

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

December 7, 2021

**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 initially on March 24, 2020 (Item No. 67), and extended on May 19, 2020 (Item No. 105), 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), and November 16, 2021 (Item No. 72), and the Chief Executive Officer's exercise of authority for non-standard terms for contract purchases granted by the Board of Supervisors on November 17, 2020 (Item No. 98), January 26, 2021 (Item No. 68), February 9, 2021 (Item No. 76), March 9, 2021 (Item No. 54), April 6, 2021 (Item No. 52), May 18, 2021 (Item No. 102), June 22, 2021 (Item No. 120), July 27, 2021 (Item No. 63), August 24, 2021 (Item No. 63), September 21, 2021 (Item No. 52), October 26, 2021 (Item No. 83), and November 16, 2021 (Item No. 73), in approving the following actions in response to the worldwide health threat related to the Novel Coronavirus, or COVID-19:

1. Ratify Arrowhead Regional Medical Center's **Amendment No. 2** to the California Contracted Medical Staff Services **Agreement No. 20-1246** with the California Emergency Medical Services Authority for the provision of additional medical staffing resources in response to the COVID-19 pandemic, updating staff hourly rates, adding clarifying language to overtime and holiday payment requirements, and increasing the contract amount by \$2,000,000, from \$3,000,000 to an aggregate not to exceed \$5,000,000, with no change to the contract term of December 1, 2020 until the Governor declares an end to the State of Emergency declared on March 4, 2020, approved by the Chief Executive Officer on November 10, 2021.
2. Ratify the Department of Public Health's **Amendment No. 1 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, and add base salary payroll for testing staff, with no change to the total contract amount not to exceed \$5,000,000, and extending the term from January 31, 2022 through June 30, 2022, for the total contract period September 17, 2021 through June 30, 2022, approved by the Chief Executive Officer on November 2, 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.**

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

**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), as detailed below. Sufficient appropriation, if necessary, as detailed below, will be included in the respective department's future recommended budgets.

**Recommendation No. 1**

Approval of this recommendation will not result in the use of Discretionary General Funding (Net County Cost). The additional cost of \$2,000,000 is funded by State Medi-Cal, Federal Medicare, private insurances, and other departmental revenues. Funding sources may change in the future pending any legislative activity related to the repeal and/or replacement of the Affordable Care Act. Approval of the necessary appropriation and revenue adjustments are not requested at this time but will be included in a future quarterly countywide budget report presented to the Board of Supervisors (Board) for approval, if necessary.

**Recommendation No. 2**

Approval of this recommendation 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 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. Adjustment to the Department of Public Health's (DPH) 2021-22 budget is not requested at this time but may be included on a future quarterly countywide budget report presented to the Board for approval, if necessary.

**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 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

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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), and November 16, 2021 (Item No. 72), 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, and December 31, 2021 respectively, subject to ratification by the Board at the next available Board meeting. The recommended actions will ratify the authority exercised by the CEO.

### Recommendation No. 1

This recommendation will ratify Amendment No. 2 to the California Contracted Medical Staff Services Agreement with California Emergency Medical Services Authority, which provides Arrowhead Regional Medical Center (ARMC) with continued access to medical staffing resources to mitigate personnel shortages as a result of the COVID-19 pandemic. The second amendment specifically replaces Attachment A to update staffing hourly rates, clarifies overtime and holiday pay requirements, and increases the contract amount by \$2,000,000, to cover pending invoices and future staffing resources, if needed.

In response to the COVID-19 pandemic, the Governor issued a Proclamation of State of Emergency dated March 4, 2020, and Executive Order N-25 dated March 12, 2020. In accordance with the Emergency Declaration and Executive Order, the State has established the California Health Corps to ensure adequate staff for treatment sites experiencing staffing impacts due to the pandemic. As a result, the agreement with California Emergency Medical Services Authority allows ARMC to request staff from the State in various classifications.

On December 15, 2020 (Item No. 36), the Board ratified Agreement No. 20-1246 with California Emergency Medical Services Authority, which was effective upon signature by the CEO on December 1, 2020, for medical staffing resources to respond to the COVID-19 pandemic, remaining in effect until the Governor declares an end to the State of Emergency declared on March 4, 2020, in an amount not to exceed \$3,000,000.

On February 9, 2021 (Item No. 23), the Board ratified Amendment No. 1 to Agreement No. 20-1246 to provide an updated Exhibit A to the Contracted Medical Staff Services Agreement to include additional classifications and rate increases, with no change to the total contract amount not to exceed \$3,000,000, or the contract term.

