



Contra Costa County

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: February 28, 2023

Subject: Payment for Services Provided by Elior, Inc. (DBA Trio Community Meals)

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Auditor-Controller, to pay up to \$164,417 to Elior, Inc. (DBA Trio Community Meals), a corporation, for meal services for the County's Senior Nutrition Program provided by the contractor in good faith during the period July 1, 2022 through September 30, 2022.

FISCAL IMPACT:

Approval of this payment will result in a one-time expenditure of up to \$164,417 and will be funded by 20% Older Americans Act Title III C, 28% American Rescue Plan Act, and 52% Meals on Wheels of Contra Costa funding.

BACKGROUND:

The Public Health Department has been contracting with Elior, Inc. (DBA Trio Community Meals) since July 1986 to provide meal services for the County's Senior Nutrition Program. This contractor was selected to provide meals for the Senior Nutrition Program through a competitive bid process conducted by the County's General Services Department (Purchasing). This contract meets the social needs of the County's population as the contractor provides prepackaged, frozen meals, on 249 County-designated serving days, for

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **02/28/2023** ☒ 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
Ken Carlson, 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: February 28, 2023

Monica Nino, County Administrator and Clerk of the Board of Supervisors

Contact: Ori Tzvieli, M.D.,
925-608-5267

By: Antonia Welty, Deputy

elderly, disabled, and AIDS/HIV

BACKGROUND: (CONT'D)

diagnosed citizens of Contra Costa County.

On July 27, 2021, the Board of Supervisors approved Novation Contract #22-219-68 with Bateman Community Living, LLC (dba Trio Community Meals), in an amount of \$4,694,071 for the provision of meal services for the County's Senior Nutrition Program, for the period from July 1, 2021 through June 30, 2022, which included a three-month automatic extension through September 30, 2022, in an amount not to exceed \$1,018,592.

On July 9, 2021, the contractor amended their registration with the Secretary of State of California to reflect a name change from Bateman Community Living, LLC to a new name of Elier, Inc. (dba Trio Community Meals, LLC).

On May 3, 2022, the Board of Supervisors approved Amendment Agreement #22-219-69 effective January 1, 2022, to modify the rate schedule with no change to the original payment limit of \$4,694,071, or term of July 1, 2021 through June 30, 2022 including a three-month automatic extension through September 30, 2023, in an amount not to exceed \$1,018,592.

In September of 2022, it came to the attention of the Division that invoices from the contractor exceeded the contract payment limit by \$164,416.10. The contractor has not been paid in full for these services rendered in excess of the July 1, 2022 through September 30, 2022 contract's payment limit.

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 amended contract payment limit had been reached. Since the Department cannot pay the contractor for services rendered that exceed the contract payment limits, it is requesting that the Board authorize the Auditor-Controller to issue a one-time payment in an amount not to exceed \$164,417 to Elier, Inc. (DBA Trio Community Meals). The department will ensure contract demands are submitted timely going forward.

CONSEQUENCE OF NEGATIVE ACTION:

If this request is not approved, the contractor will not be paid for services requested by County staff and provided in good faith by the contractor.