

THE INFORMATION IN THIS BOX IS NOT A PART OF THE CONTRACT AND IS FOR COUNTY USE ONLY



**Contract Number**

21-765 A-1

**SAP Number**

## Department of Public Health

**Department Contract Representative  
Telephone Number**

Michael Shin, HS Contracts  
(909) 386-8146

**Contractor  
Contractor Representative  
Telephone Number  
Contract Term  
Original Contract Amount  
Amendment Amount  
Total Contract Amount  
Cost Center**

EqualTox, LLC  
Dr. Ali Kohzad  
(714) 598-7467  
Upon Execution thru June 30, 2022  
Not to Exceed \$5,000,000  
\$0  
Not to Exceed \$5,000,000  
9300002759

**IT IS HEREBY AGREED AS FOLLOWS:**

### **AMENDMENT NO. 1:**

It is hereby agreed to amend Contract No. 21-765, effective upon execution, as follows:

### **SECTION I. CONTRACTOR RESPONSIBILITIES**

**Add Paragraphs M through O to read as follows:**

- M. Provide all test results [BionaxNow Rapid Antigen Test, Real-Time PCR Test, and/or other alternative authorized Federal Drug Administration (FDA) Emergency Use Authorization (EUA) antigen diagnostic tests for SARS-CoV-2] directly to the Testee via secured online portal, email, or both.
- N. Reimburse the County in full, all costs associated with Department of Justice (DOJ) background check clearance for all EqualTox employees conducted by the County.
- O. Utilize alternative authorized FDA EUA antigen diagnostic tests for SARS-CoV-2 only with advanced written approval from the County prior to use.

#### **SECTION IV. FISCAL PROVISIONS**

##### **Amend Paragraph A to read as follows:**

- A. The maximum amount of reimbursement under this Contract shall not exceed a total of \$5,000,000, and shall be subject to availability of funds to the County. The consideration to be paid to Contractor, as provided herein, shall be in full payment for all Contractor's services and expenses incurred, per the pricing indicated below, including travel and per diem, not to exceed a total of \$5,000,000.
- \$21,250.00 per week Base Salary Payroll for all EqualTox Testing Staff for all County Testing Sites. The County will notify the vendor in writing if additional testing sites are needed, and the vendor will submit adjusted Base Salary Payroll proposal to the County for approval.
  - \$17.50 per SARS-CoV-2 BinaxNow Rapid Antigen Test collection kit and processing (if purchased through EqualTox). The minimum number of tests the County will reimburse Contractor for will be equal to the number of tests documented in the weekly County manifest report.
  - \$10.00 per SARS-CoV-2 BinaxNow Rapid Antigen Test collection kit and processing (if test kit is supplied by the County) or other antigen diagnostic test approved by Public Health.
  - \$90.00 per test for positive individuals to be tested with SARS-CoV-2 (COVID-19 NAAT) RNA RT-PCR test (via nasopharyngeal or saliva).
  - Administration fee of \$150.00 per location per day.

#### **SECTION VII. TERM**

##### **Amend Section VII. Term to read as follows:**

This Contract amendment is effective upon execution by both parties through the expiration date of June 30, 2022, but may be terminated earlier in accordance with provisions of Section VIII of the Contract. The Contract term may be extended beyond the expiration date not to exceed a total of one (1) additional year, by mutual agreement of the parties.

IN WITNESS WHEREOF, the San Bernardino County and Contractor have each caused this Contract to be subscribed by its respective duty authorized officers, on its behalf.

SAN BERNARDINO COUNTY

►   
Leonard X. Hernandez, Chief Executive Officer

Dated: 11/2/2021

EQUALTOX, LLC

(Print or type name of corporation, company, contractor, etc.)

