

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



ITEM: 3.39
(ID # 16812)

MEETING DATE:

Tuesday, August 17, 2021

FROM : SHERIFF-CORONER-PA:

SUBJECT: SHERIFF-CORONER-PA: Ratify and Approve Amendment No. 1 to the Professional Service Agreement (PSA) with Dr. Darryl Garber and Amendment No. 1 to the PSA with Dr. Scott Luzi, for Forensic Pathologists Services without seeking competitive bids, All Districts. [Total Five-Year aggregate cost \$3,700,000; up to \$370,000 in additional compensation; 100% Sheriff's Budget]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Ratify and Approve Amendment No. 1 to the Professional Service Agreement (PSA) with Dr. Darryl Garber for Forensic Pathologist Services without seeking competitive bids, to increase the total contract aggregate amount by \$1,400,000 from \$1,000,000 to \$2,400,000 through the current termination date of June 30, 2025, and authorize the Chair of the Board to sign the Amendment on behalf of the County; and
2. Ratify and Approve Amendment No. 1 to the PSA with Dr. Scott Luzi for Forensic Pathologist Services, without seeking competitive bids, to increase the total contact aggregate amount by \$300,000 from \$1,000,000 to \$1,300,000 through the current termination date of June 30, 2025, and authorize the Chair of the Board to sign the Amendment on behalf of the County; and
3. Authorize the Purchasing Agent, in accordance with Ordinance No. 459, based on the availability of fiscal funding and as approved as to form by County Counsel to: sign amendments that exercise the options of the agreements including modifications of the statement of work that stay within the intent of the Agreement, and move the allocated funds among the vendors.

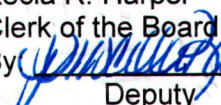
ACTION:Policy


Robert Gunzel, Assistant Sheriff 8/3/2021

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Hewitt, seconded by Supervisor Jeffries duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: August 17, 2021
xc: Sheriff

Kecia R. Harper
Clerk of the Board
By 
Deputy

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

| FINANCIAL DATA | Current Fiscal Year: | Next Fiscal Year: | Total Cost: | Ongoing Cost |
|-----------------------------------------------|-----------------------------|--------------------------|---------------------------|---------------------|
| COST | \$ 595,000 | \$ 843,220 | \$ 3,700,000 | \$ 0 |
| NET COUNTY COST | \$ 595,000 | \$ 843,220 | \$ 3,700,000 | \$ 0 |
| SOURCE OF FUNDS: 100% Sheriff's Budget | | | Budget Adjustment: | No |
| | | | For Fiscal Year: | 20/21- 24/25 |

C.E.O. RECOMMENDATION: Approve

BR #22-008

Prev. Agn. Ref.: 06/23/20 3.23

BACKGROUND:

Summary

On June 23, 2020, (Item #3.23) the Board of Supervisors approved the Professional Service Agreements for Forensic Pathologists Services with Dr. Darryl Garber and Dr. Scott Luzi with the spending authority of \$200,000 annually during FY 20/21 and FY 21/22. At that time, the full impact of COVID-19 and fentanyl deaths on the Coroners Bureau was unknown, and two forensic pathologists have since retired. Due to the increased number of autopsies and external examinations that the Coroner's Bureau has performed, it must continue to update the spending options with Dr. Garber and Dr. Luzi to meet the demand. We are requesting the spending authority on the existing contracts to be aggregate, rather than annual, with estimated spending for FY 20/21 at \$595,000 and for FY 21/22 estimated at \$843,220.

Pursuant to Government Code sections 27491 and 27520, the Sheriff's Office Coroner's Bureau is responsible for conducting autopsies and postmortem examinations in order to determine the cause of death in cases where there are sudden, unusual, and violent circumstances. The Coroner's Bureau utilizes a contracted forensic pathology vendor to obtain these services to as part of their mandated law enforcement duties

Contract History

On June 23, 2020, (Item #3.23) the Board of Supervisors approved the Professional Service Agreements for Forensic Pathologists Services with Dr. Darryl Garber and Dr. Scott Luzi. Sheriff received SSJ approval (Luzi 21-002, Garber 21-003 dated 5/21/2020) and are now before the board with an amount increase, but not a term increase. The justification for the original SSJ remains the same. This is a difficult to recruit position, the need to augment staffing with contracts is critical due to workload, and there are a limited number of board certified forensic pathologists in the nation.

