



Contra
Costa
County

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: October 25, 2022

Subject: Payment for Services Provided by AGFA US Corp.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Auditor-Controller, to pay \$28,795 to AGFA US Corp. for parts and repairs performed on the AGFA DX-100 portable X-ray machine for Contra Costa Regional Medical Center (CCRMC) during the period of July 29, 2021 through October 6, 2021.

FISCAL IMPACT:

Approval of this action will result in a one-time expenditure in an amount not to exceed \$28,795 and will be funded entirely by Hospital Enterprise Fund I revenues.

BACKGROUND:

The Diagnostic Imaging Department provides portable X-rays to the patients in the Emergency Department, Operating Room, and other hospital patients who are too sick to be transported to the imaging department for their exam. Portable imaging helps physicians with quicker diagnosis and treatment for the patient, and it is essential to patient recovery and care. The department has been utilizing AGFA portable X-ray equipment prior to 2010. On August 13, 2013, the Board of Supervisor's approved agenda item C.58 for the first AGFA Circle of Care Maintenance program to provide maintenance and repairs on their

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **10/25/2022** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, 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: October 25, 2022

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: Antonia Welty, Deputy

Contact: Angela Womble,
(925) 370-5338

cc:

portable x-ray equipment. The department has continued to renew their Circle of Care maintenance program annually. On August 9, 2022, the Board of Supervisor's approved agenda item C.49 to execute the latest renewal through March 31, 2023.

When the portable X-ray machine broke, Interventional Radiology (IR) staff contacted AGFA directly to perform repairs during the period of July 29, 2021 through October 6, 2021, which staff believed were covered under their AGFA Circle of Care maintenance agreement. Staff did not realize that the parts and labor would be billed separately. In addition, staff turnover and administrative oversight caused delays in processing this request, which could have been considered an emergency purchase order request. As a result, the Department does not have an approved purchase order for these service invoices to be paid.

BACKGROUND: (CONT'D)

The vendor is entitled to payment for the reasonable value of its services under the equitable relief theory of quantum meruit. The theory provides that where a vendor has been asked to provide services without a valid payment instrument, and the vendor does so to the benefit of the County, the vendor is entitled to recover the reasonable value of those services. The vendor has provided services at the request of the Health Services Department staff.

As such, the Department recommends that the Board authorize the Auditor-Controller to issue a one-time payment to this vendor in an amount not to exceed \$28,795. Since the period when these services were provided in good faith, the Department has provided Contra Costa Regional Medical Center staff with procurement training. Additionally, staff have received administrative guidance to take preventative measures by establishing more comprehensive repair and preventative maintenance agreements with terms and financing to cover emergent needs such as equipment failure.

CONSEQUENCE OF NEGATIVE ACTION:

If the action is not approved, AGFA US Corp. will not be paid for services rendered in good faith.