



COUNTY OF SAN DIEGO

AGENDA ITEM

BOARD OF SUPERVISORS

NORA VARGAS
First District

JOEL ANDERSON
Second District

TERRA LAWSON-REMER
Third District

NATHAN FLETCHER
Fourth District

JIM DESMOND
Fifth District

DATE: August 17, 2021

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TO: Board of Supervisors

SUBJECT

AUTHORIZATION FOR SINGLE SOURCE PROCUREMENT OF DROPLET DIGITAL POLYMERASE CHAIN REACTION SYSTEM FOR RAPID-TESTING OF BEACH WATER SAMPLES AND AUTHORIZATION TO PURSUE FUTURE FUNDING OPPORTUNITIES RELATED TO BEACH WATER MONITORING (DISTRICTS: ALL)

OVERVIEW

The County of San Diego (County) Health and Human Services Agency's Public Health Laboratory (PHL) provides laboratory services to protect community health and prevent the spread of diseases. The PHL analyzes beach water samples for the County Department of Environmental Health and Quality's (DEHQ) Beach and Bay Water Quality Monitoring Program to assess water quality at San Diego County beaches.

PHL requires the use of laboratory supplies and equipment to ensure continuation of accurate, reliable, and valid test results as well as continuity and efficiency of operations for PHL. The County PHL has an integral role in improving beach water quality in San Diego County by providing the best available methods to analyze bacterial contamination. Today's action requests authority for a single source procurement for PHL's water testing equipment, which will ensure compatibility of new and existing Bio-Rad testing equipment. This single source procurement would result in a contract for the QX ONE Droplet Digital Polymerase Chain Reaction System with Bio-Rad, which is compatible with the existing QX200 testing equipment and falls under the standardization categorical exception to competitive procurement in Board Policy A-87 Section D.5. This instrument provides a molecular method for the detection of enterococci bacteria, a major bacterial indicator of fecal contamination. This newly approved molecular method would provide for same-day beach water quality sample testing results to be reported to DEHQ.

Today's action supports the Building Better Health component of the County's *Live Well San Diego* vision and advances the San Diego County Board of Supervisors priority to address the pollution at the Tijuana River Valley by providing test results which will enable DEHQ to provide same-day public notification of beach water quality and therefore protect the health of our residents and visitors at our region's beaches. This action supports improved monitoring of sewage contamination from the Tijuana River Valley. Faster test results help in the County's response to the declared public health crisis from this pollution source. This action will also allow the County

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to purchase the equipment by the end of September 2021 and it is anticipated rapid-testing of beach water samples will begin in early 2022.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. In accordance with Board Policy A-87, Competitive Procurement, and Administrative Code section 401, approve and authorize the Director, Department of Purchasing and Contracting to enter into negotiations with Bio-Rad and subject to successful negotiations and a determination of a fair and reasonable price, award a contract for the QX ONE Droplet Digital Polymerase Chain Reaction system and consumables for one year and up to four option periods, and an additional six months if needed, and to amend the contract as needed to reflect changes to requirements and funding, subject to the approval of the Agency Director, Health and Human Service Agency.
2. Authorize the Agency Director, Health and Human Services Agency, to apply for additional funding opportunity announcements, if available, that address improvement of beach water monitoring for San Diego County residents.

EQUITY IMPACT STATEMENT

The shoreline and beaches in the Southern region of San Diego County have been disproportionately impacted with poor water quality and beach water closures as a result of cross-border sewage and pollution. The County of San Diego (County) Department of Environmental Health and Quality received funds to implement a South County Enhanced Beach Water Monitoring Program which was established to assess potential cross-border sewage impacts to southern county beaches due to increased reports of sewage odors and the frequency of sewage spills entering the United States from Mexico. This enhanced program achieves a daily sampling frequency at nine beach locations in the South County, in addition to increased public information and Spanish language translation, outreach, and cross-border collaboration.

The County has a responsibility to address the environmental impacts to public health to improve the overall health of residents in our binational region. The activities resulting from this single source procurement align with and advance the San Diego County Board of Supervisors' priority to address the pollution in the Tijuana River Valley. Although water contaminants may originate from one area, it can have an effect that spreads throughout the region, therefore it is anticipated that these actions will have a positive impact throughout San Diego County on all equity-seeking groups, to include, Black, Indigenous, People of color (BIPOC), women, people with disability, immigrants, youth and the LGBTQ+ community.

