



## Legislation Details (With Text)

**File #:** 23-1897      **Version:** 1

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**File created:** 10/5/2023      **In control:** Board of Supervisors

**On agenda:** 11/14/2023      **Final action:** 11/14/2023

**Title:** Health and Human Services Agency (HHS) recommending the Board:  
 1) Make findings in accordance with Procurement Policy C-17, Section 3.5, exempting competitive bidding for Purchase Contract 8177 with Oliver Packaging and Equipment Company as food supplies are exempt from the competitive bidding process, as competitive processes for such purchases do not produce an economic benefit to the County, and as authorized under Resolution 170-2010 adopted November 9, 2010, by the Board exempting food/kitchen supplies used by HHS Aging Programs from competitive bidding;  
 2) Approve and authorize the Purchasing Agent to execute Purchase Contract 8177 with Oliver Packaging and Equipment Company, in the amount of \$99,500, for a retroactive one-year term effective August 1, 2023, through July 31, 2024, to ensure continuity in these services to HHS Senior Nutrition, as the prior Purchase Contract 7472 expired July 31, 2023, and services continued to be utilized;  
 3) Authorize the Purchasing Agent to execute amendments relating to Purchase Contract 8177, contingent upon approval by County Counsel and Risk Management, which do not increase the annual maximum dollar amount or term of the Purchase Contract; and  
 4) Authorize the HHS Director, or the Chief Assistant Director, to execute programmatic, administrative, and fiscal documents relating to Purchase Contract 8177.

**FUNDING:** Area Agency on Aging (AAA) Senior Nutrition funding comprised of 15.3% Federal and 36.5% State Funding, 41.3% General Fund, 6.8% Charges for Services and 0.1% Donations.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - 8177, 2. B - 8177 Approved CRS, 3. C - 8177 Non-Competitive Purchase Request Justification, 4. D - HHS - CS Oliver Packaging Retro Purchase Contract 101623.pdf

Date	Ver.	Action By	Action	Result
11/14/2023	1	Board of Supervisors	Approved	Pass

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annual maximum dollar amount or term of the Purchase Contract; and  
4) Authorize the HHSa Director, or the Chief Assistant Director, to execute programmatic, administrative, and fiscal documents relating to Purchase Contract 8177.

**FUNDING:** Area Agency on Aging (AAA) Senior Nutrition funding comprised of 15.3% Federal and 36.5% State Funding, 41.3% General Fund, 6.8% Charges for Services and 0.1% Donations.

**DISCUSSION / BACKGROUND:**

Established under the Older Americans Act of 1965, the Senior Nutrition Program promotes community health and wellness by providing eligible seniors access to well-balanced, cost-effective meals. The County is home to eight Senior Dining Centers, which prepare and serve meals in a group setting Monday through Friday. For homebound or isolated older adults, hot or frozen meals are packaged and home-delivered daily. These community meal services support the nutritional needs of older adults and their caregivers, while also providing opportunities for social interaction and wellness checks.

The Senior Nutrition Program distributes 500-800 meals per day countywide. Since 2018, Oliver Packaging and Equipment Company (Oliver Packaging) has supplied the compartment paperboard food trays used to package take-out, frozen meals, and hot home-delivered meals. Oliver Packaging owns the equipment HHSa uses to heat seal and package the food trays. The equipment is provided to HHSa, at no cost, while HHSa is a customer of Oliver Packaging.

This proposed Purchase Contract 8177 is a renewal of Purchase Contract 7472, which was approved by the Purchasing Agent on February 24, 2023, to provide food packaging equipment and trays for all Senior Nutrition Program meals. Purchase Contract 7472 was executed as a rush to cover the period of February 24, 2023, through July 31, 2023, while a Purchase Contract with Oliver Packaging was in development. Due to staffing changes and missing data in FENIX, the need to immediately renew was overlooked by HHSa staff, and Senior Nutrition staff were not aware that Purchase Contract 7472 had expired when they made an order of additional packaging supplies in August 2023. Fiscal staff cannot pay the invoices for this order until Purchase Contract 8177 is retroactively renewed effective August 1, 2023.

Under the County Board of Supervisors Procurement Policy C-17 Section 3.5, Specific Written Findings of Fact, food supplies/kitchen equipment are exempted from competitive bidding as competitive bid processes for such items have not historically yielded results and therefore would produce no economic benefit to the County. Additionally, pursuant to Resolution 170-2010 adopted November 9, 2010, by the Board, food/kitchen supplies used by HHSa Area on Aging Programs are exempt from competitive bidding requirements (File ID 10-1207). Accordingly, HHSa recommends the Board waive the competitive bidding of this Purchase Contract with Oliver Packing. HHSa intends to pursue a competitive bid for this food packaging prior to this contract's termination to solicit qualified vendors.

HHSa recommends the Board approve of this retroactive start date and this Purchase Contract as the continuity of services with Oliver Packaging is essential to Senior Nutrition, and approval of this item will ensure that food packaging equipment is available for service delivery without any gaps in services.

**ALTERNATIVES:**

Should the Board decline to approve this Purchase Contract, limited packaging availability may disrupt the Senior Nutrition Program's ability to provide meals to eligible older adults in the County.

Further, outstanding invoices will go unpaid as the Contractor continued to provide services to HHSa after the prior contract expired to ensure no interruption in food services.

**PRIOR BOARD ACTION:**

10/09/2010, 10-1207, CAO Food Product Exemptions

**OTHER DEPARTMENT / AGENCY INVOLVEMENT:**

Approved by County Counsel, Human Resources, and Risk Management.

**CAO RECOMMENDATION:**

Approve as recommended.

**FINANCIAL IMPACT:**

There is no additional Net County Cost associated with this Agenda item. Sufficient appropriations were included in the Fiscal Year 2023-24 Budget.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

N/A

**STRATEGIC PLAN COMPONENT:**

Good Governance

**CONTACT**

Olivia Byron-Cooper, Director, Health and Human Services Agency