

THE STATE OF TEXAS §

COUNTY OF HIDALGO §

**AMENDMENT TO CONTRACT FOR SERVICES**

**C-14-009-04-22**

THIS AMENDMENT TO THE CONTRACT FOR SERVICE C-14-009-04-22 is made as of the 25<sup>th</sup> day of, August, 2014 by and between **HIDALGO COUNTY, TEXAS**, a political subdivision of the State of Texas (hereinafter "County") and **Dr. Marin Garza, M.D.** (hereinafter "Physician" and/or "Contractor") to serve at the pleasure of the Hidalgo County Commissioners' Court.

WITNESSETH:

WHEREAS, on or about April 22, 2014, County entered into Contract C-14-009-04-22 (Agreement) with Physician to provide professional medical services for the residents (the "Clients") of the Hidalgo County Adult Detention Facility (the "Jail");

WHEREAS, County and Physician desire to amend the Agreement as set forth herein;

NOW THEREFORE, for the purposes stated herein, County and Physician hereby agree to the following amendments to the Agreement:

1. Physician shall, for ninety (90) days hereafter, conduct and/or oversee Sick Call Clinics for an additional two (2) hours per day, twice a week for a total of eight (8) hours conducting and/or overseeing Sick Call Clinics per week for all inmates incarcerated at the Jail who require medical services.
2. Physician shall, for ninety (90) days hereafter, be compensated an additional Three Thousand Six Hundred Dollars (\$3,600) per month for the two additional Sick Call Clinics.
3. Upon the expiration of ninety (90) days, the terms as amended by paragraphs 1 and 2 above shall expire and revert back to the terms as agreed upon in the original Agreement.
4. Physician shall be responsible for making arrangements acceptable to, and at no additional expense to the County, for adequate coverage during any absence by Physician. The County, by and through the Sheriff of the County, shall not unreasonably withhold acceptance of any such arrangements. Physician shall remain responsible for the service at all times during the term of this Agreement as Amended. The Parties agree that the Physician may have a qualified substitute physician render the services. Physician must submit the name of the qualified physician to the County and make all necessary arrangements for the performance of services should Physician not be available for a period exceeding forty-eight (48) hours. **FAILURE TO PROVIDE ADEQUATE COVERAGE AS**

**DESCRIBED HEREIN IS AN EVENT FOR WHICH THIS AGREEMENT MAY BE IMMEDIATELY TERMINATED WITHOUT PENALTY.** While this Agreement as Amended allows for a qualified substitute physician to render the services, it is not the intent of the parties to have another physician other than Physician perform the services on a regular basis. Any abuse of this substitute physician provision by Physician, upon reasonable determination by the Sheriff of County, shall result in the County having sole discretion to terminate this agreement effective immediately. The Substitute physician must meet the qualifications-requirements as set forth in the RFP/Q.

5. Except as modified herein, all terms and conditions of the original Agreement, as amended, remain in full force and effect and County and Physician ratify and confirm the terms and provisions of the Agreement as amended.

**WITNESS THE HANDS OF THE PARTIES** effective as of the day and year first written above.

COUNTY OF HIDALGO, TEXAS

Ramon Garcia  
Ramon Garcia, County Judge

ATTEST:

Arturo Guajardo, Jr.  
Arturo Guajardo, Jr., County Clerk

PHYSICIAN:

Dr. Marin Garza  
Dr. Marin Garza

Approved by Commissioners Court on: 8-25-14 RO

Approved as to form:

Office of Criminal District Attorney  
Rene Guerra

By: Michael L. Guerra  
Name: Michael L. Guerra  
Assistant District Attorney



**AGENDA  
CC REGULAR  
HIDALGO COUNTY  
COMMISSIONERS COURT  
MEETING  
August 25, 2014  
9:30 A.M.**

**NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a SPECIAL MEETING of the Commissioners' Court will be held at the Edinburg Council Chambers 415 W. University Drive, Edinburg, Hidalgo County, Texas. Discussion and possible action relating to the following business will be transacted:**

**1. Roll Call**

All members of the Court were counted present for the exception of Commissioner Pct. 4, Joseph Palacios.

**2. Pledge of Allegiance**

Judge Garcia led the Court and Audience in reciting the Pledge of Allegiance.

**3. Prayer**

Virginia Townsend led the Court and Audience in Prayer.

**4. Approval of Consent Agenda**

The Court moved to approve the Consent Agenda for the exception of Item 2.JJ to be pulled for discussion.

*The Court proceeded to Item 10.A.*

**5. Open Forum**

Fern McClaugherty reminded the Court of delayed implementation of Obamacare Employer Mandate until 2015 and how it will effect the County's budget. She commented on taxes, indigent health care, and the hospital district.

Virginia Townsend commented on how she is attempting to inform herself on the hospital district and whether she can trust the elected officials to make the right decisions. She also expressed her disappointment on the budget process.

