



San Bernardino County

Legislation Text

File #: 3679, Agenda Item #: 23

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

February 9, 2021

FROM

LEONARD X. HERNANDEZ, Chief Executive Officer, County Administrative Office

SUBJECT

Ratification Actions and Budget Adjustment 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), and January 26, 2021 (Item No. 67) and on November 17, 2020 (Item No. 98) and January 26, 2021 (Item No. 68) 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. Approve Arrowhead Regional Medical Center's Amendment No. 1 to Agreement No. 20-1071 with CareFusion Solutions, LLC to increase the total contract amount by \$4,548, from \$3,190,682 to \$3,195,230, for the emergency short-term lease of automated pharmaceutical dispensing equipment for the COVID-19 patient care units, with no change to the five-year period following the County's acceptance of the system, executed by the Chief Executive Officer on January 12, 2021.
2. Approve Arrowhead Regional Medical Center's purchase of an unbudgeted fixed asset for a lift from MP Acquisition LLC d/b/a Mopec, including non-standard terms, in the amount of \$12,189, for utilization at Arrowhead Regional Medical Center's morgue, approved by the Chief Executive Officer on January 12, 2021.
3. Approve Arrowhead Regional Medical Center's Lease Agreement with Williams Scotsman, Inc. in the amount of \$150,722, for the provision of a temporary modular building in response to the COVID-19 pandemic in order to expand testing and/or treatment space, including non-standard terms, for a period of six months from acceptance of equipment, approved by the Chief Executive Officer on January 12, 2021.
4. Approve Amendment No. 1 to Arrowhead Regional Medical Center's Contracted Medical Staff Service Agreement with California Emergency Medical Services Authority, in an amount not to exceed \$3.0 million, for the provision of additional medical staffing resources in response to the COVID-19 pandemic, from 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 January 14, 2021.
5. Approve a rider to Arrowhead Regional Medical Center's Product Supply Agreement with Praxair Distribution, Inc. for the rental of a Surge System, in response to COVID-19, for provision of bulk medical gases at Arrowhead Regional Medical Center's expanded Emergency Department modules, at a cost of \$68,350, effective January 22, 2021 for a one-year period or until the Surge System is no longer needed, executed by the Chief Executive Officer on January 22, 2021.

6. Approve submission of the Community Development and Housing Department's non-competitive grant application, and concurrent acceptance of award terms, to receive a direct payment of \$52,023,225 from the U.S. Department of Treasury to fund the U.S. Treasury Emergency Rental Assistance Program, to assist qualified households unable to pay rent and utilities due to the COVID-19 pandemic, executed by the Chief Executive Officer on January 12, 2021.
7. Approve the submission of the Department of Public Health's staff services agreement request to the California Department of Public Health to obtain short-term healthcare personnel staffing assistance in response to COVID-19, in the estimated amount of \$1,847,383, from January 11, 2021 through June 30, 2021 or until the governor declares an end to the state of emergency declared on March 4, 2020, executed by the Chief Executive Officer on January 13, 2021.
8. Approve the Department of Public Health's Amendment No. 3 to County Contract No. 18-672 with Comprehensive Pharmacy Services, updating the scope to include COVID-19-related pharmacy services and increasing the total contract amount by \$363,000, from \$896,932 to \$1,259,932, effective January 6, 2021 for the total contract period of September 1, 2018 through August 31, 2021, executed by the Chief Executive Officer on January 22, 2021.
9. Direct the County Administrative Office to transmit all executed documents relating to the recommendations above, and Recommendation No. 10 to the Clerk of the Board within 30 days of execution.

Approve the following action related to Recommendation No. 6 above:

10. Authorize the Auditor-Controller/Treasurer/Tax Collector to post the necessary budget adjustments to the Community Development and Housing Department's 2020-21 Budget to establish budget authority to fund the costs associated with Recommendation No. 6 for the Emergency Rental Assistance Program, as detailed in the Financial Impact section (Four votes required).

(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 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). Adequate appropriation for the total cost of \$4,548 is included in the Arrowhead Regional Medical Center's (ARMC's) 2020-21 budget. The department, in coordination with County Finance, will monitor the potential availability of other funding sources, including the Coronavirus Aid, Relief, and Economic Security (CARES) Act, to potentially offset the cost of this agreement. In the absence of other funding sources, ARMC will fund the total cost of this agreement.

