



San Bernardino County

Legislation Text

File #: 6684, Agenda Item #: 66

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

September 13, 2022

FROM

SHANNON D. DICUS, Sheriff/Coroner/Public Administrator

SUBJECT

Amendment with Life Technologies Corporation for Laboratory Equipment Consumables

RECOMMENDATION(S)

1. Approve Amendment No. 1 to Agreement No. 4400012753 with Life Technologies Corporation, increasing the amount by \$40,000, from \$600,000 to an amount not to exceed \$640,000, for the provision of laboratory equipment consumables for the period of November 1, 2019 through October 31, 2022.
2. Approve Agreement with Life Technologies Corporation, including non-standard terms, for the provision of laboratory equipment maintenance and consumables, in an amount not to exceed \$948,329 for the period of November 1, 2022 through October 31, 2025.
3. Authorize the Sheriff/Coroner/Public Administrator or Chief Deputy Director of Sheriff's Administration to execute change orders to the agreement, as needed, subject to review by County Counsel, as long as the total aggregate amount of such change orders does not exceed 15% (\$142,250) of the maximum Agreement amount and the change orders do not amend the Agreement term.
4. Direct the Sheriff/Coroner/Public Administrator or Chief Deputy Director of Sheriff's Administration to transmit all change orders to the Agreement to the Clerk of the Board of Supervisors within 30 days of execution.

(Presenter: Kelly Welty, Chief Deputy Director, 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.

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). The estimated costs for laboratory equipment maintenance and consumables will be distributed as follows:

Year	Equipment Maintenance	Consumables	Total
Current Year - PO 4400012753 (additional funding closing out current agreement through 10/31/22)	N/A	\$40,000	\$40,000

Year 1 of new agreement	\$42,893	\$260,000	\$302,893
Year 2 of new agreement	\$42,893	\$273,000	\$315,893
Year 3 of new agreement	\$42,893	\$286,650	\$329,543
Total	\$128,679	\$859,650	\$988,329

The cost of \$342,893, which includes the first year of maintenance fees for the new Agreement and estimated consumables, as well as the increase to the Agreement, will be funded within the Sheriff/Coroner/Public Administrator's (Department) existing budget allocation (4430001000). Sufficient appropriation is included in the Department's 2022-23 budget and will be included in future recommended budgets.

BACKGROUND INFORMATION

The Department's Scientific Investigation Division (SID) utilizes Life Technologies Corporation (Life Tech) laboratory equipment including, but not limited to, Real Time Polymerase Chain Reaction (PCR) instruments and Genetic Analyzers, to conduct human DNA analysis of evidence samples. The instruments work in tandem to determine the amount of human DNA present in a sample and breaking down the sample into DNA data for analysis and interpretation. Timely and appropriate maintenance of this equipment is necessary to ensure proper equipment functionality and evidence processing. Agreement No. 4400012753 was first issued for the period of September 16, 2019 through October 31, 2022.

Due to the current higher than anticipated cost of consumables, the maximum annual amount of \$200,000, approved in a non-competitive basis will be reached two months prior to the end of the agreement term. Approval of Recommendation No. 1 will authorize the Department to increase funding to Agreement No. 4400012753 by \$40,000 for the purchase of consumables to execute DNA analysis of evidence samples in accordance with County Policy No. 11-4 through October 31, 2022.

Approval of Recommendation No. 2 will approve a three-year service Agreement with Life Tech, including non-standard terms and conditions, for maintenance and support services for three 7500 Real Time PCR instruments and two 3500 Genetic Analyzers for the period of November 1, 2022 through October 31, 2025; also included is the estimated funding for the purchase of consumables for each year of the Agreement.

The Agreement includes a term that differs from the standard County contract and includes the following in accordance with County Policy No. 11-5:

1. Limitation of Liability: Life Tech limits its liability to the amount of fees paid for the service plan or instrument services.
 - a. The County's standard contract language is not similarly limited.
 - b. Potential Impact: The Department could potentially not recover all damages incurred during the Agreement period.
 - c. Justification: Life Tech is the manufacturer of the equipment, and as such, has the proprietary right to maintain the hardware and software components of the devices. The Department believes the benefit gained by utilizing Life Tech's equipment and expertise outweighs the potential risk associated with having the limitation of liability.

Approval of Recommendation No. 3 will allow the Sheriff/Coroner/Public Administrator or Chief Deputy Director of Sheriff's Administration to address changes in the need of consumables based on active Department investigations. Any such change orders cannot exceed 15% (\$142,250) of the maximum Agreement amount and the change orders do not amend the Agreement term.

The Department recommends approval of the 3-year Service Agreement, including non-standard terms, with Life Tech to ensure Department investigations are completed without delay.

PROCUREMENT

This is a non-competitive agreement. Life Tech, a part of Thermo Fisher Scientific, is the Original Equipment Manufacturer (OEM) of the Real Time PCR Systems and Genetic Analyzers and holds proprietary rights to provide equipment maintenance and support services.

County Policy No. 11-04 requires Board of Supervisors (Board) approval for all non-competitive purchases for services that exceed \$200,000 during a single annual period.

County Policy 11-05 requires departments to obtain Board approval for the procurement of goods and services with non-standard terms and conditions.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Richard D. Luczak, Deputy County Counsel, 387-5455) on August 18, 2022; Purchasing (Michael Candelaria, Lead Buyer, 387-0321) on August 18, 2022; Risk Management (Victor Tordesillas, Director) on June 29, 2022; Finance (Carolina Mendoza, Administrative Analyst, 387-0294) on August 25, 2022; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on August 26, 2022.