

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

325



**FROM: FIRE**

**SUBMITTAL DATE:**  
August 17, 2011

**SUBJECT:** Sole Source Payment for Hazardous Materials Response Team Occupational Medical Evaluations and one year service contract with Pulmonary Consultants & Primary Care Physicians Medical Group Inc. (Primary Consultants)

**RECOMMENDED MOTION:** Move that the Board of Supervisors

1. Approve sole source payment in the amount of \$30,940 to Pulmonary Consultants for annual Hazardous Materials Response Team Occupational Evaluation of (52) fifty-two Fire Hazardous Response Team employees, and;
2. Authorize the Purchasing Agent, in accordance with Ordinance No. 459, to establish a one-year contract for services with Pulmonary Consultants not to exceed \$40,000.

**BACKGROUND:**

Pulmonary Consultants provided Riverside County Fire Department with regulated mandatory annual Hazardous Materials Response Team Occupational Medical Evaluations for (52) fifty-two department safety personnel at a cost of \$595 per employee totaling \$30,940 dollars. Annual Hazardous Response Team (HazMat) Occupational Medical Evaluation physicals are required under Federal regulation CFR: 1910-120 and State of California regulation CCR5192.

Glen Patterson, Deputy Chief for  
John R. Hawkins, County Fire Chief

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ 70,940	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 17,808	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	11/12

<b>SOURCE OF FUNDS:</b> 25% General Fund, 44% Contract Revenue, 31% Structural Fire Taxes	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:**

**APPROVE**

BY: Robert Tremaine

**County Executive Office Signature**

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Buster, seconded by Supervisor Tavaglione and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone and Ashley  
 Nays: None  
 Absent: Benoit  
 Date: October 4, 2011  
 xc: Fire; Purchasing

Kecia Harper-Ihem  
 Clerk of the Board  
 By:   
 Deputy

Prev. Agn. Ref.: | District: All | Agenda Number:

**3.17**

ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD

Departmental Concurrence

Purchasing: Mark Seiler, Assistant Director

Policy  
 Consent  
 Policy  
 Consent

Dep't Recomm.:  
 Per Exec. Ofc.:

RE: Sole Source Payment for Hazardous Materials Response Team  
Occupational Medical Evaluations and one year service contract with Pulmonary  
Consultants & Primary Care Physicians Medical Group Inc. (Primary  
Consultants)

Date August 17, 2011

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The California Department of Forestry and Fire Protection (CAL-Fire) Policy 1800 Manual lists the requirements of medical clearance for employment and is also based on the position duty statement or job classification. This medical evaluation is also part of Safety Personnel Memorandum of Understanding. The requirement specific to safety personnel working on the Hazardous Response Team to name a few are listed below:

- Use of respirators;
- Operation of heavy motorized vehicles/equipment or vehicles engaged in transportation of passengers or equipment which requires a commercial drivers license, (this does not include driving incidental to the performance of State business).
- Exposure to chemical agents, or hazardous material know to cause human illness;

Medical examinations are required for:

- Entry into a safety classification;
- Employees participating in an annual hazardous materials examination,
- Respirator use;

Other governing entities' which require this physical as a mandatory and annual event are the United States department of Labor, Occupational Safety and Health Administration, Title 8 Subchapter 7 General Industry Safety Orders.

Employees are sent annually when their medical evaluations are set to expire and require renewal. Pulmonary Consultants past practice has been to invoice Fire monthly and or quarterly as services were rendered. Vendor is now submitting an annual invoice for service which has exceeded department level approval for processing; which has indicated a need to establish a contract for services formally.

#### **PRICE REASONABLENESS:**

Before 2004' the Riverside County Fire Department Hazardous Materials Team consisted of approximately eleven to fifteen employees requiring annual physicals. The cost in 2004 equaled \$550 per individual with annual cost of approximately \$8,250 dollars.

Fire's HazMat Team has grown in the last 10-years from one HazMat Team providing service to the entire County and currently consists of two teams. Today in the County one HazMat Team provides coverage to the western end with the other team servicing the eastern end. Presently there are a total of (52) fifty-two plus employees requiring annual physicals that work and provide overtime coverage for Fire's HazMat Team. The cost per employee to receive this physical increased in 2007' from \$550 to \$595 per individual which is an increase of 9% and has not increased since.

In the last fiscal year it has come to the attention of the department that with the increase of staff requiring annual physicals for HazMat and increase of annual expenditure that a contract for services was required. FIRE will be working with department Procurement Contract Specialist to establish a contract for services the Formal Bid Process.

