
Setting the Standard in Health Care Excellence

March 28, 2023

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

SUBJECT

Approval of, and Authorization for the Purchasing Agent or Designee to Accept, the Terms and Conditions of Purchase, with Baxter Healthcare Corporation for the Purchase of Hospital Products and Equipment; Authorization for Non-Material Changes Subject to County Counsel Approval; and Authorization for Waiver of County Administrative Manual Policy No. Chapter VI-1 Prohibiting the Inclusion of Provisions for Attorney Fees, Interest, and Governing Law Other than California in County Contracts.

RECOMMENDATIONS

1. That your Board approve, and authorize the Purchasing Agent or designee to accept, the Terms and Conditions of Purchase (T&Cs) (Exhibit 1) with Baxter Healthcare Corporation (Baxter) for the purchase of various hospital products and equipment.
2. That your Board authorize non-material changes to this document, subject to approval by County Counsel.
3. That your Board authorize waiver of County Administrative Manual Policy No. Chapter VI-1 prohibiting the inclusion of provisions for attorney fees, interest, and governing law other than California in County contracts. There is no fiscal impact with this item.

FISCAL IMPACT

There is no fiscal impact with this item.

DISCUSSION

The T&Cs before your Board are used for the purchase of various medical products and equipment from Baxter. An example of the healthcare products offered by Baxter that

are used throughout the hospital and clinics includes the Baxter inhaled gas program used by the Ventura County Medical Center pharmacy department, supplying inhalation agents for general anesthesia. Often the specific programs or products offered by Baxter must utilize the T&Cs before your Board. In the case of the Baxter Inhaled Gas Program Letter of Participation, the County has until April 15, 2023 to execute and return the participation letter to Baxter.

The T&Cs require payment of interest on amounts that are unpaid more than thirty (30) days past the payment due date, as well as attorney fees incurred by the prevailing party in the event of legal action or through arbitration, and are governed by the laws of the State of Delaware. Accordingly, we are requesting that your Board approve waiver of County Administrative Manual Policy No. Chapter VI-1 to permit inclusion of these provisions in the T&Cs.

This letter has been reviewed by the County Executive Office, County Counsel, Auditor-Controller's Office, and General Services Agency Procurement Services. If you have any questions regarding this item, please call John Fankhauser, M.D., Chief Executive Officer, County Hospitals, at 805-652-6058.



John Fankhauser, M.D.
Chief Executive Officer, County Hospitals



Barry L. Zimmerman
Health Care Agency Director

Exhibits

Exhibit 1 – Baxter Healthcare Corporation Terms and Conditions of Purchase