



**Contra
Costa
County**

To: Board of Supervisors
From: David Twa, County Administrator
Date: April 28, 2020

Subject: RATIFY CONTRACTS EXECUTED BY THE COUNTY ADMINISTRATOR IN RESPONSE TO THE
COVID-19 EMERGENCY DECLARATION

RECOMMENDATION(S):

RATIFY the execution of the following contracts by the County Administrator, or designee, in an aggregate amount of \$4,627,398 plus certain variable costs in response to the COVID-19 pandemic emergency declaration:

1. Lease with East Bay Veterinary Properties, LLC in the amount of \$100,000 for property located at 2055 Meridian Park Blvd., Concord to serve as an alternate care site for the period May 1, 2020, through September 30, 2020 with an option to renew monthly thereafter at a rate of \$20,000 per month. (County Lease Form)
2. Emergency Occupancy Agreement with 3150 Garrity Way DE, LLC dba Countyard by Marriott - Richmond in the amount of \$2,200,134 plus taxes for housing of unsheltered residents for the period April 15, 2020 through August 31, 2020 with an option to renew monthly thereafter at a rate of \$494,233 plus taxes per month. (County Contract Form)
3. Infectious Disease Emergency Response Agreement, including mutual indemnification, with Clean Harbors Environmental Services Inc. in the amount of \$4,288 per 12-hour shift, to be coordinated with the Emergency Operations Center, to provide vehicle

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **04/28/2020** ☒ 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: April 28, 2020

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

Contact: Timothy M. Ewell,
(925) 335-1036

By: Laura Cassell, Deputy

decontamination services for first responder vehicles at a location designated by the County commencing on April 9, 2020 until canceled by the parties.

RECOMMENDATION(S): (CONT'D)

(Contractor Standard Form)

4. License Agreement with Orton Entertainment LLC, including indemnification of Orton Entertainment LLC by the County, in the amount of \$100,000 plus certain cleaning fees for use of the Craneway Pavilion located in Richmond as an alternate care site for the period May 1, 2020 through May 31, 2020 with an option to renew each thirty (30) day period upon mutual agreement. (Vendor Contract Form)
5. Addendum to Emergency Occupancy Agreement with Richmond Hotels LLC dba Best Western - Richmond, including certain contract provisions required by the Federal Emergency Management Agency (FEMA) for future recovery of costs by the County, with no change to the contract amount or term. (County Form)
6. Addendum to Emergency Occupancy Agreement with 3150 Garrity Way DE, LLC dba Countyard by Marriott - Richmond, including certain contract provisions required by the Federal Emergency Management Agency (FEMA) for future recovery of costs by the County, with no change to the contract amount or term. (County Form)
7. Contract amendment with Mark Scott Construction, Inc., to increase the payment limit by \$2,000,000 to a new payment limit of \$7,000,000, and to incorporate special conditions to the contract that include Federal Emergency Management Agency (FEMA) required contract provisions, with no change in contract term, for on-call minor construction and restoration services, which may be in relation to services provided in response to COVID-19 events. (County Form)

FISCAL IMPACT:

Approximately \$4,627,398 plus certain variable costs including utilities, cleaning fees, taxes etc. In addition, this figure assumes use of vehicle decontamination services by Clean Harbors in daily 12-hour shifts through the end of May resulting in an estimated cost of \$227,264. 100% General Fund. The County anticipates reimbursement from the Federal CARES Act funding and/or Federal Emergency Management Agency (FEMA) at the end of the pandemic. FEMA reimbursement generally results in a 75% Federal cost share of eligible local costs. The FEMA reimbursement process will cross into at least fiscal year 2020/21 resulting in immediate and potentially long-term impacts to the County general fund as vendor payments are made to the entities listed in this board order.

