

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

234



**SUBMITTAL DATE:**  
11/17/11

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

**SUBJECT:** Approval of a Sole Source Award to Dr. Cho Lwin to Provide  
Neuropathology Services for the Sheriff's Coroner's Office

**RECOMMENDED MOTION:** Move that the Board of Supervisors:

- 1) Approve and authorize the Chairperson to execute a professional service agreement for Neuropathology services with Dr. Cho Lwin, in the annual amount of \$60,000, without obtaining competitive bids in accordance with Ordinance 459.4, and;
- 2) Authorize the Purchasing Agent to renew the contract annually in one year increments for up to four (4) additional years, provided the cost does not exceed the contract amounts.

**BACKGROUND:** The County's Chief Forensic Pathologist, Mark Fajardo, must utilize a number of Doctors for specialized postmortem services. He requires the services of a Neuropathologist to conduct macroscopic examinations of the brain, spinal cord and eyes.  
(Continued on Page 2)

*Will Taylor*  
\_\_\_\_\_  
Stanley L. Sniff Jr., Sheriff-Coroner-PA  
Will Taylor, Director of Administration

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$49,000	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$49,000	Budget Adjustment:	No
	Annual Net County Cost:	\$60,000	For Fiscal Year:	FY 2011-12

<b>SOURCE OF FUNDS: Departmental Budget</b> BR 12-047	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

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

APPROVE  
*Robert Tremaine*  
BY: \_\_\_\_\_  
Robert Tremaine

**County Executive Office Signature**

FORM APPROVED COUNTY COUNSEL  
BY: NEAL R. KIPNIS  
DATE: 11/17/11  
Purchasing - Mark Seiler, Assistant Director  
Departmental Concurrence

Consent     Policy  
 Consent     Policy

Dep't Recomm.:  
 Per Exec. Ofc.:

3.31

## **BOARD OF SUPERVISORS**

**FORM 11: Approval of a Sole Source Award to Dr. Cho Lwin to Provide  
Neuropathology Services BR 12-047**

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Board Certified Forensic Neuropathologists, who possess an expertise in examining traumatic brain injuries as an ancillary support to autopsies, are difficult to locate and often unable to handle the workload generated by Riverside County. Due to the scarcity of Board certified Forensic Neuropathologists, Staff's search has always focused on Neuropathologists working for other local County Coroners, who are permitted and amenable to work for us in their off-hours. Dr. Erlich, who worked for Los Angeles Coroner's Office, also conducted examinations for Riverside County from approximately 2003 to November 2009. In 2010 (4/20/10 3.63), we were able to contract with the San Diego County Medical Examiner. Unfortunately, that contract was terminated in October 2011, when San Diego County's Neuropathologist left its employ, and the County was unable to fulfill its contract with us.

The Sheriff's Department has now negotiated an Agreement with Dr. Cho Lwin, a neuropathologist employed by the Los Angeles County Coroner's Office. Dr Lwin has agreed to travel to the Coroner's Perris facility and analyze our cases on his off days.

### **Price Reasonableness**

Dr. Lwin has agreed to accept the same fee schedule that the Sheriff's Department had established with the San Diego County Medical Examiner. Specifically, that schedule provided for three fee levels, charging \$500, \$750, or \$1,000 per case depending on the type of case and amount of examination time needed.

As a further indication of current price reasonableness, in 2007, when the Board approved Dr. Erlich's now-terminated contract (07/31/07 3.100), Dr. Cohen, the County's then Chief Forensic Pathologist, estimated that the consulting fee for Neuropathologists ranged from \$500 to \$1,000 per case.

Date: November 21, 2011  
From: Will Taylor, Director of Finance Department/Agency: Sheriff-Coroner  
To: Board of Supervisors  
Via: Purchasing Agent  
Subject: Request for a Sole Source Procurement of Neuropathology Services

The below information 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:** Neuropathology Examinations

**Supplier being requested:** Cho Lwin, M.D.

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

**Extent of market search conducted:** Unfortunately, the Coroner's Office has never found an interested board certified forensic neuropathologist in private practice to handle the County workload. So Staff's search has always focused on Doctor's working for other local County Coroners, who are permitted and amenable to work for us in their off-hours. Dr. Erlich, who worked for Los Angeles Coroner's Office, also conducted examinations for Riverside County from approximately 2003 to November 2009. In 2010, we were able to contract with the San Diego County Medical Examiner. Unfortunately, that contract was terminated in October 2011, when San Diego County's Neuropathologist left its employ, and the County was unable to fulfill its contract with us.

Now, Dr. Cho Lwin, a neuropathologist employed by the Los Angeles County Coroner's Office, has agreed to consult for Riverside County on his off days.

**Unique features of the supply/service being requested from this supplier, which no alternative supplier can provide:** Board Certified Forensic Neuropathologists, who possess an expertise in examining traumatic brain injuries as an ancillary support to autopsies, are difficult to locate and often unable to handle the workload generated by Riverside County.

**Reasons why my department requires these unique features and what benefit will accrue to the county:** Neuropathology is a critical component to certain death investigations.

**Price Reasonableness including purchase price and any ongoing maintenance or ancillary costs from the supplier:** Dr. Lwin has agreed to accept the same fee schedule that the Sheriff's Department had established with the San Diego County Medical Examiner. Specifically, that schedule provided for three fee levels, charging \$500, \$750, or \$1000 per case depending on the type of case and amount of examination time needed.


As a further indication of price reasonableness, in 2007, when the Board approved Dr. Erlich's now-terminated contract (07/31/07 3.100), Dr. Cohen, the County's then Chief Forensic Pathologist, estimated that the consulting fee for Neuropathologists ranged from \$500 to \$1,000 per case.

**Does moving forward on this product or service further obligate the county to future similar contractual arrangements or any ongoing costs affiliated with this sole source (maintenance, support or upgrades)?** No.

**Period of Performance:** Contingent upon satisfactory performance, Dr Lwin would fulfill the remainder of the contract term of the San Diego County Medical Examiner, which would have been in effect through June 30, 2016.

  
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**Department Head Signature** **Date** 11/30/11

Purchasing Department Comments:

Approve                      Approve with Condition/s                      Disapprove  
                      12-1-11                      # 12-316  
\_\_\_\_\_  
**Purchasing Agent** **Date**