



County of Monterey

Item No.17

Board Report

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

Legistar File Number: A 23-061

March 21, 2023

Introduced: 2/24/2023

Current Status: Natividad Medical Center -
Consent

Version: 1

Matter Type: BoS Agreement

- a. Ratify execution by the Chief Executive Officer for Natividad Medical Center (NMC) a month-to-month short term rental agreement with Brainlab, Inc. for a software-based guided neurosurgery system, for a total amount not to exceed \$100,000 and with an effective date of July 21, 2022.
- b. Authorize the Chief Executive Officer for Natividad Medical Center (NMC) or his designee to execute a twelve (12) month lease agreement with Brainlab, Inc. for a software-based guided neurosurgery system for an amount not to exceed \$330,762 (intended to replace the short term rental agreement), with an agreement term effective when signed by both parties.
- c. Approve the NMC Chief Executive Officer's recommendation to accept non-standard indemnification, insurance, and limitations on liability provisions within both agreements.

RECOMMENDATION:

It is recommended the Board of Supervisors:

- a. Ratify execution by the Chief Executive Officer for Natividad Medical Center (NMC) a month-to-month short term rental agreement with Brainlab, Inc. for a software-based guided neurosurgery system, for a total amount not to exceed \$100,000 and with an effective date of July 21, 2022.
- b. Authorize the Chief Executive Officer for Natividad Medical Center (NMC) or his designee to execute a twelve (12) month lease agreement with Brainlab, Inc. for a software-based guided neurosurgery system for an amount not to exceed \$330,762 (intended to replace the short term rental agreement), with an agreement term effective when signed by both parties.
- c. Approve the NMC Chief Executive Officer's recommendation to accept non-standard indemnification, insurance, and limitations on liability provisions within both agreements.

SUMMARY/DISCUSSION:

Brainlab neurosurgery systems are designed for both routine and complex surgical procedures, with intuitive user interfaces and automated workflows. Groundbreaking Elements applications help surgeons make the most of patient data during preoperative planning and even intraoperatively. With its sophisticated and flexible navigation tools, surgeons have the ability to log the patient's reference points regardless of the patient's position, reducing the need for additional scans which reduces cost as well as additional radiation exposure. The tools allow for detailed visualizations which are tailored to

show only clinically relevant data allowing the surgeon to focus on what's necessary for their work. Automated data selection and layout composition are designed to reduce screen interaction to lessen distractions.

Natividad is renting the "Curve" system platform which is designed to be compatible with future add-on technology which makes it an ideal platform to start with. The Curve platform also offers the freedom to position the display and the camera anywhere the surgeon needs for the procedure.

Natividad has been negotiating a larger and more complex lease agreement with Brainlab for this equipment. However, there were several neurosurgical cases that arose which Natividad was unable to accommodate without the system on site, therefore, the parties agreed to setup a temporary short term rental agreement which enabled Natividad to obtain the needed system and operate without having to turn patients away while the larger agreement is still under negotiation. This short-term rental agreement was established in conjunction with County Counsel's office. It does not contain a start nor end date. Services are rendered on an as-needed basis at the request of Natividad as cases arise. The termination of this short-term agreement will be acknowledged when the larger lease agreement is finalized.

OTHER AGENCY INVOLVEMENT:

The Office of County Counsel has reviewed and approved these rental agreements as to form, and the Auditor-Controller has reviewed and approved as to payment provisions. The rental agreements have also been reviewed and approved by NMC's Finance Committee and by its Board of Trustees on September 9, 2022.

FINANCING:

The cost for these rental agreements is \$430,762, of which \$349,000 is included in the Fiscal Year 2022-23 Adopted Budget. Amounts for remaining years of the twelve-month agreement will be included in those budgets as appropriate.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Use of the Brainlab neuronavigational system enables surgeons to perform more complex and advanced brain surgeries and provides a sophisticated toolset to greatly assist the surgeons during surgeries. This enhances and optimizes patient care at Natividad.

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

Prepared by: Wally Sayles, Director of Surgical Services, 772-7771

Approved by: Charles R. Harris, Chief Executive Officer, 783-2553

Attachments:

Brainlab Inc. Inc. Neurosurgery Rental Agreement
Brainlab, Inc. 12-month Lease Terms and Conditions Agreement
Brainlab Financial Services Master Usage Agreement (MUA)
Brainlab Financial Services Usage Schedule Document
Brainlab Financial Services Certificate of Incumbency and Authority
Brainlab Financial Services Co-Obligor Addendum to MUA

Attachments on file with the Clerk of the Board

Charles R Harris
Charles R. Harris, M.D., Chief Executive Officer

03/16/2023
Date