



## Legislation Details (With Text)

**File #:** 20-1171      **Version:** 1

**Type:** Agenda Item      **Status:** Approved

**File created:** 9/1/2020      **In control:** Board of Supervisors

**On agenda:** 9/22/2020      **Final action:** 9/22/2020

**Title:** Health and Human Services Agency recommending the Board:

1) Make findings in accordance with County Ordinance 3.13.030 (c) that it is appropriate to contract with Covid Dx LLC for services provided under Agreement 5137 because the provision of such services provided by Contractor are in the public's best interest and that due to the limited timeframes, temporary or occasional nature, or schedule for the project or scope of work, the ongoing aggregate of work to be performed is not sufficient to warrant the addition of permanent staff in accordance with El Dorado County Ordinance Code, Chapter 3.13.030(c), El Dorado County Charter, Section 210(b) (6), and/or Government Code Section 31000;

2) Approve and authorize the Chair to sign Agreement for Services 5137 with Covid Dx LLC, that contains non-standard indemnity language, for the provision of administering COVID-19 testing, supplies and results in the amount of \$500,000, effective upon execution and shall expire September 30, 2021; and

3) Authorize the Purchasing Agent, or designee, to execute further documents relating to Agreement for Services 5137, including amendments which do not increase the maximum dollar amount or term of the Agreement, and contingent upon approval by County Counsel and Risk Management.

**FUNDING:** Federal and State: 25% Coronavirus Aid, Relief, and Economic Security Act (CARES) and 75% Federal Emergency Management Agency (FEMA). If the activity is necessary after the COVID-19 PH emergency, the funding will be 25% Public Health (PH) Realignment and 75% FEMA.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Approved CRS #5137 Covid Dx LLC 09/22/20, 2. B - #5137 Covid Dx, LLC 09/22/20, 3. Executed Agreement 5137

Date	Ver.	Action By	Action	Result
9/22/2020	1	Board of Supervisors	Approved	Pass

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of the Agreement, and contingent upon approval by County Counsel and Risk Management.

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**DISCUSSION / BACKGROUND:**

The World Health Organization declared COVID-19 a pandemic on March 11, 2020. Screening, case investigation and contact tracing are proven methods to slow the transmission of communicable diseases such as COVID-19, therefore, the Health and Human Services Agency (HHS) has determined that it is necessary to increase testing within the County.

On August 4, 2020, the Board of Supervisors allocated \$5,000,000 toward Education and Child Care to support needs related to school closures and/or reopening, stating that “the CAO will work with the Office of Education and Public Health to determine needs and prioritize use of these funds,” examples of which included testing to comply with State protocols for in-person instruction and increasing child care capacity to support families in the distance learning model (File ID: 20-1013; Agenda No. 44).

El Dorado County Office of Education (EDCOE) and HHS worked together to identify the need and process for testing to comply with State protocols, and as a result HHS is recommending to contract with CovidDX for onsite testing at locations to be determined by mutual consent with the Contractor/EDCOE and County.

This Agreement with Covid Dx LLC will provide HHS the ability to administer more COVID-19 testing throughout the community, in addition to providing support to EDCOE. In addition, the services provided by Covid Dx LLC are somewhat unique as they are mobile services, allowing the Contractor to provide services at various locations.

It should be noted that while County Counsel approved this Agreement #5137, they did not recommend proceeding with mutual indemnity language as required by the Contractor. County Counsel recommended that this Agreement contain standard County Indemnity language; however, this language was declined in favor of mutual indemnity by the Contractor. In consideration of both the need for mobile COVID-19 testing services, as well as the lack of available sources for said testing, HHS is recommending the Board approve Agreement #5137 with the current mutual indemnity language.

**ALTERNATIVES:**

Should the Board decline to approve this recommendation, HHS would be limited in its ability to provide testing and results for COVID-19, thereby limiting its ability to curb the spread of the disease. In addition, without increased community testing, school districts may not be able to offer on-campus instruction in the near future.

**PRIOR BOARD ACTION:**

20-1013, August 4, 2020, File ID: 20-1013; Agenda No. 44; “Recommending CARES Act Spending Plan and Budget Transfers”

**OTHER DEPARTMENT / AGENCY INVOLVEMENT:**

El Dorado County Office of Education; County Counsel, Risk Management, Human Resources

**CAO RECOMMENDATION:**

Approve as recommended.

**FINANCIAL IMPACT:**

There is no Net County Cost associated with this Agenda item. It is anticipated that these expenses will be paid with CARES Act funding and FEMA initially, and FEMA and/or Public Health Realignment thereafter. Funding for costs specific to EDCOE services will be included in the \$5,000,000 budgeted for Education and Child Care. Any costs specific to non-EDCOE Public Health activities were included in the Fiscal Year 2020-21 budget, and will be included in future budgets for the term of the Agreement.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) Obtain signature of Chair on two (2) original Agreements for Services #5137.
- 2) Return one (1) fully executed Agreement to HHSA Contracts Unit at 3057 Briw Rd.

**STRATEGIC PLAN COMPONENT:**

Healthy Communities

**CONTACT**

Don Semon, Director, Health and Human Services Agency