

1 [Approval of Software License and Software Maintenance contracts between the Department
2 of Public Health and Philips Healthcare for the upgrade of the Philips CareVue critical care
3 documentation system to the Philips IntelliVue Clinical Information Portfolio (ICIP) System]

4 **Resolution authorizing the Department of Public Health to enter into a Software**
5 **License and Software Maintenance contract with Philips Healthcare.**

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7 WHEREAS, the current critical care patient information system (CareVue Chart)
8 manufactured by Philips Healthcare is no longer supported by Philips Healthcare; and

9 WHEREAS, after an extensive review by both Clinical and Information Technology staff
10 the Department has determined that an upgrade to the new Philips ICIP system is in the best
11 interest of the Department and for overall patient care; and,

12 WHEREAS, the Health Commission has approved the two contracts; and,

13 WHEREAS, Section 21.21 of the Administrative code requires that vendors fully
14 indemnify the City for all claims of intellectual property infringement; and

15 WHEREAS, the Software License and related Software Maintenance contracts do not
16 provide the City with full indemnification from Intellectual Property infringement claims; and,

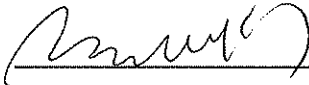
17 WHEREAS, the Department and Philips Healthcare have negotiated a cap on
18 intellectual property infringement indemnification which will limit the liability of Philips
19 Healthcare to \$1,500,000 excluding the City's legal cost for defending an infringement suit, for
20 any claim of Intellectual Property infringement; and

21 WHEREAS, Philips Healthcare has certified that the proposed system has never had
22 an Intellectual Property infringement claim against it; and

23 WHEREAS, that any contract that does not full comply with the requirements of
24 Administrative Code Section 21.21 requires a resolution from the Board of Supervisors
25 approving such contracts ; now, therefore, be it

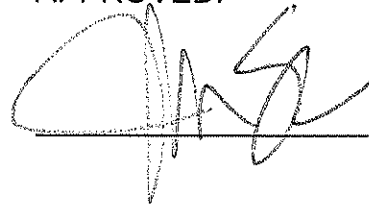
1 RESOLVED, That the Board of Supervisors hereby authorizes the Department of
2 Public Health and the Office of Contract Administration on behalf of the City and County of
3 San Francisco to enter into Software License and Software Maintenance contracts with
4 Philips Healthcare for the upgrade to the Philips ICIP system as set forth in file number
5 090323 .
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8 APPROVED:

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11 _____

12 Mitch Katz, M.D.
13 Director of Health
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APPROVED:



Health Commission



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails
Resolution

File Number: 090323

Date Passed:

Resolution authorizing the Department of Public Health to enter into a Software License and Software Maintenance contract with Philips Healthcare.

May 5, 2009 Board of Supervisors — ADOPTED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

File No. 090323

I hereby certify that the foregoing Resolution was ADOPTED on May 5, 2009 by the Board of Supervisors of the City and County of San Francisco.

5/14/09

Date Approved

Angela Calvillo
Clerk of the Board

Mayor Gavin Newsom