

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

June 28, 2022

FROM

SHANNON D. DICUS, Sheriff/Coroner/Public Administrator

SUBJECT

Agreement with CareFusion Solutions, LLC for Automated Medication Management System

RECOMMENDATION(S)

1. Approve Customer Order **Agreement No. 22-589** with CareFusion Solutions, LLC for the rental of one BD Pyxis MedBank automated medication management system, including software licensing and maintenance and support services, in an aggregate amount of \$13,600 per year, for a total not to exceed amount of \$68,000 for a five year period beginning on the first day of the month following the date of the Sheriff/Coroner/Public Administrator's acceptance of the system.
2. Approve BD Pyxis MedBank Standard Terms and Conditions, including non-standard terms, for maintenance and support services (**County Contract No. 22-590**), which shall remain in effect for as long as the underlying Customer Order Agreement is in place, or unless terminated.
3. Authorize the Sheriff/Coroner/Public Administrator or Undersheriff to execute change orders to the Customer Order Agreement, as needed, subject to review by County Counsel, so long as the total aggregate amount of such change orders does not exceed \$10,000, and the change orders do not amend the agreement term.
4. Direct the Sheriff/Coroner/Public Administrator or Undersheriff to transmit copies of all change orders to the Clerk of the Board of Supervisors within 30 days of execution.

(Presenter: John Ades, Deputy Chief, 387-3760)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Operate in a Fiscally-Responsible and Business-Like Manner.

Provide for the Safety, Health and Social Service Needs of County Residents.

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). The cost of \$13,600 for the first year of automated medication management system services will be funded within the Sheriff/Coroner/Public Administrator's (Department) existing budget allocation. Sufficient appropriation is included in the Department's 2022-23 budget (4420001000) and will be included in future recommended budgets.

Year	Total Rental and Support Fees
Year 1	\$13,600
Year 2	\$13,600
Year 3	\$13,600
Year 4	\$13,600

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Year	Total Rental and Support Fees
Year 5	\$13,600
Total Cost	\$68,000

BACKGROUND INFORMATION

The BD Pyxis MedBank (Pyxis) automated medication management system from CareFusion Solutions, LLC (CareFusion) provides computer-controlled storage, dispensing, and tracking of medications, while eliminating labor intensive manual systems and simplifying medication inventory control. The system is necessary to facilitate the management of controlled substance medications at the West Valley Detention Center and will allow the Department's medical personnel to access and stock medications in an efficient and timely manner. Approval of Recommendation No. 1 will provide for the monthly rental, and maintenance and support services of the Pyxis system.

Approval of Recommendation No. 2 will approve CareFusion's Standard Terms and Conditions for maintenance and support services of the Pyxis system, which will remain in effect for as long as the underlying Customer Order Agreement is in place, or unless terminated. The Standard Terms and Conditions with CareFusion include the following non-conforming contract language:

1. Termination for Convenience
 - a. Non-Standard Term: There is no termination for convenience. The Standard Terms and Conditions will remain in effect in relation to any Customer Order executed prior to the effective date of termination.
 - b. Standard Term: The County has the right to terminate the Contract for any reason with a thirty (30) day written notice of termination without any obligation other than to pay amounts for services rendered and expenses reasonably incurred prior to the effective date of termination.
 - c. Potential Impact: The County would be obligated to continue with the contract unless there was a material breach, and there is no termination for convenience.
 - d. Justification: Pyxis provides improved security and control over the Department's controlled substance medication management procedures. The Department believes the benefit gained by utilizing Pyxis outweighs the potential risk associated with having to proceed through the entire contract period.

2. Insurance
 - (c) Non-Standard Term: There is no indemnification and insurance standards provided by CareFusion to the County.
 - (d) Standard Term: County Policy requires service and product providers to carry appropriate insurance limits and under conditions determined by the County's Risk Management Department as listed in County Policy 11-07.
 - (e) Potential Impact: There are some risks associated with CareFusion's agreement's lack of standard insurance terms that could result in expenses to the County that exceed the total contract amount.
 - (f) Justification: CareFusion provides improved security and control over the Department's controlled substance medication management procedures. The Department believes the benefit gained by utilizing the Pyxis system outweighs the potential risk associated with having no insurance terms.

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3. Limitation of Liability
 - a. Non-Standard Term: The limitation of liability is limited to the fees paid to CareFusion in the preceding 12-months of the contract.
 - b. Standard Term: The County does not permit a contractor to limit its liability in performance of the contract.
 - c. Potential Impact: Claims could exceed the liability cap leaving the Department financially liable for the excess.
 - e. Justification: CareFusion provides improved security and control over the Department's controlled substance medication management procedures. The Department believes the benefit gained by utilizing the Pyxis system outweighs the potential risk associated with having the limitation of liability.

The Department recommends approval of the Customer Order Agreement and the Standard Terms and Conditions, including non-standard terms, with CareFusion, to provide secured and timely medication management to inmates housed within the West Valley Detention Center. County Counsel and Risk Management have reviewed the proposed agreement and provided input.

PROCUREMENT

Pyxis Standard Terms and Conditions, including non-standard terms, will be used to accompany the Customer Order Agreement and any future purchases to be approved, as necessary, per County Policy 11-04 Procurement of Goods, Supplies, Equipment and Services. Additionally, County Policy 11-05 requires departments to obtain Board of Supervisors approval for the procurement of goods and services with non-standard terms and conditions.

Approval of this item will provide rental of the Pyxis, including software licensing and maintenance and support services, for a five year period beginning on the first day of the month following the date of the Department's acceptance of the system.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Richard D. Luczak, Deputy County Counsel, 387-5455) on June 2, 2022; Purchasing (Michael Candelaria, Lead Buyer, 387-0321) on June 2, 2022; Risk Management (Victor Tordesillas, Director, 387-0321) on June 6, 2022; Finance (Tom Forster, Administrative Analyst, 387-4635) on June 7, 2022; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on June 9, 2022.

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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Janice Rutherford Seconded: Col. Paul Cook (Ret.)
Ayes: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Joe Baca, Jr.
Absent: Curt Hagman

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: June 28, 2022



cc: Sheriff- Welty w/agree
Contractor- C/O Sheriff w/agree
File- w/agree
LA 07/21/2022