

FY 2020-21 Master Contract List (MCL) Delegation of Authority Coversheet
APPROVED BY THE BOARD ON MAY 5, 2020, AGENDA ITEM #36

Exhibit Number on the Approved MCL: # 11345

TO BE COMPLETED BY DEPARTMENT/AGENCY

Department Submitting: Office of Supportive Housing Fiscal Year: 2020-21

Contractor's Name: BitFocus

Is the contract amount within the 10% allowable increase?
Yes No If No, please explain: _____

Contact Name: Kassie Quiroz

Contact Number: 408-326-1119

Amount of this Amendment:	<u>330,000</u>
How much has been approved to date? (total of all actions related to this contract):	<u>296,000</u>
Max Amount of the Delegation:	<u>596,000</u>

Processing Requirements (Specific instructions to the OBA Analyst for distribution of approved copies):

Date Needed: _____ Comments: _____

TO BE COMPLETED BY COUNTY COUNSEL, OBA ANALYST, AND OFFICE OF THE COUNTY EXECUTIVE:

Approved by County Counsel for form and legality Yes No

Recommended for Approval by OBA Yes No

Approved by Office of the County Executive Yes No

County Counsel Comments:

Per MCL

OBA Comments:

none

Office of the County Executive Comments:

ok

DocuSigned by:	Name/Date
	<u>Tony Lopresti</u> 7/6/2020
CBB7207010D449D...	DocuSigned by: <u>MERLEDES GARLIN</u> 6/2020
	<u>MERLEDES GARLIN</u> 7/7/2020
F7A62BB4D0CC4A...	
21E905DBD1084D7...	

Upon execution of agreement, forward a copy and any subsequent amendment(s) to: delegations@cob.sccgov.org, together with the delegation of authority transmittal. Department retains original copy of agreement on file.



101102

DATE: May 5, 2020

TO: Board of Supervisors

FROM: Miguel Marquez, Chief Operating Officer
Andrew Zawoyski, Interim Chief Procurement Officer

SUBJECT: FY2020-21 Master Contract List

RECOMMENDED ACTION

Adopt Resolution delegating authority to the County Executive, or designee, to implement the Master Contract List for Fiscal Year 2020-2021.

FISCAL IMPLICATIONS

There is no direct fiscal impact to the General Fund or any other County Fund as a result of this action. Individual revenue and expenditure contracts entered into pursuant to this action may have positive (revenue contracts) or negative (expenditure contracts) financial impacts as shown on Exhibit A. Any changes to the Fiscal Year (FY) 2020-21 County Executive's Recommended Budget that affect this group of contracts will be incorporated into the final execution of the contracts for FY 2020-21.

CONTRACT HISTORY

On May 20, 2001 (Item No. 16), the Board of Supervisors (Board) approved the use of an authorization process to streamline the approval of routine contracts through a resolution delegating authority to agency and/or department heads for the new fiscal year. Prior to this process, the contracts listed on Exhibit A were submitted to the Board individually or were bundled in small groups that required multiple transmittals. The Master Contract List (MCL) process has created efficiencies in the management of a large volume of contracts that have a July 1 effective date.

Beginning in FY 2011-12, the MCL included No-Cost Memorandum of Understandings (MOUs) in addition to expenditure and revenue contracts. Previously, these MOUs were not eligible to be placed on the MCL, and departments were required to request individual delegations of authority from the Board for these MOUs.

Beginning in FY 2013-14, all expenditure contracts were required to have previous standalone Board approval to be eligible for the MCL, and in FY 2014-15, contracts of all types required previous standalone Board approval to be eligible.

Beginning in FY 2017-18 expenditure contracts exceeding \$5,000,000 annually were ineligible for the MCL.

For FY 2019-20, eligibility was extended to revenue and grant agreements that renew annually as new agreements pursuant to funding requirements.

For FY20-21, No-Cost Agreements were ineligible for the MCL, as Board of Supervisors Policy Manual Section 5.3.5.1 now grants the authority to the County Executive or designee to execute these agreement types. Additionally, revenue and grant agreements that increase the projected dollar amount by more than \$5,000,000 per year were ineligible for the MCL.

