



**Agenda Item Number: 2008-8-9B**

## **BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS**

---

**Meeting Date:** August 26, 2008

**Department:** Public Safety **Staff Contact:** John Dantis, Deputy County Manager, Public Safety;

**TITLE:** Correctional Medical Services (CMS ) at the Bernalillo County Metropolitan Detention Center (MDC)

**ACTION:** Motion to approve the Second Amendment to the CMS contract.

### **SUMMARY:**

On April 26, 2006 the County contracted with CMS to provide medical, mental health, and dental services at MDC. The current contract ended on June 30, 2008 and allows for a two year extension. On May 29, 2008 the Board approved the FY09 and FY10 biennium budget authorizing the funds for the two year extension. During the time CMS has been in place at the MDC, all requirements of the medical auditor assigned to audit medical services for the McClendon lawsuit have been met; have earned the National Commission on Health Care (NCCHC) accreditation, and passed the medical portion of the American Correctional Association (ACA) audit which assisted the MDC in obtaining the ACA accreditation. They have also continued to work diligently on all mental health requirements within the McClendon settlement agreement.

Staff requests approval from the Board for a Second Amendment to increase CMS budget by 7% and to hold 2% as "retainage" in FY09 for the CMS Deliverables, which are attached to the Second Amendment. The contract compliance monitors, Dr. Stellman and Dr. Robertson, will conduct quarterly assessments of the Deliverables. If compliance is not met, a percentage of the 2% retainage will be withheld. Compliance to the CMS Deliverables will be effective July 1, 2008. The work they have done to date clearly demonstrates their commitment to provide quality care to the inmates at MDC and good customer service to Bernalillo County.

### **ATTACHMENTS:**

1. Second Amendment to the CMS contract.
2. CMS Deliverables Audit Criteria and penalty schedule.

### **FISCAL IMPACT**

The original CMS contract was \$8,712,712 for FY07. In FY 08 an amendment was approved to increase the contract for 1.5 additional psychiatrist(s). The current budget for this contract is in 11002- 450500-521050 for \$7,625,257 and in 12003-14010-521050- for \$2,612,396 for a total budget of \$10,237,653.00

# STAFF ANALYSIS SUMMARY

## COUNTY MANAGER

CMS approached County management seeking an increase in their budget due to increasing cost of delivery services. The proposed amendment is within the MDC budget and is well below what it would cost to go back out to bid. I recommend Board approval.

## DEPUTY COUNTY MANAGER FOR PUBLIC SAFETY

See Summary; I recommend approval of this item. John Dantis 7/31/08

## LEGAL

The Second Amendment is approved as to form and legal sufficiency. JSL 8/13/08

## FINANCE

- Budget** Approval of this agenda item will allow the County to enter into contract with CMS, a medical provider for MDC. The total amount of the contract will be \$10,237,653, which represents a seven (7%) percent increase over the previous fiscal year (FY08) contract. This is the second (2<sup>nd</sup>) amendment to the CMS Contract. The contract will allow for medical and psychiatric care for the MDC population. Funding is available from two sources: 11002-450500-521050 and 12003-14010-521050, in the amounts indicated above. Julian F. Barela, Budget Administrator 8/1/2008
- Purchasing** Pursuant to Sections XII (Term) and XXII (Changes) of the Original Agreement, the County may extend the Agreement beyond June 30, 2008 for (1) additional 2-year term and negotiate compensation and payment arrangements with the Contractor. Lisa Sedillo-White, Purchasing Director 8/1/08
- Contracts** A Contract Control Number will be assigned to the Second Amendment upon execution of all applicable parties. Lisa Sedillo-White, Purchasing Director 8/1/08
- Risk Management** The Lessee shall provide a certificate of insurance with like types of insurance referenced in paragraph 15 of the Lease Agreement. David A. Baca, Risk Management Director 8/04/08