



Contra
Costa
County

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: January 17, 2023

Subject: Contract #23-764 with Becton Dickinson and Company

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of the County an Acquisition Agreement containing mutual indemnification with Becton, Dickinson and Company, a corporation, in an amount not to exceed \$200,000, to provide microbial detection equipment, reagent supplies, software, and maintenance services to Contra Costa Health Services Public Health Laboratory for the period from January 17, 2023 through January 16, 2030.

FISCAL IMPACT:

This contract will result in contractual service expenditures of up to \$200,000 over a 7-year period and will be funded 100% by Public Health funds. (Rate increase)

BACKGROUND:

This contract meets the needs of the Contra Costa Health Services (CCHS) Public Health Laboratory by executing a Becton Dickinson (BD) Acquisition Agreement providing mycobacterium detection equipment, consumables, accessories, embedded software, and

<input checked="" type="checkbox"/> APPROVE	<input type="checkbox"/> OTHER
<input checked="" type="checkbox"/> RECOMMENDATION OF CNTY ADMINISTRATOR	<input type="checkbox"/> RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/17/2023** ☒ 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
Ken Carlson, 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: January 17, 2023

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

By: Laura Cassell, Deputy

Contact: Erika Jenssen,
925-957-2674

services to Contra Costa Health Services Public Health Laboratory. Under the Acquisition Agreement, BD will provide testing equipment and consumables, including reagents, panels, supplies, and assays. CCHS has issued purchase orders to BD for test reagents, laboratory, microbiology, and clinical supplies since (at least) 2012.

Under contract #23-764, the Public Health division will execute an Acquisition Agreement for an onsite BD BACTEC MGIT 960 Instrument reagent equipment rental and test reagents for mycobacteria (tuberculosis) screening, diagnosis, and drug-susceptibility analysis. The BD BACTEC MGIT 960 is an assay used widely in the industry for mycobacteria screening. The Acquisition Agreement envelops an eighty-four (84) onsite equipment reagent rental with a comprehensive service plan, training, and consumables.

Under the agreement, the County is obligated to indemnify Becton Dickinson for third-party claims arising out of the County's use of the software, the County's negligence or willful misconduct, or the County's breach of the agreement. Under the agreement, Becton Dickinson's liability to the County is limited to the amounts the County pays in any 12-month period prior to any claim, except with respect to third party indemnity claims and claims for death or bodily injury.

BACKGROUND: (CONT'D)

Approval of new Contract #23-764 will allow the contractor to provide services through January 16, 2030. The County may only terminate the agreement if (1) Becton Dickinson fails to cure its breach of the agreement, or (2) the Board of Supervisors decides not to appropriate funds for amounts due under the contract.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, the Public Health laboratories will be out of compliance concerning regulations regarding standard maintenance and function checks regarding its mycobacteria diagnostic laboratory instrumentation. This contract includes unscheduled repairs and preventative maintenance with the manufacturer for acceptable performance of the diagnostic lab instruments. The potential of non-compliance may result in adverse effects such as financial losses, license revocations, business disruptions, and poor quality of patient care.