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APPROVED AS TO FORM AND LEGALITY

FILED
OFFICE OF THE CITY CLERK
OAKLAND


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 89795 C.M.S.

A RESOLUTION:

1. AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR AND ACCEPT A STATE OF CALIFORNIA STANDARD AGREEMENT IN THE AMOUNT OF \$1,976,364 AND ENTER INTO AGREEMENT NUMBER MS-2324-01 WITH THE STATE OF CALIFORNIA DEPARTMENT OF AGING (CDA) FOR THE MULTIPURPOSE SENIOR SERVICES PROGRAM (MSSP) FOR FISCAL YEAR (FY) 2023-2024; AND
2. WAIVING THE CITY'S COMPETITIVE PROCUREMENT PROCESS AND AUTHORIZING THE CITY ADMINISTRATOR TO PROCURE MSSP RELATED GOODS AND AWARD PROFESSIONAL SERVICES AGREEMENTS TO BAY AREA VITAL LINK, LIFELINE SYSTEMS, COMMUNITY CARE SERVICES, AND HOME INSTEAD, AS WELL AS FROM VENDORS THAT ARE YET TO BE SELECTED, FOR TWO-YEAR AGREEMENTS WITHIN THE LIMITS OF MSSP FUNDING; AND
3. WAIVING THE LOCAL AND SMALL LOCAL BUSINESS ENTERPRISE PROGRAM (L/SLBE) REQUIREMENTS FOR BAY AREA VITAL LINK; AND
4. AUTHORIZING A CONTRIBUTION FROM THE GENERAL PURPOSE FUND IN AN ESTIMATED AMOUNT OF \$597,350 FOR DEPARTMENTAL AND CENTRAL SERVICES OVERHEAD CHARGES AS DIRECT OFFSET; AND
5. AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT AND APPROPRIATE ANY ADDITIONAL FUNDS THAT BECOME AVAILABLE FROM CDA WITHIN THE AGREEMENT TERMS FOR THE SAME PURPOSES IN FY 2023-2024, AND AMEND THE STANDARD AGREEMENT WITH CDA TO INCREASE THE AMOUNT

WHEREAS, it is anticipated that the Human Services Department (HSD) will receive the State of California, Department of Aging (CDA), Standard Agreement funds totaling \$1,976,364 in the form of reimbursements for the continued implementation of the Multipurpose Senior Services Program (MSSP) for Fiscal Year (FY) 2023-2024; 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 City of Oakland General Fund; 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, 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; 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 has determined 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, the Council may waive the City's L/SLBE requirements for professional services contracts pursuant to Part I of Oakland's Local and Small Local Business Enterprise Program guidelines adopted by Ordinance No. 13647 C.M.S.; and

WHEREAS, Bay Area Vital Link is an Oakland-based business that is in the process of applying for L/SLBE certification, and is uniquely situated to provide the services required under the MSSP program; and

WHEREAS, staff is requesting authority to enter into two-year agreements for procurement and professional services, as needed, so long as the cumulative amount of said awarded professional services agreements and purchase order procurements do not exceed the total

MSSP funding accepted and appropriated by the City for FY 2023-2024, and subject to future appropriation for FY 2024-2025, because the vendors have requested longer contract terms for administrative efficiency and to avoid delays in services; and

WHEREAS, HSD is requesting a contribution from the City's General Purpose Fund in an estimated amount of \$597,350 For Departmental and Central Services Overhead charges as a direct offset, due to limited funding and administrative cost restrictions for said funding; 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-2023-01) with, and to accept and appropriate MSSP funds from the CDA in the amount of \$1,976,364 for FY 2023-2024; and be it

FURTHER RESOLVED: That said funds are to be included in the FY 2023-2025 Biennial Budget and designated for FY 2023-2024 in the Department of Health and Human Services Fund (2128) Multipurpose Senior Services Program Organization (75231), and MSSP FY23-24 Admin Project/Award (1006715/24317), MSSP FY23-24 Case Management Project/Award (1006716/24317), and MSSP FY23-24 Waived Services Project/Award (1006717/24317); and be it

FURTHER RESOLVED: That pursuant to OMC Sections 2.05.050.1 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 advertising, competitive bidding, and RFP/Q requirements 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 finds 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 waives the L/SLBE program participation requirements, pursuant to Oakland's Local and Small Local Business Enterprise Program guidelines adopted by Ordinance No. 13647 C.M.S., for Bay Area Vital Link; 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, and to issue contract purchase order procurements and related amendments for services for MSSP participants from Bay Area Vital Link, Lifeline Systems, Community Care Services and Home, as well as from vendors that are yet to be selected, for two-year contracts for FY 2023-2025, so long as the cumulative amount of said awarded professional services agreements and purchase order procurements do not exceed the total MSSP funding accepted and appropriated by the City for the MSSP for FY 2023-2025; and be it

FURTHER RESOLVED: That all Departmental and Central Services overhead charges associated with this CDA agreement for the FY 2023-2024 MSSP program, in an estimated amount of \$597,350, shall hereby be covered by a contribution from the City's General Purpose Fund as a direct offset; and be it

FURTHER RESOLVED: That if additional funds become available from CDA for the same purposes during the grant term, the City Administrator is authorized to accept and appropriate the funds, and to amend the above-referenced Standard Agreement accordingly.

IN COUNCIL, OAKLAND, CALIFORNIA,

JUN 20 2023

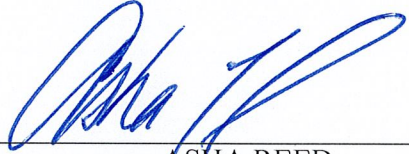
PASSED BY THE FOLLOWING VOTE:

AYES - ~~MIN~~ GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS - 7

NOES - 0
ABSENT - 0
ABSTENTION - 0

Excused - Fibe

ATTEST: _____


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