Monterey County

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Board Report

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Current Status: Agenda Ready

Matter Type: General Agenda Item

A. Authorize the Contracts/Purchasing Officer to sign Amendment No. 1 to the Software Support Agreement with Apex Software to extend the services for an additional period, July 1, 2015 through June 30, 2016, in an annual amount of $3,210 for the period of July 1, 2015 through June 30, 2016; and

B. Acknowledge the non-standard County Liability and indemnification provisions of the Agreement, as continued in Amendment No. 1, as recommended by the Assessor; and

C. Authorize the Contracts/Purchasing Officer to sign three future annual renewals to the agreement under same or similar terms that do not change the scope or increase the annual payments in excess of 5% per year.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

A. Authorize the Contracts/Purchasing Officer to sign Amendment No. 1 to the Software Support Agreement with Apex Software to extend the services for an additional period, July 1, 2015 through June 30, 2016 for the annual amount of $3,210 for the period of July 1, 2015 through June 30, 2016; and

B. Acknowledge the non-standard County Liability and indemnification provisions of the Agreement, as continued in Amendment No. 1, as recommended by the Assessor; and

C. Authorize the Contracts/Purchasing Officer to sign three future annual renewals to the agreement under same or similar terms that do not change the scope or increase the annual payments in excess of 5% per year.

SUMMARY/DISCUSSION:

The Assessor's department has utilized APEX Software with much success for over 10 years. This software is necessary due to the needs of the Assessor's office to continue to draw blueprints without interruption in the current workload and to eliminate the creation of a potential backlog. Last year a new agreement was entered into with APEX for the software maintenance and updates for this service. We are now requesting that the Board approve Amendment No. 1 to the annual software support agreement to provide for an additional year of this software service, acknowledging that the underlying Agreement continues to contain non-standard County liability and indemnification provisions, authorization for up to three additional annual extensions on similar terms. The underlying Agreement contains limits to APEX Software's indemnity and liability that are consistent with software support agreements

in general, and this and future extensions will continue to be affected by these provisions. The Assessors' Office currently holds 30 APEX licenses and each staff member that has a license assigned to him/her has received the necessary training to perform the assigned duty of drawing pending blue prints. To change vendors at this time would cause an interruption in the current workload and create a backlog. It is the recommendation of the Assessor that the extensions be approved notwithstanding the provisions, for this is an important and key tool for the department and the County.

OTHER AGENCY INVOLVEMENT:
County Counsel reviewed the Agreement and the extension Amendment No. 1 and has not approved the Amendment No. 1 because it perpetuates the non-standard provisions/conditions including, but not limited to, the following: as-is/limited/no liability/warranty performance, no intellectual property liability. County Risk reviewed the Agreement and did not approve due to non-standard insurance and indemnity provisions.

FINANCING:
 There is no additional cost to the County General Funds, as the annual software support cost of $3,210 has been included in the Assessors' 2015-16 Adopted Budget (1180-ACR001-8003) for the recommended action.

Prepared by: Emma Rayas, Administrative Services Officer, x5930

Authorized by: Stephen L. Vagnini, Assessor-County Clerk/Recorder, x5803

Attachments:
Amendment to APEX Software Support Agreement
Original APEX Software Support Agreement