



Legislation Details (With Board Report)

**File #:** A 13-128                      **Name:** WEINSTEIN SECOND AMENDMENT  
**Type:** BoS Agreement                **Status:** Passed  
**File created:** 6/4/2013                **In control:** Board of Supervisors  
**On agenda:** 6/25/2013                **Final action:** 6/25/2013

**Title:** a. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute the Second Amendment to Professional Services Agreement with Joel Weinstein MD to provide general services at NMC extending the term to June 30, 2015 and adding \$807,200 for a revised total Agreement amount not to exceed \$1,400,000 in the aggregate (for the period July 1, 2011 to June 30, 2015).  
b. Authorize the Purchasing Manager for NMC to execute to sign up to three (3) amendments to this agreement where the total amendments do not exceed 10% of the original contract amount, and do not significantly change the scope of work.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. WEINSTEIN SECOND AMENDMENT, 2. Completed Board Order

Date	Ver.	Action By	Action	Result
6/25/2013	1	Board of Supervisors	approved	

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b. Authorize the Purchasing Manager for NMC to execute to sign up to three (3) amendments to this agreement where the total amendments do not exceed 10% of the original contract amount, and do not significantly change the scope of work.

**RECOMMENDATION:**

It is recommended that the Board of Supervisors:

- a) Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute the Second Amendment to Professional Services Agreement with Joel Weinstein MD to provide general services at NMC extending the term to June 30, 2015 and adding \$807,200 for a revised total Agreement amount not to exceed \$1,400,000 in the aggregate (for the period July 1, 2011 to June 30, 2015).
- b) Authorize the Purchasing Manager for NMC to execute to sign up to three (3) amendments to this agreement where the total amendments do not exceed 10% of the original contract amount, and do not significantly change the scope of work.

**SUMMARY/DISCUSSION:**

NMC currently has an agreement with Joel Weinstein MD to provide 24 hour general surgery call coverage as scheduled in the emergency department and necessary follow-up to inpatients. NMC wishes to amend the agreement with Dr. Weinstein to extend the term of the agreement an additional twenty four (24) months and to expand the services provided to include surgeries in the operating room and outpatient services in the specialty

clinic, increasing the amount payable to Dr. Weinstein by \$807,200 for the call coverage and new services provided during the extended term of the agreement.

The expenditure of this agreement by fiscal year is as follows:

Fiscal Year 2011/2012	\$225,800
Fiscal Year 2012/2013	\$296,400 (the number of services provided increased due to the need to cover for a retired physician, but the rate of pay did not increase from the previous year)

The maximum liability of amended agreement is \$1,400,000 for period July 1, 2011 to June 30, 2015. Dr. Weinstein is paid according to the terms of this agreement for the actual number of call coverage, surgeries and clinic services provided, which may increase due to patient volume and the need for coverage, but will not increase the rate of pay or exceed the aggregate maximum liability amount. NMC has obtained an independent opinion of fair market value supporting the payment terms of this Agreement.

**OTHER AGENCY INVOLVEMENT:**

County Counsel has reviewed and approved this Amendment/Agreement as to legal form and risk provisions. Auditor-Controller has reviewed and approved this Amendment/Agreement as to fiscal provisions. The Amendment/Agreement has also been reviewed and approved by Natividad Medical Center's Board of Trustees.

**FINANCING:**

The total cost for this Amendment/Agreement \$1,400,000 for the period July 1, 2011 to June 30, 2015. \$225,800 was disbursed in Fiscal Year 2011/2012; \$296,400 was disbursed in Fiscal Year 2012/2013; and \$439,100 is included in the Fiscal Year 2013/2014 Recommended Budget; the remaining \$439,100 will be included in subsequent Fiscal Years. There is no impact to the General Fund.

Prepared by: Jeanne-Ann Balza, Management Analyst, 783.2506

Approved by: Harry Weis, Chief Executive Officer, 783.2553

Attachments:

Second Amendment; First Amendment; Agreement

Originals on file at the Clerk of the Board