

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

October 26, 2021

FROM

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

SUBJECT

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

RECOMMENDATION(S)

Terminate the original finding, first made by the Board of Supervisors on April 21, 2020 (Item No. 58), 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

Termination 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. There are no additional costs associated with the termination of the emergency. 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.

BACKGROUND INFORMATION

Approval of this item will terminate the emergency finding made by the Board on April 21, 2020 (Item No. 58), that there was substantial evidence of the COVID-19 Pandemic, which resulted in the declaration of state and local emergencies, was an emergency pursuant to Public Contract

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Code Section 22050, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, and essential public services, and would 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 would potentially be reimbursed by federal and state emergency funds, and approved Resolution No. 2020-43 authorizing the Purchasing Agent, subject to Chief Executive Officer (CEO) 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 found that the issuance of these purchase orders and/or contracts was 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 Project was to prevent the spread of COVID-19 at 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.

Emergencies related to Public Contract Code Section 22050, once ordered, must be affirmed at each subsequent meeting until terminated. The recommended termination will meet this requirement.

PROCUREMENT

Consistent with the emergency findings, the Real Estate Services Department – Project Management (RES-D-PM) engaged Mesa Energy Systems, Inc. (Mesa) for the Project. On August 11, 2020 (Item No. 44), the Board ratified the construction contract with Mesa which was executed by CEO on July 15, 2020. On December 17, 2020, Change Order No. 1 was issued under authority delegated to the Director of RES-D pursuant to California Public Contract Code Section 20142. Change Order No. 1, in the amount of \$19,489, extended the Contract Time by 90 days and compensated Mesa for related labor, materials and equipment costs due to COVID-19 related delays. On March 23, 2021 (Item No. 58), the Board approved (1) Amendment No. 1, increasing the contract amount by \$521,694, from \$2,832,574 to \$3,354,268, and extending the completion date from April 1, 2021 to August 31, 2021, for unforeseen conditions including additional CAV/VAV airflow-control box repairs, and allowed for completion of the work attributable to unforeseen conditions and COVID-19 caused delays during the surge, and (2) Change Order No. 2 increasing the total contract amount by \$43,374, from \$3,354,268 to \$3,397,642, to add negative pressure monitors at the nurses station.

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No additional Procurement activities are required.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Katherine Hardy, Deputy County Counsel, 387-5455) on October 18, 2021; Purchasing Department (Patrick Scalzitti, Interim Director, 387-2073) on October 18, 2021; Arrowhead Regional Medical Center (Andrew Goldfrach, Chief Operating Officer, 580-6170) on October 18, 2021; Real Estate Services Department – Project Management (Kevin Ryan, Assistant Director, 387-5000) on October 18, 2021; Real Estate Services Department (Jennifer Costa, Assistant Director, 387-5380) on October 18, 2021; Finance (Wen Mai, Principal Administrative Analyst, 387-4020) on October 18, 2021; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on October 18, 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: 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 - Emergency/COVID-19
CCM 11/2/2021