County Counsel has reviewed Amendment No. 2 to Agreement No. 20-1246 with the California Emergency Medical Services Authority and it was signed by the CEO on November 10, 2021.

### Recommendation No. 2

The recommended contract amendment with EqualTox, LLC (EqualTox) will allow the County to continue to comply with the California Department of Public Health, State Public Health Officer's Order, for unvaccinated or incompletely vaccinated employees to undergo diagnostic testing. Employees must be tested at least once weekly with either polymerase chain reaction (PCR) testing or antigen testing to satisfy the State's requirement.

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EqualTox is a Clinical Laboratory Improvement Amendments of 1988 (CLIA) certified, full reference medical laboratory providing the BinaxNow Rapid Antigen tests and PCR testing. BinaxNow Rapid Antigen tests provide results within 15 minutes and are best used as a screening tool due to the quick results, followed by a PCR test for confirmation of a positive test. Alternative authorized Federal Drug Administration (FDA) Emergency Use Authorization (EUA) antigen diagnostic tests may also be utilized to comply with the State Health Officer's Order. Under the existing contract, EqualTox has been providing diagnostic testing in 60 County testing locations, approximately 108 events, and approximately 3,300 tests a week to County employees, per the State Public Health Officer's Order.

The recommended contract amendment with EqualTox will allow for continued provision, administration, and processing of BinaxNow Rapid Antigen Test kits to 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. Additional language has been included for reimbursement of Department of Justice background clearance costs to the County, as well as utilization of alternative FDA EUA antigen tests. The fiscal provisions were revised to include a base salary payroll for EqualTox testing staff for all County testing sites, with no change to the total cost of the contract. The recommended amendment also extends the term of the contract for an additional five months through June 30, 2022.

EqualTox will continue to work with County Human Resources (HR), DPH, and the Office of Emergency Services to coordinate employee testing at facilities Countywide. EqualTox provides a portal that tracks and stores results of the tests administered, with access to test results provided to contacts designated by HR, and provides education and training to HR staff in the use of the results portal. Testing information is stored and shared in accordance with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule pertaining to the protected health information of tested individuals.

On October 26, 2021 (Item No. 31), the Board ratified Contract No. 21-765 with EqualTox for COVID-19 testing services in a total amount not to exceed \$5,000,000, effective upon execution through January 31, 2022. This contract was executed by the CEO on September 17, 2021.

County Counsel reviewed Amendment No. 1 to Contract No. 21-765 with EqualTox, LLC, and it was signed by the CEO on November 2, 2021.

### **PROCUREMENT**

#### **Recommendation No. 1**

Procurement is not applicable to Recommendation No. 1, relating to the agreement for the provision of additional medical staffing resources in response to the COVID-19 pandemic. These staffing resources are provided by the State through an agreement with the California Emergency Medical Services Authority.

#### **Recommendation No. 2**

Procurement is applicable to Recommendation No. 2, relating to the contract for COVID-19 testing services. The State-mandated weekly COVID-19 testing for unvaccinated and incompletely vaccinated employees in specific settings. Contract No. 21-765 with EqualTox supports the County in meeting requirements of this mandate by providing COVID-19 testing and results to the County and tested employees. The Purchasing Department supports this procurement of testing services as EqualTox was able to immediately supply the testing, adequate staffing, and administrative support for all of the County testing sites in order for the

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County to meet the required State mandate for employee COVID-19 testing. Purchasing concurs with the non-competitive justification of timing constraint.

**REVIEW BY OTHERS**

This item has been reviewed by Human Services Contracts (Becky Giroux, Contracts Manager, 388-0241) on October 27, 2021; County Counsel (Julie Surber, Principal Assistant County Counsel, 387-5455; Adam Ebright, Deputy County Counsel, 387-5455; and Charles Phan, Deputy County Counsel, 387-5455) on November 22, 2021; Purchasing (Bruce Cole, Supervising Buyer, 387-2148) on November 17, 2021; Finance (Paul Garcia, Administrative Analyst, 386-8392; Yael Verduzco, Administrative Analyst, 387-5285; and Stephenie Shea, Administrative Analyst, 387-4919) on November 22, 2021; County Administrative Office (Daniel Munoz, Deputy Executive Officer, 388-5807) on October 27, 2021; and County Finance and Administration (Cheryl Adams, Deputy Executive Officer, 388-0238 and Matthew Erickson, County Chief Financial Officer, 387-5423) on November 21, 2021.

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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: December 7, 2021



cc: File - Emergency/COVID-19  
File - w/agree  
CCM 12/10/2021