



# Board Agenda Item 36

---

DATE: March 12, 2019

TO: Board of Supervisors

SUBMITTED BY: David Pomaville, Director, Department of Public Health

SUBJECT: Retroactive Revenue Agreement with California Department of Public Health and related Agreements for Nutrition Education and Obesity Prevention Scope of Work Activities

RECOMMENDED ACTION(S):

1. **Approve and authorize the Chairman to execute a retroactive revenue Agreement with the California Department of Public Health Nutrition Education and Obesity Prevention Branch for the Centers for Disease Control and Prevention State Physical Activity and Nutrition grant, effective September 30, 2018 through September 29, 2023 (\$450,000);**
2. **Make a finding that it is in the best interest of the County to waive the competitive bidding process consistent with Administrative Policy No. 34 for unusual or extraordinary circumstances for the solicitation of nutrition and physical activity standards into early care and education systems services, for the Department of Public Health; and**
3. **Approve and authorize the Chairman to execute a sole source Agreement with Fresno County Superintendent of Schools for services to improve physical activity and increase nutrition content by adopting nutrition and physical activity standards into Early Care and Education programs, effective upon execution through September 29, 2023, not to exceed four-years six-months, which includes a two-year six-month base contract and two optional one-year extensions, total not to exceed \$141,236;**
4. **Make a finding that it is in the best interest of the County to suspend the competitive bid process consistent with Administrative Policy No. 34 for unusual or extraordinary circumstances as California Health Collaborative is the lead vendor for the Regional Perinatal Programs of California and the Nutrition Education and Obesity Prevention subcontractor for retail and marketing and wellness objectives providing services to expand access to healthy foods in target communities, for the Department of Public Health; and**
5. **Approve and authorize the Chairman to execute an Agreement with California Health Collaborative to promote compliance with Federal lactation accommodation laws in targeted worksites, assist and implement small retail vendors in adopting healthy food service guidelines, effective upon execution through September 29, 2023, not to exceed four-years six-months, which includes a two-year six-month base contract and two optional one-year extensions, total not to exceed \$136,256.**

There is no additional Net County Cost associated with the recommended actions. The first recommended

action accepts California Department of Public Health (CDPH) Nutrition Education and Obesity Prevention (NEOP) Branch for the Centers for Disease Control and Prevention State Physical Activity and Nutrition grant award. The award will enhance County implementation of nutrition and physical activity interventions that support health, nutrition, safe and accessible physical activity, and breastfeeding accommodations. Approval of the second and third recommended actions will authorize the Department of Public Health to provide direct services to early care and education (ECE) and childcare programs in the County through Fresno County Superintendent of Schools (FCSS) resources. Approval of the fourth and fifth recommended actions will authorize the Department to continue and expand assistance to local retail vendors in adopting healthy food service guidelines, and streamline new interventions supportive of breastfeeding in targeted worksites. This item is countywide.

ALTERNATIVE ACTION(S):

Should your Board not approve the recommended actions the Department will decline the grant award, and will not move forward with the related agreements.

SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

With regard to the second recommended action, the Department's request to waive the competitive bidding process is consistent with Administrative Policy No. 34 as FCSS is the only vendor in the County that has the domain over ECE school-based sites, school districts, infrastructure, and in-house resources to reach 240 ECE programs with a large sustainable policy, system and environmental change effort. FCSS has the ability to actively engage their ECE partner networks, share resources and training opportunities without initiation and acceptance of a Memorandum of Understanding to provide services by an outside vendor. The Department has a current agreement with FCSS to serve FCSS school sites and FCSS is the current subcontractor for the NEOP school wellness grant objectives that initiated the implementation of nutrition and physical activity interventions in classroom and afterschool settings, including policy, systems and environmental changes in schools. Because FCSS already has established relationships in the schools and ECE settings, they will be able to begin immediately and ECE sites will be more likely to work with and adhere to policy or institution of new policies if it is coming from within its own leadership. Based on this, a letter of interest was not necessary. The Internal Services Department - Purchasing Division (ISD - Purchasing) concurs with the Department's request to waive the competitive bidding process.

