



MEMORANDUM

Date: April 13, 2021

To: The Honorable Chair and Members
Pima County Board of Supervisors

From: C.H. Huckelberry
County Administrator 

Re: **Proposed Intergovernmental Agreement between Arizona Department of Health Services and Pima County**

Today, we received a copy of a proposed Intergovernmental Agreement (IGA) for immunization services, which would allow a federal point of distribution (POD) to be placed in Pima County.

We are in the process of reviewing these requirements to determine their reasonableness and/or ability to comply. Some terms and conditions appear to be particularly draconian.

CHH/mp

Attachment

c: Jan Leshar, Chief Deputy County Administrator
Carmine DeBonis, Jr., Deputy County Administrator for Public Works
Francisco García, MD, MPH, Deputy County Administrator & Chief Medical Officer,
Health and Community Services
Terry Cullen, MD, MS, Public Health Director, Pima County Health Department

The following is the text of a proposed IGA Amendment between ADHS and Pima County:

Contract No. ADHS18-177695

IGA Amendment No. 6

IMMUNIZATION SERVICES

Effective upon signature of both parties, it is mutually agreed that the Intergovernmental Agreement referenced herein is amended as follows:

1. Pursuant to the Terms and Conditions, Provision Six (6), Contract Changes, section 6.1, Amendments Purchase Orders and Change Orders; the Intergovernmental Agreement is amended to reflect the following:

1.1. Under the Scope of Work, Provision Four (4), Tasks, Section 4.12, Activity Twelve (12) VPD Outbreak and Pandemic Preparedness, Sub-sections 4.12.6, as outlined below, are hereby added by this Amendment Six (6):

4.12.7 Federal Pilot Community Vaccination Center Program. The Federal Emergency Management Agency (“FEMA”) of the Department of Homeland Security is partnering with state and local and tribal governments to pilot Community Vaccination Center(s) (each a “CVC”) with an intent to provide supplemental support for underserved and historically marginalized communities. The State of Arizona (the “State”), through the Arizona Department of Health Services (“ADHS”), has delegated authority to the Pima County Public Health Department to pilot a CVC in one or more locations in Pima County, Arizona (“Pima County”). The State and FEMA have entered into Amendment Number 5 to the FEMA-State Agreement FEMA-4524-DR-AZ (the “Amendment”), which is by reference incorporated herein. As more fully provided in the Amendment, Pima County’s required performance includes the following:

4.12.7.1 All actions permitted or required under the Amendment shall be the sole responsibility of Pima County, and neither the State nor any agency thereof, shall have any responsibilities, obligations, or liability pertaining to any CVC to be developed, organized, and operated in Pima County.

4.12.7.2 FEMA will utilize the 2018 CDC Social Vulnerability Index (SVI) and the 2014-2018 American Community Survey to target FEMA’s resources provided for the CVC. County-level SVI will be the primary factor when coordinating on the location for CVC Federal Pilot sites. Specific CVC Federal Pilot site venues will be selected in partnership with Pima County and located in or immediately proximate to high-SVI tracts.

4.12.7.3 Pima County shall provide FEMA on a daily basis, with no greater than a one day delay, aggregate, deidentified information regarding age, ethnicity, race, disability, and gender of those vaccinated at CVC Federal Pilot sites which Pima County operates.

Pima County will be solely responsible for collecting, aggregating, deidentifying, and providing this information.

- 4.12.7.4 Before the opening of registrations for a CVC Federal Pilot site, Pima County will provide FEMA a run-through of Pima County's registration system to ensure compliance with federal guidelines in the collection and reporting of data. The data systems should meet federal requirements for receiving federal assistance and must meet all federal guidelines for data reporting of vaccine administration. Pima County shall be solely responsible for creating a registration system compliant with this paragraph, and that system shall not utilize any similar system created or utilized by the State. Additionally, the site will need to comply with Arizona immunization reporting requirements, reporting all required vaccination data back to the Arizona State Immunization Information System within 24 hours of administration as required by Governor Ducey's Executive Order 2021-01.
- 4.12.7.5 Pima County, in coordination with FEMA, will stagger the release of registration appointment slots in one-week increments to ensure adequate time to review registration and administration data and pivot strategies to achieve priorities. Pre-registration strategies utilizing designated zip codes that correspond with high-SVI tracts, or other geofencing, will be required for appointments. Pima County shall be solely responsible for creating and implementing these pre-registration strategies in conjunction with, or with input from, FEMA.
- 4.12.7.6 Pima County will ensure compliance with civil rights requirements and accessibility of CVC Federal Pilot sites by adhering to the FEMA Civil Rights Checklist, which is located here: https://www.fema.gov/sites/default/files/documents/fema_civil-rights-covid-19_vaccine_checklist_02-06-2021.pdf.
- 4.12.7.7 Pima County will contribute the following resources in support of successful CVC Federal Pilot site operations. The State shall have no obligation to contribute to or provide these resources. In providing these resources, Pima County shall not solicit, remove, or reallocate resources already allocated to other State operated or maintained POD Ops:
 - 4.12.7.7.1 On-site cold chain storage for the vaccine, including emergency backup power to the storage equipment to ensure continuous cold storage in the event of a power disruption;
 - 4.12.7.7.2 Pharmacy Operations Support;
 - 4.12.7.7.3 Appropriate county medical oversight to ensure compliance with state and county direction;
 - 4.12.7.7.4 A Vaccine Registration System, as the state will not be able to support onboarding of a FEMA-operated vaccination site onto the Arizona Vaccine Management System;
 - 4.12.7.7.5 Locally contracted communication lines and access (e.g., landline/cellphone and computer/internet);

