



ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

42 MAY 7, 2024

BOARD OF SUPERVISORS

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May 7, 2024

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
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Los Angeles, CA 90012

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GET IN TOUCH

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Aging & Adult Information & Assistance Line:

(800) 510-2020

Report Elder Abuse:

(877) 477-3646

Community & Senior Centers:

(800) 689-8514

Disability Information &

Access Line:

(888) 677-1199

Dear Supervisors:

AUTHORIZE AGING AND DISABILITIES TO AWARD AND EXECUTE NONCOMPETITIVE (SOLE SOURCE) SUBAWARDS FOR ELDERLY NUTRITION PROGRAM SERVICES

(ALL SUPERVISORIAL DISTRICTS) (3-VOTES)

SUBJECT

The County of Los Angeles (County) Aging and Disabilities Department (AD) seeks approval and delegated authority to award and execute non-competitive (sole source) Elderly Nutrition Program (ENP) Subawards with ten (10) current governmental Subrecipients, and execute amendments, as needed, during the Subaward term.

IT IS RECOMMENDED THAT YOUR BOARD

1. Approve and authorize AD’s Director, or designee, to award and execute non-competitive ENP Subawards pursuant to State law for non-competitive agreements with other government entities, for the term effective July 1, 2024 through June 30, 2025, and subsequently execute up to three (3) annual renewal options with six (6) month-to-month optional extensions for a maximum Subaward term of four (4) years and six (6) months with ten (10) current governmental Subrecipients in the combined estimated annual amount of \$4,904,000 (see Attachment I). Allocations to the Subrecipients shall be subject to the availability of funding and are contingent upon each Subrecipient’s performance in meeting the goals of ENP, as well as each Subrecipient’s adherence to its Subaward terms. AD will obtain County Counsel approval as to the form of the Subawards prior to their execution and shall provide written confirmation to Chief Executive Officer (CEO) within thirty (30) working days of completing this action.



2. Approve and authorize AD's Director, or designee, to execute amendments with these Subrecipients, which serve the best interests of the County during the Subaward term as follows: 1) add new, relevant, or updated federal, State, and/or County Subaward terms and conditions; and, 2) increase or decrease the Subaward amounts (including but not limited to baseline funds, one-time-only funds, and supplemental monies, and/or other new funding sources), which may exceed ten percent (10%) of the Maximum Subaward Sum, in response to the availability of funding and/or based on Subrecipient's performance, provided that: (a) the total allocation does not exceed available funding; (b) AD obtains County Counsel approval as to the form of the amendment prior to any such amendment; and (c) AD provides written confirmation to the CEO within thirty (30) working days of completing this action.
3. Approve and authorize AD's Director, or designee, to increase or decrease each Subrecipient's unit rates for ENP Subawards at the sole discretion of AD subject to the availability of funding and/or Subrecipient's performance.
4. Delegate authority to AD's Director, or designee, to terminate Subawards with Subrecipient upon their request, and those that have closed or are in default of their Subaward requirement, for subrecipient default or for the convenience of the County, provided that: (a) County Counsel approval is obtained prior to termination of the Subaward; and (b) Director of AD, or designee, notifies the Board and the CEO in writing within ten (10) business days after such termination.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION(S)

The California Department of Aging (CDA or State) has designated AD to operate as an Area Agency on Aging (AAA) for all geographic areas of the County, except for the City of Los Angeles, which is served by another government entity. AD receives funding from CDA to administer various social service programs, including ENP, which AD contracts to service providers. ENP Services include congregate meals for mobile older adult clients (age 60 and above), home-delivered meals to homebound clients, and grab-n-go meals for clients who need a meal but choose not to have it at the congregate site.

Based on Title 22 California Code of Regulations Section 73 (Noncompetitive Awards), AD is authorized to noncompetitively award these Subawards when they are made with another government entity and will result in cost savings. AD seeks your Board's approval to award the ENP Subawards to ten (10) current governmental Subrecipients because we have negotiated favorable rates and cost savings with each of them. Additionally, these Subrecipients have the experience and knowledge in providing Program Services under their current Subawards and will continue to provide ENP Services in their areas.

