

FY 2015 Master Contract List (MCL) Delegation of Authority Coversheet
APPROVED BY THE BOARD ON JUNE 10, 2014, AGENDA ITEM # 87

Exhibit Number on the Approved MCL: # ID:496

TO BE COMPLETED BY DEPARTMENT/AGENCY

Department Submitting: Public Health Fiscal Year: 2015

Contractor's Name: County of Monterey

Is the contract amount within the 10% allowable increase?
Yes ☐ No ☐ If No, please explain: _____
N/A revenue contract

Contact Name: Esperanza Ardourel

Contact Number: 408-792-5187

Amount of this Contract: \$20,000.00

How much has been approved
to date? (total of all actions
related to this contract): \$0

Max Amount of the Delegation: \$15,000.00

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

Date Needed: 6/26/14 Comments: Please note four copies

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

		Name/Date
Approved by County Counsel for form and legality	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<u>JSP</u> <u>6/20/14</u>
Recommended for Approval by OBA	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<u>Plaudia Chan</u> <u>6/24/14</u>
Approved by Office of the County Executive	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<u>Sam G Santing</u> <u>7-9-14</u>

County Counsel Comments:

OBA Comments:

Office of the County Executive Comments:

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.



Master Contract List FY 2015

Department 0410 - Public Health

Contract Type Revenue

ID 549

Contractor Name California Department of Public Health

Description of Service Public Health Preparedness

Title of Delegatee Director of Public Health

Start Date 7/1/2014

End Date 6/30/2017

Date Last Rebid N/A

Date of Board Approval 11/26/2013

Method of Solicitation Single Source

Projected Dollar Amount \$3,371,235.00

Comments

Department 0410 - Public Health

Contract Type Revenue

ID 496

Contractor Name County of Monterey

Description of Service Public Health Lab Services

Title of Delegatee Director of Public Health

Start Date 7/1/2014

End Date 6/30/2019

Date Last Rebid N/A

Date of Board Approval 06/24/2009

Method of Solicitation Single Source

Projected Dollar Amount \$15,000.00

Comments This revenue agreement is for the purpose of confirmatory lab testing.



**The County of Santa Clara
California**

**Resolution
BOS-2014-58**

Adopted
Jun 10, 2014 9:00 AM

**87 Adopt Resolution delegating authority to Agency and/or Department heads to
implement the Master Contract List for Fiscal Year 2015. (Roll Call Vote)**

Information

Department: Office of the County Executive
Sponsors:
Category: Resolution

Attachments

2015 MCL Resolution
Exhibit B - 2015 MCL Requirements
Exhibit A - FY 2015 Master Contract List
Supplemental - FY 2015 Master Contract List

Body

FISCAL IMPLICATIONS

There is no direct fiscal impact to the General Fund or any other County Fund. Individual revenue and expenditure contracts entered into pursuant to this action may have positive or negative financial impacts as shown on Exhibit A. Any changes to the FY 2015 County Executive's Recommended Budget that affect this group of contracts will be incorporated into the final execution of the contracts for FY 2015.

CONTRACT HISTORY

On May 20, 2001, 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 County in the management of a large volume of contracts with a July 1st effective date.

Beginning in FY 2012, 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 2014, all expenditure contracts were required to have previous standalone Board approval in order to be eligible for the MCL. As a one year

exception, extensions to contracts approved on the FY 2013 MCL were also eligible for the FY 2014 MCL; however, these contracts are not eligible for the FY 2015 MCL.

REASONS FOR RECOMMENDATION

On April 16, 2014, the Administration presented the proposed requirements and process for the FY 2015 MCL to the Finance and Government Operations Committee (FGOC). At that time, the Administration recommended taking the FY 2015 MCL directly to the Board for approval.

The FY 2015 MCL contains the following:

- 50 Revenue Agreements totaling \$33,545,602
- 243 Expenditure Contracts totaling \$74,029,303
- 30 Non-Monetary Memorandums of Understanding (MOUs)

The maximum durations are as follows:

- Expenditure Contracts: July 1, 2014 through June 30, 2016, for a maximum 12 month duration.
- No-Expense Memorandum of Understanding: Termination date on or before June 30, 2019.
- Grant or Revenue Agreements: Termination date on or before June 30, 2019.

Fiscal Year 2015 Master Contract List Eligibility Requirements

All contracts that appear on the MCL are intended to be routine contracts. Beginning with the FY 2015 MCL, expenditure contracts approved by delegation of authority are not allowed on the MCL. Thus, all expenditure contracts must have received previous Board approval in order to be considered for inclusion on this FY 2015 MCL.

If the Board exercises its option to remove 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.

Additional eligibility requirements are described in Exhibit B.

