

# County of Santa Clara

## Facilities and Fleet Department

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**Date:** May 11, 2020

**To:** Board of Supervisors  
Jeffrey V. Smith, County Executive

**From:** Jeffrey D. Draper, Director of Facilities and Fleet

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*Jeffrey Draper*  
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**Subject:** Off- Agenda Report Relating to Emergency Procurement at VMC-De Paul

At the Board of Supervisors (Board) Meeting on May 5, 2020, at the request of Supervisor Ellenberg, the Board directed Administration to provide an off-agenda report outlining the emergency procurement efforts related to the renovations/improvements at VMC-De Paul. The following report outlines actions that have been taken to date, and future actions that would be necessary to bring the facility back on-line as quickly as possible to be used as a COVID-19 related treatment facility during the current crisis.

### Previous Actions:

- On April 3, 2020, the County entered into a Job Order Contract (JOC) agreement with SBAY Construction, Inc. (SBAY), designated as Emergency-JOC-COVID 19 for a maximum contract value of \$5,098,418, and maximum contract duration of one year. The emergency JOC awarded to SBAY was awarded to SBAY on a non-competitive basis, pursuant to County Ordinance Code section A34-82. This JOC is primarily for mold abatement and equipment inspection, testing, and analysis. This one JOC does not have the capacity to include all the work necessary to repair and replace the damage resulting from years of water damage.
- On April 21, 2020, On April 21, 2020 (Item No. 80), the Board adopted a finding that an emergency exists due to the COVID-19 public health emergency and to forgo the normal bid solicitation and contracting process for construction services related to renovations and improvements at VMC-De Paul.
- On May 5, 2020, the Board approved the establishment of Capital Improvement Project 263-CP20020 "VMC-De Paul COVID-19 Emergency Repairs" and Appropriation Modification No. 194 - \$25,000,000 increasing revenues and expenditures in the Facilities and Fleet Department Capital Budget. Pursuant to County Ordinance Code section A34-82, the Administration also provided continuing notice to the Board about forthcoming contracts that would be awarded on a non-competitive basis to accomplish the project.

### Current Situation and Timeline at VMC-De Paul

To date we have abated the mold damage on the interior including removal of affected sheet rock, ceiling tile, flooring, cabinetry, and other appurtenances. Work has also included putting Flex-Seal on the windows to prevent water from entering at these openings, as well as assessing all the mechanical, electrical, and plumbing equipment. At this point the facility can be entered without a respirator as it has achieved safe air quality levels.

The project team has been working with the hospital staff to specify requirements of the urgent care clinic, the pharmacy, and the subacute patient areas. Hospital staff and project staff are working to establish specific requirements for licensing subacute beds and an express clinic. While the patient beds do not have to be licensed for use by the California Department of Public Health under surge guidelines, the goal of the project is to ultimately license them.

The best timeline that can likely be achieved for the interior is 10 weeks, while completing most of the exterior will take an estimated 12 weeks.

#### *Future Emergency Procurement Actions*

To maximize potential reimbursement, FEMA favors the use of competitive procurement. However, in the case of a “public emergency or exigency,” as set forth in 2 C.F.R. § 200.320(f)(2), FEMA may reimburse non-state entities for non-competitive procurement if the non-state entity determines that a public exigency or emergency will not permit a delay resulting from competitive solicitation. The County has already previously waived compliance with competitive procurement when related to the COVID-19 emergency. Here the Administration will use a hybrid methodology of competitive and noncompetitive procurement. The Administration plans now to issue four no-bid job order contracts to SBAY who will in turn bid out subcontracts based on a low bid methodology for the following packages of work:

- Roofing, Sheet Metal Work, Scaffolding
- Demolition and Abatement and Stucco wall system
- Flooring, Glazing, Painting, and Site Work
- Interior finishes and Mechanical, Electrical, and Plumbing systems

Each job order contract will have a maximum compensation limit of roughly \$5 million, the maximum allowed by State law. The Administration will also be preparing a furniture, fixtures, and equipment (FF&E) package to outfit the facility. The method of procuring the FF&E is still in discussion at this time.

cc: Chief Board Aides  
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