File #: 4320, **Agenda Item #:** 75

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

June 8, 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 original finding made by the Board of Supervisors on April 21, 2020, that there is substantial evidence the current 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, is an emergency 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 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, 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). The remaining $4,000,000 of the previously approved overall emergency budget of $10,000,000, will continue to be utilized for the emergency construction and modification of internal or external structures to meet the needs of the COVID-19 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. 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 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.

Since the Board's original findings and authorizations on April 21, 2020, one project, the ARMC Negative Pressure Ventilation Project, has been approved, and was submitted for Board ratification on August 11, 2020 (Item No. 44). The Project will 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 or about 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.

The Project is expected to be completed in or around August 2021. It is imperative that the creation of a negative pressurization environment be completed, as the COVID-19 Pandemic remains a global threat. Completing this Project for ARMC is an essential part of protecting San Bernardino County and its residents as the County and State move forward toward reopening. State and Local Emergency declarations are still in place, including but not limited to the Board's March 10, 2020 Proclamation of Existence of a Local Emergency pursuant to Government Code Section 8630 due to the COVID-19 Pandemic. The purpose of the recommended action is to continue authority set in place to expedite COVID-19 related construction projects at ARMC. 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. For any additional projects necessary to address the effects of COVID-19, the Real Estate Services Department - Project Management (RESD-PM) shall continue to follow the previously outlined steps for procurement. RESD-PM shall prepare a scope of work for approval by the Chief Executive Officer (CEO), prepare a contract to be signed by the contractor and CEO, create a contract in SAP for approval by the Purchasing Department, and then engage the architect, engineer and/or contractor to provide the required construction services. Applicable provisions of the Government Code and Public Contract Code shall not apply. Any such projects initiated by RESD-PM shall be submitted to the Board and presented for ratification by RESD-PM at the next available meeting.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Katherine Hardy, Deputy County Counsel, 387-5437) on May 4, 2021; Purchasing Department (Valerie Clay, Interim Director, 387-2074) on May 4, 2021; Arrowhead Regional Medical Center (Ron Taber, Jr., Associate Hospital Administrator, 580-6193) on May 4, 2021; Real Estate Services - Project Management (Kevin Ryan, Assistant Director, 387-5000) on May 10, 2021; Real Estate Services Department (Jennifer Costa, Assistant Director, 387-5380) on May 4, 2021; Finance (Wen Mai, Principal Administrative Analyst, 387-4020) on May 17, 2021; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on May 23, 2021.