



**COUNTY OF SAN MATEO**  
Inter-Departmental Correspondence  
Coroner



**Date:** February 1, 2017  
**Board Meeting Date:** February 28, 2017  
**Special Notice / Hearing:** None  
**Vote Required:** Majority

**To:** Honorable Board of Supervisors

**From:** Robert J. Foucrault, Coroner

**Subject:** Forensic Pathology Agreements with Dr. Thomas W. Rogers, and Dr. Peter A. Benson

**RECOMMENDATION:**

Adopt a resolution authorizing:

- A) An agreement with Dr. Thomas W. Rogers for the provision of forensic pathology services for the term of March 1, 2017 through February 28, 2019, in an amount not to exceed \$408,996 and waiving the Request for Proposal (RFP) process; and
- B) An agreement with Dr. Peter A. Benson for the provision of forensic pathology services for the term of March 1, 2017 through February 28, 2019, in an amount not to exceed \$408,996 and waiving the Request for Proposal (RFP) process; and
- C) The Coroner to execute subsequent amendments and minor modifications not to exceed \$25,000 in aggregate for each contract and to make minor changes in the types of services and activities provided under the agreements.

**BACKGROUND:**

The Coroner's Office is mandated by law to investigate and determine the cause and manner of death in all violent, sudden or unusual deaths. There is a scarcity of board certified forensic pathologists in the nation, and a current overhaul of the medicolegal death investigation field to expect nothing less than board certified forensic pathology services. Dr. Peter A. Benson has provided forensic pathology services to the San Mateo County Coroner's Office since 1968. Dr. Thomas W. Rogers has provided forensic pathology services to the San Mateo County Coroner's Office since 2003. Both

Dr. Rogers and Dr. Benson are board certified Forensic Pathologists. Having amassed several decades' worth of experience between the two, they are two of the most experienced forensic pathologists in the whole county. The speed and efficiency in which Dr. Benson and Dr. Rogers perform autopsies and clinical inspections allows the San Mateo County Coroner's Office to continually excel with completing Coroner cases well within the 90 day national standard. Additionally, Dr. Rogers and Dr. Benson bring a high level of professionalism and expertise to the San Mateo County Coroner's Office and provide exceptional services to the County of San Mateo.

San Mateo County Human Resources conducted a salary survey of California Coroner's Pathologists and Forensic Pathologists. The survey included pathologists associated with Medical Examiner's Offices and Sheriff-Coroner's Offices, ranging in certification levels from board certified Forensic Pathologists to pathologists, and varying in rank. According to the survey, a full time pathologist earns an average \$218,125 with the median of \$232,824.

Dr. Benson and Dr. Rogers last received a 3% increase in July 2014 awarding an annual contracted salary of \$194,688. The Coroner's Office proposes a 6% increase with the next two year contract agreement. The increase would award 4% increase in year one (\$202,475) and a 2% increase in year two (\$206,525). This increase would bring the compensation of these two contractors closer to the mean of California Coroner's pathologists, and retain two highly skilled and prominent board certified forensic pathologists.

#### **DISCUSSION:**

The San Mateo County Coroner's Office has contracted with Thomas W. Rogers, M.D. since May 2003 and Peter A. Benson, M.D. since 1968 to perform autopsies and clinical inspections on those individuals who have died in the county under circumstances where the cause is not clear or is unusual. Dr. Rogers and Dr. Benson bring with them a high level of service, professionalism, and experience.

Dr. Rogers and Dr. Benson are two of less than 500 full time licensed practicing Forensic Pathologists in the United States. Accordingly, the Coroner's Office is requesting a waiver of the RFP process and approval of these contracts due to the very limited number of qualified and available professionals to perform these services and the high quality of work consistently demonstrated by Dr. Rogers and Dr. Benson. They are professional and provide reliable, high quality and timely service delivery.

The Contractor has assured compliance with the County's Contractor Employee Jury Service Ordinance, as well as all other contract provisions that are required by County ordinance and administrative memoranda.

County Counsel has reviewed and approved the Resolution and Agreements as to form. Risk Management has reviewed and approved the insurance.

Approval of these Agreements contributes to the Shared Vision 2025 outcome of the Healthy Community by providing thorough, independent, and high quality examinations of all deceased persons falling under the jurisdiction of the Coroner.

**PERFORMANCE MEASURE:**

<u>Measure</u>	<u>FY 2015-16</u>	<u>FY 2016-17</u>
	Actual	Projected
Number of cases	2033	2718
Number of cases receiving an autopsy	452	590
Percent of cases receiving an autopsy	22%	21%

**FISCAL IMPACT:**

The term of the agreements is from March 1, 2017 through February 28, 2019.

From March 1, 2017 through February 28, 2018, there will be a 4% increase of \$7,788 per contract with an aggregate fiscal impact of \$404,952.

From March 1, 2018 through February 28, 2019, there will be a 2% increase of \$4,044 per contract with an aggregate fiscal impact of \$413,050.

The total obligation under these agreements is not to exceed \$818,002.