



# Monterey County

168 West Alisal Street,  
1st Floor  
Salinas, CA 93901  
831.755.5066

## Board Report

Legistar File Number: A 15-400

December 15, 2015

Introduced: 12/2/2015

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Agreement

- a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute a two-year Agreement with Foley & Lardner LLP for Independent Consulting and Legal Services at NMC, for a term of July 1, 2015 through June 30, 2017 and a total Agreement amount not to exceed \$600,000.
- b. Authorize the Deputy Purchasing Agent for NMC or his designee to execute up to three (3) future Amendments to the Agreement which do not significantly alter the scope of work and do not cause an increase of more than ten percent (10%) to the annual cost of the Agreement.

### **RECOMMENDATION:**

It is recommended the Board of Supervisors:

- a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute a two-year Agreement with Foley & Lardner LLP for Independent Consulting and Legal Services at NMC, for a term of July 1, 2015 through June 30, 2017 and a total Agreement amount not to exceed \$600,000.
- b. Authorize the Deputy Purchasing Agent for NMC or his designee to execute up to three (3) future Amendments to the Agreement which do not significantly alter the scope of work and do not cause an increase of more than ten percent (10%) to the annual cost of the Agreement.

### **SUMMARY/DISCUSSION:**

Foley & Lardner LLP specializes in healthcare law, and has for years provided advice and counsel, in consultation with the Office of the County Counsel, on a variety of healthcare-related issues to NMC. The firm represents the California Association of Public Hospitals (CAPH) and works frequently with the state government and CAPH in drafting legislation for the benefit of public hospitals statewide. The firm's expertise in public hospital healthcare law, in areas such as Medi-Cal funding to hospitals, is of significant importance to Natividad Medical Center.

The County's prior eight and one half year agreement with Foley & Lardner ended June 30, 2015. While a new agreement was negotiated, Foley & Lardner continued to provide the County with legal advice and consultation. Lengthy negotiations occurred regarding the insurance terms of the parties' agreement, delaying bringing this agreement to the Board of Supervisors. Despite the protracted nature of the negotiations, Foley & Lardner continued to provide legal advice on ongoing matters, some of them involving substantial and sustained commitment by the firm's

attorneys.

**OTHER AGENCY INVOLVEMENT:**

County Counsel has reviewed and approved this Agreement as to legal form and risk provisions. Auditor-Controller has reviewed and approved this Agreement as to fiscal provisions. The Agreement has also been reviewed and approved by NMC's Finance Committee on 4/23/15 and its Board of Trustees on 5/1/15.

**FINANCING:**

The cost for this Agreement is \$600,000 over two years. \$450,000 is included in the Fiscal year 2015-16 Adopted Budget, and \$150,000 will be included in the FY16-17 Recommended Budget. There is no impact to the General Fund.

Prepared by: Daniel Leon, Chief Financial Officer, 783-2561

Approved by: Gary R. Gray, DO, Chief Executive Officer, 783-2504

Attachments:

Agreement with Foley and Lardner LLP

Attachments on file with the Clerk of the Board

  
\_\_\_\_\_  
Gary R. Gray, Chief Executive Officer

  
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Date