



San Bernardino County

Legislation Text

File #: 2892, Agenda Item #: 31

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

September 15, 2020

FROM

GARY McBRIDE, 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 to him 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) and August 25, 2020 (Item No. 71), in approving the following actions in response to the worldwide health threat related to the Novel Coronavirus, or COVID-19:

1. Authorize Purchasing Agent to increase Purchase Order No. 4100146490 for Arrowhead Regional Medical Center's Lease Agreement Addendum with Williams Scotsman, Inc. by \$1,790.29, from \$12,777.36 to \$14,567.65, for the addition of a ramp to a novel coronavirus patient screening trailer, with no change to the term of the lease agreement period of May 29, 2020 through November 26, 2020, approved by the Chief Executive Officer on August 10, 2020.
2. Approve Community Development and Housing's Agreement No. 20-677 with Community Action Partnership of San Bernardino County for the provision of food preparation and distribution services to income qualified households within the County of San Bernardino unincorporated areas and thirteen Community Development Block Grant participating cities, in an amount not to exceed \$250,000 for the period of August 1, 2020 through April 30, 2022, approved by the Chief Executive Officer on August 18, 2020.
3. Approve Community Development and Housing Department's Amendment No. 2 to Agreement No. 20-502 with Orange Show Hospitality Inc. for the provision of rooms to build isolation capacity as a response to COVID-19, extending the term of the agreement and increasing the hours per week for housekeeping/maintenance services, increasing the total cost of the agreement by \$202,000, from \$615,660 to an amount not to exceed \$817,660, effective August 6, 2020 through October 31, 2020, with an option to extend the agreement through December 31, 2020, signed by the Chief Executive Officer on August 18, 2020.
4. Direct the County Administrative Office to transmit all executed documents relating to the recommendations above to the Clerk of the Board within 30 days of execution.

(Presenter: Gary McBride, 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.
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 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 the item will not result in the use of Discretionary General Funding (Net County Cost). ARMC's expenses are normally funded by State Medi-Cal, Federal Medicare, private insurances, and departmental revenue. However, the addition of the ramp for the novel coronavirus patient screening trailer at a cost not to exceed \$1,790.29 which results from the COVID-19 pandemic, is eligible for and will require the County to use the Federal Coronavirus Aid, Relief and Economic Security (CARES) Act Coronavirus Relief Funds if no other COVID-19 related federal or state funding is available. Funding sources may change in the future pending any legislative activity related to the repeal and/or replacement of the Affordable Care Act.

Recommendation No. 2

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The County Food Assistance Program will be supported with \$250,000 of Community Development Block Grant - Coronavirus (CDBG-CV) funds provided by the Department of Housing and Urban Development (HUD). Adequate appropriation and revenue have been included in the Community Development and Housing (CDH) 2020-21 budget and will be included in future recommended budgets.

Recommendations No. 3

Approval of this amendment may result in the use of additional Discretionary General Funding (Net County Cost) in the event other sources from state or federal funding are not available. Funding for the cost of the amendment in the amount not to exceed \$202,000 may include Homeless Housing Assistance and Prevention funds for the Continuum of Care and the County of San Bernardino, Federal Emergency Management Agency (FEMA) financial assistance, California Homeless Emergency Aid Program funds, and/or Housing and Urban Development (HUD) funds, or other federal and/or state financial assistance. However, the cost of the Amendment resulting from the COVID-19 pandemic is eligible for and will require the County to use Federal CARES Act Coronavirus Relief Funds if no other COVID-19 related federal or state funding is available. If any of these sources of funding are not available, through authority granted to the CEO initially on March 24, 2020 (Item No. 67), that was then extended on May 19, 2020 (Item No. 105), June 23, 2020 (Item No. 124), July 28, 2020 (Item No. 72), and August 25, 2020 (Item No. 71) due to the continued threat of COVID-19, the Board authorized the CEO to approve allocations from the mandatory contingencies or the General Purpose Reserve as allowed under the County's declaration of an emergency, subject to ratification by the Board at the next available Board meeting. Should events require the use of additional Discretionary General Funding, a future item will be submitted to the Board for approval.