Recommendation No. 2

Approval of this recommendation will not result in the use of Discretionary General Funding (Net County Cost). Adequate appropriation for the total cost of \$12,189 is included in ARMC's 2020-21 budget. The department,

File #: 3679, Agenda Item #: 23

in coordination with County Finance, will monitor the potential availability of other funding sources, including the CARES Act, to potentially offset the cost of this agreement. In the absence of other funding sources, ARMC will fund the total cost of this agreement.

Recommendation No. 3

Approval of this recommendation will not result in the use of Discretionary General Funding (Net County Cost). Adequate appropriation for the total cost of \$150,722 is included in ARMC's 2020-21 budget. The department, in coordination with County Finance, will monitor the potential availability of other funding sources, including the CARES Act, to potentially offset the cost of this agreement. In the absence of other funding sources, ARMC will fund the total cost of this agreement.

Recommendation No. 4

Approval of this recommendation will not result in the use of Discretionary General Funding (Net County Cost). Adequate appropriation for the total cost not to exceed \$3,000,000 is included in ARMC's 2020-21 budget. The department, in coordination with County Finance, will monitor the potential availability of other funding sources, including the CARES Act, to potentially offset the cost of this agreement. In the absence of other funding sources, ARMC will fund the total cost of this agreement.

Recommendation No. 5

Approval of this recommendation will not result in the use of Discretionary General Funding (Net County Cost). Adequate appropriation for the cost of \$68,350 is included in ARMC's 2020-21 budget. The department, in coordination with County Finance, will monitor the potential availability of other funding sources, including the CARES Act, to potentially offset the cost of this agreement. In the absence of other funding sources, ARMC will fund the total cost of this agreement. The cost of the contract will be increased to \$1,248,350.

Recommendation Nos. 6 and 10

Approval of this item will not result in the use of any Discretionary General Funding (Net County Cost). Upon award of funding, the County will receive a direct payment from the U.S. Department of the Treasury (Treasury) of approximately \$52,023,225, which does not require a match. Approval of this item authorizes the Auditor-Controller/Treasurer/Tax Collector to post the following budget adjustments necessary to authorize expenditures, as detailed below:

Cost Center	Commitment G/L	Description	Action	Amount
6210002508	40509094	Federal-Grants	Increase	\$52,023,225
6210002508	52002000	Operating Expenses	Increase	\$2,861,277
6210002508	55405018	Internal Cost Allocation	Increase	\$2,341,045
6210002508	53003205	Public Assistance	Increase	\$46,820,903

Recommendation No. 7

Approval of this recommendation will not result in the use of Discretionary General Funding (Net County Cost). The proposed agreement, estimated at \$1,847,383, may be eligible for reimbursement through the CARES Act funding, if available. In addition, the Department of Public Health (DPH) anticipates receiving additional funding through the Coronavirus Response and Relief Supplemental Appropriations Act that was passed on December 27, 2020. Approval of the necessary budget adjustments to the Department of Public Health's (DPH) 2020-21 budget is not requested at this time, but will be included on a future Board Item presented to the Board of Supervisors (Board) upon approval of the staff service's agreement request by the California Department of Public Health.

Recommendation No. 8

Approval of this item will not impact Discretionary General Funding (Net County Cost). Additional funding in an amount not to exceed \$363,000 will be funded by CARES Act funding, if available. In addition, the Department of Public Health (DPH) anticipates receiving additional funding through the Coronavirus Response and Relief Supplemental Appropriations Act that was passed on December 27, 2020. Adequate appropriation and revenue have been included in the Department of Public Health's (DPH) 2020-21 budget and will be included in the 2021-22 recommended budget.

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), 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), and January 26, 2021 (Item No. 67) 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, and February 28, 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

The recommendation will ratify Amendment No. 1 to the Master Agreement including the Customer Order attachment, allowing for the addition of automated pharmaceutical dispensing cabinets and software to access and stock medications for patients in the Emergency Department COVID-19 Expansion Unit at ARMC. Automated dispensing cabinets are decentralized medication distribution systems that provide computer-controlled storage, dispensing, and tracking of medications. The cabinets provide secure storage in patient care units, along with electronic tracking of the use of narcotics and other controlled substances. The additional cabinets will ensure there is no delay in patient care and reduce the extra time it will take nursing staff to deliver medication to critical COVID-19 patients.

On October 27, 2020 (Item No. 18), the Board approved an Agreement with CareFusion Solutions, LLC in the amount of \$3,190,682 for the five-year period beginning on the first day of the month following the date of the County's acceptance of the system to provide automated pharmaceutical dispensing equipment, disposables, software licenses, accessories, and other related products and services.