REASONS FOR RECOMMENDATION

On February 13, 2020 (Item No. 14), the Administration presented the proposed requirements and resolution for the FY20-21 MCL to the Finance and Government Operations Committee (FGOC).

The FY 2020-21 MCL contains the following:

- 22 Grant or Revenue Agreements with a maximum termination date on or before June 30, 2025.
- 228 Expenditure Contracts with a maximum duration of 12 months and a termination date on or before June 30, 2022.

Fiscal Year 2020-21 MCL Eligibility Requirements

- All contracts that appear on the MCL are intended to be routine contracts, and must have received prior, standalone Board approval to be considered for inclusion on the FY 2020-21 MCL.
- If the Board removes certain contracts from the MCL, the Resolution allows Departments to extend the existing contract for up to three months so that services may remain intact while the departments explore alternatives.
- Expenditure contracts may exceed the amount stated on the MCL by no more than 10% (this allowance is sometimes necessary when negotiations have not been completed at the time the contract is submitted for placement on the MCL). The 10% restriction does not apply to revenue or grant agreements.
- Expenditure and revenue contracts exceeding a projected increase of more than \$5,000,000 annually are ineligible for placement on the MCL.
- All contracts will have a delegation of authority to the County Executive, or designee, to negotiate, execute, amend, extend, or terminate contracts.
- Additional eligibility requirements are described in Attachment 2.

FY2020-21 One-Time Exception for Expenditure Agreements

Consistent with prior years, the FY2020-21 draft resolution and eligibility requirements presented to FGOC prohibited contracts for goods and services within the delegated authority

of the Director of Procurement from the MCL. Given the County staffing and time constraints resulting from the ongoing novel coronavirus 2019 (COVID-19), Administration is proposing a suspension of this eligibility criterion for the FY2020-21 MCL. Granting exception to these expenditure agreements will allow Administration to more efficiently execute 95 contract amendments that would otherwise be processed by a small team of Procurement staff who are currently providing essential support to the County's Emergency Operations Center.

Exceptions to Board Policy

Exhibit A specifically identifies those contracts that are sole source or single source. No expenditure contract that is sole source or single source was recommended for inclusion on the FY 2020-2021 MCL if it had not been rebid or otherwise presented directly to the Board within the last five years.

Beginning in FY 2013-14, contracts that were either sole source or single source were brought to the Board for approval with specific identification of the exception in the Recommended Action language, bringing a greater degree of clarity and transparency to the contracting process. Thus, where applicable, all expenditure contracts that appear on the MCL for FY 2020-21 were approved by the Board with specific approval for these exceptions.

The majority of revenue agreements that appear on the MCL are agreements with other jurisdictions and/or government agencies. These revenue agreements fall under Board Policy 5.6.5.1(D)(1)(c): Exemptions to Competitive Procurement/Acquisitions from Other Governmental Agencies. Many of these revenue agreements represent collaborative agreements between Santa Clara County and other jurisdictions to meet common operational and service goals.

Book of Business Analysis

At its November 3, 2016 (Item No. 19) meeting, the Finance and Government Operations Committee recommended that Administration report on any vendor with an aggregate of \$10,000,000 or more in agreements submitted to the FY 2017-18 Master Contract List.

There are no vendors on the FY2020-21 Master Contract List with an aggregate requested delegation amount totaling \$10,000,000 or more.

CHILD IMPACT

The recommended action will have no/neutral impact on children and youth.

SENIOR IMPACT

The recommended action will have no/neutral impact on seniors.

SUSTAINABILITY IMPLICATIONS

The recommended action will have no/neutral sustainability implications.

BACKGROUND

The Master Contract List continues to be an effective and efficient process for Departments

and contractors. The Office of the County Counsel and the Office of the County Executive continue to review, revise, and refine the Master Contract List eligibility criteria and submission process to enhance the user experience. As County Departments and contractors have gained experience in how to best use this process, the MCL has shown its value in reducing workload and the number of legislative files that would otherwise be agendaized for Board meetings during the busy year-end period, while providing for transparency in the contracting process.

