



JUSTIFICATION FOR EXCEPTIONS TO COMPETITIVE PROCUREMENT

Form ID: HHS-Sin-03/01/2022

It is the policy of the Board that the County conduct an open, fair and full competitive solicitation process for the procurement of goods and/or services, with exemptions for certain goods, services and classes of procurement, and case-by-case exceptions, subject to a detailed review and approval process. The residents of Santa Clara County are best served when sound business decisions are made through a full and open competitive bidding processes. There may be certain instances when exceptions are warranted and justifiable. When a County agency/department recommends that competitive bidding is not practicable or in the best interest of the tax payers, appropriate justification supporting an exception must be submitted to the Procurement Department. Should you have any questions, please do not hesitate to contact: Cheryl Liu, Director of Procurement at (408) 491-7401.

Date of Submission:	03/01/2022
Submit Document via Requisition	Refer to the <u>Contact and Commodity Assignment List</u> for buyer code guidance.

SECTION I

Proposed Contractor/ Consultant:	Bay Imaging Consultants Medical Group, Inc.				
Total Estimated Value of the Award:	\$ 5,166,576.00	Start Date:	04/01/2022	End Date:	03/31/2024
Description of Good/Service:	Diagnostic Radiology Services at O'Connor Hospital				
User Budget Unit - Agency/Dept:	0921 - Valley Medical Center	<input type="checkbox"/>	Agency/Dept Abbreviation:	HHS	<input type="checkbox"/>
Name of Requestor:	Barbara Mellin			Phone #:	(408) 947-2592

SECTION II

Mark appropriate box for Contract's Signature Authority

<input checked="" type="radio"/>	Board of Supervisors
<input type="radio"/>	Delegated to Department Head or designee
<input type="radio"/>	Director of Procurement

SECTION III

Pursuant to Board Policy 5.6.5.1 (D)(2), the following are **EXCEPTIONS** to competitive bidding. Select the appropriate exception. *Agencies/ Departments requesting an Exception must provide documentation to establish there is only one source or it is otherwise in the County's best interest to waive the required bidding procedures.*

<input type="radio"/>	Sole Source: Pursuant to Board Policy 5.6.5.1 (D)(2)(a)(i) a Sole Source Procurement is a sourcing method used to procure a service without competition when it has been determined that there is only one source for the required service that is capable of meeting the requirements of the acquisition as defined in the Scope of Work or specification.
<input checked="" type="radio"/>	Single Source: Pursuant to Board Policy 5.6.5.1 (D)(2)(a)(ii) a Single Source Procurement is a sourcing method used to procure a service from one source, without soliciting competition, even though there are other vendors that can provide the service as defined in the scope of work or specification.

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SECTION III (cont.)

<input type="radio"/>	Patent Rights: Pursuant to Board Policy 5.6.5.1(D)(2)(b), competition is precluded because of the existence of patent rights, copyrights, secret processes, control of the basic raw material(s) or similar circumstances, and there is no equivalent item or service.	
<input type="radio"/>	Absolute Compatibility: Pursuant to Board Policy 5.6.5.1(D)(2)(c), the following are Exceptions to Competitive Procurement for Goods/Professional Services. Select the appropriate exception:	
	<input type="checkbox"/>	(i) Replacement parts or components for equipment – performs the same function in the equipment.
	<input type="checkbox"/>	(ii) Replacement parts or components for equipment – prevent compromise of safety or reliability of product or void or invalidate manufacturer’s warranty or guarantee.
	<input type="checkbox"/>	(iii) Upgrades, enhancement or additions to hardware or software - compatibility

SECTION IV

PURPOSE OF THE PURCHASE - Please describe the minimum requirements and the benefits of making the acquisition.

