

RESOLUTION OF THE BOARD OF SUPERVISORS OF
ORANGE COUNTY, CALIFORNIA AUTHORIZING
EMERGENCY CONTRACTING AUTHORITY

~~November 17~~April 21, 2020

WHEREAS, on February 26, 2020, the County Health Officer declared a local health emergency based on an imminent and proximate threat to public health from the introduction of a novel coronavirus (named “COVID-19”) in Orange County (the “COVID-19 Emergency”); and

WHEREAS, on March 2, 2020, the Board of Supervisors adopted Resolution No. 2020-11 ratifying the local health emergency declared by the County’s Health Officer; and

WHEREAS, on March 4, 2020, the Governor of the State of California declared a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS, the measures required to minimize the spread and mitigate the effects of COVID-19 ~~would~~will impair the County’s ability to conduct procurements of necessary commodities and services during the ~~duration of the~~ COVID-19 Emergency; and

WHEREAS, Government Code Section 25502.7 allows the Board of Supervisors, whenever it has proclaimed a local emergency pursuant to Government Code Section 8630, to direct its purchasing agent to engage independent contractors to perform services related to the local emergency for the county and officers thereof, with or without the furnishing of materials, within the amounts the Board of Supervisors may establish; and

WHEREAS, Government Code Section 25502.7 further allows the Board of Supervisors to establish rules and regulations to effectuate the purpose of the section, which must include provisions for informal bidding procedures to the extent that such procedures are feasible under emergency circumstances; and

WHEREAS, on March 26, 2020, the Board of Supervisors approved Resolution No. 20-023 to streamline the engagement of independent contractors performing services related to the COVID-19 Emergency and the renewal and extension of County contracts during ~~the duration of~~ the COVID-19 Emergency; and

WHEREAS, on April 21, 2020, the Board of Supervisors approved Resolution No. 20-031~~does hereby find that it is necessary~~ to repeal and restate Resolution No. 20-023 to modify the procurement authority delegated in Resolution No. 20-023; and-

WHEREAS, on August 28, 2020, the Governor of the State of California announced the Blueprint for a Safer Economy, which provides a blueprint for the safe progression toward opening up the economy in California during the COVID-19 Emergency; and

WHEREAS, Orange County is beginning to open up businesses and activities as outlined in the Blueprint for a Safer Economy; and

WHEREAS, as part of the safe reopening of businesses and activities, the County can begin to return to conducting procurements of necessary commodities and services in accordance with the County's standard procurement policies and in an orderly manner; and

WHEREAS, County departments generally plan six months in advance of the expiration of contracts that need to be replaced through competitive bidding such as through the issuance of a Request for Proposal or a Two-Step Bid; and

WHEREAS, the Board of Supervisors does hereby find it necessary to repeal and restate Resolution No. 20-031 to wind down the streamlined process for the renewal and extension of County contracts during the COVID-19 Emergency in an orderly manner so that County departments may plan for the resumption of the

regular procurement processes authorized in the County's Contract Policy Manual for such County contracts, which were modified by Resolution No. 20-031.

NOW, THEREFORE, BE IT RESOLVED by the Orange County Board of Supervisors that:

1. Pursuant to Government Code Section 25502.7, the Board of Supervisors directs the County Procurement Officer (CPO), or his designee, to engage independent contractors to perform services related to the COVID-19 Emergency for the County or County officers, with or without the furnishing of material.
 - a. To the extent that the CPO determines that an immediate, emergency need exists due to imminent threat to life, health, property, or essential public service for a services contract due to the COVID-19 Emergency, no further sole source justification is required for a contract or amendment entered into pursuant to Paragraph 1 of this Resolution.
 - b. To the extent feasible under the emergency circumstances created by the COVID-19 Emergency, the CPO shall comply with the applicable purchasing procedures provided in Orange County Codified Ordinance § 1-4-12, *et seq.*, and the County of Orange Contract Policy Manual (CPM), and with the applicable procurement policies of the CPO with respect to contracts entered into pursuant to Paragraph 1 of this Resolution.
 - c. To the extent feasible under the emergency circumstances created by the COVID-19 Emergency, the CPO shall submit reports to each office of the Board of Supervisors on at least a monthly basis

identifying the contracts entered into or amended pursuant to Paragraph 1 of this Resolution.