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FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2021-2023 Operational Plan in the Health and Human Services Agency. If approved, this request will result in costs and revenue of \$665,000 in Fiscal Year 2021-2022 and costs and revenue of \$250,000 in Fiscal Year 2022-2023. The funding source is Realignment. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

The Health Services Advisory Board reviewed this item and recommended approval at its meeting on August 3, 2021.

BACKGROUND

The County of San Diego (County) Public Health Lab (PHL) contributes to the Department of Environmental Health and Quality's (DEHQ) Beach and Bay Water Quality Monitoring Program which protects the public health of millions of residents and visitors each year through beach water testing. PHL tests beach water samples to determine adherence to the State health standards for bacterial water quality. Results are reported to DEHQ and form the basis of any required beach advisories or beach closures to protect public health. Water quality information from the tests performed by the PHL allows DEHQ to provide public education, outreach, and beach postings, which can include water contact advisories, and closures when necessary, to protect the public health in San Diego County.

The County PHL helps to improve beach water quality in San Diego County by providing the best available methods to analyze bacterial contamination. The QX ONE Droplet Digital Polymerase Chain Reaction (ddPCR) assay, or testing method, is the newest testing method available and will improve the response time of DEHQ in notifying the public when there is contamination in beach water. This improved response time will reduce exposure to contaminated water and reduce potential illnesses in the community by providing same-day beach water quality monitoring results to the public, in comparison to the current approved methods, which report results 18-24 hours later.

In May 2021, the County received first-in-the-nation coastal community approval from the California Department of Public Health (CDPH) and the U.S. Environmental Protection Agency (EPA) to utilize the ddPCR assay for beach water testing. PHL and DEHQ are working with CDPH to develop the required laboratory methods and certifications which will enable the County to use ddPCR to make beach water management decisions. Final approvals and the use of the new rapid testing method are anticipated from the State within this calendar year.

Once the ddPCR method is implemented, the PHL anticipates an increased volume of requests to perform the ddPCR assay on beach water samples to determine the water quality at the beaches in

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the region, including daily testing in the South County. The test requests would come from DEHQ in response to the Public Health Crisis of the Tijuana River Valley, which improves DEHQ's monitoring of sewage contamination. The integrated design of the QX ONE, the requested ddPCR equipment, provides five times more capacity than the current equipment, can provide more data, and will reduce employee hands-on time and the time it takes to test a water sample. This equipment is integral for the PHL to provide timely results to support the beach water quality monitoring program. This will provide DEHQ with critical data to make timely beach water management decisions. It will also free up current equipment to handle additional samples that may be unplanned as a result of a re-sampling for closures.

Today's action requests the San Diego County Board of Supervisors (Board) to authorize the Director of the Department of Purchasing and Contracting to issue a single source contract to Bio-Rad for the QX ONE ddPCR system and consumables for beach water testing for San Diego County.

Justification for Single Source Procurement:

Bio-Rad qualifies for a single source procurement based on Board Policy A-87 sections:

- Section 1.D.2: The procurement is for parts or components for equipment, and no information or data is available to ensure that the parts or components from another supplier will perform the same function in the equipment; or the parts or components could compromise the safety or reliability of the product or would void or invalidate a manufacturer's warranty or guarantee.
- Section 1.D.5: Standardization: The procurement is for goods and/or services where standardization is beneficial for reasons including maintenance, repair, training, and interoperability.

PHL currently uses water testing equipment and consumables manufactured and distributed solely by Bio-Rad. Using equipment or parts from another supplier does not guarantee its accuracy and performance with the existing equipment. This droplet digital system is the most appropriate platform that is approved by the EPA. The amount of the contract is up to \$665,000 in Fiscal Year 2021-2022 and up to \$250,000 each option year through Fiscal Year 2025-2026. The contract funding pays for the ddPCR system, preventative maintenance, and consumables. Pricing is determined to be fair and reasonable based on comparable pricing for other governmental entities for the ddPCR system. The anticipated purchase date of the system is by September 30, 2021, subject to successful negotiations. It is anticipated rapid-testing of beach water samples will begin in early 2022.

