



San Bernardino County

Legislation Text

File #: 4337, Agenda Item #: 39

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

June 8, 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), and May 18, 2021 (Item No. 101) 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), and May 18, 2021 (Item No. 102) 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 submission of the non-competitive grant application, and concurrent acceptance of award terms, to receive a direct payment of approximately \$56,786,650 from the U.S. Department of Treasury to fund the second round of the U.S. Treasury Emergency Rental Assistance Program to assist qualified households unable to pay rent and utilities due to the Coronavirus pandemic, executed by the Chief Executive Officer on May 10, 2021.
2. Approve and authorize the submission of Arrowhead Regional Medical Center's grant application to the Federal Communications Commission, for the second round of the COVID-19 Telehealth Program, to purchase a bi-directional video conferencing platform, in the amount of \$187,100, approved by the Chief Executive Officer on May 6, 2021.
3. Approve Amendment No. 5 to Contract 20-621 with Westbound Communications to continue to provide a countywide communications strategy to include continued outreach efforts for COVID-19 testing and vaccination outreach, retroactively extending the contract term from April 30, 2021 to July 31, 2021, with no change to the contract amount that is not-to-exceed \$1,420,961, approved by the Chief Executive Officer on June 1, 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 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 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 (U.S. Treasury) of approximately \$56,786,650, which does not require a match. Necessary appropriation and revenue adjustments to the Community Development and Housing Department (CDH) 2021-22 Recommended budget will be requested as a modification to the 2021-22 Recommended Budget when the budget is presented to the Board of Supervisors (Board) for approval.

Recommendation No. 2

Approval of this recommendation will not result in the use of Discretionary General Funding (Net County Cost). Grant funds, if awarded, would not require matching funding.

Recommendation No. 3

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost) as there is no change to the cost of the contract. However, the contract is funded by the Federal Coronavirus Aid, Relief, and Economic Security (CARES) Act Coronavirus Relief Funds.

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.

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 of Supervisors (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), and May 18, 2021 (Item No. 101) 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, and June 30, 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

On March 5, 2021, the U.S. Treasury released information regarding the new \$21.55 billion Emergency Rental Assistance Program (ERA 2) 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 U.S. Treasury to provide assistance for households that are unable to pay rent and utilities due to COVID-related impacts. ERA 2 sets aside \$2.5 billion for eligible grantees determined to have a high need for ERA 2 assistance. This determination is based on the number of very low-income renter households who are paying more than 50 percent of income on rent or living in substandard or overcrowded conditions, area rental market costs, and the change in employment statistics since February 2020. On May 5, 2021, the CDH was notified about the U.S. Treasury's ERA 2 allocation of approximately \$56,786,650 for the County of San Bernardino (County) with an application deadline of May 10, 2021. To accept the award and receive payment, the County was required to submit an application, provide payment information, and execute the terms of the award, all of which were done on May 10, 2021 by the CEO.

Eligible households for ERA 2 assistance include those that one or more individuals who are obligated to pay rent on a residential dwelling and with respect to which the eligible grantee involved determines that:

1. One or more individuals within the household has qualified for unemployment benefits or experienced a reduction in household income, incurred significant costs, or experienced other financial hardship during or due, directly or indirectly, to the coronavirus pandemic;
2. One or more individuals within the household can demonstrate a risk of experiencing homelessness or housing instability; and
3. The household is a low-income family (as such term is defined in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b))).

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

The U.S. Treasury has established the following spending requirements for the ERA 2 funding:

- At least 75% 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;
- Not more than 10% of the funds are available for other housing stability services, including case management and other services intended to keep households stably housed; and,
- Not more than 15% is available to be used for administrative costs.
- The funding is set to expire on September 30, 2025 and does not have a matching requirement. As a condition of the application, the County must comply with reporting obligations established by the U.S. Treasury as well as requirements set forth in Title III, Section 3201 of the American Rescue Plan Act of 2021.

County Counsel reviewed the terms of the award required by the U.S. Treasury which the CEO executed, along with the application, on May 10, 2021.

