



County of Los Alamos

Los Alamos, NM 87544
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Council Meeting Staff Report

August 4, 2020

Agenda No.: D.
Indexes (Council Goals):
Presenters: Denise Cassel; Harry Burgess
Legislative File: 13201-20

Title

Approval of Amendments No. 3 to Services Agreement No. AGR15-4194 with Occupational Health Centers of the Southwest, P.A. d/b/a Concentra Medical Centers, and Services Agreement No. AGR15-4195 with Medical Associates of Northern New Mexico, P.A., for a Revised Total Amount for not to exceed \$325,500, plus Applicable Gross Receipts Tax, and Ratification of Agreements AGR15-4194 and AGR15-4195, and Payments Allowed to Date Thereunder Totaling \$281,000.00, plus Applicable Gross Receipts Tax.

Recommended Action

Two actions are required for this item. The first action would be ratification of the existing agreement and amendments. The following is the recommended motion for that action:

I move that Council accept the findings of the Chief Procurement Officer and that Council ratify Agreements AGR15-4194 and Agreement AGR15-4195 and subsequent Amendments, and approve and affirm payments allowed to date thereunder totaling \$281,000.00, plus applicable gross receipts tax.

If the first action above is taken by Council, a second action would be required to approve the third amendments. The following is the recommended motion for that action:

I move that Council approve Amendments AGR15-4194-A3 and AGR15-4195-A3, for a total revised contract value of \$325,500.00, plus applicable gross receipts tax.

County Manager's Recommendation

The County Manager recommends that Council approve the actions as presented.

Body

The County issued an RFP for services related to medical examinations for pre-assignment/pre-employment, post-illness or injury, fitness-for-duty, and termination of assignment for any applicants and/or employees referred by the County; medical surveillance of workers to workplace hazards; certification or recertification examinations for commercial drivers; assistance with infectious control programs, including antibody testing, immunizations for blood borne pathogens, post exposure evaluation and treatment; drug testing collection and/or breath alcohol testing; toxicological assessment and planning related to workplace hazards; advice related to the adequacy of personal protective equipment; advice in relation to job placement, restrictions and accommodations for disabled, pregnant, or other workers with medical conditions of concern; and advice related to enhancing health promotion and wellness programs; medical review and oversight of County's Automated External Defibrillator ("AED") Program.

The County entered into multiple Services Agreement (No.AGR15-4193 with Rio Grande Drug Testing, LLC; Services Agreement No. AGR15-4194 with Occupational Health Centers of the Southwest, P.A. d/b/a Concentra Medical Centers; and Services Agreement No. AGR15-4195 with Medical Associates of Northern New Mexico, P.A.), for an aggregate amount not to exceed \$200,000, plus Applicable Gross Receipts Tax, which included the original four year contract with an option to

extend the Agreement for three (3) additional one (1) year periods upon mutual agreement between the parties thereafter. Shortly after the initial contracts were in place, Rio Grande Drug Testing Associates went out of business and the County continued to utilize the remaining two vendors to meet its needs.

The aggregate \$200,000 maximum amount listed in the Agreements has currently been exceeded by approximately \$81,000 in past budget years, thereby requiring signature authority by County Council pursuant to §31-74(a). We are requesting to increase the total aggregate amount of the contracts by a total of \$125,500 in order to cover anticipated expenses through Fiscal Year 2021.

The Purchasing Agent, after consultation with the County Attorney, has determined that signature authority by Council should have been obtained once the compensation exceeded two hundred thousand dollars (\$200,000.00). We are now asking Council to ratify and affirm the amount exceeded under this Agreement.

Staff is in the process of evaluating internal control procedures and will be implementing appropriate changes to ensure similar instances do not occur in the future.

Staff is currently working on a new Request for Proposals to be issued for the services covered in the Service Agreements listed above for all required services and anticipate its completion by March 1, 2021 to take effect July 2021 (FY22).

Alternatives

Council could choose not to ratify and approve the Amendments. If Council chooses not to approve this Request, staff will need to immediately submit a request for proposal and new hire offers will be delayed, reasonable suspicion testing cannot occur, along with DOT annual physical recertification's until a new contract can be put in place for example.

Fiscal Impact and Staff Impact

The requested increase of \$125,500, of which \$44,500 was budgeted for the FY2021 budgets and the remainder was covered under past budget years. There is no staff impact as this is for continuation of an existing service.

Attachments

- A - RFP 2015-1988 - Request for Proposals for Occupational Medicine (OME) Services
- B - AGR15-4193 - Rio Grande Drug Testing Associates Agreement
- C - AGR15-4194 - CONCENTRA Agreement
- D - AGR15-4194-A1 - Amendment 1 to CONCENTRA Agreement
- E - AGR15-4194-A2 - Amendment 2 to CONCENTRA Agreement
- F - AGR15-4194-A3 - Amendment 3 to CONCENTRA Agreement
- G - AGR15-4195 - MANNM Agreement
- H - AGR15-4195-A1 - Amendment 1 to MANNM Agreement
- I - AGR15-4195-A2 - Amendment 2 to MANNM Agreement
- J - AGR15-4195-A3 - Amendment 3 to MANNM Agreement