- 4.12.7.7.6 Wrap-around support services; and
- 4.12.7.7.7 Site security at the CVC Federal Pilot site venue.
- 4.12.7.8 Pima County will coordinate with FEMA to determine the staffing requirements, including clinical and non-clinical personnel, in alignment with staffing force packages in the CVC Playbook, and provide, train, and equip Pima County-sourced personnel to augment federal capability to meet requirements (e.g., vaccine administration vs. general crowd management and administrative support). In providing these resources, Pima County shall not solicit, remove, or reallocate resources already allocated to other State operated or maintained POD Ops.
- 4.12.7.9 Pima County will provide officials to execute Section A of the CDC COVID-19 Vaccination Program Provider Agreement. No federal or State officials will sign Section A of the CDC COVID-19 Vaccination Program Provider Agreement.
- 4.12.7.10 Pima County will establish and execute plans to accommodate recipients arriving to the CVC Federal Pilot site through alternative means (e.g., buses, vans, or on foot) and identify how they will be vaccinated (e.g., aboard the vehicle, disembark). Pima County shall be solely responsible for creating and implementing these plans and providing the resources for doing so. No such implementation shall cause the reallocation of any resources already allocated to other State operated or maintained Pod Ops.
- 4.12.7.11 Pima County will work collaboratively with FEMA and federal partners to identify best practices, resolve challenges at the CVC Federal Pilot site, and provide feedback to inform national guidance for vaccination efforts.
- 4.12.7.12 Pima County will establish a Unified Command Group (UCG) that will manage the CVC Federal Pilot site established in Pima County to ensure efficient and effective operations. The UCG will make recommendations to the FEMA Regional Administrator. The UCG shall have 9 members. Pima County shall have the power to veto any appointment to the UCG FEMA may desire to make. Two thirds of the members of the UCG shall be exclusively appointed by Pima County without approval from FEMA, and to the extent practicable those appointments will be of individuals who reside in Pima County. The remaining one third of the members of the UCG shall be recommended by FEMA but appointment shall be subject to Pima County's veto power as provided for in the Amendment. In the event a FEMA candidate is rejected by veto, FEMA shall be responsible for producing a substitute candidate for Pima County's approval. The UCG shall in all instances be deemed constituted and operational once Pima County appoints two thirds of the UCG's members.
- 4.12.7.13 The Amendment is revocable by the State, in its sole discretion, without notice, in the event the State believes it is in the best interest of the State to do so. The State may also decline to extend the initial operating period in its sole discretion with no explanation whatsoever. If the Amendment is revoked or its term is not extended, IGA Amendment Six and the foregoing Sub-sections of Scope of Work, Provision Four (4),

Tasks, Section 4.12, Activity Twelve (12) VPD Outbreak and Pandemic Preparedness, shall be deemed rescinded, except to the extent of any provision calling for payment to the State or an offset for any losses, damages, claims, or controversies incurred by the actions or inactions of Pima County.

4.12.7.14 The State is not responsible for the creation, maintenance, operation, wind-down, or dismantling of the CVC Federal Pilot site established in Pima County. FEMA has agreed it shall--to the furthest extent permitted by law--defend, indemnify, and hold harmless the State from any losses, damages, claims, or controversies of every kind or nature in any way related to the CVC Federal Pilot site established in Pima County. Pima County shall do the same for the State. If the State incurs any losses, damages, or claims arising out of the actions or inactions associated with the CVC, it shall be entitled to reimbursement thereof from Pima County and may take such payment as an offset against payments due to Pima County under Contracts No. ADHS18-177695, IGA2021-039, and IGA2021-061. Alternatively, the State can offset any such losses from any further grant allocations to Pima County until such losses are fully recovered.

4.12.7.15 The State shall be entitled at any time to thoroughly audit the funds used to create, implement, operate, and dismantle the CVC Federal Pilot site established in Pima County. At least 1 week before the CVC Federal Pilot site established in Pima County becomes operational, Pima County shall supply FEMA and the State with a detailed plan and proposed budget to create, implement, operate, and dismantle the CVC Federal Pilot site. This plan will include precise logistical information of the site, including but not limited to staffing plans, medical direction and oversight, IT infrastructure, plans to meet reporting requirements, and sources for all supplies for operating the FEMA site. The budget shall identify with precision every source of the funds comprising the budget. None of the funds comprising the budget shall be reallocated from other sources already committed to the State or its efforts in connection with any other Intergovernmental Agreement between the State or any of its agencies and Pima County.

4.12.7.16 No federal immunization, Epidemiology and Laboratory Capacity (ELC), or public health emergency preparedness funding allocated at any time by the State to Pima County may be used on the CVC.

4.12.7.17 Pima County shall abide by all requirements set forth in the Amendment not otherwise set forth herein.

Signed:

Pima County Public Health Department

Arizona Department of Health Services