Recommendation No. 2

The grant funds, from a successful award, will allow Arrowhead Regional Medical Center (ARMC) to purchase the necessary software licenses and hardware components to enable 200 medical providers to offer telehealth services to County residents. Telehealth services provide a two-way audiovisual link between a patient and health care provider. Additionally, it can facilitate public health mitigation strategies during this pandemic by increasing social distancing. These services can be a safer option for healthcare providers and patients by reducing potential infectious exposures. Telehealth services can reduce the strain on ARMC by minimizing the surge of patient demand on facilities and reduce the use of personal protective equipment by healthcare providers. ARMC will receive \$187,100 from the Federal Communication Commission, if awarded the grant.

County Counsel reviewed the grant application on May 5, 2021, and it was approved by the CEO on May 6, 2021.

Recommendation No. 3

On April 16, 2020, the Purchasing Agent signed Contract 4400014904 for Westbound Communications to provide the County with a communications strategy for COVID-19 for the period April 16, 2020 through October 16, 2020 for \$199,000. The scope of work under this contract included a proactive, clear, consistent countywide communications strategy for COVID-19 primarily related to health and safety, assisted by messaging through a communications command center, County website, social platforms, and media briefings.

The chart below summarizes the actions taken by the Board since the original contract was executed, and reflects the change in the COVID-19 communications strategies scope of work in response to the COVID-19 pandemic.

Date	Description	Approval Authority	Term	Amount	Total Contract Amount	Action
4/16/20	Original Contract	Purchasing Agent - Per Policy 11-04	4/16/20-10/16/20	\$199,000	\$199,000	Establish Contract for COVID-19 Communications Strategy and Outreach
8/11/20 (Item No. 21)	Amendment No. 1	Board of Supervisors	4/16/20-12/31/20	\$250,000	\$449,000	Add Voter Information Communications Outreach and Extend Term to December 31, 2020
9/15/20 (Item No. 75)	Amendment No. 2A	Board of Supervisors	4/16/20-12/31/20	\$91,817	\$540,817	Add COVID-19 Testing Outreach
9/15/20 (Item No. 75)	Amendment No. 2B	Board of Supervisors	4/16/20-12/31/20	\$110,080	\$650,897	Continue COVID-19 Communications Strategy and Outreach through 12/31/20

1/26/21 (Item No. 33)	Amendment No. 3	Board of Supervisors	4/16/20- 12/31/20	\$20,064	\$670,961	Increase contract amount for Voter Information Communications Outreach
1/26/21 (Item No. 33)	Amendment No. 4	Board of Supervisors	4/16/20- 4/30/21	\$750,000	\$1,420,961	Add COVID-19 Vaccination Outreach, including advertising costs, and Extend Term from December 31, 2020 to April 30, 2021

The recommended Amendment No. 5 would retroactively extend the term of the contract through July 31, 2021 with no change to the contract amount. This amendment will allow Westbound to continue the County's COVID-19 communication plan through July 31, 2021. It is not anticipated that additional contract time will be required as the County continues to reopen under the State's Blueprint for a Safer Economy. County Counsel reviewed the Amendment and it was approved by the CEO on June 1, 2021.

PROCUREMENT

Procurement is applicable to Recommendation No. 3. The County obtained the services of Westbound Communications for the original contract period of April 16, 2020 through October 16, 2020 through a non-competitive procurement pursuant to the Purchasing Agent's delegated authority. 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. County Purchasing recognized the COVID-19 emergency and importance of communication and response to the public, and supported the non-competitive procurement with Westbound Communications. Subsequent amendments were presented to the Board for approval since the increased amended amounts of the contract were greater than the Purchasing Agent's authority under Policy 11-04. However, Recommendation No. 3 is being presented to the Board for ratification since there is no change to the contract amount and the term is being extended under the delegated authority of the CEO to continue the communications strategy for the COVID-19 response.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Michelle Blakemore, County Counsel, 387-5455; Suzanne Bryant, Deputy County Counsel, 387-5455; Charles Phan, Deputy County Counsel, 387-5465) on May 28, 2021; Finance (Kathleen Gonzalez, Administrative Analyst, 387-5412; Stephenie Shea, Administrative Analyst, 387-4919; Yael Verduzco, Administrative Analyst, 387-5285) on May 12, 2021; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423; Matthew Erickson, County Chief Financial Officer, 387-5423) on May 27, 2021.