



City Attorney's Office

# OAKLAND CITY COUNCIL

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

**A RESOLUTION AUTHORIZING THE CITY TO:**

1. **APPLY FOR AND ENTER INTO AN AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF AGING (CDA) FOR, AND ACCEPT AND APPROPRIATE, STANDARD AGREEMENT FUNDS IN THE AMOUNT OF \$1,756,834 FOR THE MULTIPURPOSE SENIOR SERVICES PROGRAM (MSSP) FOR FISCAL YEAR (FY) 2020-2021; AND**
2. **ACCEPT AND APPROPRIATE ADDITIONAL FUNDS THAT BECOME AVAILABLE FROM THE CDA FOR THE MSSP WITHIN FY2020-2021, AND TO AUTHORIZE AMENDMENTS OF THE AFOREMENTIONED FY 2020-2021 AGREEMENT FOR THE CITY TO RECEIVE THOSE FUNDS, WITHOUT RETURNING TO COUNCIL; AND**
3. **WAIVE THE CITY'S COMPETITIVE PROCUREMENT PROCESS FOR PURCHASING GOODS AND SERVICES FOR MSSP PARTICIPANTS, AND TO AUTHORIZE THE CITY ADMINISTRATOR TO PROCURE MSSP-RELATED GOODS FROM AND AWARD PROFESSIONAL SERVICES AGREEMENTS TO PRIVATE ENTITIES, FOR FY 2020-2021, WITHOUT RETURNING TO COUNCIL; AND**
4. **CONTRIBUTE AN ESTIMATED \$293,002 FROM THE CITY'S GENERAL PURPOSE FUND TO COVER THE CENTRAL SERVICES OVERHEAD CHARGES RELATED TO THE ABOVE AGREEMENT**

**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) 2020-2021; 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 \$293,002, 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 Asian Network Pacific Home Care, 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 and enter into a Standard Agreement (MS-2021-01) with the CDA for MSSP funds in the amount of \$1,756,834 for FY 2020-2021; and be it

**FURTHER RESOLVED:** That the City Council accepts and appropriates said funds in the amount of \$1,756,834 for the MSSP for the period of July 1, 2020 through June 30, 2021; and be it

**FURTHER RESOLVED:** That said funds are included in the FY2019-2021 Biennial Adopted Budget and are designated for FY 2020-2021 in the Department of Health and Human Services Fund (2128) Multipurpose Senior Services Program Organization (75231), and Administration/Case Management Support Project/Award (1004530/23370), Case Management Project/Award (1004531/23370), and Waived Services Project/Award (1004532/23370); and be it

**FURTHER RESOLVED:** That should additional funds become available from the CDA for the same purposes for FY 2020-2021, the City Council authorizes the City to accept and appropriate those funds, without returning to Council; 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 Asian Network Pacific Home Care, as well as from vendors that are yet to be selected for FY 2020-2021, 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 2020-2021, without returning to Council; and be it

**FURTHER RESOLVED:** That all central services overhead charges associated with this CDA agreement for the MSSP program, in an estimated amount of \$293,002, shall hereby be covered by a contribution from the City's General Purpose Fund, as has been done in all of the past years; 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 filed with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_

ASHA REED  
Acting City Clerk and Clerk of the  
Council of the City of Oakland,  
California