The cost of the Amendment includes the provision of 60 rooms at a daily rate of \$97.22 per room per day (or monthly rate of \$175,000), and housekeeping/maintenance staff rates charged by the hotel/motel at a rate of \$15 per hour for a maximum of 150 hours per week at the rate of \$2,250 per week.

BACKGROUND INFORMATION

The COVID-19 virus originated in Wuhan, China 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. Cases internationally, within the US and within California (as evidenced by the Governor's Proclamation) continue to rise.

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 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) and August 25, 2020 (Item No. 71), the Board extended this authority of the CEO through June 30, 2020, July 31, 2020, August 31, 2020, and September 30, 2020 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

ARMC secured two trailers from Williams Scotsman, Inc. (Willscot) to be used at its McKee Family Health Clinic for COVID-19 screening prior to patient admittance into the clinic. The trailer has two doors with one designated as an entrance and the other door designated as an exit in accordance with public health guidelines related to social distancing. However, only one ramp was provided, which puts the County out of compliance with American Disabilities Act (ADA) requirements, as both doors need to be ADA accessible. Purchasing approved and executed the original lease agreement prior to the adoption of County Policy 11-05 Non-Standard Contract Language; per County Policy 11-05, due to non-standard county terms in the Addendum, Board of Supervisors approval is now required.

The Addendum lacks the County's standard provisions relating to insurance and the prohibition of assignment. The lack of these terms means that Willscot may be able to assign the agreement to a debarred entity and the County will not receive the insurance protections generally expected of contracts with vendors. Lastly, the Addendum contains an indemnification clause that requires the County to defend and indemnify Willscot from claims arising from the use of the ramp, or the County's failure to strictly comply with regulatory guidelines or applicable laws. By agreeing to this indemnification, the County could be waiving certain defenses that would generally apply to claims against the County.

In order to receive the additional ramp for the remainder of the six-month lease period and ensure ADA compliance for patient care, ARMC recommends approval of the Addendum to the Lease Agreement with Willscot. County Counsel has reviewed the Addendum and it was signed by the CEO on August 10, 2020.

Recommendation No. 2

On May 19, 2020 (Item No. 109), the Board of Supervisors (Board) authorized a substantial amendment to the County's Fiscal Year (FY) 2015-2020 and FY 2019-2020 HUD Annual Action Plan that allowed the County to accept and utilize CDBG-CV funds to implement a countywide food assistance program. CDH will enter into an agreement totaling \$250,000 with Community Action Partnership of San Bernardino County (CAPSBC) to implement the countywide food assistance program to income-eligible households. CAPSBC provides technical assistance, training, and other resources to the local community in order for residents to achieve self-reliance and economic stability. Areas served by this program will include the unincorporated areas of the

county and the 13 participating cities of the CDBG Urban County Program. The 13 participating cities are: Adelanto, Barstow, Big Bear Lake, Colton, Grand Terrace, Highland, Loma Linda, Montclair, Needles, Redlands, Twentynine Palms, Yucaipa and the Town of Yucca Valley. County Counsel has reviewed the Agreement and it was signed by the CEO on August 18, 2020.

Recommendations No. 3

On May 19, 2020 (Item No. 44), the Board ratified the CEO's action to approve the Order of the County Executive Officer as Director of Emergency Services permitting the commandeering of property for temporary residences and medical facilities that was signed by the Chief Executive Officer on April 24, 2020. This was in accordance with the Governor's Executive Order N-25-20, under the authority of Article XI of the California Constitution; California Government Code Sections 8610, 8630, and 8634; and San Bernardino County Ordinance Nos. 4090 and 4091, the County initiated the Order of the Chief Executive Officer as Director of Emergency Services Permitting the Commandeering of Property for Temporary Residences and Medical Facilities (Order) to prepare the County to provide hotel/motel rooms and other places of temporary residence; medical facilities; and other facilities that are suitable for quarantining, isolating or treating individuals who test positive for COVID-19 or who have had a high-risk exposure and are thought to be in the incubation period, either through agreements, or by commandeering, if needed. On March 10, 2020 (Item No. 75), the County proclaimed the existence of a local emergency within San Bernardino County resulting from COVID-19.

