

Information for two Annual DPH Reports 6/11/20

Health Commission Meeting

- ▶ On the Agenda:
 - ▶ Sunshine Ordinance Requirement: Annual DPH Sole Source Waiver Usage Report submitted to the Board of Supervisors in June. (Health Commission update; no approval required)
 - ▶ Annual Request to the Health Commission for advance approval of potential Chapter 21.42 Sole Source Waiver usage (Health Commission Approval Required)

Sunshine Ordinance Sole Source Report

DPH FY19-20 Sole Source Waiver Usage Report)

S.F. Administrative Code, Chapter 67.24: “*The Sunshine Ordinance*” DPH Sole Source Contract Usage Report

- ▶ This ordinance requires that:
 - ▶ At the end of each fiscal year, each City department must provide to the Board of Supervisors a list of all professional sole source contracts (selected without a solicitation) entered into (and/or existing) during the fiscal year, including those authorized under the following categories identified in Chapter 21 of the Administrative Code: Chapter 21.5, Chapter 21.3 and Chapter 21.42. (described in the next two slides).
 - ▶ Effective FY15-16, this report is also presented to the Health Commission as an update; approval is not required
- ▶ This “sunshine ordinance” sole source report contains:
 - ▶ Contracts **entered into** during FY19-20, which were selected without competitive solicitations, and
 - ▶ Contracts **already existing** in FY19-20, which were selected without competitive solicitations, e.g. started in FY18-19 and are ongoing.

Sole Source Waiver Reporting Categories (included in BOS Sole Source Report)

SF Admin. Code	Sole Source Waiver Criteria	Sole Source Approval Requirements
Chapter 21.5	<p>The Admin Code provides that commodities or services available only from a sole source shall be procured in accordance with the City Purchaser’s regulations. For example, only one price quotation will be required.</p> <p>There are four acceptable justifications (and one caveat) for sole source contracting approval:</p> <ul style="list-style-type: none"> • Goods or Services are available from only one source • Only one prospective vendor is willing to enter into a contract with the City • Item has design and/or performance features that are essential to the Department and no other source satisfies the City’s requirements • Licensed or patented good or service • Other- If justifiable under a different reason. (e.g. contract pilot projects with a term of two years or less) 	<p>The DPH Contracts Office must submit a sole source waiver request, with supporting documentation to the City’s Office of Contract Administration (OCA) for approval.</p> <p>If denied, then a solicitation will be required before the services can be contracted.</p>
Chapter 21.30	Vendors with proprietary rights to software and hardware and for associated maintenance agreements will be treated as a sole source contract.	Same as above

Sole Source Waiver Reporting Categories (included in BOS Sole Source Report)

SF Admin.Code	Sole Source Waiver Criteria	Sole Source Approval Requirements
<p>Chapter 21.42</p>	<p>In 2006, the Board of Supervisors amended the Admin. Code to add section 21.42 to Chapter 21 authorizing the <u>SF Health Commission</u> to designate as sole source, professional services contracts for health, behavioral health and support services provided by non-profit organizations when recommended by the Department.</p> <p>This legislation was enacted to cover a potential gap period between the expiration of an authorized contract term, and the completion of a new RFP process.</p>	<p>The Contracts Office submits a list of recommended DPH sole source contracts to the HC annually for approval.</p> <p>OCA uses this list to approve any sole source waiver requests for contracts covered under this list.</p>

Chapter 21.42 Health Commission Advance Approval Request

FY20-21 List of Vendors that May Potentially Require a Chapter 21.42 Sole
Source Waiver

Sole Source Waiver Reporting Categories (included in BOS Sole Source Report)

SF Admin.Code	Sole Source Waiver Criteria	Sole Source Approval Requirements
<p>Chapter 21.42</p>	<p>In 2006, the Board of Supervisors amended the Admin. Code to add section 21.42 to Chapter 21 authorizing the <u>SF Health Commission</u> to designate as sole source, professional services contracts for health, behavioral health and support services provided by non-profit organizations, when recommended by the Department.</p> <p>This legislation was enacted to cover a potential gap period between the expiration of an authorized contract term, and the completion of a new RFP process.</p>	<p>The Contracts Office submits a list of potential DPH sole source contracts to the HC annually for approval.</p> <p>OCA uses this list to approve any sole source waiver requests for contracts covered under this list.</p>

How are Organizations Included or Removed from the Health Commission 21.42 Approval List?

- ▶ The proposed list is composed of non-profit organizations which have current contracts with DPH, or have had contracts in the past five years, and a decision has been made to retain as there is a possibility of a new contract.
- ▶ An organization is removed from the list when
 - ▶ DPH learns that the agency is debarred from doing business with the City or with DPH;
 - ▶ DPH is advised that the organization is no longer in business, or when the organization has been on the list for five or more years without a DPH contract;
 - ▶ DPH determines that other factors make it inappropriate for the vendor to remain on the list.

Examples of common reasons to use the Chapter 21.42 Approved List

- ▶ The Board of Supervisors' or Mayor may allocate additional funding during the annual budget process with an expectation of an immediate implementation that may not allow for an initial full solicitation process;
- ▶ Receipt or restrictions on grant monies or funding (such as agencies included in collaborative grant applications, or agencies with specific legal or administrative authorization to provide services); or
- ▶ Initiatives related to specific public health issues, target populations, collaborations, or crisis situations (such as responses to community violence, disease outbreaks, or grassroots/community relationships essential to the provision of the services).