



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: November 17, 2015

Subject: Payments for Services Provided by Bay Area Tumor Institute

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Auditor-Controller, or his designee, to pay \$64,402.47 to Bay Area Tumor Institute for Patient Assistance Program Drug Recovery Services during the period of August 1, 2014 through July 31, 2015.

FISCAL IMPACT:

100% funding included in Hospital Enterprise Fund I.

BACKGROUND:

In July 2014, the County Administrator approved and the Purchasing Agent executed Contract #26654 for pharmaceutical drug recovery reimbursement services for the period from August 1, 2014 through July 31, 2015. Services were requested and provided beyond the payment limit of the contract. At the end of the contract period, charges of \$1,464,402.47 had been incurred, of which \$1,396,905.81 had been paid pursuant to the contract limits. The additional services were provided between July 1, 2015 and July 31, 2015 and amounted to \$64,402.47.

Because the contract payment limit has been reached, the Department cannot pay the

☒ APPROVE ☐ OTHER
☒ RECOMMENDATION OF CNTY ADMINISTRATOR ☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **11/17/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: November 17, 2015

David Twa, County Administrator and Clerk of the Board of Supervisors

By: Stephanie L. Mello, Deputy

Contact: Anna Roth, (925)
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provider under the contract for the additional services. The provider

BACKGROUND: (CONT'D)

is nonetheless entitled to payment for the reasonable value of its services under the equitable relief theory of quantum meruit. That theory provides that where a person has been asked to provide services without a valid contract, and the provider does so to the benefit of the recipient, the provider is entitled to recover the reasonable value of those services. Because the Health Services Department requested additional services from Bay Area Tumor Institute, and the contractor provided the services in good faith, with the full expectation and understanding that it would receive payment for those services, the contractor has the right to claim the reasonable value of the services provided above the contract limit. As such, the Department recommends that the Board authorize the Auditor-Controller to issue a one-time payment to Bay Area Tumor Institute in the amount of \$64,402.47.

CONSEQUENCE OF NEGATIVE ACTION:

The service provider will not be paid for services rendered to the Health Services Department.

CHILDREN'S IMPACT STATEMENT:

Not applicable.