



safest care to our patients in real time. The vendor will not accept the standard County insurance and indemnification terms, none the less; NMC considers the contract essential to the delivery of high quality patient care and recommends approval of the contract despite the non-standard terms.

This contract originated in January 2005. At that time the services were mistakenly purchased as a good and not a service. Since Fiscal Year 2011 and prior to this Amendment No. 5, NMC and First Databank have been in negotiations to reconcile actual spend to actual services provided. After a thorough audit in 2013, NMC has now reconciled services against invoices submitted and paid by the county. This reconciliation determined a surplus of approved dollars however, since Fiscal Year 2011, services were added that were not approved by this Board (see attached spend sheets for exact amounts and services). This Amendment No. 5 retroactively brings approval of all services provided for Fiscal Year's 2005-2013 by the vendor and corrects all previous discrepancies.

This Amendment No. 5 also adds two important services to the existing scope of work 1) RX Norm and 2) Alertspace; the addition of RX Norm allows separate parts of the hospital information system to communicate medication information even though they use separate and different medication databases and database structures. Alertspace allows Natividad to customize which alerts appear in the hospital information system. Alerts that are not clinically useful contribute to alert fatigue, resulting in the decreased impact of clinically important alerts.

#### **Commercial General Liability Exception**

County Counsel has not approved the Agreement as to risk provisions. NMC requests that the Board of Supervisors authorize a modification of the County's requirement for commercial general liability insurance as vendor's insurance carrier will not agree to provide an endorsement stating that such insurance is primary and that County's insurance/self-insurance shall not be called upon to contribute to a loss covered by vendor's insurance. NMC does not believe there is inherent risk of liability exposure due to the non-admitted status of its carrier.

#### **Business Automobile Insurance Exemption**

Business Automobile Liability Insurance requirements are waived for this vendor under this Agreement. There is no risk or exposure regarding vehicles.

All services are provided electronically. The Vendor is located outside California and has no intention of traveling onto County property or of transporting either County personnel or property in hired vehicles.

#### **Workers Compensation Insurance Exemption**

NMC requests an exemption to the County's requirement for Workers' Compensation insurance. Workers' Compensation insurance requirements are waived for this vendor under this Agreement.

#### **OTHER AGENCY INVOLVEMENT:**

County Counsel has reviewed and approved this Amendment No. 5 as to legal form. Auditor-Controller has reviewed and approved this Amendment No. 5 as to fiscal provisions. The Amendment No. 5 has also been reviewed and approved by Natividad Medical Center's Board of Trustees.

#### **FINANCING:**

As a result of previously approved amendments to this Agreement, the Board of Supervisors has approved an aggregate total not to exceed amount of \$173,717. As a result of this Amendment No. 5 no additional dollars will be added. Remaining funds from the previous year's purchase orders (\$49,199.51) will pay the outstanding due for Fiscal Year 2012/2013. There is no impact to the General Fund.

Prepared by: Jason Warren, Pharmacy Director, 772-7720

Approved by: Harry Weis, Chief Executive Officer, 783-2553

Attachments: Amendment No. 5, Agreement, Amendments 1, 2, 3, and 4, First Databank Spend Sheets (Vendor and NMC

Versions)

Attachments on File with the Clerk of the Board