Dr. Garber and Dr. Luzi are used to augment staffing when needed. There is no contracted amount commitment to the doctors, allowing the Coroner bureau fiscal flexibility within the Coroner budget.

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

Impact on Residents and Businesses

The use of contractual Forensic Pathologists helps to prevent the delayed release of human remains to families and autopsy findings to criminal cases.


Tina Grande, Director of Purchasing and Fleet Services 8/3/2021


Cherilyn Williams 8/5/2021


Gregory H. Priamos, Director County Counsel 7/22/2021

COUNTY OF RIVERSIDE
AMENDMENT NO. 1 TO THE AGREEMENT
WITH
DARRYL GARBER, M.D.

| | |
|-----------------------------------|------------------------------------|
| Original Contract Term: | July 1, 2020 through June 30, 2025 |
| Effective Date of Amendment: | July 1, 2021 (Board Approval) |
| Original Maximum Contract Amount: | \$1,000,000 |
| New Maximum Contract Amount: | \$2,400,000 (aggregate amount) |
| Contract ID: | SHARC-95209-002-06/25 |

This Amendment No. 1 to the Professional Service Agreement between the County of Riverside (COUNTY), and Darryl Garber, M.D. (CONTRACTOR), is entered into by and between COUNTY and CONTRACTOR, effective July 1, 2021.

WHEREAS, COUNTY and CONTRACTOR entered into that certain Professional Service Agreement for Forensic Pathologist Services, effective July 1, 2020 (the "Agreement");

WHEREAS, the parties desire to amend the Agreement to increase the maximum aggregate amount by \$1,400,000.

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, COUNTY and CONTRACTOR agree as follows:

1. The above recitals are true and correct and are incorporated herein by reference.
2. The second sentence of Section 3 (Compensation) is hereby deleted and replaced with the following: "Maximum payments by COUNTY to CONTRACTOR shall not exceed an aggregate amount of \$2,400,000 for five (5) years, including all expenses."
3. All other terms and conditions of the Agreement not modified herein shall remain unchanged.
4. This Amendment No. 1 to the Agreement shall be effective July 1, 2021.

[Signature page to follow.]

SSJ# Garber 21-003
BOS agenda 3.23 6/23/20
Form #116-311 Revision Date: 01/13/2016

Riverside County Sheriff's Department, 4095 Lemon Street, Riverside CA 92501
Cedric Cason PH: 951-955-6472

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COUNTY OF RIVERSIDE
AMENDMENT NO. 1 TO THE AGREEMENT
WITH
DARRYL GARBER, M.D.

IN WITNESS WHEREOF, the Parties hereto have caused their duly authorized representatives to execute this Amendment No. 1.

COUNTY OF RIVERSIDE, a political
subdivision of the State of California

By: Karen S. Spiegel
Karen Spiegel, Chair
Board of Supervisors

DARRYL GARBER, M.D., an
individual

By: Darryl Garber, M.D.
Darryl Garber, M.D.
P.O. BOX 4545
Palm Desert, CA 92261

Dated: 08/17/2021

Dated: 6/29/21

ATTEST:

Kecia R. Harper
Clerk of the Board

By: William Raso
Deputy

APPROVED AS TO FORM:

Gregory P. Priamos
County Counsel

By: Synthia M. Gward
for Lisa Sanchez, Chief Deputy
Deputy County Counsel

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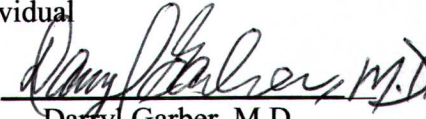
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AMENDMENT NO. 1 TO THE AGREEMENT
WITH
DARRYL GARBER, M.D.

IN WITNESS WHEREOF, the Parties hereto have caused their duly authorized representatives to execute this Amendment No. 1.

