

COUNTY OF LOS ANGELES

Public Health

CYNTHIA A. HARDING, M.P.H.
Interim Director

JEFFREY D. GUNZE NHAUSER, M.D., M.P.H.
Interim Health Officer

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Los Angeles, California 90012
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www.publichealth.lacounty.gov

February 09, 2016

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**APPROVAL TO EXECUTE AN AMENDMENT TO HIV/AIDS LEGAL SERVICES CONTRACT
NUMBER PH-002358 WITH PUBLIC COUNSEL FOR THE TERM EFFECTIVE MARCH 1, 2016
THROUGH FEBRUARY 28, 2017
(ALL SUPERVISORIAL DISTRICTS) (3 VOTES)**

SUBJECT

Request approval to execute an amendment to Contract Number PH-002358 with Public Counsel to increase the contract funding to support the provision of additional HIV/AIDS legal services for the term effective March 1, 2016 through February 28, 2017.

IT IS RECOMMENDED THAT THE BOARD:

1. Approve and instruct the Interim Director of the Department of Public Health (DPH), or her designee, to execute Amendment Number Six to Contract Number PH-002358, substantially similar to Exhibit I, with Public Counsel to increase the contractual maximum obligation by \$75,000, from \$125,000 to \$200,000, for the provision of additional HIV/AIDS legal services, for the term effective March 1, 2016 through February 28, 2017; 100 percent offset by Ryan White Program (RWP) Part A funds.
2. Delegate authority to the Interim Director of DPH, or her designee, to execute amendments to Contract Number PH-002358, that adjust the term through August 31, 2017; allow the rollover of unspent contract funds; and/or provide an increase or decrease in funding up to 10 percent above or below each term's revised annual base maximum obligation, effective upon amendment execution or at the beginning of the applicable contract term, and make corresponding service adjustments, as necessary, subject to review and approval by County Counsel, and notification to your Board and the Chief Executive Office (CEO).



BOARD OF SUPERVISORS

Hilda L. Solis
First District
Mark Ridley-Thomas
Second District
Sheila Kuehl
Third District
Don Knabe
Fourth District
Michael D. Antonovich
Fifth District

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

34 February 9, 2016

PATRICK OGAWA
ACTING EXECUTIVE OFFICER

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Approval of Recommendation 1 will provide additional funding to meet the increased demand for legal assistance for people living with HIV/AIDS (PLWHA) in Los Angeles County. Documentation submitted to DPH by Public Counsel indicates that since its initial implementation of contracted legal services in January 2013, the total number of PLWHA and hours of legal services has vastly increased. Public Counsel is funded to provide legal representation to at least 75 unduplicated clients per contract term. In 2013, Public Counsel served 79 clients. In 2014, it served 91 clients, and, to date in 2015, it has served an additional 50 clients. Public Counsel is projected to provide legal representation to approximately 150 clients annually. In addition to providing legal representation to clients, Public Counsel provides relevant education community education. Public Counsel is contracted to conduct at least three (3) preventive legal education forums and to provide informational sessions regarding legal issues relevant to PLWHA for staff of community-based organizations and healthcare providers.

The increase in demand for legal services that has been observed since 2013 can primarily be attributed to the increase in number of PLWHA needing assistance with navigating a more complex health insurance landscape, as well as to an increase in the number and complexity of appeals for benefits for which clients are entitled. Additional funding will allow Public Counsel to meet this high demand for legal services and to provide additional PLWHA assistance with health insurance, employment, housing, or other public benefit legal services. If this Agreement is not amended, there will be a significant number of clients who will not have full access to a range of critical public benefits, including expanded access to healthcare. Lack of access to these services can disrupt the continuity of care of PLWHA, and increase pressure and demand on County resources when alternate payer sources are available. While your Board has granted delegated authority to DPH to increase or decrease funding up to 10 percent above or below each term's annual base maximum obligation, this recommendation exceeds that authority.

