



San Bernardino County

Legislation Text

File #: 6186, Agenda Item #: 76

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

June 14, 2022

FROM

SHANNON D. DICUS, Sheriff/Coroner/Public Administrator

SUBJECT

Contract with Liberty Healthcare Corporation for Correctional Mental Health Services

RECOMMENDATION(S)

1. Terminate Contract No. 16-08 and approve a new Contract with Liberty Healthcare Corporation for the provision of correctional mental health services in the County's Type II correctional facilities in an amount not to exceed \$120,782,788, for the period of June 14, 2022, through June 13, 2027, with the option to extend for one additional two-year period, or two additional one-year periods to the original term.
2. Authorize the Sheriff/Coroner/Public Administrator to execute change orders to the contract, as needed, subject to review by County Counsel, so long as such change orders do not increase the total contract amount of \$120,782,788 and the change orders do not amend the contract term.
3. Direct the Sheriff/Coroner/Public Administrator to transmit all change orders to the Contract 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) as the cost for comprehensive correctional mental health services will be funded within the Sheriff/Coroner/Public Administrator's (Department) existing budget allocation (4420001000). Sufficient appropriation for the cost of this contract with Liberty Healthcare Corporation (Liberty) is included in the Department's 2022-23 Recommended Budget and will be included in future recommended budgets as follows:

Year	Amount
1	\$22,572,121
2	\$23,475,006
3	\$24,179,256
4	\$24,904,633
5	\$25,651,772

Total	\$120,782,788
-------	---------------

BACKGROUND INFORMATION

Title 15, California Code of Regulations, Article 11 identifies the responsibility of the Sheriff/Coroner/Public Administrator to provide medical, mental health, and dental care for correctional patients. Correctional mental health services are defined as actions taken for the mental well-being of the inmate population, including a range of diagnostic, treatment, and follow-up services with the goals of improving clinical outcomes and stabilizing patients to their highest level of wellness so they may successfully integrate into the community upon release.

Correctional mental healthcare is provided to inmates while housed at the County's Type II detention centers: Central Detention Center (San Bernardino), Glen Helen Rehabilitation Center (Devore), High Desert Detention Center (Adelanto), and West Valley Detention Center (Rancho Cucamonga). Services provided include: Crisis Stabilization, Step Down, Residential Treatment Unit-type housing and medication management. The Department partners with the Department of Behavioral Health (DBH) via the Re-Integrative Support Engagement Services (RISES) program for coordination of services upon release when deemed necessary, including, but not limited to, housing, placement, mental health and other services.

Since 2016, the Department has provided comprehensive correctional mental health and programming services to address the mental health needs of inmates incarcerated in the County's correctional facilities.

Approval of Recommendation No. 1 will allow Liberty to continue to provide correctional mental health services for the Department. The recommended contract term is five (5) years commencing June 14, 2022 through June 13, 2027, with the option to extend the term by two (2) additional one-year periods, or one (1) additional two-year period. Any contract extension or adjustment to the contract term will be brought back to the Board for approval. Either party may terminate the agreement upon 180 days advance written notice.

Approval of Recommendation No. 2 will allow the Sheriff/Coroner/Public Administrator to make changes to the number of Full Time Equivalent (FTE) staff, if necessary, to address changes in the workload. Any such change orders cannot result in the contract amount exceeding \$120,782,788, nor amend the contract term.

The contract with Liberty contains the following non-standard contract terms:

1. Contract Term:

- a. Non-standard term: The initial term is five years with the option to extend the contract for one (1) additional two-year period, or two additional one-year periods. The County's standard contract term is five years, including any extensions.
- b. Potential Impact: Extending the contract term beyond five years may limit the County's ability to preview new providers of correctional mental health services and their service capabilities.
- c. Justification: Extending the standard contract term solidifies the County's ability to maintain quality correctional mental health services for a longer period. These professional services are complex and require high levels of programming, training, and administration to maintain mandated service requirements. The ability to maintain a single vendor for a longer period, while providing quality standardized care, outweighs the need to potentially change service providers more often.

2. Indemnification:

- a. Non-standard term: The agreement with Liberty allows for mutual indemnification. The County standard contract requires the Contractor to indemnify the County in accordance with County Policy 11-07.
- b. Potential Impact: The agreement will require the County and Liberty to indemnify each other

based on comparative fault. The County could be liable for potential harm or loss incurred by Liberty.

- c. Justification: The Department believes that allowing for Liberty to provide services at the detention centers outweighs potential risks associated with those services and because any injury occurring at the detention facilities would be “on-duty” the Department believes personnel and Liberty’s staff have adequate insurance coverage, limiting a portion of the liability issue.

While these are notable exceptions to the County’s standard contract language, the Department recommends approval of the Contract with Liberty in order to pursue County goals and objectives to provide for the safety, health and social service needs of County residents. County Counsel and Risk Management have reviewed and provided input on the Contract.

PROCUREMENT

On May 25, 2021, Request for Proposal (RFP) SHR121-ADMSR-3949 was approved and released through the San Bernardino County’s Electronic Procurement Network (ePro) for the provision of comprehensive correctional mental health services to the Department’s Type II correctional facilities. The RFP was posted for 50 days, and 214 registered vendors were contacted via e-mail notifications; four vendors responded to participate in the site walks, and only two vendors, Liberty Healthcare Corporation (Liberty) and California Medical Group, dba Wellpath (Wellpath) responded to the solicitation.

A committee consisting of three representatives from the Department’s Health Services Division, one representative from the Department’s Inmate Services Unit, and one representative from the Department’s Executive Staff evaluated the proposals. The evaluation was based upon the Proposers’ qualifications, financial statements, professional references, and proposed fees. As a result, Liberty is recommended for contract award, having demonstrated the ability to meet the needs of the County. No protests or appeals were received.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Richard D. Luczak, Deputy County Counsel, 387-5455) on May 20, 2022; Purchasing (Cody Leslie, Lead Buyer, 387-0321) on May 20, 2022; Risk Management (Victor Tordesillas, Director, 386-8623); Finance (Tom Forster, Administrative Analyst, 387-4635) on May 26, 2022; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on May 26, 2022.