County Counsel has reviewed Amendment No. 1 with CareFusion Solutions, LLC, and it was signed by the CEO on January 12, 2021.

Recommendation No. 2

The Mopec lift will be utilized at ARMC's Morgue overflow cold storage containers (containers). The lift will be used to safely transport decedents onto storage racks within the containers. The containers are being utilized as a way to alleviate ARMC's morgue storage capacity shortage, due to the increase in COVID-19 related deaths. The purchase of the lift will provide the safest method for ARMC staff to maneuver decedents inside the containers.

The Mopec Terms and Conditions are its standard terms and conditions, which includes terms that differ from the standard County contract and omits certain County standard contract terms. County Counsel reviewed the terms and conditions on January 7, 2021, and identified the non-standard and missing terms as identified in the attachment for Recommendation No. 2.

County Counsel has reviewed this request, and the CEO approved the acquisition and non-standard terms on January 12, 2021.

Recommendation No. 3

Approval of the recommendation will ratify the Lease Agreement for the rental of a modular building, which will provide ARMC with temporary space that can be configured to meet the needs of staff and patients during the COVID-19 pandemic. The modular provides a quick and efficient way to expand the total number of beds and help meet ARMC's diverse needs during the unprecedented, exponential surge in COVID-19 cases. The temporary facility is equipped with restrooms and Americans with Disabilities Act compliant access ramps.

The Lease Agreement differs from the County's standard contract and omits certain standard contract terms. The non-standard terms are included in the attachment for Recommendation No. 3.

County Counsel has reviewed Lease Agreement and non-standard terms, and they were signed by the CEO on January 12, 2021.

Recommendation No. 4

This recommendation will ratify Amendment No. 1 to update the cost structure to the California Contracted Medical Staff Services Agreement with California Emergency Medical Services Authority (State) to provide ARMC access to additional medical staffing resources to help mitigate staff shortages.

California is facing a pandemic arising from the spread of the COVID-19, including a surge in the number of people who are infected. In response to the 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.

The recommended amendment expands the available job classifications, updates the cost structure for staffing, and will allow ARMC to request additional staff from the State enabling ARMC to open additional surge beds to help alleviate some pressure from the Emergency Department.

County Counsel has reviewed Amendment No. 1 to the California Contracted Medical Staff Services Agreement with the State and it was signed by the CEO on January 14, 2021.

Recommendation No. 5

Approval of the recommendation will ratify the rider to the Product Supply Agreement with Praxair, which will allow ARMC to rent a temporary Surge System for the provision of medical gases to the expanded Emergency Department modules, which are being utilized due the increase in COVID-19 patients. The Surge System will hold and distribute medical gases (oxygen), which are used to assist and improve the respiratory functions of

patients.

The oxygen will be used to assist treating COVID patients. ARMC has seen an increase of 337% in this usage over the last couple of months, which has put a severe strain on the equipment used to generate and utilize the oxygen. The cost for this gas increase is approximately \$40,000 monthly. The request is for a one-time set up fee of \$68,350 for a trailer that will be used to alleviate the strain on the current equipment that distributes oxygen throughout ARMC.

County Counsel has reviewed the rider, and it was signed by Chief Executive Officer on January 22, 2021.

Recommendation Nos. 6 and 10

On January 5, 2021, the Treasury released information on the new \$25 billion Emergency Rental Assistance Program (ERAP) authorized under the federal year-end COVID-19 relief and omnibus spending package. Under the federal legislation, counties and cities with populations over 200,000 residents are eligible to receive payments from the Treasury to provide assistance for households that are unable to pay rent and utilities due to COVID-related impacts. On January 6, 2021, the Community Development and Housing Department (CDH) was notified about the Treasury's ERAP allocation of \$52,023,225 to the County of San Bernardino (County) with an application deadline of January 12, 2021. To accept the award and receive payment, the County was required to provide payment information and agree to the award's terms which was done on January 12, 2021 by the Chief Executive Officer. Funds were deposited on January 21, 2021.

Eligible households for ERAP assistance include those that:

1. Experienced a reduction in income, qualify for unemployment, incurred significant costs, or experienced a financial hardship due to COVID-19;
2. Demonstrate risk of experiencing homelessness or housing instability; and
3. Have a household income at or below 80 percent of the area median income, which is the midpoint of a region's income distribution.

Per the Treasury, prioritization shall be given to households with income at or below 50% of area median income and households that include an individual who has been unemployed for the 90 days prior to application for assistance.