Date: August 17, 2011  
From: John R. Hawkins Department/Agency: FIRE  
To: Board of Supervisors/Purchasing Agent  
Via: Purchasing Agent  
Subject: Sole Source Procurement; Request for Pulmonary Consultants & Primary Care Physicians Medical Group, Inc. (Pulmonary Consultants) Annual Hazardous Materials Response Team Occupational Medical Evaluations.

The below information is provided in support of my Department requesting approval for a sole source. Outside of a duly declared emergency, the time to develop a statement of work or specifications is not in itself justification for sole source.

**1. Supply/Service being requested:**

Annual Hazardous Materials (HazMat) Response Team Occupational Medical Evaluations for all employees assigned to FIRE HazMat Teams and who are HazMat Certified and provide overtime coverage.

**2. Supplier being requested:**

Pulmonary Consultants & Primary Care Physicians  
Medical Group Inc. (VC# 9541)  
1310 W. Stewart Drive Suite 410  
Orange, CA 92868  
Tel: (714) 520-1430

**3. Alternative suppliers that can or might be able to provide supply/service:**

Yes there can or might be; when FIRE conducted initial research other local Fire Agencies were contacted to obtain information regarding execution of annual requirements, policies, and vendor information for services.

**4. Extent of market search conducted:**

As stated above FIRE conducted research and other County and State agencies with Hazardous Materials (HazMat) Response Teams were contacted. Los Angeles County, Orange County Fire Authority, along with Police and Fire Departments to list name a few. Pulmonary Consultants in 1995' was the organization referred and at that time providing all the required testing required under Federal regulation CFR: 1910-120 and State of California regulation #CCR5192.

**5. Unique features of the supply/service being requested from this supplier, which no alternative supplier can provide:**

Per the CAL FIRE Medical Consultant the following examinations are required annually as an active member of a Hazardous Material (HazMat) Team.

- A complete medical history
- Height, weight, and vital signs
- Physical examination
- Blood Tests: a complete blood count (CBC), electrolytes, liver function test, fasting lipid test (at least 10 hrs.)
- Urine dipstick test
- Audiometry
- Vision test

Baseline examination requirement or as required based on Medical Consultant's review of medical chart history:

- Chest X-ray
- Exercise Treadmill Test

**6. Reasons why my department requires these unique features and what benefit will accrue to the county:**

In accordance with the California Code of Regulation, Title 8, Section 5192(f), a medical surveillance program must be instituted for employees who are or may be exposed to hazardous substances or health hazards as described in subsection 5192(f)(2). Additionally, CAL Fire Policy #1823 (specifically 1823.3 and 1823.3.2) and 1851 detail the requirements for all FIRE HazMat Team members to receive this annual examination.

In providing this service to HazMat Team employees the County will remain in compliance with Federal and State regulations. The benefit not only to department employees as a safe guard of their health, but also to ensure that the employee is physically fit to perform the tasks necessary to complete their job duties and efficiently providing safety to the citizens within the County of Riverside.

**7. Price Reasonableness including purchase price and any ongoing maintenance or ancillary costs from the supplier:**

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In the last fiscal year it has come to the attention of the department that with the increase of staff requiring annual physicals for HazMat and increase of annual expenditure that a contract for services was required. FIRE will be working with department Procurement Contract Specialist to establish a contract for services the Formal Bid Process.

**8. Does moving forward on this product or service further obligate the county to future similar contractual arrangements or any ongoing costs affiliated with this sole source? (Maintenance, support, or upgrades, if so, please explain).**

Yes, the annual physicals are a Federal, OSHA, and State regulation for all employees working with Hazardous Materials. FIRE will be working with department Procurement Contract Specialist to establish a contract for services through the Formal Bid Process.

**9. Period of Performance:**

To be set for one (1) 2011/2012 Fiscal Year. To start and end: October 1, 2011 through June 30, 2012 and not to exceed \$40,000

*(Provide a defined period of performance. Please note multi-year terms require Board approval, unless renewable in one year increments and the Purchasing Agent approves the terms.)*

 \_\_\_\_\_ 9/9/11  
Department Head Signature Date


Purchasing Department Comments:

Approve

Approve with Condition/s

Disapprove

Not to exceed: \$ ~~40,000~~ 70,946  One time  Annual Amount through 6/30/2012

 \_\_\_\_\_ 12-215  
Purchasing Agent Date Approval Number

(Reference on Purchasing Documents)