

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

June 14, 2022

FROM

TRACY REECE, Chief Probation Officer, Probation Department

SUBJECT

Agreement with Translogic Corporation, dba Swisslog Healthcare for InSite Medication Packaging and Dispensing System for High Desert Juvenile Detention and Assessment Center

RECOMMENDATION(S)

Approve Master Purchase and Service Terms and Conditions **Agreement No. 22-478** with Translogic Corporation, dba Swisslog Healthcare, including non-standard terms, for InSite Medication Packaging and Dispensing System to serve the medication needs of detained juveniles at the High Desert Juvenile Detention and Assessment Center, in an amount not to exceed \$200,000 for the total contract period of five years from June 14, 2022 through June 13, 2027.

(Presenter: Tracy Reece, Chief Probation Officer, 387-5692)

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 additional Discretionary General Funding (Net County Cost). Adequate appropriation has been included in the Probation Department's (Department) 2021-2022 Budget from State allocated Youth Offender Block Grant (YOBG) funding and will be included in future recommended budgets.

BACKGROUND INFORMATION

Probation is required by law to provide healthcare to detained juveniles at the High Desert Juvenile Detention and Assessment Center (HDJDAC). Currently, Probation utilizes an InSite Medication Packaging and Dispensing System (InSite System) to serve the medication needs of detained juveniles at the Central Valley Juvenile Detention and Assessment Center (CVJDAC).

Translogic Corporation, dba Swisslog Healthcare (Swisslog) currently provides the InSite System for Probation's detainees at the CVJDAC. This same system is also utilized by Arrowhead Regional Medical Center (ARMC) and San Bernardino County Sheriff's Department (SBCSD) at their West Valley Detention Center.

Medication dispensing in correctional institutions is mandated by Title 15 and the National Commission on Correctional Health Care. The InSite System offers a more efficient way of dispensing medication; it is much faster and more accurate than humans. Containers inside the InSite System include secured coding and are tamper-proof. The InSite System eliminates the need to keep a pharmacy trained employee onsite at the detention facilities. It also reduces

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waste caused by individual patient vial medications. The InSite System maintains continuous counts and inventory; and may be supported remotely. The InSite System supports the correctional institution pharmacy system (CIPS). This also alleviates the need for order or retrieval of medications through a physical pharmacy, which can be difficult in extreme weather conditions in the High Desert.

The Swisslog Master Purchase and Service Terms and Conditions is Swisslog'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 standard terms, Swisslog would not agree to change certain terms. The non-standard terms include the following:

1. The County is required to indemnify, defend, and hold harmless Swisslog from third party liabilities arising out of injuries or damages to persons or property caused by the negligent acts or omissions of the County, its employees, agents and sub-contractors.
 - The County standard contract does not include any indemnification or defense by the County of a Contractor.
 - Potential Impact: By agreeing to indemnify Swisslog, the County could be contractually waiving the protection of sovereign immunity. Claims that may otherwise be barred against the County, time limited, or expense limited could be brought against Swisslog without such limitations and the County would be responsible to defend and reimburse Swisslog for costs, expenses, and damages, which could exceed the total contract amount.
2. Swisslog's maximum liability to the County is \$175,000, excluding Swisslog's indemnification obligations, and claims arising from Swisslog's gross negligence, willful misconduct, or violation of law.
 - The County standard contract does not include a limitation of liability.
 - Potential Impact: Claims could exceed the liability cap and the contract amount leaving the County financially liable for the excess.

Probation recommends approval of the contract with Swisslog, including the non-standard terms, as the InSite System is currently in use at Probation's CVJDAC. For continuity of service to Probation's Juvenile clients in both the CVJDAC and HDJDAC, aka ARISE, facilities, it is necessary to accept Swisslog's terms in order to provide the medical dispensing services required for these facilities. By keeping with the same medical dispensing system, services to clients and protocol for Probation staff will not be interrupted. Other medicine dispensing systems do not have the technology for remote access when issues arise. This function is mandatory for 24-hour operation at Probation's detention facilities. Arrowhead Regional Medical Center and San Bernardino County Sheriff's Department use InSite Systems as well, making it cost efficient to purchase supplies for the machines in bulk.

PROCUREMENT

Probation currently has an InSite System, and has found this to be the only machine in the current market that meets the needs of medication dispensing under Title 15. The InSite System provides safe, effective medication dispensing to detainees and supports the CIPS.

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REVIEW BY OTHERS

This item has been reviewed by County Counsel (Bonnie Uphold, Deputy County Counsel, 387-5455) on May 20, 2022; Risk Management, (Victor Tordesillas, Director, 386-8623) on May 28, 2022; Purchasing (Bruce Cole, Supervising Buyer I, 387-2063) on May 31, 2022; Finance (Kathleen Gonzalez, Administrative Analyst III, 387-5412) on May 26, 2022; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on May 26, 2022.

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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: June 14, 2022



cc: Probation - Francis w/agree
Contractor - C/O Probation w/agree
File - w/agree
CCM 07/5/2022