



BOARD OF SUPERVISORS AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Submitted on:
(COB Stamp)

Department Name: Sheriff-Coroner
Department No.: 032
For Agenda Of: 08/27/2024
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from: N/A
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director(s) Sheriff Bill Brown, (805) 681-4290
Contact Info: Cassandra Marking, Custody Lieutenant,
(805) 681-4091
SUBJECT: Request for Waiver of Competition in Purchase of Pharmaceuticals from Federal
Drug Company for Incarcerated People at Release from Custody.

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: Purchasing Division

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a) Authorize the County Purchasing Agent, pursuant to County Code section 2-39(c), to procure pharmaceuticals for incarcerated people at release from the Santa Barbara Main Jail from Federal Drug Company (BL5584) without being required to conduct a formal bid process, and
- b) Determine that the above recommended action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(b)(5) since this is a continuing administrative or maintenance activity, such as a purchase for supplies.

Summary Text:

This item is before your Board to request that the Board of Supervisors waive the requirement for competitive bidding to purchase pharmaceuticals for incarcerated people being released from the Santa Barbara Main Jail, pursuant to County Code section 2-39(c).

The Federal Drug Company is a locally owned pharmacy within the City of Santa Barbara that the Sheriff's Office has used to purchase 30-day supplies of pharmaceuticals for incarcerated people being released who do not have the means to purchase medication for themselves. Additionally, the Sheriff's

Office purchases pharmaceuticals from Federal Drug Company for individuals entering a community-based program where a 30-day supply of medication is required upon entry.

Background:

Since 2015, the Sheriff's Office has partnered with Federal Drug Company to purchase pharmaceuticals for incarcerated people being released from the Santa Barbara Main Jail. From 2015 to present, this has been done as it was recognized that people did not always have insurance, the money, the means, etc. to purchase medication once out of custody of the Sheriff. Furthermore, during the 2017 fiscal year, a 30-day supply of medication became a requirement to enter some community-based organizations' programs. Established community programs that require the medication supply prior to admittance include but are not limited to the following: Rescue Mission, Bethel House, Stalwart Sober Living, Victory Outreach, and all of the Salvation Army ARCs. Recognizing the importance of continuity of care and with support from other County entities, the Sheriff's Office started purchasing medication for individuals in these circumstances.

Prior to 2015, the Sheriff's Office partnered with other local big brand pharmacies, mainly CVS. At that time, the Sheriff's Office paid for a post release, 14-day pharmaceutical supply and occasionally used these pharmacies for emergency fills of medication that might not have been in stock at the jail, such as psychotropics, and general health medications. In 2015, as the Sheriff's Office continued to pay for these 14- or 30-day supplies of medications (upon release) for a greater number of people, we found this partnership to be less feasible. Medications were often out of stock or unavailable, there were no cost savings realized, and these pharmacies were not as responsive to the Sheriff's Office needs. Staff also found instances where mutual clients and patients were treated in a less amenable fashion. There were reports of excessively poor customer service targeted toward program advocates and the released incarcerated population. After prescriptions were bridged with the pharmacy in advance, discharge planners told of extended wait times that were experienced, which interfered with the allotted intake and processing window of the released person into the community program. While these examples are not many, these reoccurring circumstances tarnished the positive efforts of successfully transitioning a released person into a program while adhering to the program timeframes and admission requirements. Since partnering with Federal Drug Company, the Sheriff's Office has been able to maintain continuity of care through medications as this vendor has been able to supply people with their medications upon release while providing quality post release community interaction and customer service.

Pursuant to County Code Section 2-39(c), "When permitted by state and/or federal law the purchasing agent may waive competition where there are limitations on the source or supply, necessary restrictions in specifications, or other valid reasons provided that a full record of the circumstances is made, and the expenditure does not exceed twenty-five thousand dollars. Where the expenditure would or could exceed twenty-five thousand dollars competition may be waived only after approval by the board of supervisors." The Sheriff's Office is respectfully requesting the Board of Supervisors to waive the competitive bid process because valid reasons for doing so exist. As previously described, Federal Drug Company has been able to supply medications to people in a timely and consistent manner to help ensure continuity of care to the county's clients and patients. During the 2023 fiscal year the cost of pharmaceuticals increased, and we exceeded our blanket purchase order amount of \$25,000. We still held the responsibility of purchasing discharge medications as well as paying Federal Drug Company for medications already provided and invoiced, totaling \$9,689.99 dollars. This waiver and increase in the purchase order will help ensure necessary medications are provided without delay and help prevent future delays when we near the end of this current 2024 fiscal year. Granting this waiver

will also allow us to maintain our business partnership with Federal Drug Company while bringing our existing account into good financial standing.

To not exceed the current 2024 fiscal year blanket purchase order, the Sheriff's Office will carve out buprenorphine and like medications commonly used for substance use disorder treatment and recommend for those medication costs to be covered using Opioid Settlement Funds. Furthermore, with an increase in county partners involved in the discharge planning for incarcerated persons, the Sheriff's Office is anticipating continued collaboration with the Department of Social Services to re-establish the incarcerated person's Medi-Cal insurance benefits prior to release. This insurance linkage will provide effective resources for continuity of care for the released person and will offset the price of the current "at-cost" medication,

Fiscal and Facilities Impacts:

Budgeted: Partially

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
General Fund	\$ 50,000.00	\$ 100,000.00	
State			
Federal			
Fees			
Other:			
Total	\$ 50,000.00	\$ 100,000.00	\$ -

Narrative:

The Sheriff's Office provides medication to incarcerated people upon release when they do not have the means to purchase medication, or the medication is a requirement for a community program inclusive of MAT. For this discharge medication, pharmaceutical expenses with Federal Drug are budgeted up to \$25,000, and that amount is included in the overall pharmaceutical budget for FY 2024-25. Pharmaceutical cost increase was experienced in general medication, MAT medication (inclusive of long acting injectables), and psychotropic medication. The additional increased costs for pharmaceuticals were not budgeted.

MAT medications at release have been expensed at \$9,685.00 for FY23/24. Per the Board letter that was approved at the June 18, 2024 Board meeting, Sheriff's Office was recommended to receive \$160,000 in opioid settlement funds to cover the cost of MAT pharmaceuticals, which has not yet been added to Sheriff's FY 2024-25 budget. Additionally, there is unbudgeted revenue expected for the JBCT and EASS programs which could help to offset the additional \$75,000 requested herein. No additional General Fund dollars would be needed to cover this amount.

Special Instructions:

Clerk of the Board, please provide a copy of the minute order to the Purchasing Agent and Lt. Cassandra Marking of the Sheriff's Office.

Attachments:

N/A

Authored by:

Lt. Cassandra Marking, Health Services, Custody Branch, Sheriff's Office