CONSEQUENCES OF NEGATIVE ACTION

Failure to approve the Resolution and the contracts listed on Exhibit A will result in the contracts on the list not being approved using the MCL process. Departments would then be required to submit individual legislative files to the Board of Supervisors for these contracts. Most of these legislative files would need to be agendaized for the June 4 or the June 18 Board meeting for contracts to begin on July 1, 2020.

STEPS FOLLOWING APPROVAL

Upon approval, the Clerk of the Board notify Michael Fogelstrom in the Office of Countywide Contracting Management (OCCM).

LINKS:

- References: 94947 : 94947

ATTACHMENTS:

- Attachment 1 - FY2020-2021 MCL Resolution (PDF)
- Attachment 2 - FY2020-21 MCL Eligibility Requirements (PDF)

RESOLUTION NO. _____

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CLARA
DELEGATING CONTRACTING AUTHORITY TO
IMPLEMENT THE MASTER CONTRACT LIST
FOR FISCAL YEAR 2020–21**

WHEREAS, the Board of Supervisors will approve a Budget for FY 2020–21 in compliance with State law in the coming months;

WHEREAS, in order to provide the County programs, services, and activities contemplated in the proposed Budget, it is necessary and desirable for the County to contract for certain services;

WHEREAS, the Board desires to streamline this contracting process to the extent feasible, while retaining appropriate oversight and controls, and ensuring compliance with legal requirements and the County’s contracting policies; and

WHEREAS, delegating authority to the County Executive, or designee, to negotiate and execute contracts as part of the County’s budget implementation process is appropriate, considering the multiple contractual arrangements required to facilitate the provision of these programs, services and activities, and the need for expeditious and timely provision of contracted services.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Santa Clara, State of California, as follows:

1. Delegated Authority to Enter into Expenditure Contracts. The Board hereby authorizes and delegates authority to the County Executive, or designee, to negotiate, execute, and terminate contracts or amendments to existing contracts, and any subsequent amendments thereto, as described in Exhibit A, which is attached hereto and incorporated herein by this reference, and subject to all of the terms and conditions described in this Resolution. For the expenditure contracts listed in Exhibit A, the total contract value may not exceed 10% above the described amount for FY 2020–21, including any subsequent budget modifications. All contracts are contingent on availability of funding. Any subsequent amendments must not: (1) have a term that exceeds the End Date as indicated on Exhibit A, (2) expand the scope of services, or (3) exceed 10% of the Requested Delegation Amount as listed in Exhibit A.
2. Delegated Authority for Grant Contracts. The Board hereby authorizes and delegates authority to the County Executive, or designee to submit grant applications described in Exhibit A and to negotiate and execute the resulting grant contract, any necessary amendments thereto, and any documents that are directly related to receiving or implementing the grant, provided the contract is consistent

with the authority extended by this Resolution. For grant contracts, the Requested Delegation Amount listed in Exhibit A may be increased up to \$5,000,000 per year.