By ►   
Ali Kohzad, PharmD  
0E8E380EBC3E4BE  
(Authorized signature - sign in blue ink)

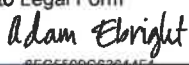
Name Ali Kohzad, PharmD.  
(Print or type name of person signing contract)

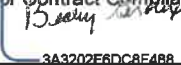
Title Chief Operating Officer  
(Print or Type)

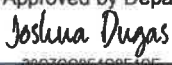
Dated: November 1, 2021

Address 1562 Parkway Loop, Suite B  
Tustin, CA 92780

**FOR COUNTY USE ONLY**

Approved as to Legal Form:  
►   
Adam Ebright, Deputy County Counsel  
8F6C699C63814F...  
Date November 1, 2021

DocuSigned by:  
Reviewed for Contract Compliance  
►   
Becky Giroux, HS Contracts Manager  
3A3202F6DC8E488  
Date November 1, 2021

DocuSigned by:  
Reviewed/Approved by Department  
►   
Joshua Dugas, Director  
3887688F489F40E...  
Date November 1, 2021



## County of San Bernardino DELEGATED AUTHORITY – DOCUMENT REVIEW FORM

This form is for use by any department or other entity that has been authorized by Board of Supervisors/Directors action to execute grant applications, awards, amendments or other agreements on their behalf. All documents to be executed under such delegated authority must be routed for County Counsel and County Administrative Office review prior to signature by designee.

**Note: This process should NOT be used to execute documents under a master agreement or template, or for construction contract change orders. Contact your County Counsel for instructions related to review of these documents.**

Complete and submit this form, along with required documents proposed for signature, via email to the department's County Counsel representative and Finance Analyst. If the documents proposed for signature are within the delegated authority, the department will submit the requisite hard copies for signature to the County Counsel representative. Once County Counsel has signed, the department will submit the signed documents in hard copy, as well as by email, to CAO Special Projects Team for review. If approved, the department will be provided routing instructions as well as direction to submit one set of the executed documents to the Clerk of the Board within 30 days.

**For detailed instructions on submission requirements, reference Section 7.3 of the Board Agenda Item Guidelines as the Delegation of Authority does not eliminate the document submission requirements.**

Department/Agency/Entity: Department of Public Health

Contact Name: Alicia Flowers

Telephone: (909) 665-0726

Agreement No.: 21-765 Amendment No.: 1 Date of Board Item 10/26/21 Board Item No.: 31

Name of Contract Entity/Project Name: EQUALTOX, LLC

Explanation of request/Special Instructions:

PLEASE SEE ATTACHED.

**Insert check mark that the following required documents are attached to this request:**

- ☒ Documents proposed for signature (Note: For contracts, include a signed non-standard contract coversheet for contracts not submitted on a standard contract form).
- ☒ Board Agenda item that delegated the authority

<b>Department Routed to County Counsel</b>	County Counsel Name: Adam Ebright	Date Sent: 11/1/21
<b>Reviewing County Counsel Use Only</b>	Review Date <u>11/2/2021</u>  Signature	<b>Determination:</b> <input checked="" type="checkbox"/> Within Scope of Delegated Authority <input type="checkbox"/> Outside Scope of Delegated Authority
<b>CAO-Special Projects Use Only</b>	Review Date <u>11/3/2021</u>  Signature	<b>Disposition:</b> <input checked="" type="checkbox"/> Route for signature to: ___ Chair <input checked="" type="checkbox"/> CEO ___ Department ___ Return to Department for preparation of agenda item

## DELEGATED AUTHORITY DOCUMENT REVIEW FORM

Department: Department of Public Health

Agreement No.: 21-765

Amendment No.: 1

Date of Board Item: 10/26/2021

Board Item No.: 31

Name of Contract Entity/Project Name: EQUALTOX, LLC

### Explanation of Request/Special Instructions:

Under the extended authority delegated to the CEO on October 26, 2021 (Item No. 84) by the Board of Supervisors, the Department of Public Health is requesting approval and execution of a contract amendment between San Bernardino County and EqualTox, LLC, effective upon execution through June 30, 2022. This contract amendment will be subject to ratification by the Board at the next available Board meeting.

The recommended contract amendment with EqualTox, LLC will provide an extension to the term from January 31, 2022 to June 30, 2022, for continued provision, processing, and onsite administration of SARS-CoV-2 test kits at designated testing sites throughout the County, as well as direct reporting of test results for unvaccinated or partially vaccinated County employees. This recommendation will comply with the State Public Health Officer's order. This amendment also includes additional language that will allow for the use of alternative authorized FDA Emergency Use Authorization antigen diagnostic test kits, cost reimbursement by EqualTox, LLC for DOJ LiveScans conducted by the County, direct reporting of test results to the County employee and payment of \$21,250 per week Base Salary Payroll for EqualTox, LLC testing staff.