

MOTION BY SUPERVISOR HOLLY J. MITCHELL

November 30, 2021

American Rescue Plan Act Expedited Contracting

On March 11, 2021, the American Rescue Plan Act (ARPA) was signed into law by President Biden. ARPA is a \$1.9 trillion economic stimulus to support the country’s pandemic recovery efforts and provide direct relief to residents across the country. In total, Los Angeles County (County) is estimated to receive \$1.9 billion in ARPA funds, as well as additional ARPA allocations in program-specific areas. The Board of Supervisors (Board) adopted the County's ARPA spending plan for the first tranche of funding totaling \$975 million on July 27, 2021. The Chief Executive Officer (CEO) completed two reports in August 2021 ([August 13, 2021](#) and [August 26, 2021](#)) related to ensuring that ARPA funds are equitably expended on residents and areas of the County most impacted by COVID-19 and most affected by poverty. On September 15, 2021, the Board adopted the CEO's recommendation for Countywide Equity Guiding Principles, ARPA Budget Equity Principles, COVID-19 Vulnerability and Recovery Index, and the Equity Funding Formula as proposed in the report dated August 13, 2021. The Board also adopted the CEO’s recommended implementation plan for the Public Participation Geographic Information System as proposed in the August 26, 2021, Report on Recovering Better than Before: Ensuring Equitable Implementation of the American Rescue Plan. That same day, the Board directed the CEO to collaborate with other County departments to develop and

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utilize an expedited contracting and procurement process for ARPA funding consistent with Federal Treasury guidelines and inclusive of smaller organizations serving underserved communities, and report back in writing in 30 days on the process and steps taken to ensure opportunities to contract are made available on a public website.

County Counsel has reviewed the County's existing laws and policies with a focus on ensuring the current processes are not overly time consuming which may prevent timely relief to constituents, and that underserved communities are served, while also ensuring ARPA and other federal requirements are followed. As a result, the CEO and County Counsel have developed a streamlined competitive procurement process (Competitive Procurement Process) for ARPA funding in accordance with the Board's motion. The Competitive Procurement Process continues to ensure competitive procurements, but in a much faster timeframe than the ordinary contracting process. The ARPA Competitive Procurement Process is an ideal pilot program to eliminate the time burdens and impediments to contracting for vulnerable communities. As part of the streamlined ARPA Competitive Procurement Process, the CEO and County Counsel recommend that certain County Code sections and Board and County policies be waived. Although these policies and standard provisions serve important interests and minimize risk to the County, we must balance these interests with the need for urgent action to support communities suffering from the economic and health effects of the pandemic. On balance, waiving these policies and standard provisions for ARPA-related contracts is warranted under the circumstances. It is critical to approve the new Competitive Procurement Process and provide the CEO with the authority to enter into agreements quickly to ensure ARPA funding is expeditiously provided to those most in need. Lastly, in furtherance of the Board's goals towards equity in the hardest hit communities, the CEO recommends delegated authority to quickly respond to the COVID-19 pandemic in areas where other funding sources are used and the need arises.

I THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:

1. Authorize all Los Angeles County (County) departments implementing programs approved in the American Rescue Plan Act (ARPA) Tranche 1 Spending Plan and any amended ARPA Tranche 1 Spending Plan, after receiving specific approval by the Chief Executive Officer (CEO) and County Counsel, to use the ARPA Competitive Procurement Process, as recommended in the CEO's [November 8, 2021 report](#). Also authorize the CEO, in consultation with County Counsel, to modify the ARPA Competitive Procurement Process as the CEO deems necessary to assist in implementing the ARPA Spending Plan and subsequent new or amended ARPA Spending Plans.
2. Waive the Board of Supervisors' (Board) and County policies for the ARPA Tranche 1 Spending Plan procurements, contracts, subrecipient agreements, and amendments, as recommended in the CEO's November 8, 2021, report.
3. Direct County Counsel to prepare an urgency ordinance for the Board's consideration at the December 7, 2021, meeting which waives the Los Angeles County Code sections, as recommended in the CEO's November 8, 2021, report, until December 31, 2024, for ARPA Spending Plan procurements, contracts, subrecipient agreements, and amendments.
4. In order to implement the ARPA Tranche 1 Spending Plan and any amended ARPA Tranche 1 Plans, authorize and delegate authority to the CEO, or her designees, including but not limited to Department heads with ARPA equitable program plans approved by the CEO and County Counsel, in consultation with County Counsel and approval as to form, to execute all contracts, subrecipient agreements, and related agreements in compliance with the requirements of the funding source, and amendments and change orders for same, and, if necessary, terminate said contracts and subrecipient agreements.

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5. In order to ensure the integrity of the ARPA programs and the intent of the Board's Spending Plans, authorize the CEO, in consultation with County Counsel, to periodically review department compliance with the delegated authority, and revoke or amend the delegation as needed.
6. Direct the CEO to report to the Board in writing on a quarterly basis on the status of contracts executed for programs approved in the ARPA Spending Plan and subsequent new or amended ARPA Spending Plans.

I THEREFORE MOVE THAT THE BOARD OF SUPERVISORS, ACTING AS THE BOARD OF COMMISSIONERS OF THE LOS ANGELES COUNTY DEVELOPMENT AUTHORITY:

1. Delegate authority to the Los Angeles County Development Authority (LACDA) to utilize the ARPA Competitive Procurement Process as recommended in CEO's November 8, 2021, report.
2. In order to implement the ARPA Spending Plan and subsequent new or amended ARPA Plans, authorize LACDA's Executive Director, or his designee, in consultation with County Counsel, to execute all contracts, subrecipient agreements, and related agreements, including noncompetitive procurements in compliance with the requirements of the funding source, and amendments and change orders for same.

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