



PLANNING AND DEVELOPMENT DEPARTMENT

DATE: May 29, 2020

TO: Wilma Quan, City Manager
Office of the City Manager

THROUGH: Jennifer Clark, Director
Planning and Development Department

Thomas Morgan, Housing and Community Development Manager
Planning and Development Department

BY: Erika Lopez, Senior Management Analyst

SUBJECT: Request for City Manager's Approval of the Suspension of Competitive Procurement Requirements for the Award of HUD HOPWA-CV funds during the COVID-19 Pandemic Emergency

The City of Fresno has received an allocation of \$92,574 in U.S. Department of Housing and Urban Development (HUD) Housing Opportunities for Persons with AIDS/HIV Coronavirus (HOPWA-CV) funding. HUD has also issued several waivers, suspensions and flexibilities to accelerate the response to COVID-19 pandemic and is urging the City to make HOPWA-CV investments as part of its response as rapidly as possible. This memorandum outlines the basis for suspending certain competitive procurement requirements during the COVID-19 emergency.

Applicable Federal Procurement Standard

Federal Regulations (2 CFR 200.330) allow the City of Fresno to make subawards to subrecipients provided the Federal funding is for a public purpose specified in the authorizing statute, and as long as the award does not provide goods or services for the benefit of the City. In these instances, funding awards are not "procurement contracts" and do not trigger Federal procurement requirements. The public purposes under this HOPWA-CV award allow for:

- assisting HOPWA eligible households in accessing essential services and supplies such as food, water, medications, medical care, and information;
- educating assisted households on ways to reduce the risk of getting sick or spreading infectious diseases such as COVID-19 to others;
- providing transportation services for eligible households, including costs for privately-owned vehicle transportation when needed, to access medical care, supplies, and food or to commute to places of employment;

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- providing nutrition services for eligible households in the form of food banks, groceries, and meal deliveries;
- providing lodging at hotels, motels, or other locations to quarantine HOPWA-eligible persons or their household members; and
- providing short-term rent, mortgage, and utility (STRMU) assistance payments to prevent homelessness of a tenant or mortgagor of a dwelling for a period of up to 24 months.

State of California Suspension of Competitive Bidding for COVID-19 Response

On March 4, 2020, the Governor of California issued a Proclamation of a State of Emergency that, amongst other provisions, "suspended.....competitive bidding requirements.....to the extent necessary to address the effects of COVID-19." The public purposes stated above are consistent with and meet the State of California standard for suspending competitive bidding.

Finding by the City Manager

As noted above, both the federal government and State of California have suspended the competitive bidding requirements for HOPWA-CV funding due to the COVID-19 pandemic. The City of Fresno has declared a state of emergency as a result of the COVID-19 pandemic. The City's procurement policies require a competitive solicitation process for HOPWA-CV funding, except when the City Manager makes a finding that an exception exists to the competitive solicitation process. As a result of the COVID-19 pandemic exigent circumstances exist to bypass the competitive solicitation process for HOPWA-CV funding.

The City Manager further authorizes the designation of a qualified and experienced HOPWA subrecipient to provide the services identified above to HOPWA program beneficiaries.

Approved:



Wilma Quan, City Manager

6/3/2020
Date