Approval of Recommendation 2 will allow DPH to execute amendments to the legal services contract to adjust the term of the contract; rollover unspent contract funds; and/or increase or decrease funding up to 10 percent above or below the revised annual base maximum obligation, effective upon amendment execution or at the beginning of the applicable contract term, and make corresponding service adjustments, as necessary. This recommended action will enable DPH to amend the contract to adjust the term for a period of up to six (6) months beyond the expiration date. Such amendments will only be executed if and when there is an unanticipated extension of the term of the applicable grant funding to allow additional time to complete services and utilize grant funding. This authority is being requested to enhance DPH's efforts to expeditiously maximize grant revenue, consistent with Board Policy 4.070: Full Utilization of Grant Funds.

Recommendation 2 will also enable DPH to amend the contract to allow for the provision of additional units of funded services that are above the service level identified in the current contract and/or the inclusion of unreimbursed eligible costs, based on the availability of grant funds and grant funder approval. While the County is under no obligation to pay a contractor beyond what is identified in the original executed contract, the County may determine that the contractor has provided evidence of eligible costs for qualifying contracted services, and that it is in the County's best interest to increase the maximum contract obligation as a result of receipt of additional grant funds or a determination that funds should be reallocated. This recommendation has no impact on net County cost.

Implementation of Strategic Plan Goals

The recommended actions support Goal 3, Integrated Services Delivery, of the County's Strategic Plan.

FISCAL IMPACT/FINANCING

The total cost to amend Contract PH-002358 is \$75,000, increasing the annual maximum obligation from \$125,000 to \$200,000 for the period effective March 1, 2016 through February 28, 2017; 100 percent offset by RWP Part A funds.

Funding is included in DPH's fiscal year 2015-16 Final Adopted Budget.

There is no net County cost associated with this action.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

County Counsel has reviewed and approved Exhibit I as to use.

CONTRACTING PROCESS

On December 18, 2012, your Board approved a sole source contract with Public Counsel for HIV/AIDS legal services effective January 23, 2013 through February 28, 2014, and delegated authority to extend the term through February 28, 2015.

On February 27, 2014, DPH exercised its delegated authority and extended the contract for the period of March 1, 2014 through February 28, 2015.

On February 10, 2015, your Board approved the extension of Contract Number PH-002358 with Public Counsel for the term effective March 1, 2015 through February 29, 2016, and delegated authority to extend the term for one (1) additional year effective March 1, 2016 through February 28, 2017.

On January 15, 2016, your Board was notified that DPH was exercising delegated authority to: 1) increase the contractual maximum obligation by \$12,500, from \$125,000 to \$137,500, for the term effective March 1, 2015 through February 29, 2016; and 2) extend the term in the amount of \$125,000, effective March 1, 2016 through February 28, 2017.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

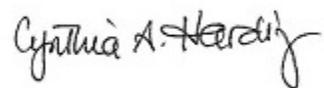
Approval of the recommended actions will allow DPH to enhance and expand the delivery of critical HIV/AIDS legal services to residents in Los Angeles County.

The Honorable Board of Supervisors

2/9/2016

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Respectfully submitted,

A handwritten signature in black ink that reads "Cynthia A. Harding". The signature is written in a cursive style with a large, stylized initial 'C'.

Cynthia A. Harding, M.P.H.

Interim Director

CAH:eav

BL#03483

Enclosures

c: Chief Executive Officer
County Counsel
Acting Executive Officer, Board of Supervisors

Contract No. PH-002358

**HUMAN IMMUNODEFICIENCY VIRUS (HIV)/
ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)
LEGAL SERVICES CONTRACT**

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**DEPARTMENT OF PUBLIC HEALTH
HUMAN IMMUNODEFICIENCY VIRUS (HIV)/
ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)
LEGAL SERVICES CONTRACT**