Today's action supports the Building Better Health component of the County's Live Well San Diego vision and advances the Board's priority to address the pollution at the Tijuana River Valley by providing test results which will enable DEHQ to provide same-day public notification of beach water quality and therefore protect the health of our residents and visitors to San Diego County beaches. This action supports improved monitoring of sewage contamination from the Tijuana

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River Valley. Faster test results help in the County's response to the declared public health crisis from this pollution source.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today's proposed action supports the Building Better Health and Thriving initiatives in the County of San Diego's 2021-2026 Strategic Plan as well as the *Live Well San Diego* vision by providing timely test results, which protects the health of individuals from bacteria in beach and bay waters throughout San Diego County.

Respectfully submitted,



HELEN N. ROBBINS-MEYER
Chief Administrative Officer

ATTACHMENT(S)

N/A

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AGENDA ITEM INFORMATION SHEET

REQUIRES FOUR VOTES: Yes No

WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED

 Yes No

PREVIOUS RELEVANT BOARD ACTIONS:

April 7, 2021 (12), Approve and Ratify 2020-21 Revenue agreement with the State Water Resources Control Board for beach and bay water quality monitoring program; February 9, 2021 (11), Framework for Our Future: Declaring Pollution at the Tijuana River Valley a Public Health Crisis.

BOARD POLICIES APPLICABLE:

A-87 Competitive Procurement

BOARD POLICY STATEMENTS:

Introduction: A single source contract for the procurement of the QX ONE Droplet Digital Polymerase Chain Reaction (ddPCR) System with Bio-Rad is requested. Bio Rad qualifies for a single source contract, pursuant to Board Policy A-87, Competitive Procurement, Section 1. D.2 and Section 1.D.5. The procurement is for equipment from the same manufacturer as the QX200 ddPCR system, which is currently being used at the Public Health Lab (PHL) to utilize the newest U.S. Environmental Protection Agency approved molecular method to determine the water quality of beach water samples.

Services, Term Period, and Estimated Value: Upon approval of this request, the purchase of the QX ONE ddPCR will allow for same-day beach sample testing results to the County of San Diego (County) Department of Environmental Health and Quality (DEHQ). The contract term and estimated amount will be up to \$665,000 in Fiscal Year 2021-2022 and up to \$250,000 each option year through Fiscal Year 2025-2026.

Benefits to the County of San Diego: The County benefits from a single source procurement with Bio-Rad as it streamlines the PHL’s water testing workflow to provide critical beach water quality data to DEHQ, and ultimately the residents and visitors of San Diego County. The equipment is cost effective as it is compatible with other supplies used by the lab’s existing ddPCR system, which are manufactured and distributed solely by Bio-Rad. The new equipment will allow the PHL to process samples faster and provide same day results. If the equipment is not purchased, it will be difficult for the PHL to provide timely results as expected to support the beach water initiative.

Why Procurement Qualifies for Exception: An exception to the competitive procurement policy is being sought, pursuant to Board Policy A-87, Competitive Procurement, Procedure D-2. This procurement is a single source because the procurement is for an additional component

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for existing equipment by the same manufacturer, and no information or data is available to ensure that the component obtained from another supplier will perform the same function with the current equipment without compromising the safety or reliability of the product. Using equipment or parts from another supplier also does not guarantee its accuracy and performance with existing equipment. In addition, the procurement qualifies for an exception, pursuant to Board Policy A-87, Competitive Procurement, Procedure D-5 Standardization as the existing goods purchased for the existing ddPCR equipment are compatible with the QX ONE ddPCR.

Fair and Reasonable Price: Pricing is determined to be fair and reasonable based on pricing for same or similar services provided by the vendor to other governmental entity for the same ddPCR system.

MANDATORY COMPLIANCE:

N/A

ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION NUMBER(S):

N/A

ORIGINATING DEPARTMENT: Health and Human Services Agency

OTHER CONCURRENCE(S): Department of Purchasing and Contracting and Department of Environmental Health and Quality

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