



# San Bernardino County

## Legislation Text

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**File #: 5513, Agenda Item #: 9**

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

**February 8, 2022**

#### **FROM**

**SHARON NEVINS, Director, Department of Aging and Adult Services**

#### **SUBJECT**

Contract with Rolling Start, Inc. for Computer Hardware, Internet Access, and Training and Technical Support Services

#### **RECOMMENDATION(S)**

Approve contract with Rolling Start, Inc. to provide computer hardware, internet access, and training and technical support services to older adults and persons with disabilities countywide, in the amount of \$140,000, for the contract period of February 1, 2022 through September 30, 2022.  
(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 \$140,000 contract with Rolling Start, Inc. (Rolling Start) is funded through Coronavirus Aid, Relief, and Economic Security (CARES) Act Aging and Disability Resource Connection (ADRC) / No Wrong Door (NWD) System critical relief funds for the Coronavirus (COVID-19) pandemic response (ADRC CARES Act) funds. Adequate appropriation and revenue have been included in the Department of Aging and Adult Services' (DAAS) 2021-22 budget and will be included in the DAAS' 2022-23 recommended budget.

#### **BACKGROUND INFORMATION**

The Bridging the Digital Divide Program's (Program) goal is to ensure older adults and other at-risk adults have access to affordable high-speed internet, devices, and the skills to navigate accessibility to long term services and supports programs, services, and resources to meet their needs safely. The recommended contract with Rolling Start will assist DAAS in meeting that goal through providing computers, laptops, or tablets to approximately 400 qualifying older adults and persons with disabilities, assisting those adults to connect to low-cost broadband internet, and providing training and technical support.

The contract with Rolling Start includes a non-standard term that differs from the standard County contract terms. The contract requires the County to indemnify, defend, and hold harmless Rolling Start from any and all claims, actions, losses, damages, and/or liability arising out of this contract from any cause whatsoever, including the acts, errors, or omissions of Rolling Start and for any costs or expenses incurred by Rolling Start

except where such indemnification is prohibited by law.

- The standard County contract does not include any indemnification of defense by the County of the Contractor.
- Included in the contract is the provision that the Contractor agrees to indemnify, defend (with counsel reasonably approved by County) and hold harmless the County and its authorized officers, employees, agents and volunteers from any and all claims, actions, losses, damages, and/or liability arising out of this contract from any cause whatsoever, including the acts, errors or omissions of any person and for any costs or expenses incurred by the County on account of any claim except where such indemnification is prohibited by law. This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. In the event that the Parties are determined to be comparatively at fault for any claim, action, loss or damage which results from their respective obligations, each Party shall indemnify the other Party to the extent of its comparative fault.
- Potential Impact: By agreeing to indemnify Rolling Start, the County could be contractually waiving the protection of sovereign immunity. Claims that may be otherwise barred against the County, time limited, or expense limited could be brought against Rolling Start without such limitations, and the County would be responsible to defend and reimburse Rolling Start for costs, expenses, and damages, which could exceed the total contract amount.

Rolling Start performance will be monitored by review of monthly reports to ensure compliance with the administrative, program, and fiscal terms and conditions of the contract. Rolling Start will cooperate with County in the implementation, monitoring and evaluation of this contract and comply with any and all reporting requirements established by this contract. Rolling Start charges must be for services provided to eligible beneficiaries under this funded Program. The County reserves the right to request additional program and/or fiscal reports to facilitate this monthly review. The contract may be terminated without cause by the County with 30 days written notice.

Negotiations with Rolling Start regarding contract language began in July 2021; the final agreement was reached January 3, 2022. This item is being presented to the Board of Supervisors (Board) as this is the first date available following the required administrative, operational, and legal reviews. Board approval at this time will not impact DAAS' Program services or activities.

### **PROCUREMENT**

Rolling Start is the only State mandated core partner for ADRC program funding based on being the only designated Independent Living Center for San Bernardino County. Purchasing concurs with this justification and supports the non-competitive procurement due to Rolling Start being the only State mandated provider.

### **REVIEW BY OTHERS**

This item has been reviewed by Human Services Contracts (Patty Steven, Contracts Manager, 388-0241) on January 14, 2022; County Counsel (Jacqueline Carey-Wilson, Deputy County Counsel, 387-5455) on January 19, 2022; Purchasing (Bruce Cole, Supervising Buyer, 387-2148) on January 24, 2022; Finance (Christopher Lange, Administrative Analyst, 386-8393) on January 24, 2022; and County Finance and Administration (Cheryl Adams, Deputy Executive Officer, 388-0238) on January 24, 2022.