Amendment No. 6

THIS AMENDMENT is made and entered into this _____ day
of _____, 2016,

by and between

COUNTY OF LOS ANGELES (hereafter
"County")

and

PUBLIC COUNSEL
(hereafter "Contractor")

WHEREAS, reference is made to that certain document entitled "HUMAN
IMMUNODEFICIENCY VIRUS (HIV)/ACQUIRED IMMUNE DEFICIENCY SYNDROME
(AIDS) LEGAL SERVICES CONTRACT", dated January 23, 2013, and further identified
as Contract No. PH-002358, and any Amendments thereto (all hereafter "Contract");
and

WHEREAS, County has been awarded grant funds from the Health Resources
and Services Administration, (hereafter "HRSA"), Catalog of Federal Domestic
Assistance Number (CFDA) 93.914; which is authorized by the Ryan White
Comprehensive AIDS Resources Emergency Act of 1990, its amendments of 1996, and
Subsequent Reauthorizations of the Act (hereafter "Ryan White Program") Part A funds;
and

WHEREAS, it is the intent of the parties hereto to amend Contract to increase
the maximum obligation of County and make other hereafter designated changes; and

WHEREAS, said Contract provides that changes may be made in the form of a written Amendment which is formally approved and executed by the parties.

NOW, THEREFORE, the parties hereto agree as follows:

1. This Amendment shall be effective on March 1, 2016.

2. Paragraph 2, DESCRIPTION OF SERVICES, Subparagraph A, shall be amended to read as follows:

"A. Contractor shall provide services in the manner described in Exhibit A (Statement of Work identified as Exhibit A, A.1, A.2, A.3, and A.4) and Exhibit B (Scope of Work identified as Exhibit B-1, B-2, B-3, B-4, and B-5 REVISED) and all its attachments attached hereto and incorporated herein by reference."

3. Paragraph 4, MAXIMUM OBLIGATION OF COUNTY, Subparagraph I, shall be amended to read as follows:

"I. Effective March 1, 2016 through February 28, 2017, the maximum obligation of County for all services provided hereunder shall not exceed Two Hundred Thousand Dollars (\$200,000), as set forth in Schedule 5 REVISED, attached hereto and incorporated by reference. Such maximum obligation is comprised entirely of Ryan White Program, Part A funds."

4. Effective on the date of this Amendment, Exhibit A.4 shall be attached hereto and incorporated herein by reference.

5. Effective on the date of this Amendment, Schedule 5 REVISED of Exhibit C, shall replace Schedule 5 of Exhibit C and be attached hereto and incorporated herein by reference.

6. Effective on the date of this Amendment, Exhibit B-5 REVISED shall replace Exhibit B-5 and be attached hereto and incorporated herein by reference.

7. Except for the changes set forth herein above, Contract shall not be changed in any other respect by this Amendment.

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IN WITNESS WHEREOF, the Board of Supervisors of the County of Los Angeles has caused this Contract to be subscribed by its Interim Director of Public Health, and Contractor has caused this Amendment to be subscribed in its behalf by its duly authorized officer, the day, month, and year first above written.

COUNTY OF LOS ANGELES

By _____
Cynthia A. Harding, MPH
Interim Director

PUBLIC COUNSEL
Contractor

By _____
Signature

Printed Name

Title _____
(AFFIX CORPORATE SEAL)

APPROVED AS TO FORM
BY THE OFFICE OF THE COUNTY COUNSEL
MARY C. WICKHAM
County Counsel

APPROVED AS TO CONTRACT
ADMINISTRATION:

Department of Public Health

By _____
Patricia Gibson, Chief
Contracts and Grants Division

EXHIBIT A.4
PUBLIC COUNSEL
HUMAN IMMUNODEFICIENCY VIRUS (HIV)/
ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)
LEGAL SERVICES

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EXHIBIT A.4

PUBLIC COUNSEL

**HUMAN IMMUNODEFICIENCY VIRUS (HIV)/
ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)
LEGAL SERVICES**

1. Paragraph 3, COUNTY'S MAXIMUM OBLIGATION, Subparagraph E, shall be amended to read as follows:

“D. During the period of March 1, 2016 through February 28, 2017, maximum obligation for all services provided hereunder shall not exceed Two Hundred Thousand Dollars (\$200,000).”

