



Contra  
Costa  
County

To: Board of Supervisors  
From: Anna Roth, Health Services Director  
Date: July 10, 2018

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

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**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the Auditor-Controller, or designee, to pay \$318,662 to Public Health Foundation Enterprises, Inc. (PHFE), a non-profit corporation, for providing shelter, coordinated entry, outreach and permanent supportive housing programs for homeless youth and adults in Contra Costa County during the period April 1, 2016 through June 30, 2016.

**FISCAL IMPACT:**

This contract is funded 31% by Federal funds, 59% by State funds, 2% by Local Grants including Contra Costa Employment and Human Services Department, Housing Authority of Contra Costa County, and 8% by General Fund.

**BACKGROUND:**

On April 14, 2015, the Board of Supervisors approved Contract #25-071, as amended by Amendment Agreement #25-071-1, with PHFE for the provision of a shelter and a transitional and permanent supportive housing program for homeless youth and adults in Contra Costa County for the period from April 1, 2015 through June 30, 2016. PHFE confirmed at the time of the Amendment Agreement the additional funds would be

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

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Action of Board On: **07/10/2018** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

AYE: John Gioia, District I Supervisor  
Candace Andersen, District II Supervisor  
Diane Burgis, 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: July 10, 2018

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

By: June McHuen, Deputy

Contact: Lavonna Martin,  
925-608-6701

adequate to meet projected program expenses through the end of the term. The Division

#### BACKGROUND: (CONT'D)

was later notified that there was an overage of expenditures caused by a change in the contractor's federally approved fringe benefit rate (a rate that is seldom known with certainty when a contract is let). The current fringe benefit rates have been incorporated correctly in PHFE's current contract.

The contractor is entitled to payment for the reasonable value of its services under the equitable relief theory of quantum meruit. That theory provides that where a contractor has been asked to provide services without a valid contract, and the contractor does so to the benefit of the County, the contractor is entitled to recover the reasonable value of those services. The contractor has provided services at the request of the County after the original contract payment limit had been reached. The Department cannot pay the contractor for services rendered that exceed the contract limits. As such, the Department recommends that the Board authorize the Auditor-Controller to issue a one-time payment not to exceed \$318,662.

#### CONSEQUENCE OF NEGATIVE ACTION:

If this board order is not approved, the contractor will not be paid for services requested by County staff and provided by the contractor.