

# First 5 Commission of San Diego

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**Subject: Contract Extensions**

Policy Number: F5C-021

Effective Date: October 8, 2021

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## **Purpose**

To establish a policy and provide guidelines for extending the terms and/or funding of contracts for services.

## **Background**

The California Health and Safety Code Section 130140(d)(4)(B) requires county First 5 Commissions to adopt, in a public hearing, contracting and procurement policies that are consistent with State law. In addition, the Health and Safety Code Section 130151(b)(1) requires that the Commission's contracting and procurement policies contain provisions to ensure that its grants and contracts are consistent with the Commission's Strategic Plan.

As specified in its Strategic Plan, the First 5 Commission of San Diego (Commission) is accountable to the public for the allocation of its funds. The Commission has adopted policies regarding contracting and procurement to serve as guidance, as well as to provide basic information to the public.

This policy on Contract Extensions pertains to all Commission contracts, in compliance, receiving funds to provide services to children, families, communities, and the Commission.

Commission approval for contract extensions is required for additional option periods and funding beyond what was originally approved as a contract award. The corresponding financial spending plan and annual operating budget approval satisfies this requirement.

For additional background, policy F5C-003: Commission Funding Process outlines in greater detail risk assessment and mitigation procedures that Commission staff perform.

## **Policy**

Commission approval is required for additional option periods, or additional funding beyond the term of a contract.

## **Procedures**

1. To be eligible for option year funding, a contractor must be in compliance with all Commission contract requirements and policies, including the following specific requirements:
  - Full compliance with the Commission's required reporting responsibilities,
  - Demonstration of expected progress in meeting the required performance measures and outcome objectives, and
  - Adherence to the general requirements of the contract's terms and conditions.
2. If it is determined, through the contract monitoring process, that a contractor is meeting or exceeding contract requirements, the Executive Director has the authority to approve the contract extension previously authorized by the Commission.

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3. If monitoring indicates that a contractor is out of compliance with contract obligations, Commission staff will follow procedures for corrective action. The corrective action process includes:
  - Documented meetings or other communications with the contractor to clarify and resolve compliance issues.
  - Provision of technical assistance, if appropriate.
  - Development of a plan for corrective action, including timeframes for correction, follow-up, and consequences for lack of improvement.
  - Assistance, if needed, from the HHS Agency Contract Support (ACS), the Agency Compliance Office (ACO), and/or County Counsel on issues of non-compliance and possible contract termination or other action.
4. If a corrective action is implemented late in the contract period and the contractor is showing reasonable progress in complying with the corrective action plan, the Executive Director has the authority to approve a contract extension previously approved by the Commission.
5. In cases where all steps of the corrective action process have been exhausted, and the contractor is not meeting contract requirements or other performance criteria, the Executive Director may determine that the contract is not eligible for a contract extension. In these instances, the Executive Director will provide an update to the Commission on the results of the contractor's performance status.
6. Commission approval is required for any additional contract option periods and funding beyond what was approved at the time of contract award. The financial spending plan and annual operating budget approval satisfies this requirement.
7. No-cost extensions to the term of a contract may be approved by the Executive Director.

Sunset Review: October 2024

Originally Approved: June 18, 2007 (9)

Revised: June 3, 2009 (1), June 4, 2012 (2), June 29, 2015 (2), April 2, 2018 (6)

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