

SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



ITEM: 3.6  
(ID # 17440)

**MEETING DATE:**

Tuesday, November 02, 2021

**FROM :** EMERGENCY MANAGEMENT DEPARTMENT:

**SUBJECT:** EMERGENCY MANAGEMENT DEPARTMENT: Approval of Amendment No. 2 to the Professional Services Agreement with Equaltox for Laboratory Services to increase amount by \$2,502,150 for a total of \$3,116,550 without seeking competitive bids for the period March 1, 2021 through December 31, 2021, with the option to renew monthly through June 30, 2022, All Districts. [Total Cost \$3,116,550; up to \$623,310 in additional compensation annually, 100% Federal Funds] 4/5 Vote Required

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Approve Amendment No. 2 to the Professional Services Agreement with Equaltox, LLC for Laboratory Services to increase the annual Agreement amount by \$2,502,150 from \$614,400 to \$3,116,550 and add option to renew monthly through June 30, 2022, and authorize the Chair of the Board to sign the Amendment on behalf of the County;
2. Authorize the Purchasing Agent, in accordance with Ordinance No. 459, based on the availability of fiscal funding and as approved-as-to-form by County Counsel, to sign amendments that exercise the options of the agreement including modifications of the statement of work that stay within the intent of the Agreement and month-to-month extensions through June 30, 2022, and sign amendments to the compensation provisions that do not exceed the sum total of twenty percent (20%) of the total annual cost of the contract; and
3. Approve and direct the Auditor Controller to make the budget adjustments shown on Schedule A.

**ACTION: 4/5 Vote Required, Policy**

  
Bruce Barton, EMD Director 10/19/2021

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**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Washington, seconded by Supervisor Jeffries and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt  
Nays: None  
Absent: None  
Date: November 2, 2021  
xc: EMD

Kecia R. Harper  
Clerk of the Board

By:   
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,  
STATE OF CALIFORNIA**

<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$ 2,502,150	\$ 0	\$ 3,116,550	\$ (e.g. Operations)
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$ 0	\$ In dollars, no cents
<b>SOURCE OF FUNDS: 100% Federal Funds</b>			<b>Budget Adjustment: Yes</b>	
			<b>For Fiscal Year: 21/22</b>	

**C.E.O. RECOMMENDATION:** Approve

**BACKGROUND:**

**Summary**

Riverside County departments have been working with community partners to address the migrant surge at the Border since March 2021. The Emergency Management Department (EMD) has been responsible for communicating with Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) regarding migrant family and individual drop-off times and locations. EMD has coordinated transportation of migrants from the CBP stations in Blythe, Murrieta and Indio to accommodations in Riverside County. One complication to this process is the ongoing COVID-19 pandemic. Under the direction of RUHS-Public Health, it was necessary to have testing for COVID at the CBP stations so that migrants who tested positive could be isolated upon arrival in Riverside County. The only vendor responding to inquiries for emergent mobile testing was Equaltox, LLC. They agreed to send a team with equipment to conduct COVID testing at the CBP stations.

**Impact on Residents and Businesses**

The ability to conduct this testing enhances our public health and safety.

**Additional Fiscal Information**

EMD is preparing to do an RFQ meanwhile adding funding will ensure uninterrupted services and the ability to pay Equaltox invoices in a timely manner. EMD's priority is to assure that testing services remain in operation without interruption. EMD is adding the option to renew after December 31, 2021 on a month-by-month basis until June 30, 2022 in case there is a delay in securing a contract as a result of the RFQ and a transition period is needed.

EMD will be seeking 100% of reimbursement for costs through the National Board for the Emergency Food and Shelter Program (EFSP) – American Rescue Act (ARPA) of 2021 funding. The EFSP ARPA funding has made \$110 million available to eligible organizations that provide shelter, food, transportation, basic health care and first aid, COVID-19 testing and the associated medical care needed during quarantine and isolation and other supportive services provided to migrants released from the custody of the Department of Homeland Security (DHS). In the event that EMD is not successful in securing this funding, EMD will work with the Executive Office to explore other outside funding opportunities to present to the Board, including potentially use of the County's ARPA allocation.



