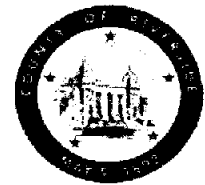


**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

253



**FROM:** Stanley L. Sniff Jr., Sheriff-Coroner-PA

**SUBMITTAL DATE:**

06/23/08

**SUBJECT:** Approval of a Sole Source Award for a Coroner's Services Contract

**RECOMMENDED MOTION:** Move that the Board of Supervisors approve and authorize the Chairperson to execute a professional services agreement for pathologist services with Dr. Daryl Garber, at a cost not to exceed \$200,000 annually, through June 30, 2011, without securing competitive bids, in accordance with Ordinance 459.4.

**BACKGROUND:** The services of Forensic Pathologists are critical to the ability of the Sheriff-Coroner to discharge his duties, through autopsy and medical findings. For over a year in 2004/2005, the Bureau actively recruited nation-wide to hire a Pathologist for the Indio Facility, but did not receive responses from any qualified candidates. Therefore, instead of hiring another full-time Doctor, the Bureau negotiated a favorable Agreement with Dr. Daryl Garber, a Physician with a contractual history with the County that dates to the mid-Nineties.

(Continued on Page 2)

BR 09-002

*Joe Tucker*  
Joe Tucker  
FOR  
Stanley L. Sniff Jr., Sheriff-Coroner-PA

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$200,000	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$17,000	Budget Adjustment:	No
	Annual Net County Cost:	\$17,000	For Fiscal Year:	FY 2008-09

<b>SOURCE OF FUNDS: Fees collected pursuant to Ordinance 837.2 and Departmental Budget</b>	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:**

APPROVE

BY: *Steve P. Schubert*  
Steve P. Schubert

**County Executive Office Signature**

- Dept's Recomm.:  Consent  Policy
- Per Exec. Ofc.:  Consent  Policy

Prev. Agn. Ref.: 2/28/06 3.39, 5/24/05 3.39 | District: 4 | Agenda Number:

ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD

3.123

FORM APPROVED COUNTY COUNSEL  
 BY: *Synthia M. Gunzel*  
 SYNTHIA M. GUNZEL  
 DEPARTMENTAL COUNSEL  
 DATE: 7-21-08

Purchasing: *Mark Seller*  
 Mark Seller, Assistant Director

Dr. Garber's three-year Agreement with the County expired on 6/30/08, and the Sheriff's Department desires to continue his contract for another three years to perform all autopsies at the Indio Facility on a cost per case basis. Historically, the Department has found it difficult to recruit Doctors with this type of contract, as most are already engaged in full-time employment with other counties or are retired and not interested in the amount of cases they would have to handle.

There are less than one thousand board-certified forensic pathologists in the United States. To practice in California, pathologists must also be State licensed. Therefore, the list of Doctors that the Sheriff's Department can draw from is fully known and very short. In a survey of Riverside and surrounding Counties, Staff determined that Dr. Garber is the only qualified pathologist available to provide the level of service required at the Indio Facility.

**Price Reasonableness:** In 2005, the Department negotiated an autopsy cost with Dr. Garber that was equal to or less than what we were then paying our other contract Doctors. For the new Agreement, Dr. Garber has agreed to continue with the same cost per case, but with an additional \$100 administrative fee for every day that he performs autopsies for the County. Since Dr. Garber is also the Chief Pathologist for Imperial County, he is not only able to perform the "non-conflict" autopsies, but can also be utilized to handle conflict cases, such as officer-involved and in-custody deaths, as well.

The proposed Agreement specifies an option for annual renewals through FY 2010-11, with no obligation for the County to purchase any specified amount of service. County Counsel has approved the Agreement as to form.

Date: 06/23/08

From: Riverside County Sheriff's Department

To: Board of Supervisors

Via: Purchasing Agent

Subject: Sole Source Procurement; Request for

The information below is provided in support of my Department requesting approval for a sole source. Outside of a duly declared emergency, the time to develop a statement of work or specifications is not in itself justification for sole source.

**Supply/Service being requested:** The Sheriff-Coroner's office requires the renewal of the services of a contract Forensic Pathologist.

**Supplier being requested:** Darryl J. Garber, M.D.

**Alternative suppliers that can or might be able to provide supply/service:** None

**Extent of market search conducted:** Before entering into the Agreement with Dr. Garber in 2005, the Coroner's Bureau had advertised for over a year for a full-time County Pathologist to fill a position in Indio. After receiving no eligible applicants, the Bureau surveyed Riverside and surrounding Counties to find a Pathologist interested in accepting the assignment on a contractual basis, and determined that Dr. Garber was the only qualified Pathologist available to provide the level of service required at the Indio Facility.

**Unique features of the supply/service being requested from this supplier, which no alternative supplier can provide:** There is a scarcity of Board Certified Forensic Pathologists in Riverside County and in fact all of Southern California. Doctor Garber has provided autopsy services on a case-by-case basis to Riverside County since 1995. He resides in the County, so he can respond in a timely manner. Since he is the Chief Pathologist for Imperial County, he is not only able to perform the "non-conflict" type autopsies, but the Department also utilizes him for cases of officer-involved and in-custody deaths.

**Reasons why my Department requires these unique features and what benefit will accrue to the County:** The services of Forensic Pathologists are critical to the ability of the Sheriff-Coroner to discharge his duties, through autopsy and medical findings. The Coroner's Indio Facility is in dire need of a Doctor to perform autopsies, and staff has tried, unsuccessfully, to fill the position with a full-time County employee. Therefore, the Department has enlisted a Doctor to perform autopsies on a cost per case basis.

In May 2005, the Department negotiated an autopsy cost with Dr. Garber that was equal to or less than what we were then paying our other contract Doctors. With the exception of a \$100 administrative fee for each day that he performs autopsies, the Doctor has agreed not to increase his per case fees during the term of the new contract. The Coroner's Bureau is fortunate that it has been able to find a local Doctor with the necessary training and experience.

**Does moving forward on this product or service further obligate the County to future similar contractual arrangements:** No.

Joe J. [Signature] FOR STAN SNOFF  
Department Head Signature

6/26/08  
Date

**Purchasing Department Comments:**

**Approve**

**Approve with Condition/s**

**Disapprove**

[Signature]  
Purchasing Agent

6/26/08  
Date