

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

May 24, 2022

**FROM**

**JOSHUA DUGAS, Director, Department of Public Health**

**SUBJECT**

Amendment to Contract with EqualTox, LLC for the Purchase, Onsite Administration, and Processing of COVID-19 Test Kits

**RECOMMENDATION(S)**

Approve **Amendment No. 2** to **Contract No. 21-765** with EqualTox, LLC for continuation of COVID-19 testing services, updating contract language to directly communicate test results to the employee, reimburse background clearance costs to the County, utilize alternative authorized diagnostic tests, add base salary payroll for testing staff, and add Attachment C - Business Associate Agreement, with no change to the contract amount not to exceed \$5,000,000, and extending the contract term for an additional year, for the total contract period September 17, 2021 through June 29, 2023.

(Presenter: Joshua Dugas, Director, 387-9146)

**COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

**Provide for the Safety, Health and Social Service Needs of County Residents.**

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

**FINANCIAL IMPACT**

This item will not result in the use of Discretionary General Funding (Net County Cost). This contract for test kits and processing services, in an amount not to exceed \$5,000,000, with approximately \$2,100,000 expended as of March 20, 2022, is eligible for reimbursement through the Coronavirus Response and Relief Supplemental Appropriation Act of 2021 – Epidemiology and Laboratory Capacity (ELC) Enhanced Detection Expansion, if no other COVID-19 related federal or state funding is available. Adequate appropriation and revenue have been included in the Department of Public Health's (DPH) 2021-22 budget and will be included in future recommended budgets.

**BACKGROUND INFORMATION**

The recommended contract amendment with EqualTox, LLC (EqualTox) will allow the County to continue to comply with the California Department of Public Health (CDPH), State Public Health Officer's Order of February 22, 2022, for certain unvaccinated or incompletely vaccinated employees in high-risk settings. These settings include, but are not limited to, acute health care settings, skilled nursing facilities, long-term care facilities, intermediate care facilities, detention health care settings, and workers in schools, who are required to undergo, at a minimum, weekly diagnostic testing. This contract allows the County to meet the aforementioned requirements, and should the State's requirements be removed, the

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termination option listed in the contract will be exercised in conjunction with lifting of current employee testing requirements.

Under the existing contract, EqualTox has been providing diagnostic testing in 51 County testing locations, and based on the last updated County manifest, approximately 2,788 County employees are required to test, (with some having multiple visits per week), pursuant to the State Public Health Officer's Order and CDPH guidelines.

The recommended contract amendment with EqualTox will allow for continued provision, administration, and processing of BinaxNow Rapid Antigen Test kits for the designated testing sites, as well as direct reporting of test results to the County employee, supporting compliance with the State Public Health Officer's Order. EqualTox will continue to work with County Human Resources (HR) and DPH, to coordinate employee testing at facilities countywide. The recommended amendment also extends the term of the contract for an additional year through June 29, 2023, with no change to the contract amount.

EqualTox's performance will be monitored by review of monthly reports and an annual site visit to ensure compliance with the administrative, program, and fiscal terms and conditions of the contract. EqualTox will cooperate with the County in the implementation, monitoring and evaluation of this contract and comply with any and all reporting requirements established by this contract. EqualTox's charges must be for services provided to eligible beneficiaries under this funded program. The County reserves the right to request additional program and/or fiscal reports to facilitate this monthly review. The contract may be terminated without cause by the County with 30 days written notice.

**PROCUREMENT**

On October 26, 2021 (Item No. 31), the Board of Supervisors (Board) ratified Contract No. 21-765 with EqualTox to purchase, provide onsite administration, and processing of COVID-19 test kits to control and suppress SARS-CoV-2 and COVID-19, in an amount not to exceed \$5,000,000, effective upon execution through January 31, 2022, executed by the Chief Executive Officer on September 17, 2021. The contract included the option to extend one additional year upon mutual agreement by all parties.

On December 7, 2021 (Item No. 20), the Board ratified Amendment No. 1 to Contract No. 21-765 with EqualTox for continuation of COVID-19 testing services, updating contract language to directly communicate test results to County employees, reimburse background clearance costs to the County, utilize alternative authorized diagnostic tests, and add base salary payroll for testing staff, with no change to the contract amount not to exceed \$5,000,000, and extending the term through June 30, 2022, for the total contract period September 17, 2021 through June 30, 2022, executed by the Chief Executive Officer on November 2, 2021. The contract amendment included the option to extend one additional year upon mutual agreement by all parties.

**REVIEW BY OTHERS**

This item has been reviewed by Human Services Contracts (Patty Steven, Contracts Manager, 388-0241) on May 3, 2022; County Counsel (Adam Ebright, Deputy County Counsel, 387-5455) on May 5, 2022; Finance (Paul Garcia, Administrative Analyst, 386-8392) on May 3, 2022; and County Finance and Administration (Cheryl Adams, Deputy Executive Officer, 388-0238) on May 10, 2022.

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Record of Action of the Board of Supervisors  
San Bernardino County

**APPROVED (CONSENT CALENDAR)**

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

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: May 24, 2022



cc:   PH- Shin w/agree  
      Contractor- C/O PH w/agree  
      File- w/agree  
LA    06/2/2022