



# County of Monterey

**Item No.**

## Board Report

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

**Legistar File Number: A 24-393**

**August 13, 2024**

**Introduced:** 7/30/2024

**Current Status:** Agenda Ready

**Version:** 1

**Matter Type:** BoS Agreement

- a. Approve and authorize the Director of Health Services or designee to sign a three (3) year Subscription Agreement (August 1, 2024 to July 31, 2027) with UpToDate, Inc. to provide an UpToDate Anywhere Electronic Clinical Resource Subscription in the amount of \$23,760 for August 1, 2024 to July 31, 2025, \$25,186 for August 1, 2025 to July 31, 2026, and \$26,297 for August 1, 2026 to July 31, 2027, for a total contract amount not to exceed \$75,644, retroactive to August 1, 2024; and
- b. Accept the non-standard Agreement, limited warranty, limitation of liability, and risk terms regarding indemnification and insurance provisions in the Agreement; and
- c. Authorize the Director of Health Services or designee to approve up to three (3) future amendments that do not exceed 10% (\$7,564) of the original Agreement amount and do not significantly alter the scope of services, for a total aggregate amount not to exceed \$83,208.

### RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Approve and authorize the Director of Health Services or designee to sign a three (3) year Subscription Agreement (August 1, 2024 to July 31, 2027) with UpToDate, Inc. to provide an UpToDate Anywhere Electronic Clinical Resource Subscription in the amount of \$23,760 for August 1, 2024 to July 31, 2025, \$25,186 for August 1, 2025 to July 31, 2026, and \$26,297 for August 1, 2026 to July 31, 2027, for a total contract amount not to exceed \$75,644, retroactive to August 1, 2024; and
- b. Accept the non-standard Agreement, limited warranty, limitation of liability, and risk terms regarding indemnification and insurance provisions in the Agreement; and
- c. Authorize the Director of Health Services or designee to approve up to three (3) future amendments that do not exceed 10% (\$7,564) of the original Agreement amount and do not significantly alter the scope of services, for a total aggregate amount not to exceed \$83,208.

### SUMMARY/DISCUSSION:

The Behavioral Health Bureau ("BHB") has a current Subscription Agreement with UpToDate, Inc. that expires July 31, 2024. UpToDate Anywhere is a leading web-based clinical research tool to obtain answers to clinical questions, including the latest evidence and clinical expertise and provides specific, practical recommendations for diagnosis and treatment at the point of care. The UpToDate Anywhere license allows authorized users access from any internet-enabled device including desktop computers, laptops, and mobile devices.

Approval of the recommended action will assure BHB psychiatrists and mid-level staff continued

access to this valuable clinical resource.

The UpToDate account setup and use does not involve downloading software to any County computer, laptop, or mobile device. The Contractor has provided proof of Commercial General Liability, Automobile Liability, Professional Liability, and Workers' Compensation; however, cannot provide the County's required additional insured and primary and non-contributory endorsements. The Health Department recommends the modification to the insurance requirements as this is an Internet-based subscription service that will not require on-site training or assistance.

This renewal Agreement is being presented to your Board retroactively, strictly for the approval of non-standard insurance, due to a delay in processing as the previously assigned Contract Analyst retired, and the vendor mis-routed the Agreement to an incorrect County contact. The vendor has agreed to provide a 30-day extension to the County, subject to the return of a Board-approved signed Agreement by August 31, 2024, and payment for any interim services in case a new Agreement is not approved.

This work supports the County of Monterey Health Department 2018-2024 strategic plan goal: 3) Ensure access to culturally and linguistically appropriate, customer-friendly, quality health services and supports three of the ten essential public health services, specifically: 2) Diagnose and investigate health problems and health hazards in the community; 3) Inform, educate, and empower people about health issues; and 8) Assure competent public and personal health care workforce.

#### OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel and the Auditor-Controller have reviewed and approved the Agreement. Risk Management cannot approve the non-standard indemnification provisions, and due to the fact that the insurance provisions lack the language contained in Section 9.04 ("Other Requirements") of the County's Standard Agreement, Risk Management cannot approve the non-standard insurance provisions.

#### FINANCING:

This Agreement is funded by Federal Funding Participation (FFP), Realignment, and Mental Health Services Act (MHSA) funds. The funds (\$23,760) for this Agreement are included in the Health Department's Behavioral Health Bureau (HEA012, Unit 8410) FY 2024-25 Adopted Budget. The funds for this Agreement for FY 2025-26 (\$25,186) and for FY 2026-27 (\$26,697) will be included in the Health Department's Behavioral Health Bureau (HEA012, Unit 8410) FY 2025-26 and FY 2026-27 Requested Budgets.

#### BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Check the related Board of Supervisors Strategic Initiatives:

☐ Economic Development:

- Through collaboration, strengthen economic development to ensure a diversified and healthy economy.

☒ Administration:

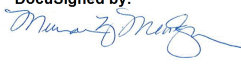
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- Promote an organization that practices efficient and effective resource management and is recognized for responsiveness, strong customer orientation, accountability and transparency.
- ☐ Health & Human Services:
  - Improve health and quality of life through County supported policies, programs, and services; promoting access to equitable opportunities for healthy choices and healthy environments in collaboration with communities.
- ☐ Infrastructure:
  - Plan and develop a sustainable, physical infrastructure that improves the quality of life for County residents and supports economic development results.
- ☐ Public Safety:
  - Create a safe environment for people to achieve their potential, leading businesses and communities to thrive and grow by reducing violent crimes as well as crimes in general.

Prepared By: Norm Morris, Management Analyst II, 796-1277

Approved by:

DocuSigned by:  
  
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Date: 8/1/2024 | 9:28 AM PDT

On behalf of Elsa Mendoza Jimenez

Elsa Mendoza Jimenez, Director of Health Services, 755-4526

Attachment:

Board Report

Agreement