



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: November 3, 2015

Subject: Payments for Services Provided to Brown Miller Communications, Inc.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Auditor-Controller, or his designee, to pay \$25,680.75 to Brown Miller Communications, Inc., for consultation and technical assistance to develop a Strategic Plan with regard to the Affordable Care Act during the period of July 1, 2015 through August 31, 2015.

FISCAL IMPACT:

100% Hospital Enterprise Fund I.

BACKGROUND:

On September 2014, the County Administrator approved and the Purchasing Agent executed Contract #26-755-1 with Brown Miller Communications, Inc. for consultation and technical assistance to develop a Strategic Plan with regard to the Affordable Care Act, for the period from September 1, 2014 through August 31, 2015. Services were requested and provided beyond the payment limit of the contract. At the end of the contract period, charges of \$120,680.75 had been incurred, of which \$95,000 had been paid pursuant to the contract limits. The additional services were provided between July 1, 2015 and August 31, 2015 and amounted to \$25,680.75.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **11/03/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: November 3, 2015

David Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Anna Roth, (925)
370-5101

Because the contract limit has been reached, the Department

BACKGROUND: (CONT'D)

cannot pay the provider under the contract for the additional services. The provider is nonetheless entitled to payment for the reasonable value of their services under the equitable relief theory of quantum meruit. That theory provides that where a person has been asked to provide services without a valid contract, and the provider does so to the benefit of the recipient, the provider is entitled to recover the reasonable value of those services. Because the Health Services Department requested additional services from Brown Miller Communications, Inc., and the contractor provided the services in good faith, with the full expectation and understanding that it would receive payment for those services, the contractor has the right to claim the reasonable value of the services provided above the contract limit. As such, the Department recommends that the Board authorize the Auditor-Controller to issue a one-time payment to Brown Miller Communications, Inc. in the amount of \$25,680.75.

CONSEQUENCE OF NEGATIVE ACTION:

The service provider will not be paid for services rendered to the Health Services Department.

CHILDREN'S IMPACT STATEMENT:

Not applicable.