

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

July 23, 2024

FROM

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

SUBJECT

Subscription Agreement with Elsevier Inc. for STATdx Program to Provide Diagnostic Radiology Training and Board Preparation

RECOMMENDATION(S)

Approve **Subscription Agreement No. 24-652** with Elsevier Inc., including a non-standard term, for the STATdx Program to provide diagnostic radiology training and medical board preparation, in an amount not to exceed \$49,733, from July 23, 2024, through July 22, 2029, automatically renewing for one-year terms thereafter, 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 cost of \$49,733 is funded by State Medi-Cal, Federal Medicare, private insurances, and other departmental revenue. Funding sources may change in the future pending legislative activity related to repeal and/or replacement of the Affordable Care Act. Adequate appropriation and revenue are included in the Arrowhead Regional Medical Center (ARMC) 2024-25 budget and will be included in future recommended budgets.

BACKGROUND INFORMATION

Approval of the Subscription Agreement (Agreement) with Elsevier Inc. (Elsevier) will provide ARMC with the STATdx Program (STATdx) that provides diagnostic radiology training and medical board preparation.

ARMC recently started a Diagnostic Radiology program and needs to provide educational material and medical board preparation studies for the new residents.

STATdx provided by Elsevier is the premier and leading application used by Radiology programs in the United States to ensure that residents have the educational resources and materials to pass their medical board exams upon completion in the training program.

The Agreement is Elsevier's standard commercial contract, which includes terms that differ from the standard County contract and omits certain County standard contract terms. While the

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July 23, 2024**

parties negotiated certain contract terms to County standard, Elsevier would not agree to all County Standard Terms. The non-standard and missing terms include the following:

1. Elsevier's maximum liability to the County is limited to the fees paid by the County for the applicable products during the 12 month period immediately preceding the date on which the claim arose, excluding Elsevier's indemnity obligations, gross negligence, willful misconduct and violation of law.
 - The County standard contract does not include a limitation of liability.
 - Potential Impact: Claims could exceed the liability cap and the Agreement amount leaving the County financially liable for the excess.

ARMC recommends approval of the Agreement with Elsevier for STATdx, including the non-standard term, to provide diagnostic radiology training and medical board preparation.

PROCUREMENT

Purchasing supports this non-competitive procurement based on specialized training, expertise, and credentials. Elsevier is the provider of STATdx and is the premier Radiology Resident Physician's board preparation application. Elsevier provides specialized training that has been demonstrated as the training application of choice for Radiology Resident programs.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Bonnie Uphold, Supervising Deputy County Counsel, 387-5455) on June 25, 2024; Purchasing (Veronica Pedace, Buyer III, 387-2464) on June 27, 2024; Risk Management (Gregory Ustaszewski, Staff Analyst II, 386-9008) on June 26, 2024; ARMC Finance (Chen Wu, Finance and Budget Officer, 580-3165) on June 27, 2024; Finance (Jenny Yang, Administrative Analyst, 387-4884) on June 27, 2024; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on July 3, 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.), Dawn Rowe, Curt Hagman, Joe Baca, Jr.
Absent: Jesse Armendarez

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: July 23, 2024



cc: ARMC - Goldfrach w/agree
 Contractor - c/o ARMC w/agree
 File - w/agree
CCM 07/24/2024