3. Delegated Authority for Revenue Contracts. The Board authorizes and delegates authority to the County Executive, or designee, to negotiate, execute, and terminate revenue contracts as identified in Exhibit A, any necessary amendments thereto, and any documents that are directly related to the County receiving or implementing the revenue contract, provided the contract is consistent with the authority extended by this Resolution. For revenue contracts, the Requested Delegation Amount listed in Exhibit A may be increased up to \$5,000,000 per year.
4. Contract Term. The End Date for all contracts listed on Exhibit A is the maximum term as stated in the contract. No contract may be extended beyond the End Date pursuant to the delegation of authority. No contract term may exceed the maximum term allowed pursuant to applicable Board policy.
5. Duration of Delegation. For contracts and amendments described in Exhibit A the delegation of authority granted by this Resolution extends through June 30, 2022 for expenditure contracts and through June 30, 2025 for grant or revenue contracts. The contract start date must be no later than June 30, 2021.
6. Delegation of Authority to Provide Interim Contract Extensions. The Board intends to provide continuity of programs, services, and activities while contracts authorized by this Resolution are negotiated and executed. For contracts removed from Exhibit A by the Board as originally presented to the Board on May 5, 2020, the County Executive, or designee, is authorized to extend that contract with the current contractor for the same services up to and including September 30, 2020, if applicable, absent Board direction to the contrary. In order to extend the contract and continue the provision of services pursuant to this delegation, the agency and/or department must either extend the existing contract or execute a new contract with the contractor. If the current contractor is not able to continue providing the services, and the agency/department needs the service, then the agency/department must seek the required approvals to enter into a contract with a new contractor for the same services up to and including September 30, 2020.
7. County Counsel and County Executive Approval: Compliance with Contracting Policies. Prior to execution by the County Executive or designee, all contracts and contract amendments listed in Exhibit A are subject to approval as to form and legality by the Office of the County Counsel, and shall conform to all Board contracting policies, unless otherwise specifically approved by the Board. Prior to execution by the agency or department, all contracts and contract amendments listed in Exhibit A are subject to approval by the Office of the County Executive.
8. Copies to Clerk of the Board. The County Executive and/or designee granted authority to negotiate and execute a contract pursuant to this Resolution shall

provide a PDF copy of the executed contract to the Clerk of the Board within 30 days of execution, together with a copy of the Delegation of Authority Cover Sheet. The department or agency shall designate a specific location for all original copies of the contracts or other subsequent amendments in the department.

9. Budgeted Amount; Authority to Encumber Funds. The County Executive, or designee, granted authority to negotiate and execute a contract pursuant to this Resolution has authority to encumber the approved requisite funds for the contract.

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10. Report in Subsequent Year. The County Executive's Office shall provide a report to the Board regarding the exercise of the authority granted pursuant to this Resolution in the subsequent fiscal year.

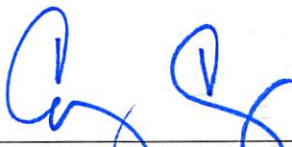
PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, on MAY 05 2020 by the following vote:

AYES: **CHAVEZ, CORTESE, ELLENBERG
SIMITIAN, WASSERMAN**

NOES: **NONE**

ABSENT: **NONE**

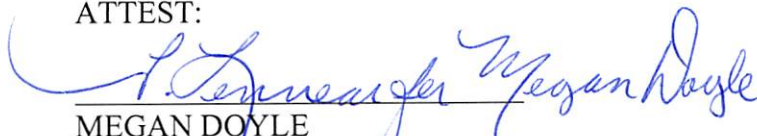
ABSTAIN: **NONE**



CINDY CHAVEZ, President
Board of Supervisors


~~Signed and certified that a copy of this document has been delivered by electronic or other means to the President, Board of Supervisors.~~

ATTEST:



MEGAN DOYLE
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:



CHRISTOPHER CHELEDEN
Lead Deputy County Counsel

Exhibit A - FY 2020-21 Master Contract List



Master Contract List FY 2020-2021

Department: 0230 - Sheriff's Office

Contract Type: Revenue

ID: 11344

Contractor Name: Gavilan Joint Community College District

Description of Service: The State provides funding to community colleges for Full Time Equivalent Students. The revenue is shared between Gavilan College and the Office of the Sheriff, wherein the Office of the Sheriff receives 55% of the funds for providing public safety training services.

Delegation Start Date: 7/1/2020

Delegation End Date: 6/30/2025

Requested Delegation Amount: \$600,000.00

Projected Total Contract Value: \$1,500,000.00

Date Last Rebid:

Date of Recent Board Approval: 1/28/2020

Method of Solicitation: N/A

Department: 0168 - Affordable Housing Office

Contract Type: Expenditure

ID: 11345

Contractor Name: BitFocus

Description of Service: Establish software as a service (SaaS) component of the Homeless Management Information System (HMIS), including training and support, as needed.

Delegation Start Date: 7/1/2020

Delegation End Date: 6/30/2021

Requested Delegation Amount: \$300,000.00

Projected Total Contract Value: \$596,000.00

Date Last Rebid:

Date of Recent Board Approval: 6/20/2017

Method of Solicitation: