

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

March 1, 2022

FROM

LEONARD X. HERNANDEZ, Chief Executive Officer, County Administrative Office

SUBJECT

Ratification Actions in Response to the Novel Coronavirus Pandemic

RECOMMENDATION(S)

Ratify the Chief Executive Officer's exercise of the authority granted by the Board of Supervisors on January 25, 2022 (Item No. 58), in approving the following actions in response to the worldwide health threat related to the Novel Coronavirus, or COVID-19:

1. Ratify Department of Public Health's **Amendment No. 2** to non-financial Memorandum of Understanding County **Contract No. 21-194** (State Agreement No. 20-10933) with the California Department of Public Health for Emergency Medical and Health Disaster Assistance relating to Case Investigation and Contact Tracing in San Bernardino County for COVID-19, updating program language including adding COVID-19 vaccination support and extending the agreement for an additional nine months, for a total agreement period of December 27, 2020 through June 30, 2022, executed by the Chief Executive Officer on February 1, 2022.
2. Ratify a Transfer of Appropriation from the Department of Public Health in the amount of \$400,000 for the Epidemiology and Laboratory Capacity Local Health Special Revenue Fund for equipment purchases to strengthen preparedness of the County's Public Health Laboratory, approved by the Chief Executive Officer on November 23, 2021.
3. Ratify the Department of Public Health's unbudgeted fixed asset purchase of a MALDI Biotyper sirius CA System from Bruker Scientific, LLC, for identification of bacteria, mycobacteria, fungi, and yeasts, to increase COVID-19 testing capabilities, in the amount of \$267,984, approved by the Chief Executive Officer on November 23, 2021.

(Presenter: Leonard X. Hernandez, Chief Executive Officer, 387-5417)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Operate in a Fiscally-Responsible and Business-Like Manner.

Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.

Focus on Recovery and Resiliency Following Major Emergency Responses such as the December 2, 2015 Terrorist Attack (SB Strong) and the Global COVID-19 Pandemic.

FINANCIAL IMPACT

Approval of the recommendations will not result in the use of additional Discretionary General Funding (Net County Cost). Sufficient appropriation, if necessary, as detailed below, will be included in the respective department's future recommended budgets.

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Recommendation No. 1

Ratification of the amendment to the Memorandum of Understanding (MOU) (County Contract No. 21-194) with the California Department of Public Health (CDPH) is non-financial in nature and as such, does not impact Discretionary General Funding (Net County Cost).

Recommendation Nos. 2 and 3

Ratification of Recommendation Nos. 2 and 3 will not result in the use of Discretionary General Funding (Net County Cost). The equipment purchases in an amount not to exceed \$400,000 is eligible for reimbursement through COVID-19 Epidemiology and Laboratory Capacity (ELC) Enhancing Detection Expansion Funding and does not require a local match. The Department of Public Health (DPH) utilized the Transfer of Appropriation (TA) funding mentioned in Recommendation No. 2 to purchase a MALDI Biotyper sirius CA System at a total cost of \$267,984, to strengthen laboratory testing and increase COVID-19 testing capabilities.

BACKGROUND INFORMATION

The COVID-19 virus originated in late 2019 and began spreading, initially, within China and then to other countries. On January 30, 2020, the World Health Organization declared the outbreak to be a “public health emergency of international concern”. This was followed on January 31, 2020 by the United States Human Services Secretary declaring a public health emergency.

On March 4, 2020, the State of California declared a state of emergency as a result of the COVID-19 outbreak due to the rising number of confirmed cases and anticipated complications for those infected, including potential deaths. On March 10, 2020, the County Public Health Officer declared a local health emergency to help ensure county government and the public were prepared for the possibility that COVID-19 would appear within the county. On March 10, 2020 (Item No. 75), the Board of Supervisors (Board) proclaimed the existence of a local emergency within San Bernardino County resulting from COVID-19, which causes infectious disease resulting in symptoms of fever, coughing and shortness of breath with outcomes ranging from mild to severe illness and in some cases, death.

In order to promote a coordinated and efficient response to needs that may arise from the COVID-19 pandemic, on March 24, 2020 (Item No. 67), the Board authorized the Chief Executive Officer (CEO) to execute or approve various actions related to purchases, contracts, donations, budget, including the approval of adoption of resolutions, through May 31, 2020, subject to ratification by the Board at the next available Board meeting. Due to the continued threat of COVID-19, on May 19, 2020 (Item No. 105) and later on June 23, 2020 (Item No. 124), July 28, 2020 (Item No. 72), August 25, 2020 (Item No. 71), September 29, 2020 (Item No. 79), October 27, 2020 (Item No. 96), November 17, 2020 (Item No. 99), December 15, 2020 (Item No. 80), January 26, 2021 (Item No. 67), February 9, 2021 (Item No. 75), March 9, 2021 (Item No. 53), April 6, 2021 (Item No. 51), May 18, 2021 (Item No. 101), June 22, 2021 (Item No. 119), July 27, 2021 (Item No. 62), August 24, 2021 (Item No. 62), September 21, 2021 (Item No. 51), October 26, 2021 (Item No. 84), November 16, 2021 (Item No. 72), December 14, 2021 (Item No. 72), and January 25, 2022 (Item No. 58), the Board extended this authority of the CEO through June 30, 2020, July 31, 2020, August 31, 2020, September 30, 2020, October 31, 2020, November 30, 2020, December 31, 2020, January 31, 2021, February 28, 2021, March 31, 2021, April 30, 2021, May 31, 2021, June 30, 2021, July 31, 2021, August 31, 2021, September 30, 2021, October 31, 2021, November 30, 2021, December 31, 2021, January 31, 2022, and March 31, 2022 respectively, subject to ratification by the Board at the next available Board meeting. The recommended actions will ratify the authority exercised by the CEO.

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Recommendation No. 1

This recommendation will ratify Amendment No. 2 to non-financial MOU (County Contract No. 21-194) with CDPH for Emergency Medical and Health Disaster Assistance relating to Case Investigation and Contact Tracing in San Bernardino County for COVID-19. The amendment to the MOU will allow for the continued partnership between CDPH and DPH and the provision of up to 165 State employees for COVID-19 Case Investigation and Contact Tracing (CICT) assistance at no cost to the County for an additional nine months through June 30, 2022. Since June 2020, CDPH has been providing CICT assistance to local health jurisdictions through the State's mutual aid system, free of charge.

CDPH, the lead department for the State program, California Connected, is tasked with, and responsible for, the deployment of the State's Disaster Service Workers to assist local public health jurisdictions with contact tracing efforts. The MOU established program-specific guidelines and expectations to meet the County's specific needs.

According to CDPH, safe and effective COVID-19 vaccines are one of the most important interventions to end the COVID-19 pandemic. With the introduction of multiple available COVID-19 vaccines, the extensive collaboration between the state, local health departments, and immunization coalitions, vaccination efforts have contributed to improvements in overall disease trends in the County. Case rates, test positivity, transmission rate, hospitalization, and Intensive Care Unit admissions continue to be fluid with the introduction of each COVID variant.

On March 9, 2021 (Item No. 18), the Board ratified approval of County Contract No. 21-194 for the non-financial MOU with CDPH for the provision of CICT assistance by State employees, for the period of December 27, 2020 through June 30, 2021, which was signed by the CEO on January 29, 2021.

On July 13, 2021 (Item No. 22), the Board ratified approval of Amendment No. 1 to County Contract No. 21-194 for the non-financial MOU with CDPH for CICT, extending the term for an additional three months through September 30, 2021, and updating program language clarifying duties of State employees to include preventing the spread of COVID-19 or supporting COVID-19 vaccination efforts, signed by the CEO on June 29, 2021.

Amendment No. 2 to the non-financial MOU with CDPH for continued CICT assistance is being presented to the Board at this time as the amendment was received from CDPH on September 28, 2021. Details of the amendment were finalized with the State in late November 2021. This is the first date available following required operational, fiscal, and legal reviews for presentation. Approval by the Board at this time will have no impact on DPH's contact tracing services.

County Counsel reviewed the MOU amendment on January 5, 2022, and it was approved by the CEO on February 1, 2022.

Recommendation No. 2

A TA was requested to align the County ELC Local Health Special Revenue Fund with State approved ELC grant budgets. In 2020-21, DPH received two ELC grants, Enhancing Detection and Enhancing Detection Expansion. After an extensive review and revision process, approval was obtained from the State on both grants. The focus of these grant opportunities has been expanded to support ELC's six Strategies that include: (1) enhancing laboratory, surveillance, informatics and other workforce capacity; (2) strengthening laboratory testing; (3) advancing electronic data exchange at Public Health labs; (4) improving surveillance and reporting of Electronic Health Data; (5) using laboratory data to enhance investigation, response and

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prevention; and (6) coordinating/engaging partners to improve the infrastructure at the County's Public Health Laboratory.

