



## Legislation Details (With Text)

**File #:** 18-0554      **Version:** 1

**Type:** Agenda Item      **Status:** Approved

**File created:** 4/10/2018      **In control:** Board of Supervisors

**On agenda:** 5/8/2018      **Final action:** 5/8/2018

**Title:** Health and Human Services Agency (HHSA), recommending the Board:

- 1) Approve the continuation of eighteen (18) perpetual agreements as detailed in Attachment A;
- 2) Authorize the Purchasing Agent, or designee, to post contract change orders allocating funding for each perpetual agreement for an additional year, in order to process associated payments for Fiscal Year 2018 - 2019;
- 3) Find that, in accordance with County Ordinance Section 3.13.030, it is more economical and feasible to engage independent contractors for the various services provided via these perpetual agreements as noted in Attachment A;
- 4) Delegate authority to the HHSA Director to execute amendments, if any, to the perpetual agreements detailed in Attachment A as needed, including amendments that do not increase the maximum dollar amount or change the term of the Agreement, and contingent upon approval by County Counsel and Risk Management, and notify the Board of such amendments on an annual basis;
- 5) Receive and file the list of terminated perpetual agreements detailed in Attachment B; and
- 6) Authorize the HHSA Director to terminate other perpetual agreements as appropriate, including but not limited to those listed in Attachment C, and notify the Board of such terminations on an annual basis.

**FUNDING:** Federal and State funds, or grants with the County share of cost or required match, if any, met with realignment or other Non-General Fund resources.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - List of Perpetual Agreements to continue, 2. B - List of terminated agreements HHSA, 3. C - List to be terminated HHSA

Date	Ver.	Action By	Action	Result
5/8/2018	1	Board of Supervisors	Approved	Pass

Health and Human Services Agency (HHSA), recommending the Board:

- 1) Approve the continuation of eighteen (18) perpetual agreements as detailed in Attachment A;
- 2) Authorize the Purchasing Agent, or designee, to post contract change orders allocating funding for each perpetual agreement for an additional year, in order to process associated payments for Fiscal Year 2018 - 2019;
- 3) Find that, in accordance with County Ordinance Section 3.13.030, it is more economical and feasible to engage independent contractors for the various services provided via these perpetual agreements as noted in Attachment A;
- 4) Delegate authority to the HHSA Director to execute amendments, if any, to the perpetual agreements detailed in Attachment A as needed, including amendments that do not increase the maximum dollar amount or change the term of the Agreement, and contingent upon approval by County Counsel and Risk Management, and notify the Board of such amendments on an annual basis;
- 5) Receive and file the list of terminated perpetual agreements detailed in Attachment B; and

6) Authorize the HHSA Director to terminate other perpetual agreements as appropriate, including but not limited to those listed in Attachment C, and notify the Board of such terminations on an annual basis.

**FUNDING:** Federal and State funds, or grants with the County share of cost or required match, if any, met with realignment or other Non-General Fund resources.

**DEPARTMENT RECOMMENDATION:**

Board of Supervisors Policy C-17, Section 4.5, "Contract Term," requires departments to obtain authorization from the Board of Supervisors, initially, and on an annual basis, to use any contract that does not have a stated agreement term.

In the past, departments recommended the Board authorize the Purchasing Agent to execute a blanket purchase order for each perpetual agreement, to ensure availability of funding for payments. Since the implementation of FENIX, each perpetual agreement must have a change order executed to allocate funding for payments in the upcoming fiscal year.

Therefore, Health and Human Services Agency (HHSA) is apprising the Board of the perpetual agreements listed on Attachment A, and recommending the Board authorize the Purchasing Agent to post a change order for each ongoing perpetual agreement to ensure availability of funding for the fiscal year effective July 1, 2018.

In addition, ten (10) Agreements are listed on Attachment C "Agreements to be Terminated," and HHSA is recommending the Board acknowledge those Agreements, and then authorize termination of said Agreements as listed on Attachment C.

**DISCUSSION / BACKGROUND:**

On June 20, 2017 (File ID 13-0674, Item 11), HHSA presented to the Board a total of twenty-two (22) active perpetual agreements. The Board approved the continuation of those twenty-two (22) perpetual agreements in accordance with Board of Supervisors Policy C-17, Section 4.5, "Contract Term."

HHSA began Fiscal Year (FY) 2017-18 with the twenty-two (22) perpetual agreements approved by the Board on June 20, 2017. One (1) new perpetual expenditure agreement was added during FY 2017-18 for a new total of twenty-three (23) perpetual agreements.

During the course of FY 2017-18, HHSA terminated five (5) perpetual agreements, as authorized by the Board (File ID:13-0674.) This action takes the final total number of perpetual contracts for FY 2018-19 to eighteen (18).

Following the FENIX implementation, Procurement and Contracts (P&C) identified ten (10) perpetual agreements that are no longer in use, and where notification of termination had not been received by P&C. The ten (10) agreements were not included on the list of perpetual agreements approved by the Board on June 20, 2017. In order to remedy this situation, the ten (10) agreements identified by P&C have been listed on Attachment C for acknowledgment and termination.

During FY 2018-2019, HHSA will continue to monitor and research the existing perpetual agreements, and for ones that are no longer needed, will terminate them as appropriate, and notify the Board of such terminations on an annual basis.

**ALTERNATIVES:**

If the Board does not approve extension of these perpetual agreements in FENIX, HHSA will be unable to process payment for services provided under said agreements. Likewise, should the Board decline to authorize termination of perpetual agreements identified by HHSA that are no longer needed, as requested, those contracts will remain active and require annual presentation to the Board for review.

**OTHER DEPARTMENT / AGENCY INVOLVEMENT:**

County Counsel, Human Resources, Procurement and Contracts, and Risk Management.

**CAO RECOMMENDATION:**

It is recommended that the Board approve this item.

**FINANCIAL IMPACT:**

There is no Net County Cost associated with this Agenda Item. The value of each perpetual agreement for FY 2018-2019 is identified in Attachment A. Sufficient appropriations will be included in the Fiscal Year 2018-2019 Budget, and will be included in future budgets for the term of the perpetual agreements.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

Clerk of the Board to provide one (1) certified minute order to the HHSA Contracts Unit at 3057 Briw Road.

**STRATEGIC PLAN COMPONENT:**

N/A

**CONTACT**

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