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 2015 MCL if it had not been rebid or otherwise presented directly to the Board within the last five years.

Beginning in FY 2014, 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, 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 2015 were approved by the Board with specific approval for these exceptions.

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

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 Budget and Analysis continue to review, revise and refine the criteria and process for submitting contracts in order to eliminate contracts that are not appropriate for this process and to assist in creating efficiencies for the users. 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 transmittals 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 will be required to submit individual transmittals to the Board of Supervisors for the contracts. Most of the transmittals may need to be agendaized for the June 24th Board meeting in order for contracts to begin on July 1, 2014.

STEPS FOLLOWING APPROVAL

The Clerk of the Board will send MinuteTraq notification of approval to Mike Kornder.

Meeting History

Jun 10, 2014 9:00 AM Video

**Board of
Supervisors Regular Meeting**

 **Draft**

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Cindy Chavez, Supervisor
SECONDER: Ken Yeager, Supervisor
AYES: Mike Wasserman, Cindy Chavez, Dave Cortese, Ken Yeager, S. Joseph Simitian

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CLARA
DELEGATING CONTRACTING AUTHORITY
TO IMPLEMENT THE MASTER CONTRACT LIST FOR FISCAL YEAR 2015**

WHEREAS, the Board of Supervisors will approve a Budget for Fiscal Year – 2015 in June, 2014; and

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; and

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 department and agency heads 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:

1. Delegated Authority to Enter into Expenditure Contracts. The Board hereby authorizes and delegates authority to the agency and/or department heads identified in Exhibit A, or their designees, to negotiate and execute contracts or amendments to existing contracts as described in said 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. The Projected Dollar Amount for expenditure contracts listed in Exhibit A means that the total contract value may not exceed 10% over the described amount for Fiscal Year 2015, unless the County Executive's Office of Budget and Analysis (OBA) verifies the contract amount as within the Board approved budget for Fiscal Year 2015, including any subsequent budget modifications. All contracts are contingent on availability of funding.

2. Delegated Authority to Enter into Subsequent Amendments to Expenditure Contracts. The Board also authorizes the specified agency and/or department head to execute amendments to the contracts listed in Exhibit A, provided that the contract as amended is consistent with the authority granted by this Resolution, the term of the subsequent amendment does not exceed the End Date as indicated on Exhibit A, the scope of services is not expanded, and the compensation does not exceed 10% of the Projected Dollar Amount as listed in Exhibit A, unless OBA verifies the new contract amount as within the Board approved budget for Fiscal Year 2015. All amendments are contingent on availability of funding.

3. Delegated Authority for Grant Contracts. The Board hereby authorizes and delegates authority to the agency and/or department head identified in Exhibit A, or their designees, 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 Projected Dollar Amount listed in Exhibit A may be increased without limit.

4. Delegated Authority for Revenue Contracts. The Board authorizes and delegates authority to the agency and/or department heads identified in Exhibit A, or their designees, to negotiate and execute revenue contracts, any necessary amendments thereto, and any documents that are directly related to the County receiving or implementing the revenue, provided the contract is consistent with the authority extended by this Resolution. For revenue contracts, the Projected Dollar Amount listed in Exhibit A may be increased without limit.

5. Delegated Authority for Memoranda of Understanding (No-Cost) Contracts. The Board authorizes and delegates authority to the agency and/or department heads identified in Exhibit A, or their designees, to negotiate and execute memoranda of understanding contracts, and any necessary amendments thereto, provided the contract is consistent with the authority extended by this Resolution.

6. 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.

7. Duration of Delegation. For contracts and amendments described in Exhibit A the delegation of authority granted by this Resolution extends through June 30, 2016 for expenditure contracts, through June 30, 2019 for no-cost memoranda of understanding contracts, and through June 30, 2019 for grant or revenue contracts. The contract start date may be no later than June 30, 2015.

8. 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 June 10, 2014, the listed agency and/or department head is authorized to extend that contract with the current contractor for the same services up to and including September 30, 2014, 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 there is no current contractor providing the service and/or 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, 2014.

9. County Counsel and County Executive Approval; Compliance with Contracting Policies. Prior to execution by the department or agency head, 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.

10. Copies to Clerk of the Board. An agency and/or department head 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 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.

11. Budgeted Amount; Authority to Encumber Funds. An agency and/or department head 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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12. Report in Subsequent Year. OBA 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 June 10, 2014 by the following vote:

AYES:

NOES:

ABSENT:

MIKE WASSERMAN, 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:

LYNN REGADANZ
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:



NEYSA A. FLIGOR
Deputy County Counsel

Attachments

Exhibit A - FY 2015 Master Contract List