



Legislation Details (With Text)

File #: 19-392 **Version:** 1 **Name:**
Type: Consent Item **Status:** Passed
File created: 7/6/2019 **In control:** City Council/Public Finance and Economic Development Authority/Parking Authority
On agenda: 10/7/2019 **Final action:** 10/7/2019
Title: SUBJECT: Approval of Professional Services Agreement with Gaetke Medical Corporation and 1582, LLC to Provide Comprehensive Occupational Medical Physicals in an Amount Not to Exceed \$60,000 and Waiving the Competitive Bidding Requirement

REPORT IN BRIEF

Considers entering into a three year agreement with Gaetke Medical Corporation and 1582, LLC for the purpose of providing comprehensive occupational medical physicals of fire suppression personnel and waiving the competitive bidding requirements.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving a professional services agreement with Gaetke Medical Corporation and 1582, LLC in an amount not to exceed \$60,000, for the purpose of providing comprehensive occupational medical physicals of fire suppression personnel for a three year term, with a one year renewal option; and,

B. Authorizing the City Manager or the Assistant City Manager to execute the necessary documents; and,

C. Waiving the competitive bidding requirements.

Sponsors:

Indexes:

Code sections:

Attachments: 1. CCR Section 5192.pdf, 2. 29 CFR 1910.120.pdf, 3. 29 CFR 1910.134.pdf, 4. 29 CFR 1910.95.pdf, 5. 29 CFR 1910.1030.pdf, 6. NFPA 1582 - Std on Comprehensive Occupational Medical Program for Fire Dept. 2018 Edition.pdf, 7. NFPA 1583 - Std on Health-Related Fitness Programs for Fire Dept Members, 2015 Edition.pdf, 8. MFD Policy 1023 - Wellness and Health.pdf, 9. Professional Services Agreement - Gaetke Medical Corporation and 1582, LLC 09 17 19.pdf, 10. Client List 09 06 19.pdf

Date	Ver.	Action By	Action	Result
10/7/2019	1	City Council/Public Finance and Economic Development Authority/Parking Authority	approved	Pass

Report Prepared by: Janet German, Secretary, Fire Dept.

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ALTERNATIVES

- 1. Approve as recommended by staff; or,
- 2. Approve, subject to conditions other than as recommended by staff; or,
- 3. Deny; or,
- 4. Refer to staff for reconsideration of specific items; or,
- 5. Continue to a future City Council meeting.

AUTHORITY

CCR §5192 Hazardous Waste Operations and Emergency Response
29 CFR 1910.120, Hazardous Waste Operations and Emergency Response
29 CFR 1910.134 Respiratory Protection
29 CFR 1910.95, Occupational Noise Exposure
29 CFR 1910.1030, Bloodborne Pathogens
NFPA 1582 Standard on Comprehensive Occupational Medical Program for Fire Departments
NFPA 1583 Standard on Health Related Fitness Programs for Fire Department Members
Merced Fire Department Policy 1023 Wellness and Fitness Program
Charter of the City of Merced, Section 200
MMC 3.04.210 Exemptions from Competitive Bidding

CITY COUNCIL PRIORITIES

Public Safety as provided for in the 2019-20 Adopted Budget.

DISCUSSION

Gaetke Medical Corporation and 1582, LLC specialize in providing mobile NFPA medical physical examinations on site as well as providing the examinations at one of Merced's fire stations on a shift rotation basis, thereby eliminating logistical, fiscal and scheduling concerns, all while improving/enhancing our employee physical examinations and increasing efficiencies.

Background

Firefighting is physically taxing, dangerous, stressful, and firefighters face extreme physical demands on the job with their greatest dangers being their safety and health.

Nearly half of all firefighter fatalities occur as a result of medical emergencies. The severe physical

nature of firefighting and the harsh environmental conditions under which firefighters must perform their duties dramatically increases their susceptibility to stress and overexertion. Many of these deaths could potentially be avoided through early detection of underlying medical conditions by participation in an annual routine medical examination, which includes commonplace non-invasive medical testing.

The National Fire Protection Association (NFPA) is a non-profit organization, advocating for the elimination of death, injury, property, and economic loss due to fire, electrical and related hazards by the development of codes and standards. To reduce the risk of heart attacks and sudden cardiac arrest among firefighters, the NFPA has developed the NFPA 1582 guideline entitled "Standard on Medical Requirements for Fire Fighters and Information for Fire Department Physicians". NFPA 1582 recommends a thorough examination to include vision testing, audiometry, pulmonary function testing, a complete blood count, urinalysis, and biochemical (blood) test battery be conducted on a periodic basis according to the age of the fire fighter. Currently, firefighter pre-employment and annual medical/physical exams do not meet this guideline.

