



# County of Monterey

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

## Legislation Details (With Board Report)

<b>File #:</b>	A 20-177	<b>Name:</b>	Netsmart Technologies, Inc.
<b>Type:</b>	BoS Agreement	<b>Status:</b>	Passed - Health Department
<b>File created:</b>	6/2/2020	<b>In control:</b>	Board of Supervisors
<b>On agenda:</b>	6/16/2020	<b>Final action:</b>	6/16/2020
<b>Title:</b>	<p>a. Approve and authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute a three (3) year Agreement with Netsmart Technologies, Inc. for the provision of Avatar Electronic Health Record system for Licensed Software Maintenance and Support, Software License Subscription, and Hosting Services in the amount of \$982,163.02 for Fiscal Year (FY) 2020-21, \$947,843.02 for FY 2021-22, and \$947,843.02 for FY 2022-23, and for a reserve of additional Professional and Technical Consulting Services in the amount of \$350,000 from FY 2020-21 through FY 2022-23, for a total Agreement amount not to exceed \$3,227,849.07 from July 1, 2020 through June 30, 2023; and</p> <p>b. Accept the non-standard risk terms regarding limitations on liability, limitations of warranty, indemnification, and insurance, as recommended by the Director of Health; and</p> <p>c. Approve and authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to approve up to three (3) future amendments that do not exceed ten percent (10%) (\$322,785) of the original Agreement amount and do not significantly alter the scope of services.</p>		

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**Attachments:** 1. Board Report, 2. Agreement, 3. Item No. 27 Completed Board Order

Date	Ver.	Action By	Action	Result
6/16/2020	1	Board of Supervisors		

a. Approve and authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute a three (3) year Agreement with Netsmart Technologies, Inc. for the provision of Avatar Electronic Health Record system for Licensed Software Maintenance and Support, Software License Subscription, and Hosting Services in the amount of \$982,163.02 for Fiscal Year (FY) 2020-21, \$947,843.02 for FY 2021-22, and \$947,843.02 for FY 2022-23, and for a reserve of additional Professional and Technical Consulting Services in the amount of \$350,000 from FY 2020-21 through FY 2022-23, for a total Agreement amount not to exceed \$3,227,849.07 from July 1, 2020 through June 30, 2023; and

b. Accept the non-standard risk terms regarding limitations on liability, limitations of warranty, indemnification, and insurance, as recommended by the Director of Health; and

c. Approve and authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to approve up to three (3) future amendments that do not exceed ten percent (10%) (\$322,785) of the original Agreement amount and do not significantly alter the scope of services.

### RECOMMENDATION:

a. Approve and authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute a three (3) year Agreement with Netsmart Technologies, Inc. for the provision of Avatar Electronic Health Record system for Licensed Software Maintenance and Support, Software License Subscription, and Hosting Services in the amount of \$982,163.02 for Fiscal Year (FY) 2020-21, \$947,843.02 for FY 2021-22, and \$947,843.02 for FY 2022-23, and for a reserve of additional Professional and Technical Consulting Services in the amount of \$350,000 from FY 2020-21 through FY 2022-23, for a total Agreement amount not to exceed \$3,227,849.07 from July 1, 2020 through June 30, 2023; and

- b. Accept the non-standard risk terms regarding limitations on liability, limitations of warranty, indemnification, and insurance, as recommended by the Director of Health; and
- c. Approve and authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to approve up to three (3) future amendments that do not exceed ten percent (10%) (\$322,785) of the original Agreement amount and do not significantly alter the scope of services.

#### SUMMARY/DISCUSSION:

The Monterey County Health Department, Behavioral Health Bureau (MCBHB) has maintained a software maintenance/technical support, software subscription, application hosting, and technical consulting agreement with Netsmart Technologies, Inc. (“Netsmart”) for the Avatar solution that resulted from a formal Request for Proposal process in 2008. Avatar is an electronic health records (EHR) solution utilized by MCBHB to track the provision of services to clients while maintaining the privacy and security of patient health information.

MCBHB has a multitude of programs that encompass a full spectrum of services across all ages within our community. This service delivery model requires extensive collaboration and co-location of MCBHB clinical staff resulting in having a presence in all areas the community. This type of service delivery model requires a unified and agile solution utilized by the clinical staff to successfully track individuals in the programs, services provided, and monitor the outcomes while meeting the Medi-Cal and Medi-Care reimbursement levels necessary for sustainability.

This renewal Agreement includes software license maintenance/support for licenses purchased, software subscription, and hosting services as a recurring cost and also includes technical consulting services and/or additional license purchases or subscriptions during the contract term on an “as-needed” and “as-approved” basis by the County.

Although the Agreement includes non-standard terms, the continued use of the Avatar solution by MCBHB is essential to support the continuity of services and as such it is the recommendation of the Director of Health Services to approve this recommended action.

This work supports Monterey County Health Department (“MCHD”) 2018-2022 strategic initiative(s): 4. Engage MCHD workforce and improve operational functions to meet current and developing population health needs. It also supports one of the ten essential public health services, specifically: 6. Enforce laws and regulations that protect health and ensure safety.

#### OTHER AGENCY INVOLVEMENT:

Information Technology, the Office of the County Counsel and Auditor-Controller have reviewed and approved this Agreement as to technology form, legal form and fiscal provisions, respectively. Risk Management does not approve due to the modified liability and indemnification provisions. This Agreement is on file with the Clerk of the Board.

#### FINANCING:

This Agreement is funded by Federal Funding Participation (FFP), Realignment, and Mental Health Services Act (MHSA) funds. The funds for the Agreement are included in the Health Department’s Behavioral Health Bureau (HEA012, Unit 8410) FY 2020-21 Requested Budget. The funds for the Agreement for FY 2021-22 and FY 2022-23 will be included in the Health Department’s Behavioral Health Bureau (HEA012, Unit 8410) respective FY 2021-22 and FY 2022-23 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:

- 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: Sarah House, Departmental Information Systems Manager, 755-4531

Approved by:

Date: \_\_\_\_\_

Elsa Jimenez, Director of Health, 755-4526

Attachment:

Agreement is on file with the Clerk of the Board