



Contra
Costa
County

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: March 7, 2023

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

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Auditor-Controller, to pay up to \$14,838 to Meals on Wheels Diablo Region for the provision of meal delivery services to homebound seniors provided during the period July 1, 2022 through September 30, 2022.

FISCAL IMPACT:

Approval of this payment will result in expenditures of up to \$14,838 and will be funded as budgeted by the department in FY 2022-23, 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 prepared and delivered meals to County homebound seniors over the duration of this contract. The contractor has been providing services to the County under this contract since February 1975.

In July 2021, the County Administrator approved and Purchasing Services Manager

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **03/07/2023** ☒ 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: March 7, 2023

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

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

By: Antonia Welty, Deputy

executed Contract #22-033-64 with Meals on Wheels Diablo Region in an amount not to exceed \$155,000 for the provision of congregate

BACKGROUND: (CONT'D)

meal services for the Contra Costa County Senior Nutrition Program for the period July 1, 2021 through June 30, 2022, which included a three-month automatic extension in an amount not to exceed \$47,764 through September 30, 2022.

In April 2022, the County Administrator approved and Purchasing Services Manager executed Contract Amendment Agreement #22-033-65 to increase the contract payment limit by \$36,055 to a new payment limit of \$191,055 for the provision of additional meal services for county's Senior Nutrition Program, for the period from July 1, 2021 through June 30, 2022, and increase the three-month automatic extension payment limit by \$9,014 to a new payment limit of \$ 47,764 through September 30, 2022.

In January 2023, the Division became aware of invoices from the contractor having exceeded the contract payment limit by \$14,837.49, therefore resulting in the contractor not being paid in full for services provided from July 1, 2022 through September 30, 2022. It was further discovered that the excess invoiced amounts were due to changes in meal pricing in July, August, and September of 2022. The Department has determined that the contractor should be paid the invoiced amount for the meal pricing adjustments for the services already rendered. To prevent future invoice and payment discrepancy occurrences resulting in a retroactive payment request, the department will ensure contract amendment needs are submitted timely.

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. This contractor has provided services at the request of the County after the original contract payment limit had been reached. Since the Department cannot pay the contractor for services rendered that exceed the contract payment limits, it is recommending that the Board authorize the Auditor-Controller to issue a one-time payment not to exceed \$14,838 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 in good faith.