

W.5.D.2.

AGENDA COVER MEMO

AGENDA DATE: August 17, 2011
TO: Board of County Commissioners
DEPARTMENT: Health & Human Services
PRESENTED BY: Rob Rockstroh



AGENDA TITLE: ORDER _____ / IN THE MATTER OF DELEGATING AUTHORITY TO THE COUNTY ADMINISTRATOR TO EXECUTE A SOFTWARE CONTRACT WITH NEXTGEN FOR A MAXIMUM PERIOD OF FIFTY YEARS

I. MOTION

In the Matter of Delegating Authority to the County Administrator to Execute a Software Contract with NextGen for a Maximum Period of Fifty Years

II. AGENDA ITEM SUMMARY

The Board is being asked to approve a contract with NextGen for an electronic health record application for the Community Health Centers (CHC) and to delegate authority to the County Administrator to execute the agreement, Item 5 of which grants the County a license for a term of fifty (50) years from the effective date of the agreement, unless sooner terminated.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

The Board approved selection of this contractor for the provision of an electronic health record via BO 11-5-24-4.

B. Policy Issues

None. The fifty-year verbiage in Item 5 of the proposed agreement does not inhibit the County's ability to discontinue the use of the NextGen suite of products, should they become obsolete or be replaced by other medical record software purchased by Lane County on behalf of the CHC.

C. Board Goals

N/A

D. Financial and/or Resource Considerations

Acceptance of the fifty-year license does not affect the cost of the electronic health record suite of applications/software.

E. Analysis

Software agreements are frequently offered for unstated periods, that extend for the "life" of the program or application. The acceptance of a fifty year license does not bind the CHC to utilize the product, beyond whatever its actual validity as an electronic health record application may be.

The attached contract will be subject to full review by IS, County Counsel, Risk Management and the Administrator's Office, including Budget and Planning, as part of its approval process.

F. Alternative / Options

1. To accept the proposed fifty-year license and delegate authority to the County Administrator to execute a software contract with NextGen.
2. To not approve the acceptance of a fifty-year license and to direct H&HS to negotiate a revision to Item 5 of the proposed agreement to provide for automatic renewal of the license in twelve-month increments.

IV. TIMING/IMPLEMENTATION

It is anticipated that the contract will be executed in late September or early October.

V. RECOMMENDATION

H&HS supports the execution of the agreement, as is, based on the Analysis provided in Item III.E above.

VI. FOLLOW-UP

If approved, H&HS will list this contract on the annual budget adoption order for continuance for every year beyond the initial three years.

VII. ATTACHMENT

Board Order

BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

ORDER:) IN THE MATTER OF IN THE MATTER OF DELEGATING
) AUTHORITY TO THE COUNTY ADMINISTRATOR TO EXECUTE A
) SOFTWARE CONTRACT WITH NEXTGEN FOR A MAXIMUM
) PERIOD OF FIFTY YEARS

WHEREAS, The Board of County Commissioners approved the selection of NextGen as the provider of an electronic health record for the Community Health Centers of Lane County via BO 11-5-24-4; and

WHEREAS, The NextGen contract provides Lane County with a fifty year software license; and

WHEREAS, Lane Manual Chapter 21 Paragraph 145 does not permit the County Administrator to execute contracts in excess of three years' duration, without prior delegated authority from the Board of County Commissioners; and

WHEREAS, BO 11-5-24-4 did not foresee the need to request specific delegation of authority to exceed three years' duration in the execution of this contract;

NOW, THEREFORE, IT IS HEREBY ORDERED that the Board of County Commissioners delegate authority to the County Administrator to execute County Contract Number 26404 with NextGen, Item 5 of which provides for a fifty-year software license.

ADOPTED this _____ day of _____, 2011.

Faye Stewart, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM

Date 8-1-11 lane county

OFFICE OF LEGAL COUNSEL

