



## Legislation Details (With Text)

**File #:** 23-0832      **Version:** 1

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

**File created:** 4/13/2023      **In control:** Board of Supervisors

**On agenda:** 6/20/2023      **Final action:** 6/20/2023

**Title:** Health and Human Services Agency (HHS) recommending the Board:  
1) Approve the continuation of nine (9) perpetual agreements as detailed in Attachment A;  
2) Authorize the Purchasing Agent to post a change order for each ongoing perpetual agreement to ensure availability of funding in Fiscal Year 2023-24;  
3) Delegate authority to the Purchasing Agent to execute amendments, as needed, to the perpetual agreements detailed in Attachment A, that do not increase the maximum dollar amount or change the term of the Agreement beyond what is outlined in Attachment A, contingent upon approval by County Counsel and Risk Management; and  
4) Authorize the HHS Director to terminate perpetual agreements, as appropriate, including but not limited to those listed in Attachment A.

**FUNDING:** Various, see funding sources in Attachment A.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - FY 2023-24 Perpetual List

| Date      | Ver. | Action By            | Action   | Result |
|-----------|------|----------------------|----------|--------|
| 6/20/2023 | 1    | Board of Supervisors | Approved | Pass   |

Health and Human Services Agency (HHS) recommending the Board:  
1) Approve the continuation of nine (9) perpetual agreements as detailed in Attachment A;  
2) Authorize the Purchasing Agent to post a change order for each ongoing perpetual agreement to ensure availability of funding in Fiscal Year 2023-24;  
3) Delegate authority to the Purchasing Agent to execute amendments, as needed, to the perpetual agreements detailed in Attachment A, that do not increase the maximum dollar amount or change the term of the Agreement beyond what is outlined in Attachment A, contingent upon approval by County Counsel and Risk Management; and  
4) Authorize the HHS Director to terminate perpetual agreements, as appropriate, including but not limited to those listed in Attachment A.

**FUNDING:** Various, see funding sources in Attachment A.

### **DISCUSSION / BACKGROUND:**

In accordance with Board of Supervisors Policy C-17, Section 2.3, "Perpetual Agreements," Departments must obtain authorization from the Board of Supervisors, initially, and on an annual basis, to utilize any contract that does not have a stated contract term and exceeds the Purchasing Agent authority." Accordingly, HHS is requesting the Board authorize the continuance and/or termination of the following specified perpetual agreements for FY 2023-24.

The County's financial system (FENIX) requires that each perpetual agreement have a change order processed to allocate funding for payments in the upcoming FY. Therefore, HHS is apprising the

Board of the perpetual agreements listed in Attachment A, and recommending the Board authorize the Purchasing Agent (PA) to post a change order for each ongoing perpetual agreement to ensure the availability of funding in FY 2023-24, effective July 1, 2023.

On June 28, 2022, for FY 2022-2023, the Board approved the continuation of thirteen (13) perpetual agreements (22-0592). For the current FY, HHSA has two (2) additions to the perpetual list as follows:

1. Agreement 3446 with Wellsky Human and Social Services (06-14-2022, File ID 22-0823);
2. Agreement 279 with CalMHSA (12-10-13, File ID 10-1324).

Due to the October 2022, update to Board Procurement Policy C-17, the Purchasing Agent is authorized to sign perpetual agreements where the dollar amount does not exceed the Purchasing Agent's authority. Therefore, some agreements that were present on the FY 2022-23 are no longer being brought to the Board for approval as they are under Purchasing Agent authority.

During FY 2023-24, HHSA will continue to monitor and research the existing perpetual agreements. For the agreements that are no longer needed, HHSA will terminate them, as appropriate.

**ALTERNATIVES:**

If the Board does not approve the extension of these perpetual agreements, HHSA will be unable to process payment for services provided under said agreements.

**PRIOR BOARD ACTION:**

- 1) 06-28-2022, 22-0592, HHSA FY 2022-2023 Perpetual Agreements List
- 2) 05-18-2021, 21-0626, HHSA FY 2021-2022 Perpetual Agreement List
- 3) 05-19-2020, 20-0450, HHSA Perpetual Agreement List FY 2020-21
- 4) 06-04-2019, 19-0700, HHSA FY 2019-20 Perpetual Agreement
- 5) 05-08-2018, 18-0554, HHSA Perpetual List 2018-2019
- 6) 06-20-2017, 13-0674, HHSA FY 2017-2018 Perpetual Agreements List

**OTHER DEPARTMENT / AGENCY INVOLVEMENT:**

County Counsel, Human Resources, Procurement and Contracts, and Risk Management. The Auditor-Controller has been notified per Board Policy B-12.

**CAO RECOMMENDATION:**

Approve as recommended.

**FINANCIAL IMPACT:**

The value of each perpetual agreement for FY 2023-24 is identified in Attachment A. Sufficient appropriations for these perpetual agreements have been included in the HHSA Fiscal Year 2023-24 Budget Request and will be included in future budgets for the term of the perpetual agreements.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

N/A

**STRATEGIC PLAN COMPONENT:**

Public Safety, Healthy Communities, and Good Governance

**CONTACT**

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