IMPLEMENTATION OF STRATEGIC GOALS

The recommended actions support the following Countywide Strategic Plan Strategies:

- North Star 1, Focus Area Goal A, Strategy 2 (Improve Health Outcomes) by promoting comprehensive, inclusive, culturally-responsive competent care, healthy lifestyles, and the improvement of physical health outcomes; and Focus Area Goal D, Strategy 7 (Older Adults & People with Disabilities) by supporting purposeful aging, enhancing service delivery and care, promoting accessibility, and championing an environment where the needs, health, well-being, and rights of older adults, people with disabilities, and those who are dependent are prioritized.
- North Star 2, Focus Area Goal A, Strategy 1 (Population Based Health) by focusing on our County health systems to improve health outcomes of individuals and communities with an emphasis on providing quality, accessible, and culturally responsive services; and Focus Area Goal E, Strategy 1 (Community-Based Institutions & Organizations) by strengthening the capacity, role, and partnerships with community-based institutions and organizations to help serve our communities and strengthen the social fabric within them.

FISCAL IMPACT/FINANCING

ENP is financed with a combination of federal Older Americans Act (OAA) monies including OAA Title III C-1 (Nutrition Services), Title III C-2 (Nutrition Services), and Title III B (Supportive Services and Senior Centers) funds. The OAA monies originate from the federal grantor agency, United States Department of Health and Human Services (HHS). The OAA authorizes HHS to grant the federal monies to CDA, the State pass-through entity, and CDA provides this funding to AD to operate the Program.

The estimated combined annual funding for the ten (10) recommended ENP Subawards is \$4,904,000. The requested Board authority will allow AD to allocate funds for the ENP Subawards annually for an estimated combined four (4) years and six (6) months total of \$22,068,000 for the Subaward term of July 1, 2024, through December 31, 2028. The ENP funding is included in AD's Fiscal Year 2024-25 budget. There is no net County cost associated with this program.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

In accordance with Board Policy 5.100 (Sole Source Contracts), AD notified your Board on March 13, 2024, of our intent to enter negotiations for these sole source Subawards. AD received approval from the CEO as indicated in our sole source justification (Attachment II). These Subrecipients are all current providers who are in compliance with all Board and County requirements, and there are no fiscal or performance issues noted under their existing Subawards. The sole source Subawards will include standard County terms and conditions in addition to federal and State terms and conditions that are required for AD to administer/operate these Programs. County Counsel has confirmed that these Subawards are not subject to the

requirements for Proposition A in which living wage laws would be applicable. AD will obtain County Counsel approval as to the form of the Subawards prior to their execution and/or amendment.

As provided in Recommendation 3, AD may increase or decrease the unit rates during the term of the ENP Subawards at the sole discretion of AD subject to the following: availability of funding; Subrecipient's performance; the request for an increase is submitted by Subrecipient; such increase is based on actual costs incurred; and, other relevant measures to be determined by AD to be in the County's best interests.

These Subawards are cost reimbursement, which requires that total payments are based on actual costs for Services. Unit rates have been established as the method used by Subrecipients to bill for Services. The terms and conditions will include a provision for AD to negotiate rate decreases in the event that AD determines that Subrecipient's rates exceed the actual costs to provide Services.

CONTRACTING PROCESS

State regulations governing ENP are outlined in Title 22 California Code of Regulations Section 7360 (Noncompetitive Awards), allow an awarding agency, as defined in Title 45 Code of Federal Regulations Part 92.3 (i.e., County), to conduct a noncompetitive procurement when the awarding agency (i.e., County) authorizes this procurement method and the noncompetitive/sole source award will result in cost savings. These sole source Subawards meet both conditions.

MONITORING REQUIREMENTS

Administrative, programmatic, and fiscal monitoring of the Subrecipients will be conducted on an annual basis to ensure Subaward compliance. Administrative and programmatic monitoring are completed by AD's Compliance Division. Fiscal monitoring is conducted by an approved vendor procured through the Los Angeles County Auditor-Controller's Master Agreement for As-Needed Contract Audits/Studies.

IMPACT ON CURRENT SERVICES

Approval of the recommended actions will allow for the continued provision of ENP Services to clients in the areas served by these Subrecipients. These Services provide vital support and resources to the residents of Los Angeles County (excluding the City of Los Angeles).

The Honorable Board of Supervisors

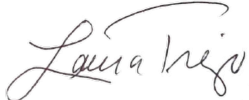
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CONCLUSION

Upon your approval of the recommended actions, AD's Director, or designee, will proceed to execute the Subawards and any future amendments as noted herein. Should you have any questions, please contact me directly, or your staff may contact Ms. Ashley Liang, Executive Assistant, at ALiang@ad.lacounty.gov.

