

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

November 19, 2024

FROM

ANDREW GOLDFRACH, ARMC Chief Executive Officer, Arrowhead Regional Medical Center

SUBJECT

Agreement with B. Braun Medical Inc. For the Use of eLearning Modules/Videos Related to B. Braun Products

RECOMMENDATION(S)

Approve non-financial **Agreement No. 24-1100** For Use of eLearning Module(s)/Video(s) with B. Braun Medical Inc., including non-standard terms, to license the use of eLearning modules/videos related to the use of B. Braun products, continuing indefinitely until terminated by either party.

(Presenter: Andrew Goldfrach, ARMC Chief Executive Officer, 580-6150)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

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 Discretionary General Funding (Net County Cost) as the Agreement for use of eLearning modules(s)/video(s) is non-financial in nature.

BACKGROUND INFORMATION

Approval of this Agreement For Use of eLearning Module(s)/Video(s) (Agreement) related to B. Braun Medical Inc. (B.Braun) products used at Arrowhead Regional Medical Center (ARMC). The B.Braun modules facilitate training and education on products for staff, creating a safer environment for patients.

B.Braun currently provides infusion pumps for usage on patients. B.Braun's video showing how to use the product increases staff awareness of appropriate use of infusion pumps, allowing for safe delivery of healthcare services. The videos and e-modules that B.Braun provides for its products allow knowledge-based training for staff. ARMC is only using B.Braun's infusion pumps currently, but may use additional B.Braun products in the future, which will lead to greater use of the eLearning modules and videos.

The Agreement is B.Braun's standard commercial contract, which includes terms that differ from the standard County contract and omits certain County standard contract terms. While the parties negotiated certain contract terms to County standards, B.Braun would not agree to all County standard terms. The non-standard and missing terms include the following:

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1. B.Braun may assign the Agreement without notice to the County and without the County's approval.
 - The County standard contract requires that the County must approve any assignment of the contract.
 - Potential Impact: B.Braun could assign the Agreement to a third party or business with which the County is legally prohibited from doing business due to issues of Federal debarment or suspension and conflict of interest, without the County's knowledge. Should this occur, the County could be out of compliance with the law until it becomes aware of the assignment and terminates the Agreement.
2. The Agreement does not require B.Braun to meet the County's insurance standards as required pursuant to County Policies, 11-05, 11-07 and 11-07SP.
 - County policy requires contractors to carry appropriate insurance at limits and under conditions determined by the County's Risk Management Department and as set forth in County policy and in the County standard contract.
 - Potential Impact: The County has no assurance that B.Braun will be financially responsible for claims that may arise under the Agreement, which could result in expenses to the County that exceed the total Agreement amount.

ARMC recommends approval of this Agreement, including non-standard terms, to provide for the safety, health and social service needs of County residents by providing knowledge-based training via eLearning to ARMC Healthcare Staff of B.Braun infusion pumps for positive outcomes for the patient.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Bonnie Uphold, Supervising Deputy County Counsel, 387-5487) on October 21, 2024; Risk Management (Greg Ustaszewski, Staff Analyst II, 386-5800) on October 24, 2024; ARMC Finance (Chen Wu, Finance and Budget Officer, 580-3165) on October 25, 2024; Finance (Jenny Yang, Administrative Analyst, 387-4884) on October 28, 2024; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on November 1, 2024.

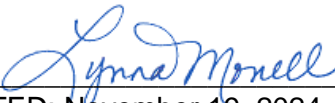
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Record of Action of the Board of Supervisors
San Bernardino County

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: November 19, 2024



cc: ARMC - Goldfrach w/agree
 Contractor - c/o ARMC w/agree
 File - w/agree
CCM 11/22/2024