

  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**A RESOLUTION:**

- 1. AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ENTER INTO AN AGREEMENT WITH, AND TO ACCEPT AND APPROPRIATE FROM THE CALIFORNIA DEPARTMENT OF AGING (CDA) FUNDS IN THE AMOUNT OF \$1,756,834 FOR THE MULTIPURPOSE SENIOR SERVICES PROGRAM (MSSP) FOR FISCAL YEAR (FY) 2021-2022; AND**
- 2. WAIVING THE CITY'S COMPETITIVE PROCUREMENT PROCESS FOR PURCHASING GOODS AND SERVICES FOR MSSP PARTICIPANTS;**
- 3. AUTHORIZING THE CITY ADMINISTRATOR TO PROCURE MSSP-RELATED GOODS FROM, AND TO AWARD PROFESSIONAL SERVICES AGREEMENTS TO, PRIVATE ENTITIES FOR FY 2021-2022, WITHOUT RETURNING TO COUNCIL; AND**
- 4. AUTHORIZING A CONTRIBUTION FROM THE GENERAL PURPOSE FUND IN AN ESTIMATED AMOUNT OF \$460,330 FOR CENTRAL SERVICES OVERHEAD CHARGES**

**WHEREAS**, it is anticipated that the Human Services Department (HSD) will receive State of California, Department of Aging (CDA), Standard Agreement funds totaling \$1,756,834 in the form of reimbursements for the continued implementation of the Multipurpose Senior Services Program (MSSP) for Fiscal Year (FY) 2021-2022; and

**WHEREAS**, the agreement with the CDA will be funded by Title XIX Social Security Act Funds and the State of California General Fund; and

**WHEREAS**, HSD is requesting a contribution from the City's General Purpose Fund in an estimated amount of \$460,330, equivalent to Central Services Overhead charges, due to limited funding and administrative cost restrictions for said funding; and

**WHEREAS**, the purpose of entering into said agreement is to continue the City's MSSP that will help the frail elderly remain in their homes rather than be institutionalized; and

**WHEREAS**, CDA mandates MSSP to purchase specialized personal care items, appliances and non-medical home equipment, as well as in-home support and related program

services, for MSSP participants in a timely manner, based on client choice, whereby the City's expenditures for said good and services for MSSP participants are reimbursed by the State; and

**WHEREAS**, Oakland Municipal Code (OMC) Section 2.04.040.B requires the City Administrator to conduct an advertising and bidding process for purchase orders or contracts for, among other things, supplies and a Request for Proposals/Qualifications (RFP/Q) process for professional services contracts, and OMC Section 2.04.051.B permits the Council to waive the competitive bidding RFP/Q process upon a finding that it is in the best interests of the City to do so and OMC Section 2.04.050.I permits the Council to waive said process when, among other things, calling for bids on a competitive basis is impracticable, unavailing or impossible; and

**WHEREAS**, staff recommends that it is in the best interests of the City to waive the competitive bidding RFP/Q process and that calling for bids on a competitive basis is impracticable, unavailing or impossible, and to authorize the purchase and provision of the aforementioned types of goods and services from Bay Area Vital Link, Lifeline Systems, Community Care Services and Home Instead, as well as from vendors yet to be selected, because the CDA mandates that MSSP participants must be provided a timely choice of said goods and services; and

**WHEREAS**, the City Administrator will ensure, determine and find that the aforementioned services are of a professional and temporary nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive civil service; and

**WHEREAS**, MSSP is a long-standing City program, with the City Council having approved application for the original MSSP Standard Agreement funds via Resolution No. 57740 C.M.S., dated December 12, 1978; now, therefore, be it

**RESOLVED:** That the City Council authorizes the City Administrator or his designee to apply for, enter into a Standard Agreement (MS-2021-01) with, and to accept and appropriate MSSP funds from the CDA in the amount of \$1,756,834 for FY 2021-2022; and be it

**FURTHER RESOLVED:** That said funds are to be included in the FY2021-2023 Biennial Budget to be adopted and are designated for FY 2021-2022 in the Department of Health and Human Services Fund (2128) Multipurpose Senior Services Program Organization (75231), and Administration/Case Management Support Project/Award (1005549/23370), Case Management Project/Award (1005550/23370), and Waived Services Project/Award (1005551/23370); and be it

**FURTHER RESOLVED:** That pursuant to OMC Sections 2.05.050.I and 2.04.051.B, and based on the findings set forth above and in the City Administrator's report accompanying this item, the City Council waives the competitive RFP/Q process for the procurement of specialized personal care items, appliances and non-medical home equipment, as well as in-home support and other services, for MSSP participants on a timely basis, hereby finding and determining that it is in the best interests of the City to do so, and that calling for bids for said supplies and services on a competitive basis is impracticable, unavailing and impossible; and be it

**FURTHER RESOLVED:** That based on information provided by the City Administrator, the City Council authorizes the City Administrator to ensure, determine and find that the

aforementioned services are of a professional and temporary nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive civil service; and be it

**FURTHER RESOLVED:** That the City Council authorizes the City Administrator to award professional services agreements and subsequent amendments for services for MSSP participants to, and also authorizes the City Administrator to issue purchase order procurements and related amendments for goods for MSSP participants from, Bay Area Vital Link, Lifeline Systems, Community Care Services and Home Instead, as well as from vendors that are yet to be selected for FY 2021-2022, so long as the cumulative amount of said awarded professional services agreements and purchase order procurements does not exceed the total MSSP funding accepted and appropriated by the City for the MSSP for FY 2021-2022, without returning to Council; and be it

**FURTHER RESOLVED:** That all central services overhead charges associated with this CDA agreement for the FY 2021-2022 MSSP program, in an estimated amount of \$460,330, shall hereby be covered by a contribution from the City's General Purpose Fund; and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes the City Administrator or a designated representative to conduct all negotiations, execute and submit all documents, including but not limited to applications, agreements, amendments, modifications, payment requests and related actions, which may be necessary for the receipt and completion of the aforementioned MSSP funding and agreement, without returning to Council; and be it

**FURTHER RESOLVED:** That the agreements and amendments authorized by this resolution shall be reviewed as to form and legality by the Office of the City Attorney prior to execution and executed copies of same shall be filed with the Office of the City Clerk.

[3055609.6]

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND  
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_  
ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California