

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

September 14, 2021

FROM

TERRY W. THOMPSON, Director, Real Estate Services Department – Project Management

SUBJECT

Continuation of Emergency Related to Procurement of Emergency Projects Necessary to Prevent or Address the Effects of COVID-19

RECOMMENDATION(S)

Continue the finding, first made by the Board of Supervisors on April 21, 2020, that there is substantial evidence the state and local emergency, created by COVID-19 and declared by the Governor of California on March 4, 2020, and the San Bernardino County Board of Supervisors on March 10, 2020, necessitated an emergency declaration pursuant to Public Contract Code Section 22050, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, and essential public services, and did not permit the delay resulting from a formal competitive solicitation of bids to procure construction services for projects necessary to prevent or address the effects of COVID-19, and delegating authority to the Chief Executive Officer to direct the Purchasing Agent to issue purchase orders and/or contracts, in a total amount not to exceed \$10,000,000, for any emergency construction and modifications of internal and external structures on behalf of Arrowhead Regional Medical Center related to COVID-19, and finding that the issuance of these purchase orders and/or contracts is necessary to respond to this emergency pursuant to Public Contract Code Sections 22035 and 22050 (Four votes required).

(Presenter: Terry W. Thompson, Director, 387-5000)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

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

FINANCIAL IMPACT

Continuing the finding of this emergency will not result in the use of Discretionary General Funding (Net County Cost). On August 11, 2020 (Item No. 44), the Board of Supervisors (Board) established a budget of \$6,000,000 for the Arrowhead Regional Medical Center (ARMC) Negative Pressure Ventilation Project (Project). \$4,000,000 of the previously approved overall emergency budget of \$10,000,000, remains unallocated. The costs associated with addressing or preventing the effects of COVID-19 will be potentially reimbursed by the Federal Coronavirus Aid Relief, and Economic Security (CARES) Act funds or other funding sources if CARES Act funding is unavailable. No budget adjustments are requested at this time, but will be presented to the Board for consideration at a future date as projects are identified.

BACKGROUND INFORMATION

On April 21, 2020 (Item No. 58), the Board issued a finding that there is substantial evidence of the COVID-19 Pandemic, which resulted in the declaration of state and local emergencies, is an emergency pursuant to Public Contract Code Section 22050, requiring immediate action to

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prevent or mitigate the loss or impairment of life, health, property, and essential public services, and will not permit the delay resulting from a formal competitive solicitation of bids to procure construction services for projects necessary to prevent or address the effects of COVID-19. Additionally, on April 21, 2020 (Item No. 58), the Board approved a recommended budget of \$10,000,000 to be utilized for emergency construction and modifications of internal and external structures to meet the needs of the COVID-19 emergency that will potentially be reimbursed by federal and state emergency funds, and approved Resolution No. 2020-43 authorizing the Purchasing Agent, subject to Chief Executive Officer approval, to issue purchase orders and/or contracts, in a total amount not to exceed \$10,000,000, for any emergency construction and modifications of internal and external structures on behalf of ARMC related to COVID-19, and finding that the issuance of these purchase orders and/or contracts is necessary to respond to this emergency pursuant to Public Contract Code Sections 22035 and 22050.

Following the Board's original findings and authorizations on April 21, 2020 (Item No. 58), one project, the ARMC Negative Pressure Ventilation Project (Project), was approved, and submitted for Board ratification on August 11, 2020 (Item No. 44). The purpose of the Project was to prevent the spread of COVID-19 at the ARMC, by ensuring that floors 4, 5 and 6 maintain proper negative pressurization between patient rooms, hallways, common areas and isolation room. In December 2020, the COVID-19 surge impacted the Project making on-site work difficult, primarily because of the significant increase in the number of COVID-19 patients. For the health and safety of patients, staff, and contractors, construction on the Project was temporarily suspended, though off-site work continued. Due to downward trends in COVID-19 patient counts, on-site work resumed in early April 2021. Construction related to the ARMC Negative Pressure Ventilation Project was completed on August 31, 2021.

Continuation of the emergency finding is recommended as ARMC considers whether additional project(s) are necessary to address the effects of COVID-19 given the emergence of the Delta variant, the increase in COVID-19 patients at ARMC, current questions as to the duration of vaccine efficacy, and the unpredictability of COVID-19 impacts. Emergencies related to Public Contract Code Section 22050, once ordered, must be affirmed at each subsequent meeting until terminated. The recommended action will meet this requirement.

PROCUREMENT

No additional procurement activities are required for the Project.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Katherine Hardy, Deputy County Counsel, 387-5455) on August 19, 2021; Purchasing Department (Patrick Scalzitti, Interim Director, 387-2073) on August 20, 2021; Arrowhead Regional Medical Center (Andrew Goldfrach, Chief Operating Officer, 580-6170) on August 19, 2021; Real Estate Services Department – Project Management (Kevin Ryan, Assistant Director, 387-5000) on August 19, 2021; Real Estate Services Department (Jennifer Costa, Assistant Director, 387-5000) on August 20, 2021; Finance (Wen Mai, Principal Administrative Analyst, 387-4020) on August 23, 2021; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on August 26, 2021.

(MV: 387-5225)

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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: September 14, 2021



cc: File- Emergency/Covid-19

LA 09/21/2021