

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

October 26, 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), and September 21, 2021 (Item No. 51) and 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), and September 21, 2021 (Item No. 52) for non-standard contract terms for purchases, in approving the following actions in response to the worldwide health threat related to the Novel Coronavirus, or COVID-19:

1. Ratify **Contract No. 21-765** with EqualTox, LLC that provides purchase, onsite administration, and processing of COVID-19 test kits to control and suppress SARS-CoV-2 and COVID-19, for a total not to exceed \$5,000,000, effective upon execution through January 31, 2022, executed by the Chief Executive Officer on September 17, 2021.
(Presenter: Leonard X. Hernandez, Chief Executive Officer, 387-5417)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Promote the Countywide Vision.

Create, Maintain and Grow Jobs and Economic Value in the County.

Improve County Government Operations.

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

Ensure Development of a Well-Planned, Balanced, and Sustainable County.

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

Pursue County Goals and Objectives by Working with Other Agencies.

FINANCIAL IMPACT

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 – ELC Enhanced Detection Expansion, if no other COVID-19 related federal or state funding is available. Approval of adjustment to the

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Department of Public Health's (DPH) 2021-22 budget is not requested at this time, but will be included on a future quarterly countywide budget report presented to the Board of Supervisors (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 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), and September 21, 2021 (Item No. 51), 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, and October 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.

Per California Department of Public Health, State Public Health Officer's Order, unvaccinated or incompletely vaccinated employees are required 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.

Equaltox, LLC (EqualTox) is a Clinical Laboratory Improvement Amendments of 1988 (CLIA) certified, full reference medical laboratory. EqualTox provides 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.

The recommended contract with EqualTox provides purchase, processing, and onsite administration of SARS-CoV-2 BinaxNow Rapid Antigen Test kits to designated testing sites

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throughout the County for county employees, supporting compliance with the State Public Health Officer's Order. EqualTox will work with Human Resources (HR), DPH and the Office of Emergency Services to coordinate employee testing at facilities countywide. EqualTox will provide a portal that will track and store results of the tests administered, with access to results of tests provided to Point of Contacts (POC) designated by HR, as well as provide education and training to HR staff in the use of the results application and results portal. Testing information will be handled in accordance with the Health Insurance Portability and Accountability Act Privacy Rule pertaining to the protected health information of tested individuals. EqualTox test administration will help support the County's employee testing efforts through January 31, 2022.

On September 17, 2021, pursuant to his Board-delegated authority, the CEO executed the recommended contract with EqualTox effective upon execution through January 31, 2022. DPH recommends ratification of the CEO's approval of the contract to ensure compliance with the State Public Health Officer's Order regarding employee COVID-19 testing.

County Counsel reviewed the contract on September 17, 2021, and it was approved by the CEO on September 17, 2021.

PROCUREMENT

The State of California mandated weekly COVID-19 testing to unvaccinated and incompletely vaccinated employees in specific settings. The requirements of this mandate are satisfied by the recommended contract. EqualTox will provide COVID-19 testing to County employees as well as supply adequate staffing for testing administration.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Julie Surber, Principal Assistant County Counsel, 387-5455, and Adam Ebright, Deputy County Counsel, 387-5455) on October 14, 2021; Purchasing (Leo Gomez, Purchasing Manager, 387-2063) on September 29, 2021; Finance (Paul Garcia, Administrative Analyst, 386-8392, and Stephenie Shea, Administrative Analyst, 387-4919) on October 13, 2021; County Administrative Office (Daniel Munoz, Deputy Executive Officer, 388-5807) on September 29, 2021; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423, and Tanya Bratton, Deputy Executive Officer, 388-0322) on October 13, 2021.

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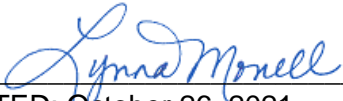
Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Col. Paul Cook (Ret.)

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: October 26, 2021



cc: File - w/agree

CCM 10/27/2021