Ninety-percent (90%) of the award funds must be used for direct financial assistance including rent, rental arrears, utilities and home energy costs, utilities and home energy costs arrears, and other expenses related to housing. The remaining ten percent (10%) of the funds are available for administrative costs and other housing stability services, including case management and other services intended to keep households stably housed. The funding is set to expire on December 31, 2021 and does not have a matching requirement. As a condition of the application, the County must comply with reporting obligations established by the Treasury as well as requirements set forth in Title V, Section 501 of the Consolidated Appropriations Act of 2021.

County Counsel reviewed the terms required by the Treasury and the Chief Executive Officer executed the application on January 12, 2021.

Recommendation No. 7

On January 8, 2021, the California Department of Public Health asked all counties in California to submit requests for resources needed to accomplish their goal of vaccinating 1 million individuals. The request was asked to be submitted via the Medical Health Operational Area Coordinator (MHOAC) process. San Bernardino County is asking for staffing support in order to increase the number of doses administered within the County.

County Counsel reviewed the staff services agreement request and it was signed by the Chief Executive

Officer on January 13, 2021.

Recommendation No. 8

Under the terms of the recommended amendment, DPH will continue to utilize Comprehensive Pharmacy Services (CPS) to assist with the implementation and maintenance of a Drug Assistance Program (340B) to ensure appropriate procedures and internal controls are developed and followed to maintain compliance with the required program mandates. In addition, CPS will assist DPH with maintaining and coordinating critical medical supplies related to COVID-19, by increasing Pharmacy staff. The associated Pharmacists, in conjunction with the Preparedness and Response Program, will oversee and manage the necessary medication and ancillary supplies for COVID-19 emergency response to fight the pandemic.

DPH currently operates Federally Qualified Health Centers which qualify as covered entities eligible for the 340B Program. Participation in the 340B Program enables DPH to obtain needed medication at lower costs for eligible clients who are underinsured or uninsured.

On August 21, 2018 (Item No. 37), the Board of Supervisors (Board) approved the non-competitive contract with CPS for a Pharmacy Management Program and to assist in the development of a 340B Drug Assistance Program in the amount of \$298,466, for the period of September 1, 2018 through August 30, 2019. The contract included two one-year options to extend the contract upon mutual agreement by both parties. Since that time, additional amendments have been approved by the Board to add additional monies, and exercise options to extend the term through August 31, 2021.

Approval of this item will expand the current scope of services being provided to include assistance with managing COVID-19 related medical and ancillary supplies. This amendment includes additional funding for up to three CPS Pharmacists.

County Counsel reviewed the contract amendment and it was signed by the Chief Executive Officer on January 22, 2021.

PROCUREMENT

Procurement is applicable to Recommendation No. 2, relating to the purchase of a lift for ARMC's morgue. Procurement of the Lift from Mopec is non-competitive based on timing constraints as ARMC is facing a shortage of safe and proper equipment to maneuver and lift decedents within storage containers. Purchasing supports the non-competitive justification relating to the purchase of unbudgeted fixed assets.

Procurement is applicable to Recommendation No. 3, relating to the lease of a modular building from William Scotsman, Inc. Procurement of the temporary modular building from Williams Scotsman, Inc. is non-competitive based on emergency/life or property threat mitigation. ARMC must expand its' testing and treatment capacity to properly care for COVID-19 patients during the current surge. Purchasing supports the non-competitive justification relating to this lease agreement.

Procurement is applicable to Recommendation No. 5, relating to the rental of a temporary Surge System for medical gases. This is a non-competitive procurement based on the current Product Supply Agreement with Praxair. Purchasing supports this non-competitive procurement.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Michelle Blakemore, County Counsel, 387-5455; Charles Phan, Deputy County Counsel, 387-5455; Suzanne Bryant, Deputy County Counsel, 387-5455; Bonnie Uphold, Deputy County Counsel, 387-5487; and Adam Ebright, Deputy County Counsel, 387-4229) on January 31, 2021; Purchasing Department (Michelle Churchill, Supervising Buyer, 387-2063) on January 25, 2021; Finance (Stephenie Shea, Administrative Analyst, 387-4919; Paul Garcia, Administrative Analyst, 386-8392; Yael Verduzco, Administrative Analyst, 387-5285; Kathleen Gonzalez Administrative Analyst III, 387-

File #: 3679, Agenda Item #: 23

5412; and Amanda Trussell, Principal Administrative Analyst, 387-4773) on January 26, 2021; County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423; Tanya Bratton, Deputy Executive Officer, 388-0332) on January 22, 2021; and Matthew Erickson, County Chief Financial Officer, 387-5423) on January 26, 2021.