

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

June 8, 2021

**FROM**

**WILLIAM L. GILBERT, Director, Arrowhead Regional Medical Center**

**SUBJECT**

Agreement with CBORD Group, Inc. for Software Licensing for Patient Meal Orders

**RECOMMENDATION(S)**

Approve Software Subscription License **Agreement No. 21-416** with CBORD Group, Inc., for the provision of software that will allow for the planning of meals according to the patients diet order, allergy restrictions, and personal food preferences, in the amount of \$56,797.39, for a total contract period of June 8, 2021 through June 7, 2024.

(Presenter: William L. Gilbert, Director, 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 \$56,797.39 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) 2020-21 budget and will be included in future recommended budgets.

**BACKGROUND INFORMATION**

Approval of the agreement with CBORD Group, Inc. (CBORD) will allow ARMC to continue to provide quality nutrition care for patients. The software program is integrated with ARMC's new electronic health record system, Epic, and helps manage patient meals and meet regulatory compliance for therapeutic diets. The software program helps to ensure patients will receive meals according to their diet order, allergy restrictions, and personal food preferences. ARMC is a 456-bed hospital and will rely on the CBORD software to manage hundreds of daily patient meal orders and ensure patient safety.

CBORD's Software Subscription License Agreement is CBORD's standard commercial contract, as negotiated, which includes terms that differ from the standard County contract and omits certain County standard contract terms. The non-standard and missing terms include the following:

1. CBORD's liability to the County is limited to two times the price actually paid by the County for the specific Items or Services directly associated with such liability during the twelve months before the event causing the claim, or \$200,000, whichever is greater.

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This limitation excludes amounts arising under CBORD's indemnification obligations, and death, bodily injury or property damage caused by CBORD's gross negligence, willful misconduct or violations 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. In addition, the County's liability under the contract is not similarly limited.
2. Venue can be in any jurisdiction in the United States.
- The County standard contract requires venue for disputes in Superior Court of California, County of San Bernardino, San Bernardino District.
  - Potential Impact: Having a venue anywhere outside of the County may result in additional expenses that exceed the amount of the contract.

ARMC recommends approval of this agreement with CBORD as it will provide for the safety, health and social needs of County residents through the management of patient-specific menus and nutrition care at the hospital.

**PROCUREMENT**

This non-competitive procurement has been approved by Purchasing based on an existing agreement as CBORD is the current vendor for ARMC Nutrition's cafeteria operations. CBORD is also the only third party vendor licensed with ARMC's new electronic health record system, Epic, for management of patient meals.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Bonnie Uphold, Deputy County Counsel, 387-5455) on May 21, 2021; Purchasing Department (Michelle Churchill, Supervising Buyer, 387-2070) on May 24, 2021, 2021; ARMC Finance (Chen Wu, Finance and Budget Officer, 580-3165) on May 18, 2021; Finance (Yael Verduzco, Administrative Analyst, 387-5285) on May 17, 2021; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on May 23, 2021.

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

**APPROVED (CONSENT CALENDAR)**

Moved: Janice Rutherford 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

  
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DATED: June 8, 2021



cc: ARMC - Gilbert w/agree  
Contractor - C/O ARMC w/agree  
File - w/agree

CCM 06/14/2021