



# County of San Mateo

## Inter-Departmental Correspondence

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**Department:** CORONER

**File #:** 23-227

Board Meeting Date: 4/11/2023

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**Special Notice / Hearing:** None

**Vote Required:** Majority

**To:** Honorable Board of Supervisors

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

**Subject:** Forensic Pathology Services Master Service Agreement

**RECOMMENDATION:**

Adopt a resolution authorizing the Coroner, or designee(s), to amend Attachment A of the Forensic Pathology Services Master Service Agreement ("MSA"), as needed, to add qualified Board-certified forensic pathologists to the contractor list, and granting a waiver of the competitive bidding process for the provision of the above forensic pathology services pursuant to County Ordinance Code Section 2.83.050(e).

**BACKGROUND:**

The Coroner's Office is required by statute to investigate and determine the cause and manner of death in all violent, sudden, or unusual deaths in the County of San Mateo. To carry-out this statutory duty, the Coroner's Office contracts with forensic pathologists certified by the American Board of Forensic Medicine, of which there are currently fewer than 500 practicing full-time in the entire United States.

The need for reliable on-call forensic pathology services is critical, as the recognized industry standard for completion of all autopsies is within 24 hours of the death, a standard that, in certain circumstances, becomes even more pressing, such as in cases of Sudden Infant Death Syndrome, suspected homicides, and where religio-cultural practices require burial in less than 24 hours. Further, since November 2019, the Coroners' Office has been accredited by the International Association of Coroners and Medical Examiners (IAC&ME), which, in order to maintain accreditation, requires the Coroner's Office to complete all autopsy reports within 90 calendar days of the autopsy having been conducted.

At the same time, however, the Coroner's Office has struggled to both find and retain qualified available Board-certified forensic pathologists to perform the required on-call services.

Thus, on November 15, 2022, the Board approved the MSA which authorized the Coroner, or designee(s), to execute agreements and/or amendments with each Board-certified forensic pathology contractor listed on Attachment A, including those with a fiscal obligation exceeding \$200,000, to

provide as-needed forensic pathology services for the term of August 2, 2022 through June 30, 2025 in an aggregate amount not to exceed \$2,827,280. The scope of services for each agreement and/or amendment with the approved contractors must be substantially similar to the scope of services provided in Attachment B.

Prior to the Coroner, or designee(s), executing agreements and/or amendments with the approved forensic pathologists listed in Attachment A, documentation must be obtained and retained confirming that all such agreements and/or amendments have been reviewed and approved by the County Attorney, Risk Management, and Information Services Department, wherever applicable, and that such agreements and/or amendments comply with applicable County ordinances and are consistent with the terms and conditions approved by the Board.

**DISCUSSION:**

Since the Board approved the MSA, the Coroner’s Office has continued to encounter difficulties retaining qualified available forensic pathologists. Thus, staff recommends that the Board amend the MSA model to allow the Coroner’s Office to add (or remove) qualified forensic pathologists to (or from) Attachment A, as needed, during the term of the MSA and subject to the maximum fiscal obligation of \$2,827,280. This change will allow the Coroner’s Office to comply with its statutory duties surrounding timely death investigations pursuant to the MSA without having to return to the Board each time a Board-certified forensic pathologist is added to (or removed from) Attachment A.

The Board has previously waived the competitive bidding process for the provision of forensic pathology services pursuant to County Ordinance Code 2.83.050(e) and the Coroner’s Office requests that the Board continue to do so for each agreement entered into with the Board-certified forensic pathologists listed on Attachment A under the MSA model, as forensic pathologists are specifically exempt from the competitive bidding process by County Administrative Memorandum B-1, Section IV.B.15, and because the Coroner’s Office is required to use Board-certified forensic pathologists in order to maintain its IAC&ME accreditation and there are fewer than 500 Board-certified forensic pathologies in the entire United States.

Finally, the Coroner’s Office requests that it be authorized to execute additional amendments to each agreement that modify the County’s maximum fiscal obligation by no more than \$25,000 for each agreement, and/or modify the contract term and/or services so long as the modified term or services is/are within the current or revised fiscal provisions.

The County Attorney has reviewed and approved the Resolution as to form.

**PERFORMANCE MEASURE:**

IAC&ME recommends the completion of all autopsy reports within 60 calendar days of autopsy performance as a forensic pathology best practice and requires the completion of all autopsy reports within 90 calendar days of autopsy performance. Thus, all agreements with the contractors listed on Attachment A will conform to the following performance measures:

| Measure  | FY 2021-22 Actual<br>(as of 12/31/2021) | FY 2022-23<br>Projected |
|--|---|-------------------------|
| % of autopsy reports completed within 60 days<br>(IAC&ME standard) | 63%                                     | 75%                     |

|  |     |     |
|--|-----|-----|
| % of autopsy reports completed within 90 days (IAC&ME requirement)                                   | 93% | 95% |
| Average number of days elapsed from date of autopsy performance to date of autopsy report completion | 49  | 49  |

**FISCAL IMPACT:**

The total maximum fiscal obligation for all anticipated forensic pathology needs through June 30, 2025 is \$2,827,280, which amount is partially included in the FY 2021-23 Recommended Budget for the Coroner's Office and the remaining balance will be included in the FY 2023-25 Recommended Budget.