



# Monterey County

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## Board Report

Legistar File Number: 16-1357

December 13, 2016

**Introduced:** 11/30/2016

**Version:** 1

**Current Status:** Consent Agenda

**Matter Type:** General Agenda Item

- a. As Chief Elected Official, approve, sign and authorize the Monterey County Workforce Development Board Executive Director to execute a non-standard software license subscription agreement with ACT, Inc., for provision of ACT Career Ready 101 software licenses in the amount of \$13,925, for the period of December 1, 2016 through November 30, 2017;
- b. Accept the recommendations of the Executive Director of the Monterey County Workforce Development Board regarding non-standard provisions in the Agreement;
- c. Approve and authorize the Executive Director of the Monterey County Workforce Development Board, to execute four (4) amendments to the agreement adding one (1) year each, contingent upon County Counsel review, where the cost of each amendment does not exceed, ten percent (10%) of the original contract amount (\$1,392 maximum increase per amendment) and does not significantly change the non-standard contract provisions approved by the Board; and
- d. Approve and authorize the Executive Director of the Monterey County Workforce Development Board to execute indemnity agreements with San Luis Obispo and Santa Cruz counties, in which San Luis Obispo and Santa Cruz counties indemnify Monterey County and the Monterey County Workforce Development Board for their use of the ACT Career Ready 101 software license.

### RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. As Chief Elected Official, approve, sign and authorize the Monterey County Workforce Development Board Executive Director to execute a non-standard software license subscription agreement with ACT, Inc., for provision of ACT Career Ready 101 software licenses in the amount of \$13,925, for the period of December 1, 2016 through November 30, 2017;
- b. Accept the recommendations of the Executive Director of the Monterey County Workforce Development Board regarding non-standard provisions in the Agreement;
- c. Approve and authorize the Executive Director of the Monterey County Workforce Development Board, to execute four (4) amendments to the agreement adding one (1) year each, contingent upon County Counsel review, where the cost of each amendment does not exceed, ten percent (10%) of the original contract amount (\$1,392 maximum increase per amendment) and does not significantly change the non-standard contract provisions approved by the Board; and
- d. Approve and authorize the Executive Director of the Monterey County Workforce Development Board to execute indemnity agreements with San Luis Obispo and Santa Cruz counties, in which San Luis Obispo and Santa Cruz counties indemnify Monterey County and the Monterey County Workforce Development Board for their use of the ACT Career Ready 101 software license.

SUMMARY/DISCUSSION:

**Background**

In 2014, Monterey County became part of the ACT Work Ready Communities initiative which seeks to improve the skills and work readiness of the local workforce while giving area businesses an efficient, reliable way to identify skilled job candidates. Key to this initiative is the ACT National Career Readiness Certificate (NCRC), a portable, evidence-based credential that certifies essential skills needed for workplace success (reading for information, applied mathematics, and locating information). Successful completion of three WorkKeys assessments in these areas can help an individual earn the NCRC. ACT Career Ready 101 online curriculum and training will be used as a pre-test to the WorkKeys assessments, which have been policy for federally-funded training provided by the Monterey County Workforce Development Board (MCWDB) since 2009. Career Ready 101 is the only work readiness pre-testing accepted by ACT; it includes courses in career awareness and exploration, career preparation, job search, career success skills, financial awareness, and the foundational work skills measured by the WorkKeys assessment system.

**Justification**

Purchase of the ACT Career Ready 101 license subscription offers work readiness indicator testing for those individuals not ready for the full WorkKeys assessment. It also provides significant cost savings to the WIOA programs as individuals that are not ready for the full cohort of tests can take the Career Ready 101 pre-assessment to learn what skills require further development. Benefits of the Career Ready 101 and WorkKeys online curriculum include preparing job seekers to compete and succeed in the workforce, providing prospective employers with proof of a job seeker's skills, and improving job seekers' confidence that their skills meet the needs of local employers. This work supports the MCWDB's 2013-2017 Strategic Plan initiatives to help underprepared job seekers and displaced workers to enter and successfully complete education and training programs in in-demand industries and occupations, and to obtain a marketable and industry-recognized credential or degree, with a special emphasis on unemployed, underemployed, low-skilled, low-income, veterans, individuals with disabilities, and other at-risk populations.

**Regional Collaboration**

The Workforce Innovation and Opportunity Act (WIOA) of 2014 mandates that each local Workforce Development Board collaborate with other boards (Santa Cruz, San Luis Obispo, and Santa Barbara counties) in its State-designated regional planning unit to align services and improve efficiencies across the region. The MCWDB functions as the lead board in this central coast regional partnership and as such initiates contracts with vendors for products/services used for regional service delivery. MCWDB will contract directly with ACT, Inc., for a number of licenses which may be accessed by local service provider staff as well as San Luis Obispo County, and Santa Cruz County, likewise ACT work ready community participants. One of the non-standard provisions of the contract with ACT Inc. is that it requires the MCWDB to agree that it will be jointly and severally liable for the obligations of third-party users of its service. To pass on this liability to San Luis Obispo County and the San Luis Obispo County Workforce Development Board and also to Santa Cruz County and the Santa Cruz County Workforce Development Board, the MCWDB has procured an indemnity agreement from both San Luis Obispo County and Santa Cruz County where each County and its respective workforce development board agree that they will indemnify and hold Monterey County and the MCWDB

harmless from claims and damages arising out of their use of the ACT Career Ready 101 tool.

OTHER AGENCY INVOLVEMENT:

County Counsel has reviewed and does not approve the agreement based upon the following non-standard terms: limitation on the amount of ACT Inc.'s liability to the County and on the types of damages available to the County, limitations on ACT Inc.'s warranty obligations, ACT Inc.'s right to unilaterally modify the Agreement and to impose additional fees, non-standard termination, indemnity, confidentiality, and audit provisions; no County reimbursement rights should ACT Inc. terminate the agreement early, and non-standard signatories. Risk Management cannot approve the agreement due to the limitations of liability stated in the agreement.

The MCWDB Executive Director recommends moving forward as ACT, Inc. has provided proof of commercial general liability insurance and endorsements, even if it did not accept all County standard insurance provisions. This is an online software license subscription and will not require on-site training or assistance.

FINANCING:

Workforce Innovation and Opportunity Act (WIOA) Rapid Response grant funds in the amount of \$13,925 will be used to fund this software license subscription and is budgeted in Fund 007, Appropriations Unit DEO 026, Unit 8427. There is no financial impact to the General Fund resulting from approval of the ACT software license subscription agreement or the indemnity agreements with San Luis Obispo and Santa Cruz counties.

Prepared by:

Approved by:

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Chief Administrative Office  
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Attachments:

ACT, Inc. Agreement  
Indemnity Agreement with San Luis Obispo County  
Indemnity Agreement with Santa Cruz County