non-Standard Terms: Despite attempts to procure policies with County standard limits, the Contractor was only able to procure professional liability insurance with the County listed as an additional insured, however, the limits are capped at \$1,000,000 per occurrence and \$1,000,000 aggregate total.
 - b. Standard Term: The County's standard contract language requires the following insurance: general liability (\$1,000,000 per occurrence), automobile (\$1,000,000 per occurrence), professional liability (\$1,000,000 per occurrence and \$2,000,000 aggregate), and cyber liability (\$1,000,000 per occurrence and \$2,000,000 aggregate).
 - c. Potential Impact: While the Contractor holds several different insurance policies, professional liability insurance is the only policy the Contractor was able to procure with the County as an additional insured, however the policy does not meet minimum aggregate limits. The Department could potentially not recover all damages incurred during the contract period.
 - d. Justification: Forensic odontologists providing odontology services to the Coroner are sole personnel who may be dually employed, perform most services off-site of County property, and travel minimally in the performance of their duties. The Department believes the need for forensic odontology services, the limited qualified personnel available to provide such services, and the minimal time personnel will be tasked with Department workload, minimize the potential risk associated with the use of the services.

Lojeski

- Insurance Specifications
 - a. Non-Standard Terms: Despite attempts to procure policies with County standard limits, the

Contractor was only able to procure automobile insurance with the County listed as an additional insured, however, the combined single limit is capped at \$800,000.

- b. Standard Term: The County's standard contract language requires the following insurance: general liability (\$1,000,000 per occurrence), automobile (\$1,000,000 per occurrence), professional liability (\$1,000,000 per occurrence and \$2,000,000 aggregate), and cyber liability (\$1,000,000 per occurrence and \$2,000,000 aggregate).
- c. Potential Impact: While the Contractor holds several different insurance policies, automobile insurance is the only policy the Contractor was able to procure with the County as an additional insured, however, the policy does not meet the minimum combined single limit requirement. The Department could potentially not recover all damages incurred during the contract period.
- d. Justification: Forensic odontologists providing odontology services to the Coroner are sole personnel who may be dually employed, perform most services off-site of County property, and travel minimally in the performance of their duties. The Department believes the need for forensic odontology services, the limited qualified personnel available to provide such services, and the minimal time personnel will be tasked with Department workload, minimize the potential risk associated with the use of the services.

Klim

- Insurance and Indemnification
 - a. Non-Standard Terms: Despite attempts to procure policies with County standard limits, the Contractor was unable to procure insurance documents with the County listed as an additional insured due to their agents' policy restrictions.
 - b. Standard Term: The County's standard contract language requires the following insurance: general liability (\$1,000,000 per occurrence), automobile (\$1,000,000 per occurrence), professional liability (\$1,000,000 per occurrence and \$2,000,000 aggregate), and cyber liability (\$1,000,000 per occurrence and \$2,000,000 aggregate).
 - c. Potential Impact: While the Contractor holds several different insurance policies, the Contractor was unable to procure the County as an additional insured on any of their policies. The Department could potentially not recover all damages incurred during the contract period.
 - d. Justification: Forensic odontologists providing odontology services to the Coroner are sole personnel who may be dually employed, perform most services off-site of County property, and travel minimally in the performance of their duties. The Department believes the need for forensic odontology services, the limited qualified personnel available to provide such services, and the minimal time personnel will be tasked with Department workload, minimize the potential risk associated with the use of the services.

Approval of Recommendation No. 1 will provide forensic odontology services to the Coroner beginning January 12, 2022 through January 11, 2025, with the option to extend the term by one additional two-year period, or two additional one-year periods. Either party may terminate the agreement upon 30 day written notice.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Richard D. Luczak, Deputy County Counsel, 387-5455) on December 13, 2021; Purchasing (Michael Candelaria, Lead Buyer, 387-0321) on December 13, 2021; Finance (Carolina Mendoza, Administrative Analyst, 387-0294) on December 14, 2021; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on December 16, 2021.