COUNTY OF RIVERSIDE, a political
subdivision of the State of California

By: _____
Karen Spiegel, Chair
Board of Supervisors

DARRYL GARBER, M.D., an
individual

By: 
Darryl Garber, M.D.
P.O. BOX 4545
Palm Desert, CA 92261

Dated: _____

Dated: 6/29/21

ATTEST:
Kecia R. Harper
Clerk of the Board
By: _____
Deputy

APPROVED AS TO FORM:
Gregory P. Priamos
County Counsel

By: _____
Lisa Sanchez
Deputy County Counsel

COUNTY OF RIVERSIDE
AMENDMENT NO. 1 TO THE AGREEMENT
WITH
SCOTT LUZI, M.D.

| | |
|-----------------------------------|------------------------------------|
| Original Contract Term: | July 1, 2020 through June 30, 2025 |
| Effective Date of Amendment: | July 1, 2021 (Board Approval) |
| Original Maximum Contract Amount: | \$1,000,000 |
| New Maximum Contract Amount: | \$1,300,000 (aggregate amount) |
| Contract ID: | SHARC-95209-003-06/25 |

This Amendment No. 1 to the Professional Service Agreement between the County of Riverside (COUNTY), and Scott Luzi, M.D. (CONTRACTOR), is entered into by and between COUNTY and CONTRACTOR, effective July 1, 2021.

WHEREAS, COUNTY and CONTRACTOR entered into that certain Professional Service Agreement for Forensic Pathologist Services, effective July 1, 2020 (the "Agreement");

WHEREAS, the parties desire to amend the Agreement to increase the maximum aggregate amount by \$300,000, and update the fee schedule for each service performed by replacing Exhibit B (Payment Provisions) with a new Exhibit B-1 (Payment Provisions).

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, COUNTY and CONTRACTOR agree as follows:

1. The above recitals are true and correct and are incorporated herein by reference.
2. Exhibit B (Payment Provisions) of the Agreement is deleted in its entirety and replaced with the attached Exhibit B-1.
3. The second sentence of Section 3.1 (Compensation) of the Agreement is hereby deleted and replaced with the following: "Maximum payments by COUNTY to CONTRACTOR shall not exceed an aggregate amount of \$1,300,000 for five (5) years, including all expenses."
4. All other terms and conditions of the Agreement not modified herein shall remain unchanged.
5. This Amendment No. 1 to the Agreement shall be effective July 1, 2021.

[Signature page to follow.]

SSJ# Luzi 21-002
BOS agenda 3.23 6/23/20
Form #116-311 Revision Date: 01/13/2016

Riverside County Sheriff's Department, 4095 Lemon Street, Riverside CA 92501
Cedric Cason PH: 951-955-6472

AUG 17 2021 8.39

COUNTY OF RIVERSIDE
AMENDMENT NO. 1 TO THE AGREEMENT
WITH
SCOTT LUZI, M.D.

IN WITNESS WHEREOF, the Parties hereto have caused their duly authorized representatives to execute this Amendment No. 1.

COUNTY OF RIVERSIDE, a political
subdivision of the State of California

By: Karen S. Spiegel
Karen Spiegel, Chair
Board of Supervisors

SCOTT LUZI, M.D., an individual

By: Scott Luzi
Scott Luzi, M.D.
4148 Vista Bonita Lane
Escondido, CA 92025

Dated: 08/17/2021

Dated: 29 JUN 2021

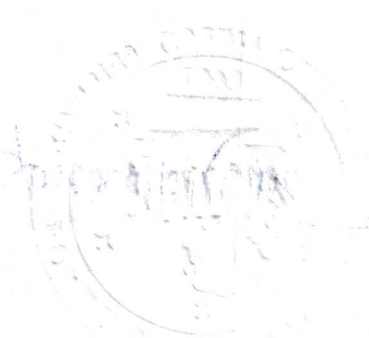
ATTEST:

Kecia R. Harper
Clerk of the Board

By: [Signature]
Deputy

APPROVED AS TO FORM:
Gregory P. Priamos
County Counsel

By: [Signature]
for Lisa Sanchez
Deputy County Counsel
Chief Deputy



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COUNTY OF RIVERSIDE
AMENDMENT NO. 1 TO THE AGREEMENT
WITH
SCOTT LUZI, M.D.

IN WITNESS WHEREOF, the Parties hereto have caused their duly authorized representatives to execute this Amendment No. 1.

COUNTY OF RIVERSIDE, a political
subdivision of the State of California

By: _____
Karen Spiegel, Chair
Board of Supervisors

Dated: _____

SCOTT LUZI, M.D., an individual

By: Scott Luzi
Scott Luzi, M.D.
4148 Vista Bonita Lane
Escondido, CA 92025

Dated: 29 JUN 2021

ATTEST:

Kecia R. Harper
Clerk of the Board

By: _____
Deputy

APPROVED AS TO FORM:

Gregory P. Priamos
County Counsel

By: _____
Lisa Sanchez
Deputy County Counsel