



## Legislation Details (With Text)

**File #:** 19-1101      **Version:** 1

**Type:** Agenda Item      **Status:** Approved

**File created:** 7/11/2019      **In control:** Board of Supervisors

**On agenda:** 7/23/2019      **Final action:** 7/23/2019

**Title:** Chief Administrative Office recommending the Board:  
1) Approve and authorize the Chair to sign a multiparty software license agreement 3959 with EMSystems, LLC. and the County of Amador, for the use of EMResource software, with an effective date retroactive to July 1, 2018 that continues until terminated by one of the parties, and a first year cost for the County of El Dorado of \$7,559.48, that may increase up to 2% annually;  
2) Authorize the Health and Human Services Agency to terminate perpetual agreement 404-M0810 with San Joaquin County effective upon execution of agreement 3959; and  
3) Authorize the Purchasing Agent, or designee, to execute further documents relating to Agreement 3959, including amendments which do not increase the maximum dollar amount, and contingent upon approval by County Counsel and Risk Management. (Est. Time: 10 Min.)

**FUNDING:** 86% Federal, 14% other governmental agencies.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. A - Contract and Blue, 2. Executed EMSystems Agreement 3959

Date	Ver.	Action By	Action	Result
7/23/2019	1	Board of Supervisors	Approved	Pass

Chief Administrative Office recommending the Board:

1) Approve and authorize the Chair to sign a multiparty software license agreement 3959 with EMSystems, LLC. and the County of Amador, for the use of EMResource software, with an effective date retroactive to July 1, 2018 that continues until terminated by one of the parties, and a first year cost for the County of El Dorado of \$7,559.48, that may increase up to 2% annually;  
2) Authorize the Health and Human Services Agency to terminate perpetual agreement 404-M0810 with San Joaquin County effective upon execution of agreement 3959; and  
3) Authorize the Purchasing Agent, or designee, to execute further documents relating to Agreement 3959, including amendments which do not increase the maximum dollar amount, and contingent upon approval by County Counsel and Risk Management. (Est. Time: 10 Min.)

**FUNDING:** 86% Federal, 14% other governmental agencies.

### DISCUSSION / BACKGROUND:

The Emergency Preparedness Program (Program) uses EMResource software (a web-based product) on a daily basis to monitor the status of hospital emergency rooms, and other emergency medical services (EMS) resources (air ambulances, etc.) for availability in the event of a disaster. It is also intended to be used during large-scale EMS incidents to monitor availability/capacity and manage triaging of a large number of patients based on emergency room capacity and/or availability of specialized hospital services. Multiple counties in Northern California use EMResource software to monitor availability/capacity of resources.

Previously, the County of San Joaquin provided access to the EMResource software for multiple counties including El Dorado and was available via perpetual Agreement 404-M0810. In June of 2018, San Joaquin County notified counties that they would no longer act as the fiscal intermediary for EMResource software, and that counties would need to work with EMSysystems to develop agreements.

Upon notification of San Joaquin's intent, staff contacted EMSysystems repeatedly during 2018-2019, requesting both an agreement and the necessary W-9 and Payee Data Record to establish EMSysystems as a vendor in FENIX, to no avail. On September 10, 2018, the vendor provided a software license agreement which was submitted for Counsel's review. Per EMSysystems' request, the agreement included Amador County, a member of our regional Healthcare Coalition, as a partner in the agreement. During this time Agreement 404-M0810 was maintained in the belief that it would continue to be the mechanism for payment until a new agreement with EMSysystems could be established.

Counsel raised concerns about the agreement and negotiations commenced with EMSysystems to finalize said software license agreement, with a start date of upon execution. Finally, on June 21, 2019, all parties agreed with the terms and conditions of the attached software license agreement #3959.

However, on June 19, 2019, staff became aware that billing for the interim period from July 1, 2018 to the execution of the agreement would not be billed through the active agreement 404-M0810 with San Joaquin County. Therefore, agreement #3959 was modified to be retroactive to July 1, 2018. A corrected version with the July 1, 2018 effective date was resubmitted to Counsel for approval on June 20, 2019. Counsel approved the corrected version, and the other parties agreed with revised terms and conditions.

**ALTERNATIVES:**

Should the Board decline to approve retroactive Agreement #3959, the Emergency Preparedness Program will not have access to track hospital bed availability in the counties surrounding this County when large-scale EMS incidents occur.

**PRIOR BOARD ACTION:**

01-15-2008, 08-0014, Public Health - MOU with San Joaquin 404-M0810

**OTHER DEPARTMENT / AGENCY INVOLVEMENT:**

Approved by County Counsel, Risk Management, and Human Resources.

**CAO RECOMMENDATION:**

It is recommended that the Board approve this item.

**FINANCIAL IMPACT:**

This Agreement for Services is funded by a portion of Agreement 17-10152 between the California Department of Public Health, Emergency Preparedness Office, and the County. Additional funding is through Agreement for Services 268-F1411 between the County of El Dorado and the County of Alpine.

There is no impact to the County's General Fund regarding the proposed Agreement.

This expense was identified in the FY 2018-2019 Budget and sufficient appropriations were budgeted to pay for the FY 2018-2019 cost.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) Clerk of the Board to obtain signature of Chair on three (3) original Agreements for Services 3959.
- 2) Clerk of the Board to return all documents to the Chief Administrative Office

**STRATEGIC PLAN COMPONENT:**

Public Safety

**CONTACT**

Sue Hennike, Deputy Chief Administrative Officer