



Contra
Costa
County

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

Subject: Payment for Services Provided by Meals on Wheels Diablo Region

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Auditor-Controller, to pay \$179,057 to Meals on Wheels Diablo Region for the provision of meal delivery services to homebound elders provided during the period July 1, 2022 through September 30, 2022.

FISCAL IMPACT:

Approval of this payment will result in a one-time expenditure of \$179,057 and will be funded by 100% Title III C 2 of the Federal Older Americans Act.

BACKGROUND:

This contractor was selected to provide meals for the Senior Nutrition Program through a competitive bid process. This contract meets the social needs of the County's population. The contractor has been providing services since June 1, 1980.

On July 13, 2021, the Board of Supervisors approved Novation Contract #22-137-58 with Meals on Wheels Diablo Region, in an amount of \$510,000 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

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
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 Tzveli, M.D.,
925-608-5267

By: Antonia Welty, Deputy

September 30, 2022.

BACKGROUND: (CONT'D)

On May 17, 2022, the Board of Supervisors approved Contract Amendment Agreement #22-137-59 to increase the contract payment limit by \$115,000 to a new payment limit of \$625,000 for the provision of additional meal services for 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 \$156,250.

In January 2023, the Division became aware that the contractor had not been paid in full for services provided from July 1, 2022 through September 30, 2022 for delivering meals to County homebound seniors over the duration of the previous contract. The contractor provided services totaling \$335,307 during the period July 1, 2022 through September 30, 2022, which exceeded the contract payment limit of the three-month automatic extension of \$156,250 by \$179,057.

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 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 is requesting that the Board authorize the Auditor-Controller to issue a one-time payment not to exceed \$179,057 to Meals on Wheels Diablo Region.

CONSEQUENCE OF NEGATIVE ACTION:

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