



COUNTY OF MONTEREY - BOARD OF SUPERVISORS

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File #:	A 13-307	Name:	B. E. Smith Renewal & Amendment #2
Type:	BoS Agreement	Status:	Consent Agenda
File created:	12/26/2013	In control:	Board of Supervisors
On agenda:	2/11/2014	Final action:	
Title:	Approve and authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Renewal and Amendment No. 2 to the Agreement (A-12438/MYA723) with B.E. Smith Inc. for Interim Employee Services at NMC, extending the Agreement to June 30, 2014 and adding \$183,000 for a revised total Agreement amount not to exceed \$859,200 in the aggregate.		
Sponsors:	Sid Cato		
Attachments:	1. B.E. Smith Amendment #2 , 2. B.E. Smith Spend Sheet , 3. Completed Board Order		

[History \(0\)](#)
 [Board Report](#)

Title

Approve and authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Renewal and Amendment No. 2 to the Agreement (A-12438/MYA723) with B.E. Smith Inc. for Interim Employee Services at NMC, extending the Agreement to June 30, 2014 and adding \$183,000 for a revised total Agreement amount not to exceed \$859,200 in the aggregate.

Report

RECOMMENDATION:

It is recommended the Board of Supervisors approve and authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Renewal and Amendment No. 2 to the Agreement (A-12438/MYA723) with B.E. Smith Inc. for Interim Employee Services at NMC, extending the Agreement to June 30, 2014 and adding \$183,000 for a revised total Agreement amount not to exceed \$859,200 in the aggregate.

SUMMARY/DISCUSSION:

NMC has been recruiting for a qualified Chief Nursing Officer (Interim Patient Care-Senior Leader) since February 2013 and is currently contracting with B.E. Smith for an interim. California regulations, Title 22 require that NMC have Nursing Officer oversight for the nursing division. The recruitment process for this position has taken longer than anticipated and is expected to take, at

minimum, another 120 days. NMC is taking additional time on this recruitment in an effort to conduct a nationwide search for the most qualified candidate. Once a candidate is identified we believe that he/she would be required to provide a minimum of 30 days notice and appropriate moving time if necessary. Extension of this contract provides an Interim in the Chief Nursing Officer (Interim Patient Care-Senior Leader) role to ensure compliance with Title 22.

Additionally, NMC is searching for a Director of Surgical Services (Interim Patient Care-Medical/Surgical Leader). This position has been vacant since April of 2013. B.E. Smith has provided NMC with an interim leader since July 2013. The recruitment for this position was immediately opened and currently remains open and candidates are being screened regularly. There were three candidates for the first round of interviews and each withdrew their names before the date of the interview in September 2013. NMC has advertised this position again and hopes to find a qualified candidate within the next 120 days.

B.E. Smith is a nationally recognized expert in hospital interim management. Due to the difficulty anticipated with filling these executive positions, NMC is requesting an increase in the original requested contract amount. This increase will provide NMC with the ability to have an interim serve in the facilities Chief Nursing Officer (Interim Patient Care-Senior Leader) role and for a Nursing Services Division Director (Interim Patient Care-Medical/Surgical Leader) for a period of up to six months.

OTHER AGENCY INVOLVEMENT:

County Counsel has reviewed and approved this Renewal and Amendment No. 2 as to legal form and risk provisions. Auditor-Controller has reviewed and approved this Renewal and Amendment No. 2 as to fiscal provisions. The Renewal and Amendment No. 2 has also been reviewed and approved by Natividad Medical Center's Board of Trustees.

FINANCING:

The cost for this Renewal and Amendment No. 2 is \$183,000 and is included in the Fiscal Year 2013/2014 adopted budget. There is no impact to the General Fund.

Prepared by: Janine Bouyea, H.R. Director, 783-2701
Approved by: Harry Weis, Chief Executive Officer, 783-2553

Attachments: Renewal and Amendment No. 2, Original Agreement and Amendment No. 1, Spend Sheet.

Attachments on file with the Clerk to the Board Office



Monterey County

Board Order

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

Agreement No.: A-12438

Upon motion of Supervisor Armenta, seconded by Supervisor Potter and carried by those members present, the Board of Supervisors hereby:

Approved and authorized the Purchasing Manager for Natividad Medical Center (NMC) to execute Renewal and Amendment No. 2 to the Agreement (A-12438/MYA723) with B.E. Smith Inc. for Interim Employee Services at NMC, extending the Agreement to June 30, 2014 and adding \$183,000 for a revised total Agreement amount not to exceed \$859,200 in the aggregate.