Under the Government Code sections and Ordinances described above, in the event of a local emergency, the CEO, as the Director of Emergency Services is authorized to obtain equipment, supplies, and properties needed for the protection of life and property, whether through agreements, contracts or commandeering. The CEO exercised authority granted to him by the Board initially on March 24, 2020 (Item No. 67), that was then extended on May 19, 2020 (Item No. 105), June 23, 2020 (Item No. 124), July 28, 2020 (Item No. 72), and August 25, 2020 (Item No. 71) due to the continued threat of COVID-19, and on May 5, 2020 (Item No. 4), the Board ratified several hotel/motel agreements to provide rooms for essential workers, emergency responders or healthcare providers. On May 5, 2020 (Item No. 4), the Board also ratified Agreement No. 20-253 with the National Orange Show to establish a staging area, medical transport center and temporary alternate care site at the fairgrounds. Any temporary accommodations and alternate care facilities thus far have been established through agreements.

On June 23, 2020 (Item No. 125), the Board ratified an agreement with Orange Show Hospitality Inc. that was signed by the CEO on May 22, 2020 for the provision of rooms to build isolation capacity as a response to COVID-19, for the contract period of May 22, 2020 through August 22, 2020, in an amount not to exceed \$600,000. On July 14, 2020 (Item No. 24), the Board ratified Amendment No. 1 to this agreement by adding housekeeping/maintenance services for \$15,660 for a total contract amount not to exceed \$615,660. Amendment No. 2 extends the term of the agreement through October 31, 2020, and increases the maximum hours per week for housekeeping/maintenance services, from 87 hours to 150 hours per week, for a total agreement amount not to exceed \$817,660. The Amendment also adds an option to extend the contract through December 31, 2020.

County Counsel has reviewed the Amendment and it was signed by the CEO on August 18, 2020.

PROCUREMENT

Procurement is applicable to Recommendation No. 1, relating to lease agreement with Willscot. Per County Policy 11-04, the Purchasing Agent may approve competitive and non-competitive purchase of services where the annual aggregate cost, per scope of services, per vendor, per agency, does not exceed \$200,000 during a single annual period. On May 29, 2020, the Purchasing Agent approved Purchase Order No. 4100146490 with Willscot for the six-month lease term of May 29, 2020 to November 28, 2020, in an amount not to exceed \$12,777.36. County Purchasing recognizes the existing agreement as a valid non-competitive justification and supports the procurement of the additional ramp per the Lease Addendum to ensure ADA compliance.

Procurement is applicable to Recommendation No. 2 relating to Agreement No. 20-677 with CAPSBC. To expedite the procurement process for the County Food Assistance Program, CDH staff utilized a vendor previously selected by Human Services and the Department of Aging and Adult Services for its Elderly Nutrition Program. A formal solicitation was not conducted for the County Food Assistance Program. CAPSBC is recommended for the provision of food preparation and distribution services as they are the only agency with the ability to secure free food commodities from the regional food bank. CAPSBC also has the experience and administrative capacity in providing similar food assistance programs to County residents as well as previous experience working with various County departments and HUD regulations. CDBG funds will be used to purchase a vehicle to distribute foods to the service areas mentioned above, personnel costs, insurance and some consumable supplies. The Purchasing Department concurs with the justification for this non-competitive agreement.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Michelle Blakemore, County Counsel, 387-5455; Charles Phan, Deputy County Counsel, 387-5455; and Suzanne Bryant, Deputy County Counsel, 387-5455) on September 3, 2020; Purchasing Department (Laurie Rozko, Director, 387-2074 and Bruce Cole, Supervising Buyer, 387-2148) on August 31, 2020; Finance (Stephenie Shea, Administrative Analyst, 387-4919; Yael Verduzco, Administrative Analyst, 387-0294; and Kathleen Gonzalez, Administrative Analyst, 387-5285) on September 1, 2020; and Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on September 3, 2020.