The TA was necessary due to State requested revisions made to the original ELC grant spending plans in 2020-21. The increase in grant budget equipment line items, combined with minimal equipment budget usage in 2020-21, required revisions to be made to the current 2021-22 DPH budget in order to align appropriation balances with approved ELC grant spending plans. Due to a lengthy approval process by the State, DPH was unable to complete the purchase of multiple COVID-19 related equipment items until 2021-22. In order to facilitate these equipment purchases, DPH required a \$400,000 increase in expenditure authority for equipment within the current year budget.

Using authority delegated by the Board to the CEO on October 26, 2021 (Item No. 84), DPH requested the TA to move \$400,000 from Vehicles to Equipment. The TA to move \$400,000 from Vehicles to Equipment was approved by the CEO on November 23, 2021.

Recommendation No. 3

DPH had identified an immediate need to procure a Bruker MALDI Biotyper sirius CA System (MALDI) for the San Bernardino County Public Health Laboratory. This equipment will have an immediate impact in improving patient care and the ability of the department to respond to the public health emergency by expanding capacity to quickly, accurately, and safely test for SARS-CoV-2, the virus that causes COVID-19. The MALDI system utilizes technology that can rapidly identify bacteria, mycobacteria, fungi, and yeasts. The MALDI is quickly becoming an essential technology for public health laboratories. It is important that the DPH Laboratory stay current with newer scientific technology to better support our mission and focus.

There is an immediate need for this equipment as the DPH Laboratory currently identifies infectious agents using outdated labor-intensive technologies including identification methods that will be discontinued in the next year. Methods presently utilized by the DPH laboratory have a high supply cost and may take days to weeks to finalize. These delays affect patient care and rapid response to public health emergencies.

This item is funded through the use of the ELC Grant and DPH has received approval to proceed with the purchase from the State (ELC Staff at the California Department of Public Health) and the Centers for Disease Control and Prevention on October 20, 2021. The purchase of this equipment supports Strategy 2 of the ELC Expansion work plan to strengthen laboratory testing by establishing and expanding capacity to quickly, accurately and safely test for SARS-CoV-2 and build infectious disease preparedness for future coronavirus and other events involving other pathogens with potential for broad community spread.

Using authority delegated by the Board to the CEO on October 26, 2021 (Item No. 84), DPH requested to purchase an unbudgeted fixed asset valued over \$10,000. Purchase of the MALDI in the amount of \$267,984 was approved by the CEO on November 23, 2021. This equipment has been purchased and is currently pending delivery to DPH.

PROCUREMENT

Recommendation No. 1

Procurement is not applicable to Agreement No. 2 to the non-financial MOU (County Contract No. 21-194) with CDPH for Emergency Medical and Health Disaster Assistance relating to Case Investigation and Contact Tracing in San Bernardino County for COVID-19. These emergency

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medical and health disaster assistance services relating to CICT are provided at no cost by CDPH.

Recommendation No. 2

Procurement is not applicable to the Transfer of Appropriation action.

Recommendation No. 3

DPH requested the non-competitive procurement of the MALDI equipment based on timing constraint to efficiently respond to needs arising from the COVID-19 pandemic. The existing quote for the MALDI was set to expire on December 31, 2021. Following CEO approval of the request to purchase a previously unbudgeted fixed asset, a Purchase Order was established and approved through Purchasing prior to the expiration date of the quote.

The Purchasing Department supports the procurement of this testing equipment and concurs with the non-competitive justification of timing constraint.

REVIEW BY OTHERS

This item has been reviewed by Human Services Contracts (Patty Steven, HS Contracts Manager, 388-0241) on February 14, 2022; County Counsel (Julie Surber, Principal Assistant County Counsel; Adam Ebright, Deputy County Counsel, 387-5455) on February 17, 2022; Purchasing (Bruce Cole, Supervising Buyer, 387-2418) on February 14, 2022; Finance (Paul Garcia, Administrative Analyst, 386-8392; and Stephenie Shea, Administrative Analyst, 387-4919) on February 17, 2021; and County Finance and Administration (Cheryl Adams, Deputy Executive Officer, 388-0238; and Valerie Clay, Deputy Executive Officer, 387-3076) on February 17, 2022.

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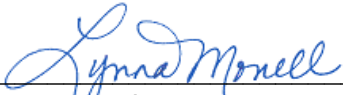
Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Dawn Rowe

Ayes: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: March 1, 2022



cc: PH- Shin w/agree for sign
Contractor- C/O PH w/agree
File- w/agree

LA 03/3/2022