

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

January 27, 2026

FROM

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

SUBJECT

Pricing Agreement with W. L. Gore & Associates for the Purchase of Gore Cardioform Devices

RECOMMENDATION(S)

Approve Pricing **Agreement No. 26-54** with W. L. Gore & Associates, including non-standard terms, for the purchase of Gore Cardioform devices for an amount not-to-exceed \$300,000, for the term of January 27, 2026 through January 26, 2027.

(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). The cost of \$300,000 is funded by State Medi-Cal, Federal Medicare, private insurances, and other departmental revenue. Funding sources may change in the future pending any legislative activity related to the repeal and/or replacement of the Affordable Care Act. Adequate appropriation and revenue have been included in the Arrowhead Regional Medical Center (ARMC) 2025-26 budget and will be included in the 2026-27 recommended budget.

BACKGROUND INFORMATION

The Pricing Agreement (Agreement) with W. L. Gore & Associates (Gore) will allow ARMC to purchase Gore Cardioform devices (devices) to treat patients with Atrial Septal Defect (ASD) and Patent Foramen Ovale (PFO) conditions. These conditions are heart defects involving a hole or opening in the wall of the heart's atria. The devices will allow physicians to close the openings to help restore normal blood flow within the heart and, in turn, help prevent medical complications like strokes.

The Agreement is Gore's standard pricing agreement, negotiated by the parties, that deviates from the standard County contract terms as follows:

1. Payment terms are Net 30 days.
 - County standard payment terms are Net 60 days with no interest or late payment penalties.
 - Potential Impact: County standard processing time is 60 days or more. Failing to pay Net 30 days may result in a material breach of the Agreement, which could allow Gore to terminate the Agreement and seek other legal remedies.

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2. Gore's general indemnity obligation is limited to claims that arise from a defect or malfunction of its products, Gore's violation of applicable laws, Gore's material breach of a representation, warranty, or obligation under the Agreement, or Gore's negligent or more culpable act.
 - The County standard contract general indemnity provision requires the Contractor to indemnify, defend, and hold County harmless from third party claims arising out of the acts, errors or omissions of any person.
 - Potential Impact: Gore's general indemnity obligation is more limited compared to the standard County general indemnity obligation. In the event a claim arises that falls outside the scope of Gore's limited indemnity obligation, the County could be financially responsible for the defense of the claim and any resulting judgment/settlement.

3. The Agreement does not include certain standard County insurance requirements, including the waiver of subrogation and the ability for the County to procure insurance policies and charge Gore for such policies in the event Gore does not comply with the insurance requirements.
 - The County standard contract requires contractors to carry appropriate insurance at limits and under conditions determined by the County's Risk Management Department.
 - Potential Impact: No waiver of subrogation may allow Gore's insurer to bring suit against the County, which could result in expenses that exceed the total Agreement amount. Without the ability for the County to charge Gore the insurance premiums that the County incurs to ensure Gore is adequately insured, the County has no option but to terminate the Agreement or sue Gore for breach of the Agreement terms if Gore does not comply with the insurance requirements.

4. Venue is in the California state or federal courts.
 - County Policy 11-05 requires venue for disputes in Superior Court of California, County of San Bernardino, San Bernardino District.
 - Potential Impact: Having a venue outside of San Bernardino County may result in additional expenses to the County that would not have been incurred if venue was in the county.

ARMC recommends approval of the Agreement, including non-standard terms, to provide for the safety and health of ARMC patients by enabling ARMC to acquire the devices to treat patients with ASDs and PFOs and, in turn, improve patients' health outcomes.

PROCUREMENT

The Purchasing Department supports this non-competitive procurement based on functional specifications. The devices are used to administer a surgical procedure at ARMC to treat patients with ASD and PFO. They are the only devices indicated for both ASD and PFO closures. ARMC's physicians have been trained and are experienced with the use of the Gore Cardioform devices. The Statement of Economic Interest, Form 700, filed by physicians involved in this procurement has been reviewed by the ARMC Compliance Department and no conflicts of interest were noted.

REVIEW BY OTHERS

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This item has been reviewed by County Counsel (Charles Phan, Supervising Deputy County Counsel, 387-5455) on December 29, 2025; Purchasing (Jason Cloninger, Lead Buyer III, 387-0321) on December 30, 2025; Risk Management (Stephanie Pacheco, Staff Analyst II, 386-9039) on January 7, 2026; ARMC Finance (Chen Wu, Finance and Budget Officer, 580-3165) on January 2, 2026; and County Finance and Administration (Jenny Yang, Administrative Analyst, 387-4884) on January 7, 2026.

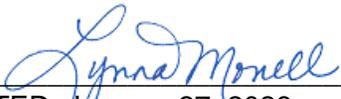
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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: January 27, 2026



cc: ARMC - Goldfrach w/agree
 Contractor - c/o ARMC w/agree
 File - w/agree
MBA 01/29/2026