BACKGROUND:

Contra Costa County, along with Health Officers from the Bay Area, have announced Public Health Orders that require residents to stay home to limit the spread of the novel coronavirus, also known as COVID-19. This initial order was in effect until April 7, 2020, but was extended on March 31, 2020 to last through May 3, 2020. The March 31, 2020 order also expanded and clarified certain activities to deemed non-essential to include use of shared recreational facilities and most construction activities. In addition, on April 17,

2020, the Health Officer issued a "Cover Your Face" order, which went into effect on April 22, 2020. The new order requires face coverings when working in or visiting an essential business, riding on public transportation and visiting a healthcare facility. These critical interventions have been designed to reduce harm from the spread of the coronavirus in our community. All Bay Area Health Officers observed quickly mounting cases and serious illnesses across the region. Because the virus spreads so easily, without dramatic intervention like these orders, it would result in so many people needing medical attention in a hospital setting that County hospitals will be overwhelmed. The County may not have enough beds or equipment to adequately care for the most seriously ill. And health care workers and other first responders, countywide, are also at risk. If those healthcare workers and first responders get sick there are fewer people to provide health care and first response services during the pandemic.

The County has activated the Emergency Operations Center (EOC) and several Department Operations Centers (DOC) to assist in the response to the pandemic. Those operations centers are the hub for procurement and distribution of services and equipment necessary to respond to the emergency. In support of this, the County Administrator, in his capacity of Administrator of Emergency Services (County Code Section 42-2.602) issued an emergency blanket purchase order in the amount of \$20 million on Friday, March 20, 2020 for the procurement of services and supplies necessary to facilitate the COVID-19 response within the County. The Board of Supervisors subsequently ratified the County Administrator's action on March 31, 2020. Similarly, the County Administrator has entered into several agreements, including service contracts, license agreements and leases to support the activities responding to COVID-19. The first set of such contracts was ratified by the Board on April 14, 2020 (Agenda Item No. C.22). Today's agenda item requests that the Board of Supervisors ratify additional contracts enumerated in the recommendation section of this board order.

Federal Disaster Relief Actions

On Friday, March 13, 2020, President Trump declared a nationwide emergency in response to the growing COVID-19 pandemic pursuant to Sec. 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"). That action provides access to the Federal Emergency Management Agency (FEMA) Public Assistance program, which allows for a 75% Federal cost share on certain emergency protective measures taken at the direction or guidance of public health officials in response to the COVID-19 pandemic. Qualifying expenditures are those that are not supported by the authorities of another federal agency (i.e. reimbursement for response activities funded by another Federal agency grant program). Examples of reimbursable activities include the activation of Emergency Operations Centers, National Guard costs, law enforcement and other measures necessary to protect public health and safety.

The Governor's Office of Emergency Services (CalOES) is facilitating the collection of FEMA Requests for Public Assistance (RPA) from agencies (public and private) impacted by the COVID-19 pandemic. CalOES has advised that RPA documents, which do not

include a specific dollar amount of public assistance being requested, be filed no later than April 17, 2020. Filing of this document allows agencies, including the County, to be on record stating that costs have been incurred as part of the response effort and allows for a request to FEMA that a portion of those costs be reimbursed in the future. In addition, CalOES has requested that impacted agencies adopt required Project Assurances for Federal Assistance and a resolution designating agents that can act on behalf of the impact agency.

On March 31, 2020, the Board of Supervisors took action to adopt Resolution No. 2020/112 authorizing the County Administrator to submit the RPA documents discussed above to CalOES to ensure the opportunity for Federal cost reimbursement. The County subsequently filed its RPA with FEMA, which was approved on April 17, 2020. The County has been informed that the next step in the cost recovery process is to attend a virtual Applicant Briefing, which will provide more detailed information regarding steps to file claims with FEMA in concert with CalOES.

State Disaster Request and Presidential Authorization

Following the President's action, Governor Newsom requested that the Federal government declare a major disaster in California due to COVID-19. The President approved the State's request on Sunday, March 22, 2020, which activated additional Federal resources directed to assist California, including deployment of mobile hospital units and a U.S. Navy hospital ship among other things. Contra Costa County was a recipient of mobile field hospital equipment and took delivery of those resources at the Craneway Pavilion in Richmond, which will serve as a 250-bed alternate care site supporting the capacity of the County's hospital and clinic system. A renewal of the license agreement for the Craneway Pavilion for May 2020 is included in this action for ratification today by the Board of Supervisors.

CONSEQUENCE OF NEGATIVE ACTION:

Contracts executed by the County Administrator in response to the COVID-19 emergency will not be ratified by the Board of Supervisors.