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(ITEM) A resolution/ordinance by Supervisor Lipscomb, Sr., to confirm the Purchase of Service contracts issued on an emergency basis for the operation of the Wisconsin Home Energy Assistance Program in the Department of Health and Human Services, and delete emergency purchase provisions found in Chapters 32 and 56 of the Milwaukee County Code of General Ordinances, by recommending adoption of the following:

A RESOLUTION/ORDINANCE

WHEREAS, Section 46.09 of the Milwaukee County Code of General Ordinances (the Code) requires the approval of the Milwaukee County Board of Supervisors (County Board) for the purchase of human services from nongovernmental vendors and therefore, the Director of the Department of Health and Human Services (DHHS) requested authorization to enter into 2015-2016 Purchase of Service contracts with community organizations for the operation of the Wisconsin Home Energy Assistance Program (WHEAP) within the Management Services Division (MSD); and

WHEREAS, based on a 2015 DHHS Request for Proposals (RFP), the DHHS Director recommended Purchase of Service contracts with Community Advocates, Inc., and United Migrant Opportunity Services, Inc. (UMOS), to operate the Energy Assistance Program for Milwaukee County; and

WHEREAS, the 2015-16 funding for the agency contracts is included in the three-year (Federal Fiscal Year [FFY]16-FFY18) State WHEAP contract; and

WHEREAS, the revenue available to fund these contracts as well as County staff and administrative overhead costs is included in the State WHEAP contract, estimated to be \$2,549,703; and

WHEREAS, the contract recommendations are within the limits of relevant 2015 State/County contracts and the 2015 Adopted Budget and 2016 Requested Budget; and

WHEREAS, DHHS announced its intent to award the contracts to the recommended vendors on April 29, 2015, after a competitive RFP process and scoring by an evaluation panel, and the two vendors were confirmed after a Chapter 110 review panel directed that a new, diverse evaluation panel re-score the RFP submissions; and

WHEREAS, the County Board approved an alternative plan to maintain and enhance services under the WHEAP contracts at the July 30, 2015, County Board meeting; and

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WHEREAS, on August 3, 2015, instead of implementing the adopted policy, the department claimed to exercise emergency contracting authority under Section 32.28 of the Code and the DHHS issued contracts to Community Advocates, Inc., and UMOS for the Energy Assistance Program, subject to a \$100,000 spending cap pending full approval by the County Board, as noted by the Comptroller and Corporation Counsel; and

WHEREAS, notwithstanding the use of Section 32.28 of the Code in this instance, recent changes in statutory contract authority made references to emergency purchasing powers in the County ordinances neither useful nor appropriate; and

WHEREAS, the Committee on Finance, Personnel, and Audit, at its meeting of September 17, 2015, recommended adoption of this resolution/ordinance (vote 4-3-1); now, therefore,

BE IT RESOLVED, the Milwaukee County Board of Supervisors (County Board) hereby authorizes the Director, Department of Health and Human Services (DHHS), or his designee, to execute contracts with the following vendors for the following terms and amounts:

Community Advocates, Inc. (August 1, 2015, through September 30, 2016)	\$ 1,430,181
United Migrant Opportunity Services, Inc. (UMOS) (August 1, 2015, through September 30, 2016)	\$ 808,842
TOTAL	\$ 2,239,023

; and

BE IT FURTHER RESOLVED, the County Board hereby approves expenditures of up to \$100,000 that may have already been made on these contracts pursuant to the action of the DHHS Director, and

BE IT FURTHER RESOLVED, the DHHS Director, or his designee, is hereby authorized by the County Board to amend both the Community Advocates, Inc., and UMOS contracts for the same period upon receipt of any addenda received by Milwaukee County DHHS from the Wisconsin Department of Administration increasing the State/County contract for the operation of the Wisconsin Home Energy Assistance Program during Federal Fiscal Year 2016; and

BE IT FURTHER RESOLVED, the County Board hereby amends Chapters 32 and 56 of the Milwaukee County Code of General Ordinances by adopting the following:

86 **AN ORDINANCE**

87
88 The Board of Supervisors of the County of Milwaukee does ordain as follows:

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90 **SECTION 1.** Chapter 32 of the General Ordinances of Milwaukee County is amended
91 as follows:

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93 ~~32.28. - Emergency purchases.~~

94
95 ~~When immediate action is required to preserve property or protect life,~~
96 ~~health or welfare of persons, any department head is authorized to procure~~
97 ~~equipment, supplies and services directly in the open market. The procurement~~
98 ~~division shall be consulted and/or notified. Such action shall be reported, in~~
99 ~~writing, within forty-eight (48) hours after initial emergency action, in the county~~
100 ~~board, county executive and department of administration. Purchases and~~
101 ~~payments shall not be restricted by normal budget limitations. Appropriation~~
102 ~~transfers, if required, shall be initiated in accordance with fiscal procedures~~

103
104 32.33. - Encumbrance of funds.

105
106 ~~Except for an emergency as identified in section 32.28, n~~No order for
107 supplies, materials, equipment or contractual services shall be awarded until the
108 division of fiscal affairs certifies that the unencumbered balance in the
109 appropriation(s) concerned is sufficient to defray the cost of such order.

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111 **SECTION 2.** Chapter 56 of the General Ordinances of Milwaukee County is amended
112 as follows:

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114 56.30(4)(b)(3)(b)

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116 For a professional services contract with a value of fifty thousand dollars
117 (\$50,000.00) or more, approval by the county board is required. Such approval
118 may take place as part of the county board's adoption of the annual county
119 budget. If approval does not take place as part of the adopted budget, then
120 review by the appropriate county board standing committee and approval by the
121 county board is required. ~~If immediate action is required to preserve property or~~
122 ~~protect life, health and welfare of persons, county board approval may be waived,~~
123 ~~provided such action shall be reported, in writing, within forty-eight (48) hours~~
124 ~~after initial emergency action, to the county board, the county executive and~~
125 ~~department of administration.~~

126
127 **SECTION 3.** The provisions of these amended ordinances shall be effective upon
128 passage and publication.

129
130 jmj
131 09/17/15
132 S:\Committees\2015\Sept\FPA\Resolutions\15-628.docx