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October 06, 2015

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**APPROVAL TO ENTER INTO TWO AGREEMENTS FOR IMPLEMENTATION
OF THE LOS ANGELES COUNTY HUMAN IMMUNODEFICIENCY VIRUS
PUBLIC HEALTH SERVICES FELLOWSHIP PROGRAM
(ALL SUPERVISORIAL DISTRICTS)
(3 VOTES)**

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Director

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*To ensure access to high-quality,
patient-centered, cost-effective
health care to Los Angeles County
residents through direct services at
DHS facilities and through
collaboration with community and
university partners.*

SUBJECT

Request for delegated authority to enter into a new collaborative agreement and the related project agreement with ViiV Healthcare Company, and to enter into a new fiscal intermediary agreement with Los Angeles Biomedical Research Institute, in order to implement a new Los Angeles County Human Immunodeficiency Virus Public Health Services Fellowship Program.

IT IS RECOMMENDED THAT THE BOARD:

1. Delegate authority to the Director of Health Services (Director), or his designee, to finalize and execute a new no-cost Collaborative Agreement (Agreement) and the related project agreement with ViiV Healthcare Company (ViiV), with the understanding that the final agreements may not contain all Board-required provisions. The Agreement will become effective upon execution by the parties and remain in effect for a period of six years thereafter, in order to support the creation of a Human Immunodeficiency Virus (HIV) Public Health Fellowship Program (Fellowship Program), subject to prior review and approval as to form by County Counsel.

2. Delegate authority to the Director, or his designee, to enter into a no-cost agreement with Los Angeles Biomedical Research Institute (L.A. BioMed), the fiscal intermediary selected by Viiv, to administer the training program funds



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provided by ViiV. The final agreement may not include all Board-required provisions. It will designate ViiV as a third party beneficiary, be effective upon executions by the parties, and be coterminous with the Agreement with ViiV, subject to review and approval as to form by County Counsel.

3. Delegate authority to the Director, or his designee, to execute future amendments to the Agreement and the related project agreement with ViiV and fiscal intermediary agreement with L.A. BioMed, to: (a) add, delete, and/or change certain terms and conditions as required by Federal or State law or regulation, County policy, County's Board of Supervisors or Chief Executive Officer (CEO); and (b) terminate agreement(s), in whole or in part, if it serves the best interest of County; subject to prior review and approval as to form by County Counsel, and with notice to the Board and the Chief Executive Office (CEO).

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Approval of the recommended actions will enable DHS to execute a collaborative agreement and the related project agreement with ViiV, as well as enter into a fiscal intermediary agreement with L.A. BioMed, and implement appropriate changes to those agreements, as may be necessary from time to time, with the assistance of County Counsel.

ViiV is a global HIV pharmaceutical company dedicated to delivering advances in the prevention, treatment and care for people living with HIV. Earlier this year, ViiV engaged DHS leadership to discuss the need to ensure on-going and future access to HIV care in underserved communities, such as those found in Los Angeles County (According to a U.S. Department of Health and Human Resources' report on Workforce Capacity in HIV, many HIV specialists from the height of the HIV crisis are nearing retirement age and many of the new HIV graduates work abroad where the HIV and AIDS crisis is more acute). The outcome of the conversation was a mutual desire by ViiV and DHS to collaborate, establish, and pilot a Los Angeles County HIV Public Health Services Fellowship Program that could become the future national model program, to ensure that there is an ongoing adequate HIV care workforce in the United States.

The overarching aim of this public-private collaborative is to develop a modernized HIV care workforce that is committed to improving access and care in underserved communities, and have the necessary skill-sets to implement community based changes. The net benefit of this new program can be substantial to the future of underserved individuals and communities affected by HIV in the United States.

To achieve this, ViiV is committed to provide salary and benefits as well as educational support for up to 18 fellows over a five year period beginning in 2016. Program expenses and administrative staff will also be fully funded by ViiV and managed by L.A. BioMed, which will receive and disburse the payments to the fellows. Additionally, ViiV is committed to provide loan repayment of \$50,000 a year up to three years for each graduated fellow who subsequently works in medically underserved communities.

In entering into the proposed Agreements, DHS intends only to improve the pool of HIV-trained physicians and does not intend to solicit or receive any form of benefit which would affect its selection of any product sold by ViiV.

ViiV's contribution is estimated at \$5.0 million in program administration, salary and benefits and around \$2.5 Million in loan repayment for the graduating fellows. DHS will provide in-kind the clinical

venues, mentorship, administrative and program oversight, while L.A. Biomed administers the training program funds provided by ViiV.

Implementation of Strategic Plan Goals

The recommended actions support Goal 3, Integrated Services Delivery of the County's Strategic Plan.

FISCAL IMPACT/FINANCING

ViiV will bear the overall financial impact as it relates to program administration, salary and benefits for the program managers and fellows. DHS will provide in-kind support via clinical mentorship as well as support for projects that will improve care for our HIV patients using existing resources. The agreements should not increase DHS' overall expenses.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The effective period of the agreements will begin shortly after Board approval and the first cohort of fellows should begin in Summer of 2016.

Projects performed under the Agreement that is being negotiated with ViiV may be terminated individually, without termination of the entire Agreement, upon ninety (90) days' advance written notice by a party to the other for any reason or immediately upon discovery of an uncured breach by the other party, provided that the non-breaching party first provides written notice specifically describing the breach and thirty (30) day in which to cure the breach. The Agreement also includes mutual indemnification language approved by the CEO Risk Management Branch. The fiscal intermediary agreement with L.A. Biomed will be coterminous with the Agreement with ViiV.

The agreements will be submitted to County Counsel for review and approval prior to execution.

CONTRACTING PROCESS

The recommended agreements enables ViiV to fully fund the development and implementation of a Los Angeles County HIV Public Health Fellowship Program. As such, this Agreement is not appropriate for a competitive solicitation.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of the recommendations will enable DHS to establish a unique pilot public private partnership to educate and train a new generation of HIV workforce to ensure access and quality of care is provided to underserved communities in Los Angeles County and, potentially, the United States.

The Honorable Board of Supervisors

10/6/2015

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Respectfully submitted,

A handwritten signature in black ink, reading "Mitchell Katz". The signature is written in a cursive, flowing style.

Mitchell H. Katz, M.D.

Director

MHK:ck

c: Chief Executive Office
Interim County Counsel
Executive Office, Board of Supervisors