



Monterey County

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Board Report

Legistar File Number: A 15-191

June 23, 2015

Introduced: 6/8/2015

Version: 1

Current Status: Agenda Ready

Matter Type: BoS Agreement

- a. Authorize the Contracts/Purchasing Officer to execute the Service Agreement with Executive Information Systems, L.L.C. ("EIS") ("Service Agreement"), for the term April 28, 2015 through March 31, 2020, incorporating specified terms and conditions of the federal General Services Administration with EIS, Contract No. GS-35F-0170K, accepting recommendation of Director of Health to accept non-standard provisions on indemnity, limitations of warranty, and limitations of liability and authorizing County to purchase from EIS software, software licenses, and software maintenance and support at pricing offered to the federal government; and
- b. Authorize the Contracts/Purchasing Officer to execute EIS's purchase requests and to issue County purchase orders pursuant to the Service Agreement, as requested by County Departments in an amount not to exceed \$25,000 per Fiscal Year for all County Departments, for the purchase from EIS of third party software, software licenses, and software maintenance and support, including the purchase of new or renewed annual subscriptions of Windows SAS Analytics Professional for the Monterey County Health Department and other County Departments.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Authorize the Contracts/Purchasing Officer to execute the Service Agreement with Executive Information Systems, L.L.C. ("EIS") ("Service Agreement"), for the term April 28, 2015 through March 31, 2020, incorporating specified terms and conditions of the federal General Services Administration with EIS, Contract No. GS-35F-0170K, accepting recommendation of Director of Health to accept non-standard provisions on indemnity, limitations of warranty, and limitations of liability and authorizing County to purchase from EIS software, software licenses, and software maintenance and support at pricing offered to the federal government; and
- b. Authorize the Contracts/Purchasing Officer to execute EIS's purchase requests and to issue County purchase orders pursuant to the Service Agreement, as requested by County Departments in an amount not to exceed \$25,000 per Fiscal Year for all County Departments, for the purchase from EIS of third party software, software licenses, and software maintenance and support, including the purchase of new or renewed annual subscriptions of Windows SAS Analytics Professional for the Monterey County Health Department and other County Departments.

SUMMARY/DISCUSSION:

The Executive Information Systems, LLC (EIC) is a vendor that provides software licensing, training courses, and information technology professional services as needed. This vendor is a General Services Administration (GSA) contract holder offering the federal government discounted pricing based on volume purchasing of third party software and as such is willing to provide the same pricing to local government agencies under the terms and conditions of its existing GSA Contract No. GS-35F-0170K with the federal government.

For many years, the County of Monterey has purchased software from EIS based on the pricing offered in the federal government's Contract No. GS-35F-0170K, but without entering into its own service agreement with EIS. Monterey County and other counties and cities throughout the United States that report syndromic surveillance data to the federal Centers for Disease Control.

The Health Department's Planning, Evaluation, and Policy (PEP) team and the Epidemiology Team have used SAS software for the analysis of essential data including syndromic surveillance, communicable disease control, tuberculosis case management, and for evaluation of service areas within the community to support policy development. Other County departments also utilize SAS software purchased from EIS for other purposes.

Regardless of which County department utilizes the SAS software, the County of Monterey hosts the data and manages the workstations where the software is installed. There is no active involvement by the manufacturer of the software. There is no active involvement by EIS, which simply provides County access to the software updates as they are developed and needed. The County is responsible for the installation and management of the SAS software.

It is the recommendation of the Director of Health and the Director of Information Technology to enter into the proposed Service Agreement that incorporates specified terms and conditions of the federal government's existing GSA Agreement with EIS, even though the federal contract terms include non-standard risk provisions. The proposed Service Agreement limits EIS's liability to exclude consequential damages or for any claim against the County by a third party. The proposed Service Agreement provides that EIS will indemnify the County for intellectual property infringement claims, so long as the County has provided notice of a claim to EIS. The dollar threshold in this recommendation will allow all County departments to utilize the vendor for software subscriptions and increase licensing as needed without seeking additional Board approval, so long as the cumulative county costs do not exceed \$25,000 yearly for the software subscriptions.

This Agreement has a start date of April 28, 2015, because it was intended by MCHD to present the item to the Board of Supervisors (BOS) for approval on the April 21, 2015 agenda. MCHD has not made any purchases and will not make purchases until this Agreement has been approved by the BOS.

This work supports the MCHD 2011-2015 Strategic Plan Initiatives: empower the community to improve health through programs, policies, and activities; and to enhance community health and safety by emphasizing prevention. It also supports several of the ten essential public health services: monitor health status to identify and solve community health problems; diagnose and investigate health problems and health hazards in the community; inform, educate, and empower people about health issues; mobilize community partnerships and action to identify and solve health problems; develop policies and plans that support individual and community health efforts; enforce laws and regulations that protect health and ensure safety; assure competent public and personal health care workforce; evaluate effectiveness, accessibility, and quality of personal and population-based health services; and research for new insights and innovative solutions to health problems.

OTHER AGENCY INVOLVEMENT:

County Counsel approves this Service Agreement as to form. Risk Management does not approve the risk language set forth in the GSA Agreement terms that have been incorporated in the Service Agreement. The Auditor-Controller approves as to fiscal provisions. The County Director of Information Technology approves this recommendation. A copy of the GSA Agreement and EIS Quote is on file with the Clerk to the Board.

FINANCING:

There are sufficient appropriations included in the Health Department's (HEA003-8124) Adopted Budget for Fiscal Year 2015-16.

Prepared by: Patricia McFadden, Management Analyst, 4726

Approved by: Ray Bullick, Director of Health, 4526

Attachment:

Agreement is on file with Clerk of the Board