

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

May 18, 2021

FROM

JOHN McMAHON, Sheriff/Coroner/Public Administrator

SUBJECT

Agreements with Translogic Corporation, dba Swisslog Healthcare for the Purchase of Medication Packaging and Dispensing Equipment

RECOMMENDATION(S)

1. Approve the following Contracts with Translogic Corporation, dba Swisslog Healthcare for the purchase of medication packaging and dispensing equipment and on-going hardware and software maintenance and support for a period of five (5) years after initial delivery and go-live date of equipment:
 - a. One (1) In-Site In-Facility Medication Packaging and Dispensing System located at the Central Detention Center in the amount of \$103,095, and on-going hardware and software maintenance and support in the amount of \$71,775, **Contract No. 21-382**.
 - b. One (1) In-Site In-Facility Medication Packaging and Dispensing System located at the Glen Helen Rehabilitation Center in the amount of \$102,384, and on-going hardware and software maintenance and support in the amount of \$71,280, **Contract No. 21-383**.
 - c. One (1) In-Site In-Facility Medication Packaging and Dispensing System located at the High Desert Detention Center in the amount of \$102,147, and on-going hardware and software maintenance and support in the amount of \$71,280, **Contract No. 21-384**.
2. Approve **Contract No. 21-385** with Translogic Corporation, dba Swisslog Healthcare for the purchase of 400 canisters and associated training, in the amount of \$37,452.66 to replace failing or aged canisters throughout the Sheriff/Coroner/Public Administrator's Type II detention facilities.
3. Authorize the Purchasing Agent to issue Purchase Orders for a maximum total aggregate amount of \$75,000 per fiscal year for the provision of equipment consumables and additional canisters, through the period ending five (5) years after initial delivery of equipment.
4. Approve the Master Agreement Terms and Conditions with Translogic Corporation, dba Swisslog Healthcare for all purchases and service agreements executed through the period ending five (5) years after initial delivery of equipment.
5. Authorize the Sheriff/Coroner/Public Administrator to execute change orders to each Contract, as needed, subject to review by County Counsel, with an increase in amount not to exceed \$15,000 per change order, so long as the total aggregate amount of such change order does not exceed 25% of the total Contract amount, and the change orders do not amend the Contract term.

(Presenter: John Ades, Captain, 387-0640)

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.

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FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). The cost of medication packaging and dispensing equipment (\$345,079), the first year of hardware and software maintenance and support services (\$42,867), and consumables (\$75,000) for a total amount of \$462,946 will be funded with Law and Justice – Criminal Justice Facility Construction Funds as approved by the Board of Supervisors (Board) on January 5, 2021 (Item No. 65). The remaining associated costs in the amount of \$471,468 (Years 2 through 5: \$171,468 Maintenance, plus \$300,000 consumables), will be funded within the Sheriff/Coroner/Public Administrator's (Department's) existing budget allocation (4420001000) and will be included in future recommended budgets.

BACKGROUND INFORMATION

In-Site System is part of a collaborative project involving the Department, Arrowhead Regional Medical Center (ARMC), and the Probation Department to implement dispensing stations in County detention facilities that allow approval and dispensing of prescriptions for inmates and patient-specific medications on demand.

Approval of Recommendation No. 1 will allow the Department to replace aging and malfunctioning medication packaging and dispensing equipment including on-going technical support for a period of five (5) years in three of the four Type II detention facilities, while maintaining system compatibility with In-Site Systems still in place at ARMC.

Approval of Recommendation No. 2 will allow the removal and replacement of 400 compromised canisters within the Department's detention facilities with new certified canisters configured specifically for the formulary and speed necessary to meet departmental needs. Each In-Site System holds 240 canisters which contain approximately 300 doses of single prescription medication per canister. Each canister uses an installed chip to establish a unique identifier that the In-Site System locates to ensure proper medication and dosages are administered.

Approval of Recommendation No. 3 authorizes the Purchasing Agent to issue Purchase Orders to Translogic Corporation, dba Swisslog (Swisslog) in an aggregate amount not to exceed \$75,000 per fiscal year for the purchase of consumables and additional replacement canisters, as needed.

Recommendation No. 4 will approve the Master Agreement terms and conditions (Exhibit A) for Recommendations No. 1, 2, and 3, and for all future purchases and service agreements executed through the period ending five (5) years after the initial delivery and go-live date of the In-Site systems.

Although Swisslog made several concessions to its terms and conditions to meet the County's requirements, the following non-standard language should be noted for consideration:

- Limitation of Liability:
 - a. Non-Standard Term: The Contractor limits its liability to the cost of the Contract.

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- b. Impact: The Department could potentially not recover all damages incurred during the contract period.
 - c. Justification: The Department believes the efficiency and cost savings of the In-Site Systems negate any potential risk associated with use of the equipment.
- Insurance:
 - a. Non-Standard Term: Each party agrees to carry an appropriate amount of insurance to cover the risks associated with the Agreement as delineated in Customer's Purchase Order.
 - b. Impact: The Purchase Order issued to Swisslog will require general and professional liability insurance with coverage limits of at least \$1,000,000 per claim or occurrence and a \$2,000,000 general aggregate.
 - c. Justification: The Department believes that the Purchase Order's current insurance requirements adequately cover the risk associated with use of the equipment.

The Department believes the benefits of using the In-Site System outweigh the risks listed above.

Due to the COVID-19 pandemic, pursuant to the Uniform Electronic Transaction Act (Cal. Civ. Code §§ 1633.1 to 1633.17), and the San Bernardino County Board of Supervisors Resolution No. 2020-030, the parties have agreed to the use of electronic, facsimile, and/or digital signatures in the execution of this Contract and any of its subsequent amendments.

PROCUREMENT

On December 12, 2006 (Item No. 46), as a result of a competitive process, the Board approved the purchase of eleven (11) Talyst AutoPack Medical Dispensing Stations (AutoPack) from Talyst Systems, LLC (Talyst). Talyst was acquired by Swisslog in 2017, and Autopack became known as the In-Site In-Facility Medication Packaging and Dispensing System.

The upgrade to the In-Site systems allows for continued safety and medication distribution and maintains equipment and system compatibility with the Department's existing West Valley Detention Center In-Site System and ARMC's automated pharmacy dispensing system. Purchasing concurs with the recommendations based on the justification that compatibility of systems exists within multiple departments.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Richard D. Luczak, Deputy County Counsel, 387-5455) on April 22, 2021; Purchasing (Michael Candelaria, Lead Buyer, 387-2060) on April 22, 2021; Risk Management (LeAnna Williams, Director, 386-8623) on April 26, 2021; Finance (Carolina Mendoza, Administrative Analyst, 387-0294) on April 29, 2021; and County Finance and Administration (Kelly Welty, Deputy Executive Officer, 387-5423) on April 29, 2021.

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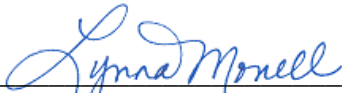
Record of Action of the Board of Supervisors
County of San Bernardino

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD

BY



DATED: May 18, 2021



cc: Sheriff - Ades w/agree
Contractor - C/O Sheriff w/agree
File - w/agree
CCM 05/25/2021