PASSED AND ADOPTED on this 11th day of February 2014, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Parker and Potter

NOES: None

ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 77 for the meeting on February 11, 2014.

Dated: February 12, 2014
File Number: A 13-307

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By 
Deputy

**RENEWAL AND AMENDMENT NO. 2
TO PROFESSIONAL SERVICES AGREEMENT
BETWEEN B.E. Smith Inc. AND
THE NATIVIDAD MEDICAL CENTER
FOR
Interim Employee Services**

This Renewal and Amendment No. 2 to Professional Services Agreement ("Agreement"), dated January 1, 2013 is entered into by and between the County of Monterey, on behalf of Natividad Medical Center ("NMC"), and B.E. Smith Inc. (Contractor), with respect to the following:

RECITALS

WHEREAS, the County and Contractor amended the Agreement previously on March 12, 2013 via Amendment No. 1; and

WHEREAS, the County and Contractor wish to renew and amend the Agreement to extend the term end date to allow for existing services to continue; and

WHEREAS, the County and Contractor wish to renew and amend the Agreement to increase the amount of the Agreement by \$183,000 because of the term extension and the amount payable for services rendered.

AGREEMENT

NOW, THEREFORE, the parties agree to renew and amend the Agreement as follows:

1. Contractor will continue to provide NMC with the same scope of services as stated in the original Agreement (No. MYA723).
2. Section 2. "PAYMENTS BY NMC" shall be amended by removing, "*The total amount payable by NMC to CONTRACTOR under this Agreement shall not exceed the sum of \$100,000.*" and replacing it with "*The total amount payable by County to CONTRACTOR under Agreement No. (MYA723) shall not exceed the total sum of \$859,200 for the full term of the Agreement*".
3. Section 3, "TERM OF AGREEMENT" shall be amended by removing, "*The term of this Agreement is from January 1, 2013 to June 30, 2013 unless sooner terminated pursuant to this Agreement*" and replacing it with "*The term of this Agreement is January 1, 2013 to June 30, 2014 unless sooner terminated pursuant to this Agreement*".
4. Except as provided herein, all remaining terms, conditions and provisions of the Agreement and Amendment No.1 are unchanged and unaffected by this Renewal and Amendment No. 2 and shall continue in full force and effect as set forth in the Agreement.
5. A copy of this Renewal and Amendment No. 2 and all previous amendments shall be attached to the original Agreement (No. MYA723).
6. The effective date of this Renewal and Amendment No. 2 is January 1, 2014.

IN WITNESS WHEREOF, the parties hereto are in agreement with this Amendment on the basis set forth in this document and have executed this Amendment on the day and year set forth herein.

Natividad Medical Center

By: [Signature]
Sid Cato, NMC Contracts Manager

Date: 7-24-10

By: [Signature]
Harry Weis, NMC Chief Executive Officer

Date: 11-1-13

APPROVED AS TO LEGAL PROVISIONS

By: [Signature]
Anne Brereton, Deputy County Counsel

Date: Dec. 3, 2013

APPROVED AS TO FISCAL PROVISIONS

By: [Signature]
Gary Giboney
Monterey County Auditor/Controller's Office

Date: 12-3-13

Contractor

B. E. Smith, Inc.
Contractor's Business Name*** (see instructions)

[Signature]
Signature of Chair, President, or Vice-President

Bryan Christman, Vice President
Name and Title

Date: 10-25-13

By: [Signature]
(Signature of Secretary, Asst. Secretary, CFO, Treasurer or Asst. Treasurer)

AVP, Finance
Name and Title

Date: 10/25/13

***Instructions

If CONTRACTOR is a corporation, including limited liability and non-profit corporations, the full legal name of the corporation shall be set forth above together with the signatures of two specified officers (two signatures required).

If CONTRACTOR is a partnership, the name of the partnership shall be set forth above together with the signature of a partner who has authority to execute this Agreement on behalf of the partnership (two signatures required).

If CONTRACTOR is contracting in and individual capacity, the individual shall set forth the name of the business, if any and shall personally sign the Agreement (one signature required)