

**CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS**  
**Policy Session Worksheet**

**Presentation Date:** 2/2/21    **Approximate Start Time:** 3:30pm    **Approximate Length:** 30 min

**Presentation Title:** Adult Foster Care Special Procurement

**Department:** Finance/Health Housing & Human Services

**Presenters:** George Marlton, Mary Rumbaugh

**Other Invitees:** Angela Brink

**WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?**

Discussion of Behavior Health's coordination of adult foster care services and the need to obtain approval for a new class special procurement category.

**EXECUTIVE SUMMARY (why and why now):**

The Behavior Health Division of Health, Housing and Human Services ("Department") manages the Adult Foster Care Program that coordinates the placement and ongoing monitoring of adults in foster homes/facilities and provides the service payment for those individuals not eligible for Medicaid. The Program services are delivered to individuals with chronic or severe mental illness who are in need of further stabilization in a licensed care setting for the potential of transitioning to an integrated setting. Foster services are delivered in a family home or facility with five or fewer individuals receiving program services. The purpose of the Program is to maintain the individual at his or her maximum level of functioning or to improve the individual's skill to the extent that he or she may live more independently.

To the maximum extent possible, the Program desires to contract with adult foster homes/facilities that are willing to agree to the Program terms. For those reasons, Procurement and the Department are seeking approval to establish a new class special procurement category that will enable the department to contract for these services in an expedient and cost effective manner. The new class special procurement category will allow the department to directly negotiate contracts with adult foster homes/facilities located in Clackamas County without the need to conduct a competitive procurement process.

**FINANCIAL IMPLICATIONS (current year and ongoing):**

Is this item in your current budget?     YES     NO

What is the cost? \$N/A

What is the funding source? N/A

Creation of a class special procurement does not have any fiscal impacts.

**STRATEGIC PLAN ALIGNMENT:**

Aligns with the Department and County goal of building public trust through good government and to keep vulnerable residents safe and healthy.

**LEGAL/POLICY REQUIREMENTS:**

ORS 279B.085 and LCRB C-047-0286 empowers the Board to establish new class special procurement categories. Under ORS 279B, a class special procurement exemption may be authorized if: 1) it is unlikely to encourage favoritism in the awarding of public contracts or to substantially diminish competition for public contracts; and 2) is reasonably expected to result in substantial cost savings to the contracting agency or to the public; or otherwise substantially promote the public interest in a manner that could not practicably be realized by complying with

standard procurement requirements. The Board will be required to hold a hearing and adopt findings that show the requirements above are satisfied.

**PUBLIC/GOVERNMENTAL PARTICIPATION:**

A public notice will be published to provide the public an opportunity to be heard on the issue.

**OPTIONS:**

1. Move forward with the class special procurement exemption process, including scheduling a hearing and presenting a class definition and findings to the Board for adoption at a future business meeting.
2. Move forward with the class special procurement exemption process as laid out in Option 1, with any modifications or additional considerations required by the Board.
3. Do not move forward with the exemption process.

**RECOMMENDATION:**


Staff respectfully requests the Board move forward with Option 1 above and allow the class exemption process to move forward, including scheduling a hearing and presenting findings to the Board for adoption at a future business meeting.

**ATTACHMENTS:**

See draft public notice for additional background.

**SUBMITTED BY:**

Division Director/Head Approval 

Department Director/Head Approval 

County Administrator Approval \_\_\_\_\_

For information on this issue or copies of attachments, please contact George Marlon @ [gmarlton@clackamas.us](mailto:gmarlton@clackamas.us)



**George Marlton**  
County Procurement Officer

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Procurement Division  
Public Services Building  
2051 Kaen Road, Oregon City, Or 97045

**Notice of Class Special Procurement  
Adult Foster Care Homes  
February XX, 2021**

In accordance with ORS 279B.085 and Local Contract Review Board Rule (“LCRB”) C-047-0286, the County intends to establish a class special procurement for Adult Foster Care Homes.

LCRB C-047-0286 allows the County to declare a class special procurement so that it may conduct an alternative procurement process for entering into a series of contracts over time or for multiple projects. A class special procurement may be authorized if: 1) it is unlikely to encourage favoritism in the awarding of public contracts or to substantially diminish competition for public contracts; and 2) is reasonably expected to result in substantial cost savings to the contracting agency or to the public; or otherwise substantially promote the public interest in a manner that could not practicably be realized by complying with standard procurement requirements.

The Behavior Health Division of Health, Housing and Human Services (“Department”) manages the Adult Foster Care Program (“Program”). The Program coordinates the placement and ongoing monitoring of adults in foster homes/facilities. To the maximum extent possible, the County desires to contract with adult foster homes/facilities that are willing to agree to the Program terms.

A class special procurement is appropriate for these contracts because the alternative approach will not encourage favoritism as it will not exclude any providers that are willing to contact with the County. In addition, the home/facility and the placed individual make the primary determination if the placement is mutually agreeable.

Approval of a class special procurement will result in significant program savings by avoiding a lengthy and costly procurement process that would end in the same result as a formal procurement. In addition, the exemption allows for the expedient transition of individuals from higher cost institutions. The exemption will also provide other benefits by creating an environment in the County that is focused on placement of individuals in homes/facilities that are the best fit for the individual.

If approved, the County will enter into multi-year contracts with providers that allow for the quick placement of individuals as needed.

In accordance with ORS 279B.400 and LCRB C-047-0700, a person may protest this class special procurement by submitting a protest to George Marlton, County Procurement Officer via email at [gmarlton@clackamas.us](mailto:gmarlton@clackamas.us) within seven (7) calendar days of the date of this Notice.


# Policy Session Worksheet - Adult Foster Care FINAL1


Final Audit Report

2021-01-19


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