



**Contra
Costa
County**

To: Board of Supervisors
From: David Twa, County Administrator
Date: December 8, 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 \$422,430 plus certain variable costs in response to the COVID-19 pandemic emergency declaration:

1. License Agreement for Engagement with Orton Entertainment, LLC, in the amount of \$300,000 for use of the Craneway Pavilion as a COVID-19 Alternate Care Site for the period January 1, 2021 through March 31, 2021. (Vendor Contract Form)
2. Restated Memorandum of Agreement with the City of Brentwood, including mutual indemnification, to extend the term of use of the the Brentwood Senior Center as a COVID-19 testing site operated by the State of California, including its contractors, through February 20, 2021 at no additional cost to the County.
3. License Agreement with the 23rd District Agricultural Association, in the approximate amount of \$122,430 plus the cost of janitorial supplies, including mutual indemnification, to extend the use of the Contra Costa Event Park as a COVID-19 testing site through March 31, 2021. (Vendor Contract Form)

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **12/08/2020** ☒ 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: December 8, 2020

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

Contact: Timothy M. Ewell,
(925) 655-2043

By: Laura Cassell, Deputy

cc:

FISCAL IMPACT:

Approximately \$422,430 plus certain variable costs including janitorial supply costs, etc. 100% General Fund. The County anticipates some cost reimbursement from the 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 likely cross into at least fiscal year 2021/22 resulting in immediate and potentially long-term impacts to the County general fund as vendor payments are made in response to the pandemic, but not immediately reimbursed by FEMA.

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 Administrator, in his capacity as 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.

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 begun the process of developing and submitting FEMA reimbursements for the Great Plates and Non-Congregate Shelter programs, which have received pre-authorization from FEMA. The County does not anticipate that reimbursement from FEMA will occur in the current fiscal year and it is unknown when reimbursements may begin to flow back to the County.

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 through March 31, 2021 is listed on today's agenda along with extensions of two COVID-19 testing sites located in Brentwood and the unincorporated Antioch area.

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.