



**Contra  
Costa  
County**

To: Board of Supervisors  
From: William Walker, M.D., Health Services Director  
Date: August 16, 2016

Subject: Approve Payment for Services Provided by Public Health Foundation Enterprises, Inc.

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**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Auditor-Controller, or his designee to pay \$95,000 to Public Health Foundation Enterprises, Inc., a non-profit corporation, for the provision of consultation and technical assistance with regard to community health promotion for the County's Community Education and Information Unit and the Emergency Medical Services Unit, during the period of July 1, 2015 through June 30, 2016.

**FISCAL IMPACT:**

This contract was funded 85% Federal Bioterrorism Grant, 3% State AIDS Program Funds and 12% County Clinic Services funds. (No rate increase)

**BACKGROUND:**

On July 29, 2014, the Board of Supervisors approved Contract #22-806-22 (as amended by Amendment agreement #22-806-23) with Public Health Foundation Enterprises, Inc., for the period from July 1, 2015 through June 30, 2016, for the provision of consultation and technical assistance with regard to community health promotion for the County's Community Education and Information Unit and the Emergency Medical Services Unit. Services were requested and provided beyond the payment limit of the contract. At the end

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<input checked="" type="checkbox"/> APPROVE	<input type="checkbox"/> OTHER
<input checked="" type="checkbox"/> RECOMMENDATION OF CNTY ADMINISTRATOR	<input type="checkbox"/> RECOMMENDATION OF BOARD COMMITTEE

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Action of Board On: **08/16/2016** ☒ 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: August 16, 2016

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

By: Chris Heck, Deputy

Contact: Dan Peddycord,  
313-6712

of the contract period, charges of \$1,195,675 had been incurred, of which \$1,100,675 had been paid pursuant to the contract limits. The additional services were provided between July 1, 2015 and June 30, 2016 and amounted to \$95,000.

Because the contract limit has been reached, the Department 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. At the time of negotiations, the payment limit was based on target levels of utilization. However, the utilization, in the Clinic Services Unit, during the term of the agreement was higher than originally anticipated. As such, the Department recommends that the Board authorize the Auditor-Controller to issue a one-time payment to Public Health Foundation Enterprises, Inc., in the amount of \$95,000.

BACKGROUND: (CONT'D)

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