- d. The term of any contract entered into pursuant to Paragraph 1 of this Resolution shall not exceed one year.
2. The CPO is authorized to enter into extensions of commodity contracts, as defined in Section 3.1 of the CPM, that will expire between the date of this Resolution and January 31, 2021~~the expiration of the COVID-19 Emergency~~ without approval by the Board of Supervisors if the following conditions are satisfied:
 - a. The extended contract amount does not exceed the average annual value of the prior years of the contract;
 - b. There are no material changes to the scope, terms and conditions of the contract, except for term; and
 - c. It is determined to be in the best interest of the County.
 3. The CPO is authorized to enter into extensions of service contracts, as defined in Section 3.3 of the CPM, and human service contracts, as defined in Section 3.4, that will expire between the date of this Resolution and April 30, 2021~~the expiration of the COVID-19 Emergency~~ without approval by the Board of Supervisors if the following conditions are satisfied:
 - a. The extended contract amount does not exceed the average annual value of the prior years of the contract;
 - b. There are no material changes to the scope, terms and conditions of the contract, except for term;
 - c. The total annual value of the extended contract does not exceed \$200,000; and

- d. It is determined to be in the best interest of the County.
4. The CPO is authorized to enter into renewals of service contracts, as defined in Section 3.3 of the CPM, that will expire between the date of this Resolution and ~~January 31, 2021~~~~the expiration of the COVID-19 Emergency~~ without further approval by the Board of Supervisors subject to the following requirements:
 - a. The CPO may enter into renewals of service contracts of up to one year of the contract under the same scope, terms and conditions and the same or lower pricing set forth in the contract for the renewed term as originally approved by the Board of Supervisors.
 - b. If the contract did not specify the terms and conditions and pricing that apply to the renewed term, then the contract may be extended pursuant to Paragraph 3 of this Resolution if its annual average value does not exceed \$200,000.
 5. The CPO and procurement/contract administrator staff are authorized to enter into renewals of human services contracts, as defined in Section 3.4 of the CPM, that will expire between the date of this Resolution and ~~January 31, 2021~~~~the expiration of the COVID-19 Emergency~~ without further approval by the Board of Supervisors subject to the following requirements:
 - a. The CPO and procurement/contract administrator staff may enter into renewals of human services contracts of the contract under the same scope, terms and conditions and the same or lower pricing set forth in the contract for the renewed term as originally approved by the Board of Supervisors.

- b. If the contract did not specify the terms and conditions and pricing that apply to the renewed term, then the contract may be extended pursuant to Paragraph 3 of this Resolution if its annual average value does not exceed \$200,000.
6. Consent Calendar: Between the date of this Resolution and January 31, 2021,
 - a. Initial service contracts and human services contracts, and extensions and renewals of service contracts and human services contracts, which cannot be executed, extended or renewed pursuant to Paragraphs 1, 3, 4 or 5 of this Resolution, may be placed on the consent calendar for approval by the Board of Supervisors regardless of the dollar value.
 - b. Extensions of commodity contracts which cannot be extended pursuant to Paragraph 2 of this Resolution, may be placed on the consent calendar for approval by the Board of Supervisors regardless of the dollar value.
7. The term limit for contracts set forth under CPM §3.1-103, §3.1-104(1), §3.3-105, §3.3-106(1) and §3.4-110 and the total contract value limit set forth in CPM §3.3-102(1)b) shall not apply to contract extensions or renewals entered into pursuant to Paragraphs 1 through 6 of this Resolution.
8. Section 3.2-111(1)(f) of the CPM, which provides, “If the requested Capital Asset is unbudgeted, the item will be filed for approval by the Board of Supervisors when the item exceeds \$25,000,” is suspended from operation until January 31, 2021, the expiration of the COVID-19 Emergency.

9. Section 4.3-111(1) of the CPM, which requires proposer interviews when the total contract value is anticipated to exceed \$1,000,000, is suspended from operation until January 31, 2021,~~the expiration of the COVID-19 Emergency~~. An evaluation committee may elect to conduct proposer interviews for such procurements if they determine it is in the best interest of the County, so long as the interviews are conducted in compliance with social distancing requirements and/or via conference call or video conferencing.
10. The maximum length of an extension or renewal of a contract entered into pursuant to the authority granted by this Resolution is one year.
11. Sole Source Services Contracts and Human Services Contracts:
 - a. Sections 3.3-102(1)c), 3.4-108(2), 4.5-107, and 4.5-108 of the CPM, which require approval by the Board of Supervisors for sole source contracts that exceed a total annual amount of \$75,000 or a two (2) year consecutive term, regardless of dollar amount, are suspended from operation until January 31, 2021~~the expiration of the COVID-19 Emergency~~.
 - b. Between the date of this Resolution and January 31, 2021, sole~~Sole~~ source service contracts or human services contracts, or an extension or renewal of such contracts, whose annual value exceeds \$200,000 and maximum length is one year, may be placed on the consent calendar for approval by the Board of Supervisors.
12. The CPO is directed to establish policies and procedures to be followed by County departments for the implementation of this Resolution.
13. The authority granted in this Resolution shall expire on April 30, 2021 ~~or upon~~ the expiration of the COVID-19 Emergency, whichever is later.

14. Resolution No. 20-~~031023~~ is hereby repealed.