EXHIBIT C

SCHEDULE 5 REVISED

PUBLIC COUNSEL

**HUMAN IMMUNODEFICIENCY VIRUS (HIV)/
ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)
LEGAL SERVICES**

	<u>Budget Period</u> March 1, 2016 Through <u>February 28, 2017</u>	
Salaries	\$	x
Employee Benefits	\$	x
Total Salaries and Benefits	\$	x
Travel	\$	x
Equipment	\$	x
Supplies	\$	x
Other	\$	x
Consultants/Subcontractors	\$	x
Indirect Costs*	\$	x
TOTAL PROGRAM BUDGET	\$	200,000

During the term of this Contract, any variation to the above budget must be executed through a written Change Notice, executed by the Division of HIV and STD Programs' Director and the Contractor. Funds shall only be utilized for eligible program expenses. Invoices and cost reports must be submitted and will be reimbursed in accordance with approved line-item detailed budgets.

**EXHIBIT B-5 REVISED
 SCOPE OF WORK
 March 1, 2016 – February 28, 2017**

The Contractor shall achieve the following goals and objectives. Objectives are achieved by following the work plan, composed of implementation and evaluation activities. Activities are to be completed according to the stated timelines and are to be documented as specified.

Goal No. 1: To provide legal services that shall help mitigate the impact of restrictive economic conditions on indigent persons living with HIV/AIDS residing within Los Angeles County by providing relevant legal advice, support, and intervention directly necessitated by legal challenges due to an individual’s HIV/AIDS status.

MEASURABLE OBJECTIVE(S)	IMPLEMENTATION ACTIVITIES	TIMELINE	METHOD(S) OF EVALUATING OBJECTIVE(S) AND DOCUMENTATION
<p>1.B By <u>2/28/17</u>, conduct a minimum of five (5) preventive legal educational forums for persons living with HIV/AIDS.</p> <ul style="list-style-type: none"> Contractor shall evaluate the effectiveness of its educational forums after each such presentation. 	<p align="center">appropriate.</p> <p>1B.1 Develop preventive legal educational forum presentations.</p> <p>1B.2 Develop and implement evaluations of educational forums to measure effectiveness of forums.</p> <p>1B.3 Conduct preventive legal educational forums.</p>	<p>3/1/2016 and ongoing</p> <p>3/1/2016 and ongoing</p> <p>3/1/2016 and ongoing</p>	<p>1B.1 Educational Forum documentation will be kept on file and available for review by DHSP staff.</p> <p>1B.2 Documentation (eg. Sign-in sheets) will be kept on file and available for review by DHSP staff.</p> <p>1B.3 Documentation (e.g. Sign-in sheets) will be kept on file and available for review by DHSP staff.</p>
<p>1.C By <u>2/28/17</u>, conduct informational sessions regarding legal issues relevant to persons living with HIV/AIDS for staff of community-based organizations and healthcare providers.</p> <ul style="list-style-type: none"> Contractor shall evaluate the effectiveness of its informational sessions after each such presentation. 	<p>1C.1 Develop informational session presentations and evaluations to measure effectiveness of sessions. Submit to DSHP for review and acknowledgement.</p> <p>1C.2 Conduct informational sessions for staff of community-based organizations and healthcare providers.</p>	<p>3/1/2016 and ongoing</p> <p>3/1/2016 and ongoing</p>	<p>1C.1 Evaluation protocol will be submitted to DHSP for review and acknowledgement. Completed session evaluations will be submitted to DHSP within thirty (30) days of each session conducted.</p> <p>1C.2 Documentation (e.g. Sign-in sheets) will be kept on file and available for review by DHSP staff.</p>