**6. County Judge's Office:**

COMMISSIONER PCT. 1, A.C. CUELLAR, JR. , the Court made a UNANIMOUS vote of approval.

Vote: 4 - 0 - Unanimously

B. Requesting approval and authorization to remove items listed on Exhibit A from the Hidalgo County inventory list.

On motion by COMMISSIONER PCT. 3, JOE M. FLORES, seconded by COMMISSIONER PCT. 1, A.C. CUELLAR, JR. , the Court made a UNANIMOUS vote of approval.

Vote: 4 - 0 - Unanimously

✓ 2. AI-45810

**APPROVED**

A. Ratification of request by Dr. Marin Garza, MD (with notice of said request to HCSO 07-25-14) to designate Dr. John Lung, MD to cover "sick call" duties/responsibilities as required under current agreement for the provision of services from 07-30-14 through 08-12-14 (during an absence);

On motion by COMMISSIONER PCT. 2, HECTOR "TITO" PALACIOS, seconded by COMMISSIONER PCT. 1, A.C. CUELLAR, JR., the Court made a UNANIMOUS vote of approval.

Vote: 4 - 0 – Unanimously

**APPROVED**

B. Action to formally terminate the current agreement with the late Dr. Gumaro Garza, MD (passing away 07-28-14);

On motion by COMMISSIONER PCT. 1, A.C. CUELLAR, JR., seconded by COMMISSIONER PCT. 2, HECTOR "TITO" PALACIOS, the Court made a UNANIMOUS vote of approval.

Vote: 4 - 0 – Unanimously

**APPROVED**

C. Amendment to current agreement with Dr. Marin Garza, MD to reflect changes, including but not limited to, the following requirements, terms, conditions and retainer:

1 Amendment for a short term period to the present agreement not to exceed ninety (90) days (commencing 08-26-14 and ending November 23, 2014);

2. Amendment to include the minimum requirement of four (4) days per week for sick call duties;

3. Amendment to add the requirement that prior to and in the event of absence, submission of a request to HCCC for action to permit the subcontracting of a physician to "cover" sick call duties;

4. Amendment to reflect the increase of the monthly retainer to \$7,200.00 not to exceed the ninety (90) term of the amendment;

On motion by COMMISSIONER PCT. 3, JOE M. FLORES, seconded by COMMISSIONER PCT. 1, A.C. CUELLAR, JR. , the Court made a UNANIMOUS vote of approval of Items C.1 - C.4.

Vote: 4 - 0 - Unanimously

**APPROVED**

D. Authority to publish an RFQ (as required under Government Code,

**APPROVED**

AI-45810

Purchasing Department 22. D. 2.

CC - REGULAR

Meeting Date: 08/25/2014

Submitted For: Hon. J. E. Guerra,  
HC-Sheriff

Submitted By: Marty Salazar, PURCHASING DEPT.

Department: PURCHASING DEPT.

---

Information

CAPTION

✓ Ratification of request by Dr. Marin Garza, MD (with notice of said request to HCSO 07-25-14) to designate Dr. John Lung, MD to cover "sick call" duties/responsibilities as required under current agreement for the provision of services from 07-30-14 through 08-12-14 (during an absence);

✓ Action to formally terminate the current agreement with the late Dr. Gumaro Garza, MD (passing away 07-28-14);

✓ Amendment to current agreement with Dr. Marin Garza, MD to reflect changes, including but not limited to, the following requirements, terms, conditions and retainer:

1. Amendment for a short term period to the present agreement not to exceed ninety (90) days (commencing 08-26-14 and ending November 23, 2014);

2. Amendment to include the minimum requirement of four (4) days per week for sick call duties;

3. Amendment to add the requirement that prior to and in the event of absence, submission of a request to HCCC for action to permit the subcontracting of a physician to "cover" sick call duties;

4. Amendment to reflect the increase of the monthly retainer to \$7,200.00 not to exceed the ninety (90) term of the amendment;

✓ Authority to publish an RFQ (as required under Government Code, Chapter 2254-Professional Services Procurement Act) for the engagement of a physician to provide medical services to Hidalgo County Inmates with approval of the procurement packet (i.e. legal notices, qualifications, requirements, scope of services, schedules of work, terms, conditions and form of agreement) as reviewed and modified (if necessary) by HC Asst. DAs Section for County Affairs; or, and if applicable;

BACKGROUND

---

Fiscal Impact

FISCAL YEAR: 2014

ACCT. #: 4-1100-423-21-280-002-0-331

FUNDS AVAILABLE Y/N?:

MATCHING FUNDS Y/N?:

BUDGETARY IMPACT:

Account available balance as of 8-21-14 \$10,955.65

Available balance under the following POs as of 8-21-14:

PO# 708305 \$18,000

PO# 710059 \$18,000

---

Attachments

DR. G. GARZA-OBITUARY