Respectfully submitted,



Dr. Laura Trejo

Director

LT:LCS:DL:MFR:CD

Enclosure

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

ATTACHMENT I

Fiscal Year 2024-25 Elderly Nutrition Program (Cities) Allocations

Subrecipient	Estimated Allocation
Burbank, City of	\$ 423,000
Claremont, City of	\$ 289,000
El Monte, City of	\$ 270,000
Gardena, City of	\$ 501,000
Glendale, City of	\$ 552,000
Inglewood, City of	\$ 444,000
Norwalk, City of	\$ 923,000
Pomona, City of	\$ 589,000
South El Monte, City of	\$ 452,000
West Covina, City of	\$ 461,000
Total	\$ 4,904,000

SOLE SOURCE CHECKLIST

Department Name: _____

- New Sole Source Contract
- Sole Source Amendment to Existing Contract

Date Existing Contract First Approved: _____

Check (✓)	JUSTIFICATION FOR SOLE SOURCE CONTRACTS Identify applicable justification and provide documentation for each checked item.
	➤ Only one bona fide source (monopoly) for the service exists; performance and price competition are not available. A monopoly is an <i>“Exclusive control of the supply of any service in a given market. If more than one source in a given market exists, a monopoly does not exist.”</i>
	➤ Compliance with applicable statutory and/or regulatory provisions.
	➤ Compliance with State and/or federal programmatic requirements.
	➤ Services provided by other public or County-related entities.
	➤ Services are needed to address an emergent or related time-sensitive need.
	➤ The service provider(s) is required under the provisions of a grant or regulatory requirement.
	➤ Additional services are needed to complete an ongoing task and it would be prohibitively costly in time and money to seek a new service provider.
	➤ Services are needed during the time period required to complete a solicitation for replacement services; provided services are needed for no more than 12 months from the expiration of an existing contract which has no available option periods.
	➤ Maintenance and support services are needed for an existing solution/system during the time to complete a solicitation for a new replacement solution/ system; provided the services are needed for no more than 24 months from the expiration of an existing maintenance and support contract which has no available option periods.
	➤ Maintenance service agreements exist on equipment which must be serviced by the original equipment manufacturer or an authorized service representative.
	➤ It is more cost-effective to obtain services by exercising an option under an existing contract.
	➤ It is in the best economic interest of the County (e.g., significant costs to replace an existing system or infrastructure, administrative cost savings and excessive learning curve for a new service provider, etc.) In such cases, departments must demonstrate due diligence in qualifying the cost-savings or cost-avoidance associated with the best economic interest of the County.

Michael Martinez

Chief Executive Office

Date

Attachment II

Sole Source Justification

Authority to Enter into Noncompetitive Awards

AD complies with applicable statutory and/or regulatory provisions, specifically with Title 22 California Code of Regulations (CCR) Section 7360 (Noncompetitive Awards).

Title 22 CCR 7360 governs Elderly Nutrition Program (ENP), which allows the County to use a noncompetitive procurement if the Area Agency on Aging (AAA) is a government entity such as a city, county, or joint powers agreement agency; the prospective contractor is a government entity; and the goods and services will result in economy and efficiency.

AD is the designated AAA for the local region, or Planning and Service Area (PSA) 19, in California. The AAA is a public or private nonprofit agency designated by the California Department of Aging to address the needs of the older adult population residing in local PSAs. As the AAA for PSA 19, AD (County) is exempt from the competitive bid process as it is an administrator for the County of Los Angeles and its prospective ENP subrecipients are city entities.

AD intends to recommend the award of noncompetitive (sole source) Subawards for ENP commencing on July 1, 2024 through June 30, 2025, with existing Subrecipients, which are government entities. The ENP Subawards will include three (3) annual and one (1) six-month renewal options for a maximum Subaward term of four (4) years and six (6) months. AD/County of Los Angeles is authorized to noncompetitively award these sole source Subawards to other government entities based on Title 22 CCR 7360.

ENP Services are currently being provided by ten (10) existing Subrecipients including City of Burbank, City of Claremont, City of El Monte, City of Gardena, City of Glendale, City of Inglewood, City of Norwalk, City of Pomona, City of South El Monte, and City of West Covina. These Subrecipients have established experience and knowledge in providing Program Services under their current Subawards and will continue to provide ENP Services in their respective cities.