County of Fresno

Hall of Records, Rm. 301
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Fresno, California
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Legislation Details (With Text)

File #:	19-1010		

On agenda:	10/8/2019	**Final action:**	10/8/2019
Enactment date:		**Enactment #:**	Agreement No. 19-513

Title: Make a finding that it is in the best interest of the County to waive the competitive bidding process under Administrative Policy No. 34 under the "unusual or extraordinary circumstances" exception and authorize the Chairman to execute an Agreement with the State of California Employment Development Department for the procurement of confidential wage and benefit information related to the collection of court ordered debt, effective September 1, 2019 through August 31, 2022 for a maximum amount of $5,136; and, approve and authorize the Chairman to execute the standard, State-provided Contractor Certification Clause 307 and Indemnity Agreement

Attachments: 1. Agenda Item, 2. Suspension of Competition Form, 3. Contractor Certification Clause 307, 4. Agreement No. A-19-513

Date	Ver.	Action By	Action	Result
10/8/2019	1	Board of Supervisors	Approved (Consent Agenda)	Pass

DATE: October 8, 2019

TO: Board of Supervisors

SUBMITTED BY: Oscar J. Garcia, CPA, Auditor-Controller/Treasurer-Tax Collector

SUBJECT: Agreement with the State of California Employment Development Department (EDD)

RECOMMENDED ACTION(S):
Make a finding that it is in the best interest of the County to waive the competitive bidding process under Administrative Policy No. 34 under the "unusual or extraordinary circumstances" exception and authorize the Chairman to execute an Agreement with the State of California Employment Development Department for the procurement of confidential wage and benefit information related to the collection of court ordered debt, effective September 1, 2019 through August 31, 2022 for a maximum amount of $5,136; and

Approve and authorize the Chairman to execute the standard, State-provided Contractor Certification Clause 307 and Indemnity Agreement

Approval of the recommended action will allow the Revenue Collections unit of the Auditor-Controller/Treasurer-Tax Collector (ACTTC) Department to obtain information that will assist in the collection of delinquent accounts owed to the County of Fresno at no increase in net County cost. The Contractor Certification Clause 307 (CCC 307) is required and certifies County compliance with certain State requirements such as non-discrimination, conflict of interest, and Americans with Disabilities Act requirements. The Indemnity Agreement is also required and provides that the County will indemnify the Employment Development Department for misuse of information that the County receives under the recommended Agreement.

ALTERNATIVE ACTION(S):

The alternative is to forgo the use of resources available from the State of California Employment Development Department (EDD). This will result in less opportunity for the collection of delinquent accounts and will increase the probability of some debts remaining uncollected, and ultimately being subject to a request by the ACTTC for discharge from accountability for collection under Government Code section 25257.

SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

It is requested that the County waive the competitive bidding process under Administrative Policy No. 34 under the "unusual or extraordinary circumstances" exception as EDD is the only vendor suited, equipped, and authorized to provide confidential wage and benefit information related to the collection of court ordered debt. Purchasing supports this justification to waive the competitive bidding process.

FISCAL IMPACT:

There is no additional net County cost associated with the recommended actions. Sufficient appropriations exist in the FY 2019-20 Adopted Budget of Organization 0410. Costs incurred as a result of using these services are fully reimbursable from the revenues generated through the resulting collection actions. The total maximum cost of the three year Agreement is based on the rate structure developed by the State of California Employment Development Department and is calculated on quarterly totals of social security numbers submitted to EDD. Sufficient appropriations will be included in each fiscal year budget to fund the Agreement activities. These charges will cover the provision of abstract information such as employer address, client address, wages, current unemployment and disability claims, and State administrative expenditures.

DISCUSSION:

EDD collects and maintains employment data that may assist the Revenue Collections Unit. The County agrees to use the confidential information provided by EDD for the purpose of assisting in the collection of monies owed to the County by any person who has been directed by State mandate or court order to pay restitution, fines, penalties, assessments, or fees as a result of a violation of law. The County must request and use the specified information in accordance with Section 1463.007 of the Penal Code and Section 1095(n)(1) of the California Unemployment Insurance Code. The Revenue Collections Unit has obtained EDD information in the past.

The procurement of current employment information will allow the Revenue Collections Unit to update debtor demographics and locate individuals. It also allows the Revenue Collections Unit to enforce collections through various means, including: the transfer of updated debtor information to the Franchise Tax Board for their Federal Tax Intercept or Court Ordered Debt programs; and the enforcement of wage garnishment judgments.

The Agreement and CCC 307 are required as a condition of receiving confidential information regarding wages, unemployment and disability claims, and employer and client addresses.

REFERENCE MATERIAL:

BAI #22, November 17, 2015 - Agreement No. 15-582

ATTACHMENTS INCLUDED AND/OR ON FILE:

Suspension of Competition Form
Contractor Certification Clause 307
On file with the Clerk - EDD AGT-M0112278

CAO ANALYST:

Debbie Paolinelli