



# Monterey County

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

## Board Report

Legistar File Number: A 19-027

March 26, 2019

**Introduced:** 2/28/2019

**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 an agreement with Water Tech Specialties, Inc. for water management services at NMC for an amount not to exceed \$32,088 with an agreement term of April 1, 2019 through March 31, 2021.
- 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%) (\$3,208) of the original cost of the agreement per each amendment.
- c. Approve the NMC Chief Executive Officer's recommendation to accept non-standard language and provisions within 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 an agreement with Water Tech Specialties, Inc. for water management services at NMC for an amount not to exceed \$32,088 with an agreement term of April 1, 2019 through March 31, 2021.
- 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%) (\$3,208) of the original cost of the agreement per each amendment.
- c. Approve the NMC Chief Executive Officer's recommendation to accept non-standard language and provisions within the agreement.

### **SUMMARY/DISCUSSION:**

CMS has mandated that all Hospitals and Skilled Nursing Facilities establish a Water Management Program. Natividad spoke to several companies and chose to go with Water Tec as the Vendor. Water Tec uses a nationally known program known as LAMPS as the database for the system. LAMPS is a web-based platform for analytics. Our drawings of the water systems will be incorporated into the LAMPS program and from that our water management system will be mapped out. Once the system is mapped out, zones will be created and testing will be conducted. The bacterium Legionella can cause a serious type of pneumonia called LD in persons at risk. Those at risk include persons who are at least 50 years old, smokers, or those with underlying medical conditions such as chronic lung disease or immunosuppression. Outbreaks have been linked to poorly

maintained water systems in buildings with large or complex water systems including hospitals and long-term care facilities. Transmission can occur via aerosols from devices such as showerheads, cooling towers, hot tubs, and decorative fountains

Facilities must develop and adhere to policies and procedures that inhibit microbial growth in building water systems that reduce the risk of growth and spread of legionella and other opportunistic pathogens in water.

This agreement underwent extensive vetting by County approvers. There are numerous technical aspects and non-standard risk provisions that were negotiated, such as, Indemnification, Confidentiality, Payments, Warranty Disclaimer, Insurance, Term and Termination, Modification, Assignment, Order forms, Limitations on Liability, Limitations on Damages, Limitation on Statute of Limitations, and Choice of Law. Although Water Tech Specialties has agreed to sign the County of Monterey Agreement for Services, the provider of the LAMPS web-based platform is not allowing any modifications to their terms of use, which are attached to this agreement as Exhibit B.

**OTHER AGENCY INVOLVEMENT:**

County Counsel has reviewed and approved this agreement as to legal form, and the Auditor-Controller has reviewed and approved as to payment provisions. The agreement has also been reviewed and approved by NMC's Finance Committee on February 28, 2019 and by its Board of Trustees on March 1, 2019.

**FINANCING:**

The cost for this agreement is \$32,088 of which \$5,400 is included in the Fiscal Year 2018-19 Adopted Budget. Amounts for remaining years of the agreement will be included in those budgets as appropriate. There is no impact to the General Fund.

**BOARD OF SUPERVISORS STRATEGIC INITIATIVES:**

This agreement allows for needed improvements to the hospital's physical infrastructure. These improvements ensure that NMC maintains itself as a first rate medical facility which, in turn, enables NMC staff to provide quality medical care that leads to an improved quality of life for its patients and their families.

- Economic Development
- Administration
- Health and Human Services
- Infrastructure
- Public Safety

Prepared by: Jeff Cleek, Director of Engineering and Safety, 783-2614

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

Attachments:

Water Tech Specialties, Inc. Agreement

Attachments on file with the Clerk of the Board