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STATE OF CALIFORNIA**

**Contract History and Price Reasonableness**

A COVID-19 Emergency Procurement Form (EPF) was completed to cover the initial costs which was anticipated to be under \$100,000. The Professional Services Agreement with Equaltox was approved by the Board of Supervisors on July 27, 2021 (item 3.4) for the amount of \$512,000 (Purchasing Approved SSJ #22-027) based on early projections. Amendment No. 1 was signed by the Purchasing Agent to increase the agreement by 20% as authorized by the Board. At the time of the approval of the contract in July, the average weekly number of tests conducted from March-June was 200. Since mid-July, the average weekly number of tests conducted is approaching 600, a threefold increase. This Amendment No. 2 (Purchasing Approved SSJ #22-027A) will add funding and add option to renew monthly through June 30, 2022.

The price paid to Equaltox for the testing is in line with current government rates.

**ATTACHMENTS:**

Amendment No. 2 to the Professional Services Agreement with Equaltox LLC for Laboratory Services

Single Source Justification

Schedule A – Budget Adjustment

**SCHEDULE A**

**Emergency Management Department**

**Budget Adjustment**

**Fiscal Year 2021/2022**

**INCREASE IN APPROPRIATIONS:**

10000 - 2000100000 - 525440	Professional Services	\$ 2,502,150
<b>TOTAL INCREASE IN APPROPRIATIONS:</b>		<b><u>\$ 2,502,150</u></b>

**INCREASE IN ESTIMATED REVENUE:**

10000 - 2000100000 - 767220	Fed-Other Operating Grants	\$ 2,502,150
<b>TOTAL INCREASE IN ESTIMATED REVENUES:</b>		<b><u>\$ 2,502,150</u></b>

SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,  
STATE OF CALIFORNIA

  
Heydee Koury, Sr Accountant - Auditor 10/20/2021

  
Suzanna Heckley, Assistant Director of Purchasing and Fleet Service 10/20/2021

  
Rebecca S Cortez, Principal Management Analyst 10/20/2021

  
Gregory V. Priapros, Director County Counsel 10/20/2021



Bruce Barton  
Director

Date: October 8, 2021  
From: Bruce Barton, Director of Emergency Management Department  
To: Board of Supervisors/Purchasing Agent  
Via: Renee Poselski 951-358-5864  
Subject: Single Source Procurement – COVID 19 Testing Services. Amendment 2 to increase amount due to surge.

1. Supplier being requested: Equaltox
2. Vendor ID: 000240939
3. ☒ Single Source ☐ Sole Source  
(Single Source - is a purchase of a commodity or service without obtaining competitive bids although more than one source is available)  
  
(Sole Source - is a purchase of a commodity or service that is proprietary or no other vendor is qualified or willing to meet the county specified requirements)
4. Have you previously requested and received approval for a sole or single source request for this vendor for your department? (If yes, please provide the approved sole or single source number).  
  
☒ Yes ☐ No  
SSJ# EMARC 22-027

4a. Was the request approved for a different project?

☐ Yes ☒ No

5. Supply/Service being requested:  
(If this request is for professional services, attach the service agreement to this sole source request. The Purchasing Agent, or designee, is the signing authority for agreements unless the service is exempted by Ordinance 459, Board delegated authority or by State law. All insurance requirements must be met prior to work commencement. See the Risk Management website for vendor insurance requirements.)

The County of Riverside is assisting the U.S. Customs and Border Patrol (USCBP) with the surge of migrants who have crossed the border from Mexico to seek asylum in the United States. The County and partner Community Based Organizations are providing safety net services for asylum seekers that would otherwise be dropped off in the County by CBP without support creating a humanitarian crisis and impacting communities. After receiving the Form # 116-333 rev 5/31/18



migrants at USCBP stations in Blythe, Indio, and Murrieta, they are screened and tested for COVID-19. Positive and exposed individuals and families are then placed in isolation/quarantine hotels and monitored by public health until they can safely enter communities and travel. These emergency protective measures are designed to mitigate further spread of COVID-19 in Riverside County and beyond. This operation began in the midst of the COVID-19 emergency and it was necessary to immediately find a laboratory that would do mobile testing at the border patrol stations. The County team requested assistance from all of the vendors that were providing testing during the pandemic and only Equaltox responded to the request. Under the County emergency procurement process the County team emergently employed Equaltox to perform the required testing. Equaltox sends teams to the border stations to do the rapid antigen test and the RT-PCR Swab test. The rapid antigen test results are known within 15 minutes. Equaltox sends the RT-PCR swabs to their lab for testing and is able to post results to the website within 12-14 hours.

