



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Public Health
Department No.: 041
For Agenda Of: 04-28-09
Placement: Administrative
Estimate Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director Elliot Schulman, MD, MPH, Director and Health Officer
Public Health Department
Contact Info: Rose Davis, Contracts Unit Manager,
Administration Division 681-5107
SUBJECT: Purchasing Bid Waiver Request

County Counsel Concurrence:

As to form: Yes No N/A

Auditor-Controller Concurrence:

As to form: Yes No N/A

Other Concurrence: Purchasing

Yes No N/A

Recommend Action:

That the Board of Supervisors:

Authorize the Purchasing Manager to issue purchase orders, without a competitive bid, for Paragard Direct in the amount of \$150,000 per fiscal year; and Thera Com, Inc. in the amount of \$150,000 per fiscal year for pharmaceuticals over the two-year period of Fiscal Years 2008-09 and 2009-10. Neither vendor is a local vendor.

Vendor	Product	Contract #	Granted Bid Waiver Amount in 08-09	Requested Amount Per Fiscal Year
Paragard Direct	Pharmaceuticals	BL01329	\$70,000	\$150,000
Thera Com, Inc.	Pharmaceuticals	BL01090	\$50,000	\$150,000

Summary

County Code Section 2-39 states that the Purchasing Agent is obliged to purchase all materials, supplies, furnishings and equipment by using a formal competitive bidding process, unless the Board of Supervisors has waived competition under a particular set of circumstances. For the sake of expediency, and due to "limitations in source or supply" pursuant to County Code Section 2-39, PHD is requesting your Board waive the requirement for a competitive bid for the purchase of certain pharmaceuticals. The County Purchasing Department recommends that bid waiver requests be made for each applicable fiscal year. This bid waiver request is for FY 2008-09 and FY 2009-10.

Purchasing Bid Waivers Request

Agenda Date: April 28, 2009

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On June 03, 2008 your Board authorized bid waivers for FY 2007-08, 2008-09 and 2009-10 for several vendors. On that date Paragard Direct and Thera Com, Inc. were granted bid waivers in the amounts of \$70,000 and \$50,000 respectively. Usage of the products exceeded our estimates in Fiscal Year 2008-09 and the PHD is now requesting your Board to grant bid wavers in the amount of \$150,000 each for Paragard Direct and Thera Com, Inc. through Fiscal Year 2009-10.

Paragard Direct and Thera Com, Inc. are the only two manufacturers of intrauterine devices in the United States. The request for, and prescribing of, these birth control devices for the Public Health Department patients has increased significantly.

Fiscal and Facilities Impacts:

Budgeted: **Yes** **No**

The costs associated with these bid waiver requests are included in the Public Health Department’s FY 2008-09 Adopted Budget and can be found in the County’s Operating Document on page D-196 in the Clinical Services cost centers.

These costs are also included in the FY 2009-10 Recommended Budget.

There are no facilities impacts as a result of this action.

Staffing Impact

Legal Positions:
0

FTEs:
0

Special Instructions:

Please return an electronic copy of the Minute Order to the PHD Contracts Unit at PHDRES.ContractsUnit@sbcphd.org and one copy of the minute order to Purchasing, Attn: Gloria Ness.

Authored by:

Rose Davis, Contracts Unit Manager, Administration Division 681-5107