



County of San Mateo

Inter-Departmental Correspondence

Department: HUMAN RESOURCES

File #: 22-333

Board Meeting Date: 5/3/2022

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: Rocio Kiryczun, Human Resources Director
Scott Johnson, Risk Manager

Subject: Amendment to the Agreement between COVID DX LLC and County of San Mateo

RECOMMENDATION:

Adopt a resolution authorizing an amendment to the agreement between COVID DX LLC and the County of San Mateo for COVID-19 testing of county employees to increase the maximum amount payable under the agreement to \$1,350,000 and to extend the term to December 31, 2022.

BACKGROUND:

Identifying positive COVID-19 cases through testing opportunities continues to be a key component of both the State's and the County's pandemic response.

- While California Department of Public Health (CDPH) orders mandate COVID-19 vaccinations for workers in health care settings, such workers who are unable to be vaccinated because of religious or medical exemptions are required to be tested for COVID-19 once or twice a week.
- CDPH orders require that workers in correctional facilities who do not submit proof of vaccination participate in weekly testing.
- California Division of Occupational Safety and Health (Cal/OSHA) regulations require the County to offer testing to any employee who is exposed to COVID-19 at work and to any unvaccinated employee who is symptomatic.
- The County's COVID-19 Vaccine Status Verification and Testing policy required all employees who did not submit proof of vaccination to participate in weekly testing.

Since September 2021, the County has greatly increased testing capacity for County employees to comply with these regulations and policies.

Pursuant to the emergency contracting authority granted by the Board of Supervisors (Resolution 077305 (adopted March 24, 2020), in September 2021, the County executed an Agreement with COVID DX LLC to provide COVID-19 testing kits, swab County employees, submit the specimens for testing, and provide test results to participants. Prior to that, an agreement was executive from June 2020 to June 2021 for an amount not to exceed \$500,000 and the Agreement was amended on

February 18, 2021, to replace the form of the contract with the standard County template and exhibits.

DISCUSSION:

Based on the number of COVID-19 tests processed to date, the amount of the Agreement will exceed the \$500,000 contract authority threshold. An amendment approved by your Board is therefore needed to continue COVID DX LLC's services under the Agreement.

The proposed Amendment to the Agreement will increase the authorized amount of the contract to \$1,300,000 and extend the expiration date to December 31, 2022. The contract terms have been amended to allow for flexibility in number of tests performed for the remainder of the year, as testing needs are likely to vary based on the number of COVID-19 cases in the County.

This increase will allow the County to continue required testing for select employees covered under CDPH orders, Cal/OSHA regulations, and the County's COVID-19 Vaccine Status Verification and Testing policy. (The latter policy has temporarily suspended the testing requirement, effective April 4, 2022, but that requirement may be reinstated based on COVID-19 transmission rates in California and County of San Mateo.)

The resolution has been reviewed and approved by County Attorney's Office as to form.

The resolution contains the County's standard provisions allowing amendment of the County fiscal obligations by a maximum of \$25,000 (in aggregate).

PERFORMANCE MEASURES:

Measure	2021 Actual	2022 Projected
Minimum number of tests performed weekly	750	300
Time to provide test reports to participants	72 hours	72 hours

FISCAL IMPACT:

The costs of the agreement with COVID DX LLC will be paid from general fund or other monies received for pandemic response.