6. **Unique features of the supply/service being requested from this supplier.** *(If this sole source request is due to proprietary software or machinery, or hardware, provide a supporting letter from the manufacturer. If this is a single source request provide an explanation of how this provides the best value for the County by selecting this vendor.)*

Equaltox was the only laboratory willing to do COVID testing on site at the border stations with such a quick turnaround for the results.

Equaltox is storing and delivering the positive RT-PCR Swab tests to the RUHS - Public Health laboratory weekly for variant testing. There is a delivery/documentation fee for each positive test.

7. **Reasons why my department requires these unique features from the vendor and what benefit will accrue to the county:** The number of migrants has steadily increased. Based upon planning assumptions the County team made a good faith attempt to forecast the cost of testing services, however due to the duration of the surge, increasing numbers and lack of testing support from Federal partners, initial cost estimates have been exceeded. At the time of the approval of the contract in July, the average weekly number of tests conducted was 200. Since mid-July, the average weekly number of tests conducted is approaching 600.

8. **Period of Performance:** From: 3/1/2021 to 12/31/2021  
(total number of years)

Is this an annually renewable contract? ☒ No ☐ Yes  
Is this a fixed-term agreement: ☐ No ☒ Yes

*(A fixed-term agreement is set for a specific amount of time; it is not renewed annually. Ensure multi-year fixed-term agreements include a cancellation, non-appropriation of funds, or refund clause. If there is no clause(s) to that effect, then the agreement must be submitted to the Board for approval. No exemptions shall apply.)*

9. **Identify all costs for this requested purchase. In addition, please include any single or sole source amounts previously approved and related to this project and vendor in the section designated below for current and future fiscal years. You do not need to include previous fiscal year amounts. If approval is for multiple years, ongoing costs must be identified below. If annual increases apply to ongoing costs such as CPI or other contract increases, provide the estimated annual cost for each consecutive year. If the annual increase may exceed the Purchasing Agent's authority, Board approval**



**must be obtained.** (Note: ongoing costs may include but are not limited to subscriptions, licenses, maintenance, support, etc.)

Description:	FY20/21
<b>Rates:</b>	
Rapid Antigen Test per Asylum Seeker	\$25.00
RT-PCR Swab Test per Asylum Seeker	\$100.00
Delivery/Documentation Fee	
Per positive RT-PCR test delivered to RUHS-PH Laboratory	\$25.00

Equaltox has been providing the services since March 2021. Weekly number of tests conducted has risen from 200 to almost 600 since July 2021. EMD had projected the amount needed for the number of tests to be \$512,000; this amount was spent by August and we have also spent the authorized 20% increase approved by the Board (Amendment No.1). EMD now owes Equaltox \$480,900. **EMD now estimates that we need to plan for 165 people per day for September 28 through December 31, 2021, for an additional amount of \$2,021,250. Add the \$480,900 owed through September 27, and the total increase to the contract requested is \$2,502,150.**

This cost is eligible for 100% reimbursement through the COVID related FEMA public assistance program. This cost assumes the continued need for services through the end of the calendar year, projected volume of asylum seekers based upon current trends and continued refusal by Federal partners to assume the operational responsibility for testing.


**10. Price Reasonableness:** (Explain why this price is reasonable or cost effective – were you provided government discounted pricing? Is this rate/fee comparable to industry standards?)

This is cost-effective because the process has been streamlined. Equaltox teams go once per day to the CPB sites and there are caps on the number of people per day that are being released to Riverside County (which can change based on circumstances).

The Centers for Medicare & Medicaid Services announced that starting January 1, 2021 Medicare will pay \$100 per RT-PCR test to laboratories that complete high throughput within two days of the specimen being collected (<https://www.cms.gov/newsroom/press-releases/cms-changes-medicare-payment-support-faster-covid-19-diagnostic-testing>). Equaltox returns the test results in 12-14 hours. Delaying the test any longer would mean holding asylum seekers that need to get to their destinations outside of the County longer, and that would increase housing and feeding costs.

EMD is preparing to do an RFQ, but we already cannot pay the outstanding invoices due to the dramatic increase of asylum seekers, which is projected to increase even more. We need to cover the time until December 31, 2021, when the new contract, competitively bid, can start.

**11. Projected Board of Supervisor Date (if applicable):** November 9, 2021  
(Draft Form 11s, service agreement and or quotes must accompany the sole source request for Purchasing Agent approval.)

  
\_\_\_\_\_  
Department Head Signature (or designee)      Bruce Barton      10-8-21  
Print Name      Date

The section below is to be completed by the Purchasing Agent or designee.

