



AGENDA COVER MEMO

Memorandum Date: March 25, 2020

Order Date: March 31, 2020

TO: Board of County Commissioners

DEPARTMENT: Health & Human Services

PRESENTED BY: Karen Gaffney, Director

AGENDA ITEM TITLE: ORDER ___ / IN THE MATTER OF AUTHORIZING UP TO \$5,000,000 IN EMERGENCY FUNDING TO RESPOND TO THE EFFECTS OF COVID-19, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO CONTRACT FOR GOODS AND SERVICES FOR EXPENDITURE OF THE FUNDS.

I. **MOTION**

In the Matter of Authorizing up to \$5,000,000 in Emergency Funding to Respond to The Effects of COVID-19 and Authorizing the County Administrator to Contract for Goods and Services for Expenditure of the Funds.

II. **AGENDA ITEM SUMMARY**

The Board is being asked to authorize the County Administrator to expend County funds up to a total of \$5,000,000 in response to the COVID-19 emergency. This total authorization includes the \$750,000 authorized via Board Order 20-03-17-06. Additionally, the Board is being asked to grant the County Administrator authority to take any actions necessary to promptly and efficiently contract for expenditure of these funds for goods and services needed as part of the COVID-19 response.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

The World Health Organization, the President of the United States, the State of Oregon and Lane County have each declared COVID-19 a global pandemic. The Board's emergency declaration, Board Order 20-03-17-06, also authorized the County Administrator to spend up to \$750,000 to respond to the effects of COVID-19.

B. Policy Issues

It is Lane County's policy to encourage open and impartial competition in the procurement of goods and services, in accordance with Oregon public contracting law (LM 20.050). In emergencies, Oregon law authorizes emergency procurements of goods and services, and requires that the contracting agency document the nature of the emergency and the methods used for selection. If the proposed Board Order is approved by the Board, the County will use competitive procurements for services where reasonable under the circumstances, alternative methods where competitive selection is not practicable, and will document all selections of vendors of goods and services in compliance with Oregon law.

C. Board Goals

This action meets the Board's strategic plan priority 1: Safe and Healthy County.

D. Financial and/or Resource Consideration

The funding authorized via Board Order 20-03-17-06 has been allocated for goods and services during the initial week of the declared emergency and is not sufficient to meet the ongoing community needs. This increased authority will allow the County to continue to provide contact tracing, disease investigation, community information and public safety. Funding will come from multiple funds across the county with the anticipation that most expenditures will be reimbursed by FEMA.

E. Health Implications

The potential health implications of not providing resources during the COVID-19 pandemic are immense. COVID-19 will spread to more people resulting in increased burden on healthcare providers and hospitals and will result in more deaths in Lane County.

F. Analysis

Lane County continues to provide critical life and safety services during the

COVID-19 pandemic. Provision of these services requires the immediate and significant expenditures of resources for response in order to keep the public informed and safe. The initial funding for emergency services including contact tracing, disease investigation, community information and public safety have been expended and further resources are needed. This \$5,000,000 total includes the \$750,000 of emergency spending authorized via Board Order 20-03-17-06.

The County must be able to move quickly to purchase the goods and services needed. To this end, and in accordance with Oregon law relating to emergency contracting (ORS 279B.080), HHS requests that the Board of Commissioners delegate authority to the County Administrator to carry out contracting for the funds authorized in the proposed Order, including streamlined procurement processes, sole source determinations, and execution of contracts for goods and services provided as part of the COVID-19 pandemic response. The delegation will allow the County to get goods and services into the community as quickly as possible.

G. Alternatives/Options

1. Approve the authorization of up to \$5,000,000 in emergency funding to respond to the effects of COVID-19 and delegate authority to the County Administrator to take actions necessary to promptly and efficiently contract for expenditure of these funds.
2. Do not approve the authorization of up to \$5,000,000 in emergency funding to respond to the effects of COVID-19, and take up responding further to the effects of COVID-19 at a time in the future.
3. Approve the authorization of up to \$5,000,000 in emergency funding to respond to the effects of COVID-19, but do not delegate authority to the County Administrator to take actions to promptly and efficiently contract for expenditure of these funds, and delay contracting for goods and services until competitive procurements can be scheduled, proposals received, and the proposed contracts presented for approval at a future Board meeting.

IV. Recommendation

H&HS recommends approval of Option 1 above.

IV. ATTACHMENTS

Board Order

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

IN THE MATTER OF AUTHORIZING UP
TO \$5,000,000 IN EMERGENCY
FUNDING TO RESPOND TO THE
EFFECTS OF COVID-19 , AND
AUTHORIZING THE COUNTY
ADMINISTRATOR TO CONTRACT FOR
GOODS AND SERVICES FOR
EXPENDITURE OF THE FUNDS

WHEREAS, COVID-19 poses a health risk to Lane County residents, visitors and first responders which could extend for several months; and

WHEREAS, COVID-19 response requires the immediate and significant expenditures of resources at the local level for response in order the keep the public informed and safe. Resources related to contact tracing, disease investigation, community information and public safety are expected to be exhausted; and

WHEREAS, ORS 401.305 provides authority for Lane County to act as an emergency management agency and includes authority to establish policies and protocols for defining and directing responsibilities during time of emergency; and

WHEREAS, Lane County has declared a state of emergency throughout all of Lane County; and

WHEREAS, Lane County Code Chapter 20 and ORS 401.309 further authorize certain actions be taken during a state of emergency when necessary for public safety or for the efficient conduct of activities to minimize or mitigate the effects of the emergency; and

WHEREAS, ORS 279B.080 authorizes the head of a contracting agency to make or authorize others to make emergency procurements of goods or services during an emergency;

NOW, THEREFORE the Board of County Commissioners of Lane County ORDERS as follows:

1. The County Administrator is authorized to spend up to a total of \$5,000,000 in responding to the effects of the COVID-19 pandemic. Further, the County Administrator is delegated authority to exercise his discretion regarding the allocation of specific resources.
2. The County Administrator is delegated authority to take such actions as are necessary for the prompt and efficient expenditure of these funds for purposes related to the COVID-19 epidemic in compliance with Oregon emergency contracting law, including source selection and execution of contracts.

3. The authority granted the County Administrator under this Order supercedes the limitations on such authority under the Lane Manual.

ADOPTED this ____ day of March, 2020 _____

APPROVED AS TO FORM

Date _____

Heather Buch, Chair
Lane County Board of Commissioners

LANE COUNTY OFFICE OF LEGAL COUNSEL