The Bay Imaging Consultants Medical Group, Inc. (BIC) agreement is being presented to the Board of Supervisors for approval, at this time, because it will be merging with Radiological Associates Medical Group of Santa Clara Valley, Inc., (RAMG). RAMG is the current provider of diagnostic radiology services at O' Connor. This merger will benefit O'Connor Hospital as it will be adding additional medical providers and their expertise that will better service our hospital and patients needing radiological services, while ensuring that the current providers are able to continue to provide uninterrupted services.

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SECTION V

MARKET RESEARCH - Please describe your market research and the results thereof. This should include a description of similar sources or products available in the market, if any, and why they are not acceptable.

The compensation for the agreement was determined by using the MGMA 2022 fair market value report for Diagnostic Radiology, and MDRanger 2021 fair market value benchmark survey report for Radiology: Diagnostic-Noninterventional, National Market Data 2021.

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SECTION VI

BEST INTEREST OF THE COUNTY – Please provide a detailed description as to why a waiver of formal bidding is in the County’s best interest (e.g. product standardization, compatibility, proprietary access or distributorship and the consequences of not doing so. NOTE: A lack of advance planning, loss of funding, or insufficient time are not an acceptable justification for exceptions.)

The physicians with Radiological Associates Medical Group of Santa Clara Valley, Inc. have been providing quality radiology services at O'Connor Hospital for the past 12 years, seven (7) days a week, 365 days a year, and will continue to do so along with additional providers under the new company. The single source agreement permits the Hospital to maintain the required diagnostic radiology services as well as add additional providers with expanded expertise such as mammography, etc. Without this agreement being approved, the community could be critically impacted by not having diagnostic radiology services at O'Connor Hospital.

SECTION VII

FUTURE PLANS - Please describe the actions the department/agency will take to overcome the present barriers to competition prior to any future purchases of this product or service if this exception is approved.

A Request For Proposal may be conducted in the near future once the County has time to evaluate how to proceed with radiology services within the Health System and can perform a thorough Market analysis on service options.



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SECTION VIII

SCOPE OF WORK/SPECIFICATIONS - Please provide all scopes of work or stated specifications. Use an attachment for additional pages. SOW must include these elements: Objective (well-defined, quantifiable expected results include any significant deliverables & milestones) and Scope (what the work should or should not include; brief description of services desired; location of work). Do not include contract language vendor information or pricing.

The radiology department at O'Connor Hospital serves our community both inpatient and outpatient providing necessary diagnostic radiology services which include:

1. Medical director administrative services to ensure quality metrics and professional staffing.
2. Professional services for radiology, CT, MRI, Nuclear Medicine Ultrasound and any other related service and consultation generally provided in a hospital radiology practice.

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SECTION IX

Requesting Agency/Department Contracts Manager:	Print Name: Barbara Mellin, Program Manager II-Physician Contracts, OCH & SLRH
	Signature: DocuSigned by: <i>Barbara Mellin</i> C66EB9AC95B048C... 3/1/2022
	Phone: 408-947-2592
	Email: barbara.mellin@hhs.sccgov.org
Requesting Agency/Department Director:	Print Name: Pat Wolfram, Business Development Executive & Physician Relations
	Signature: DocuSigned by: <i>Pat Wolfram</i> 644E89BD1A03468... 3/1/2022

SECTION X

Decision and Required Steps Following Decision (to be completed by OCCM or Procurement)

<input checked="" type="radio"/>	Approved	<input checked="" type="radio"/>	Attach to Legislative File
		<input type="radio"/>	Attach to Delegation of Authority Coversheet
		<input type="radio"/>	Attach to Service Agreement Checklist
		<input type="radio"/>	Attach to PO/Contract File
<input type="radio"/>	Approved with Conditions	Comments:	
<input type="radio"/>	Additional Information Required	Comments:	
<input type="radio"/>	Denied with Recommended Action	Comments:	

SECTION XI

Office of Countywide Contracting Management/Procurement Department Signature

DocuSigned by: <i>Gene Clark</i> C685F692AC71492...	Date: 3/3/2022
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