

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

September 10, 2024

FROM

JOSHUA DUGAS, Director, Department of Public Health

SUBJECT

Contract with Hardy Diagnostics for the Purchase of Lab Testing Supplies

RECOMMENDATION(S)

1. Approve **Contract No. 24-869** (Quote No. Q-48622), from Hardy Diagnostics, including non-standard terms, for the provision of purchasing lab testing supplies used to test bacterial and fungal human pathogens, in a total amount not-to-exceed \$90,000, for the period of September 10, 2024 through September 9, 2026, with \$45,000 being allocated annually.
2. Authorize the Chair of the Board of Supervisors, the Chief Executive Officer, or the Director of the Department of Public Health to accept and execute any subsequent non-substantive amendments including change orders related to Hardy Diagnostics on behalf of the County, subject to review by County Counsel.
3. Direct the Director of the Department of Public Health to transmit all non-substantive amendments in relation to Hardy Diagnostics, to the Clerk of the Board of Supervisors within 30 days of execution.

(Presenter: Joshua Dugas, Director, 387-9146)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

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

Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The cost will not exceed \$45,000 annually for the lab testing supplies and is funded from Medi-Cal, fee-for-service, and 1991 Realignment funding. Adequate appropriation and revenue has been included in the Department of Public Health's (DPH) 2024-25 recommended budget and will be included in future recommended budgets.

BACKGROUND INFORMATION

Hardy Diagnostics provides a variety of laboratory testing supplies, necessary to test for a number of microorganisms as well as bacterial and fungal human pathogens, including tuberculosis. Timely and accurate testing is necessary for DPH to identify, treat, and prevent disease.

Hardy Diagnostics provides a standard contract, which includes terms and conditions which differ from the standard County contract language, and omits certain County standard contract terms. The non-standard terms include:

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1. The contract does not require Hardy Diagnostics to indemnify the County.
 - The County standard contract general indemnity provision requires the Contractor to indemnify, defend, and hold County harmless from any and all claims arising out of the acts, errors or omissions of any person.
 - Potential Impact: Hardy Diagnostics is not required to defend, indemnify or hold the County harmless from any claims, including indemnification for claims arising from Hardy Diagnostics’ negligent or intentional acts. If the County is sued for any claim, in connection with Hardy Diagnostics and the agreement, the County may be solely liable for the costs of defense and damages, which could exceed the total contract amount.

2. Hardy Diagnostics provides the goods “AS IS” and disclaims all warranties of any kind.
 - There is no warranty requirement in the contract with Hardy Diagnostics. The standard contract requires its vendors and service providers to fully warrant the products and services they provide to the County.
 - Potential Impact: The County’s use of the products is solely at its own risk.

3. The contract does not require Hardy Diagnostics to meet the County’s insurance standards as required pursuant to County Policy 11-07.
 - The County Policy requires vendors to carry appropriate insurance at limits and under conditions determined by the County’s Risk Management Department and set forth in the County standard contract.
 - Potential Impact: The contract does not include County standard insurance requirements. This means that the County has no assurance that Hardy Diagnostics will be financially responsible for claims that may arise.

DPH recommends approval of the agreement with Hardy Diagnostics, including the non-standard terms, to be able to purchase testing supplies at annual fixed prices. The supplies are essential for testing and treating a variety of microorganisms and will continue to provide for the health and safety of county residents.

PROCUREMENT

DPH contacted three vendors, Evantec Scientific, Hardy Diagnostics, and Medline, requesting quotes for lab testing supplies. The three vendors were determined to provide responsible and responsive bids.

Proposer Name	Location	Cost
Evantec Scientific Corporation	Newport Beach, California	\$5,547.34
Hardy Diagnostics	Santa Maria, California	\$4,748.60
Medline Industries	Rialto, California	\$4,461.13

After reviewing the submittals, DPH determined that Hardy Diagnostics best met the needs of the County, as they provide a wide variety of testing supplies compatible with DPH Laboratory equipment, offer competitive pricing, and have local warehouses which allow for faster shipping. The Purchasing Department supports this competitive procurement based on the informal quotes solicited for the purchasing of lab testing supplies.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Adam Ebright, Deputy County Counsel, 387-5455) on August 14, 2024; Purchasing (Ariel Gill, Supervising Buyer, 387-2070) on August 14,

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2024; Risk Management (Greg Ustaszewski, Staff Analyst II, 386-9008) on August 14, 2024; Finance (Iliana Rodriguez, Administrative Analyst, 387-4205) on August 23, 2024; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on August 23, 2024.

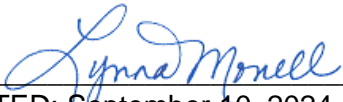
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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Curt Hagman Seconded: Joe Baca, Jr.
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: September 10, 2024



cc: PH - Padilla w/agree
Contractor - c/o PH w/agree
File - w/agree
MBA 09/13/2024