



## Legislation Details (With Text)

**File #:** 20-1158      **Version:** 1

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

**File created:** 8/27/2020      **In control:** Board of Supervisors

**On agenda:** 9/1/2020      **Final action:** 9/1/2020

**Title:** Chief Administrative Office recommending the Board consider the following regarding emergency purchases needed to respond to the Coronavirus pandemic using funding through the Coronavirus Aid, Relief, and Economic Security (CARES) Act:

- 1) Make findings, in accordance with County Ordinance Code 3.12.160 A., that competitive bidding for CARES Act purchases would not be in the public's interest because of the current public health emergency;
- 2) Approve the purchase of additional fixed assets listed in Attachment A;
- 3) Waive the requirements in Procurement Policy C-17 for use of the County's purchase order form for CARES Act purchases; and
- 4) Authorize the Chief Administrative Officer to make all CARES Act purchases, consistent with the spending plan approved by the Board on August 4, 2020.

FUNDING: CARES Act. (Federal Funding)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - CARES Act Fixed Asset List

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

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- 4) Authorize the Chief Administrative Officer to make all CARES Act purchases, consistent with the spending plan approved by the Board on August 4, 2020.

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### DISCUSSION / BACKGROUND

On March 27, 2020, President Trump signed the CARES Act, an economic relief package to provide assistance to families, workers, businesses, and state, local, and tribal governments to help mitigate the impacts of the COVID-19 public health emergency. The Fiscal Year 2020-21 California State budget included pass-through allocations to Counties and Cities. Receipt of these funds is contingent upon compliance with all of the Governor's Executive Orders and California Department of Public Health directives and guidance. El Dorado County's allocation is \$19,737,000. The CARES Act

requires that payments only be used to cover expenses that:

1. are necessary expenditures incurred due to the public health emergency with respect to COVID-19;
2. were not accounted for in the budget most recently approved as of March 27, 2020, for the State or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

On August 4, 2020 (File #20-1013), the Board of Supervisors approved a spending plan for the County's allocation. Funding agreements with outside agencies have been drafted and are in the process of being fully executed, under the authority delegated to the CAO on August 4th. The CAO's Central Fiscal Unit is coordinating the departmental purchases.

In order to expedite the purchases so that services and product can be received in time to meet departments' needs in responding to this public health emergency, the Board is asked to waive local competitive bidding requirements. The federal government has waived their requirements for competitive bidding due to the state of emergency. In addition, the Board is asked to waive the requirement in Board Policy C-17 for use of the County purchase order form for CARES Act purchases. Appropriations for the purchases, though approved by the Board, won't be posted in the financial system until October, when the Adopted Budget posts. This means purchase orders can't be processed in the system. Due to the emergency, items need to be ordered as soon as possible, and can't be delayed to October. All purchases over \$10,000 will be documented through written acceptance of vendor quotes.

Finally, the Board is asked to delegate authority to the CAO to make all CARES Act purchases under the spending plan. The CAO's normal purchasing authority is \$72,916 for service contracts and \$100,000 for product. Under Policy A-23, the CAO is required to report CARES Act purchases to the Board monthly.

### **ALTERNATIVES**

The Board could choose not to waive local requirements and delegate authority. This would result in delays in procuring items and services needed by departments to respond to the current public health emergency.

### **PRIOR BOARD ACTION**

Approval of spending plan on August 4, 2020.

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel

### **FINANCIAL IMPACT**

There is no fiscal impact associated with this item; however, if competitive bidding is not waived, some purchases may not be completed by the federal deadline for expenditure of the funds. This would leave some departments' needs unmet and could result in the use of the general fund to meet such needs.

### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

N/A

**STRATEGIC PLAN COMPONENT**

Public Safety

**CONTACT**

Don Ashton, CAO