With regard to the fourth recommended action, the Department's request to suspend the competitive bidding process consistent with Administrative Policy No. 34 results from California Health Collaborative's (CHC) current contract with the NEOP program to implement the retail program, policy, systems and environmental changes in retail settings to expand access to healthy foods in target communities. In addition, CHC is the lead vendor for the Regional Perinatal Programs of California, which provides quality improvement resources, consultation, and technical assistance to hospitals and health care providers to assure the well-being of pregnant women and their babies. ISD - Purchasing concurs with the Department's request to suspend the competitive bidding process.

RETROACTIVE AGREEMENT:

Due to extensive negotiations between the State and the Federal government, the recommended revenue Agreement from CDPH was received by the Department on January 15, 2019, and is retroactive to September 30, 2018. The amount of time required for the Department to review it and have it approved by County Counsel, this item is coming to your Board retroactively.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The maximum revenue in FY 2018-19 is \$90,000; \$450,000 for the term. The recommended award will pay for contracted services, supplies to support project interventions and a portion of an existing staff member to monitor subcontracts

and oversee the work plan implementation. The maximum compensation for the recommended agreement with FCSS is \$141,236, distributed as follows: Year 1: \$26,500, March 12, 2019 - September 29, 2019 and Years 2 - 5: \$28,684 per year, September 30, 2019 -September 29, 2023. The maximum compensation for the recommended agreement with CHC is \$136,256; distributed as follows: Year 1: \$21,524 (March 12, 2019 - September 29, 2023) and Years 2 - 5: \$28,683 per year, September 30, 2019 - September 29, 2023. Sufficient appropriations and estimated revenues are included in the Department's Org 5620 FY 2018-19 Adopted Budget and will be included in subsequent budget requests. The recommended grant award allows for full reimbursement of indirect costs; the current rate for FY 2018-19 is 25.42%.

#### DISCUSSION:

On September 27, 2016, the Board approved Agreement No. 16-589 with CDPH to fund the NEOP grant program from October 1, 2016 through September 30, 2019. The program provides nutrition education, policy, and systems and environmental change in six targeted communities: Parlier, Sanger, Reedley, Kerman, West Fresno, and Lowell.

The recommended revenue agreement will allow the Department to expand and fill gaps in current NEOP activities in the six target communities and implement the following five overarching strategies:

1. Develop a healthy meeting policy for local government agencies and assist small retail vendors in adopting healthy food service guidelines.
2. Promote compliance with Federal lactation accommodation laws in targeted worksites.
3. Work with ECE partners to improve physical activity and nutrition content in professional development trainings, and work with ECE sites to increase adoption of nutrition and physical activity standards.
4. Increase community physical activity by supporting the development or implementation of pedestrian, bicycle, or transportation plans, and supporting Safe Routes to School program activities that promote family and community physical activity.
5. Collaborate with State-level partners in transportation and planning to include obesity, chronic disease prevention, and health equity in transportation policy.

Additionally, on December 13, 2016, the Board approved Agreement Nos. 16-697 with CHC and 16-698 with FCSS through September 29, 2019, to implement required scope of work activities as contractors for the NEOP program. Based on the existing partnerships and work being done through current agreements with both FCSS and CHC, the Department has determined that both are uniquely qualified partners to continue the nutrition education and policy, systems and environmental change efforts already in progress. Both already perform similar activities for the Department's existing NEOP program and will be able to seamlessly add to their objectives to fulfill the proposed scope of work activities.

The County will work with FCSS and CHC to ensure the completion of all project activities, including coordination with other agencies, development of project materials, development and provisions of in-services and trainings, and assist in gathering data for the community assessment and overall program evaluation. The recommended agreements will provide nutrition and activity standards, implement food service guidelines and Federal lactation accommodation laws and are supportive of ongoing work in the NEOP program.

The recommended agreement with FCSS contains non-standard hold harmless language to mutual indemnity rights. County Counsel has approved the legal form of the recommended agreement.

Approval of the recommended revenue agreement and the two related proposed agreements is necessary to complete the grant scope of work activities.

REFERENCE MATERIAL:

BAI #36, December 13, 2016  
BAI #41, September 27, 2016

ATTACHMENTS INCLUDED AND/OR ON FILE:

Sole Source Acquisition Request  
Suspension of Competition Acquisition Request  
On file with Clerk - Revenue Agreement with CDPH  
On file with Clerk - Agreement with Fresno County Superintendent of Schools  
On file with Clerk - Agreement with California Health Collaborative

CAO ANALYST:

Sonia M. De La Rosa