Purchasing Department Comments:

Approve

Approve with Condition/s

Disapprove

Condition/s:

Not cost effective to change vendors at this point  
AFTER THE FIRST REQUEST.

BOS RATIFICATION REQ'D.

Not to exceed:

☒ One-time \$ 2,502,150

☐ Annual Amount \$ \_\_\_\_\_ / per fiscal year through \_\_\_\_\_ (date)  
(If Annual Amount Varies each FY)

FY \_\_\_\_\_ : \$ \_\_\_\_\_  
FY \_\_\_\_\_ : \$ \_\_\_\_\_  
FY \_\_\_\_\_ : \$ \_\_\_\_\_  
FY \_\_\_\_\_ : \$ \_\_\_\_\_  
FY \_\_\_\_\_ : \$ \_\_\_\_\_

Suzanna Hincley

Purchasing Agent

10/14/21

Date

Amend 22-027A

Approval Number

(Reference on Purchasing Documents)

List Attachments:

Form 11

Amendment



## Maxwell, Sue

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**From:** cob@rivco.org  
**Sent:** Tuesday, November 2, 2021 8:01 AM  
**To:** COB; ba4612442@gmail.com  
**Subject:** Board comments web submission

**CAUTION:** This email originated externally from the Riverside County email system. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.



First Name: B  
Last Name: Anderson  
Address (Street, City and Zip): Rancho mirage  
Phone: 7603249637  
Email: ba4612442@gmail.com  
Agenda Date: 11/02/2021  
Agenda Item # or Public Comment: 3.6  
State your position below: Oppose  
Comments: Will be making Verbal testimony

**Thank you for submitting your request to speak. The Clerk of the Board office has received your request and will be prepared to allow you to speak when your item is called. To attend the meeting, please call (669) 900-6833 and use Meeting ID # 864 4411 6015 . Password is 20211102. You will be muted until your item is pulled and your name is called. Please dial in at 9:00 am am with the phone number you provided in the form so you can be identified during the meeting.**

COUNTY OF RIVERSIDE  
AMENDMENT NO. 2 TO THE AGREEMENT  
WITH  
EQUALTOX, LLC

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Original Contract Term:	March 1, 2021 through December 31, 2021
Contract Term Extended To:	June 30, 2022
Effective Date of Amendment:	October 26, 2021
Original Maximum Contract Amount:	\$614,400
Amended Maximum Contract Amount:	\$3,116,550
Contract ID:	EMARC-96148-PO-0003093-12/21

The Professional Service Agreement for Laboratory Services (PSA) between County of Riverside, a political subdivision of the State of California (COUNTY), and Equaltox, LLC (CONTRACTOR), was entered into as of July 27, 2021, with services retroactive to March 1, 2021. It was amended on October 12, 2021 (Amendment No. 1) to increase the amount to \$614,400. The PSA, as amended by Amendment No. 1, is further amended as follows:

1. Amend Section 2 "Period of Performance" first sentence to read:

"This Agreement shall be effective upon signature of this Agreement by both parties and continue in effect through December 31, 2021, with the option to renew monthly through June 30, 2022, unless terminated earlier."

2. Amend Section 3 "Compensation," subsection 3.1 second sentence to read:

"Maximum payments by COUNTY to CONTRACTOR shall not exceed three million one hundred sixteen thousand five hundred fifty dollars (\$3,116,550) annually, including all expenses."

3. All other terms and conditions shall remain unchanged.

*(The rest of this page is intentionally left blank)*

*(Signatures are on the next page)*



COUNTY OF RIVERSIDE  
AMENDMENT NO. 2 TO THE AGREEMENT  
WITH  
EQUALTOX, LLC

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IN WITNESS WHEREOF, the Parties hereto have caused their duly authorized representatives to execute this Amendment.

COUNTY OF RIVERSIDE, a political  
subdivision of the State of California

EQUALTOX, LLC

By: Karen S. Spiegel  
Karen Spiegel, Chair  
Board of Supervisors

By: Ali Kohzad  
Ali Kohzad, PharmD  
Chief Operating Officer

Dated: NOV 02 2021

Dated: 10/13/21

ATTEST:  
Kecia Harper  
Clerk of the Board

By: Yvonne Passo  
Deputy

APPROVED AS TO FORM:  
Gregory P. Priamos  
County Counsel

By: Melissa R. Cushman  
Melissa R. Cushman,  
Deputy County Counsel