The City of Merced Fire Department is not legally required to follow NFPA 1582's guidelines/standards on medical requirement for persons performing firefighting tasks, however, the department has an obligation to its members to implement preventative measures to reduce the risk of on the job heart attacks and sudden cardiac arrest amongst its firefighters.

Therefore, like many other fire suppression agencies, to improve the health and wellness, and fitness of its firefighters, the department strives to protect its member's health and wellness by using its interpretation of NFPA 1582 as a foundational starting point for its annual medical examinations. Full implementation of NFPA 1582's guidelines would require formal agreements (Memorandum of Understanding, Side Letters, Policies, etc.) with the City, Labor Group and City Council's adoption of NFPA's standards as well identifying as a funding source for the cost of full implementation.

Any healthcare provider performing the pre-employment and annual medical/physical exams needs to be intimately familiar NFPA 1582 and other applicable standards and to be able to competently interpret and execute them. The provider should also understand the physiological demands of firefighting and the resulting health risks that research demonstrates firefighters are most prone to. The department needs to be confident in the provider's ability to make informed, correct, decisions that may influence careers and impact its ability to safely provide life saving service to Merced.

The best way to diminish the effects of any diseases, illnesses or injuries is to detect them as early as possible. This is especially true for firefighters who, in many cases, are at a greater risk for certain diseases, illnesses, and injuries than the general population.

A copy of NFPA 1582 has been attached for your review. Put simply, NFPA 1582's medical guidelines for the physical examination are extensive and far more comprehensive than the exams currently being performed. Additionally, as noted earlier, due to the intricacies of NFPA 1582, the medical provider needs intimate knowledge to properly apply the exam. Due to the esoteric guidelines, it becomes readily apparent that a specialist is needed to perform the comprehensive medical examinations. Therefore, the fire department is requesting to exercise the exemption by competitive bidding process and to execute a professional services agreement with Gaetke Medical Corporation and 1582, LLC for its annual occupational medical evaluation of candidates and current public safety employees consistent with the fire department's recommendation of NFPA 1582, 29

CFR 1910.120, and State of California Regulations CCR §5192.

The fire department has researched the use of its current medical provider and found that the services are not cost effective. Currently, employees are required to go offsite to a physician's office in Merced, which causes a minimum of three employee's to be put out of service or on delayed service when responding to emergency calls. Additionally, they physician's office does not possess the resources to offer all of the needed services at one location and they are not specialized in providing medical examinations for firefighters.

The fire department desires to enter into an agreement with Gaetke Medical Corporation and 1582, LLC. ARC Health & Wellness is the Management Services Organization for Gilbert, Gaetke and Associates of Nevada, MD, LTD, a Nevada Corporation. Gaetke Medical Corporation was established as a separate California Professional Corporation to serve the CA clients due to the strict corporate practice of medicine laws in the State of CA. 1582, LLC is the Management Services Organization for Gaetke Medical Corporation and organized to service clients in the State of CA. 1582, LLC was founded in 2018 focusing exclusively on NFPA 1582 medical exams for out-of-state Nevada Fire Departments. Any California clients will fall under the Gaetke Medical Corporation, which will be managed by 1582, LLC as per the advice of their legal counsel.

In summary, the recruitment and retention of the best qualified and physically fit workforce is one of the top priorities of the City of Merced. The use of preplacement and comprehensive medical exams performed by a specialized physician for physically demanding occupations such as firefighting are good business practices and are also recommended by NFPA 1582 and NFPA 1583.

IMPACT ON CITY RESOURCES

No appropriation of funds is needed. Funding is available within the FY2019-20 approved budget.. Annually, funds will be requested for all future fiscal years applicable to the agreement and any subsequent renewals.

ATTACHMENTS

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5. 29 CFR 1910. 1030, Bloodborne Pathogens
6. NFPA 1582 Standard on Comprehensive Occupational Medical Program for Fire Departments
7. NFPA 1583 Standard on Health Related Fitness Programs for Fire Department Members
8. Merced Fire Department Policy 1023 Wellness and Fitness Program
9. Agreement for Professional Services
10. Client List