



Monterey County

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Board Report

Legistar File Number: A 14-260

December 02, 2014

Introduced: 11/6/2014

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Agreement

- a. Approve and authorize the Contracts/Purchasing Officer, on behalf of the Director of Information Technology, to execute a non-standard agreement with Sable Computers Inc., dba KIS (Keep IT Simple), an authorized partner of McAfee, for the provision of the McAfee product enhanced support and licensing for all County users in the amount of \$64,067.26 for the term of January 23, 2015 through January 22, 2016; \$64,067.26 for the term of January 23, 2016 through January 22, 2017; and \$64,067.26 for the term of January 23, 2017 through January 22, 2018, for an amount not to exceed \$192,201.78 in the aggregate;
- b. Accept the non-standard language in the Agreement provided by McAfee as recommended by the Director of Information Technology; and
- c. Authorize the Contracts/Purchasing Officer to issue purchase orders on an as needed basis as recommended by the Director of Information Technology for the next three (3) years not to exceed \$64,067.26 annually and \$192,201.78 in the aggregate.

RECOMMENDATIONS:

It is recommended that the Board of Supervisors:

- a. Approve and authorize the Contracts/Purchasing Officer, on behalf of the Director of Information Technology, to execute a non-standard agreement with Sable Computers Inc., dba KIS (Keep IT Simple), an authorized partner of McAfee, for the provision of the McAfee product enhanced support and licensing for all County users in the amount of \$64,067.26 for the term of January 23, 2015 through January 22, 2016; \$64,067.26 for the term of January 23, 2016 through January 22, 2017; and \$64,067.26 for the term of January 23, 2017 through January 22, 2018, for an amount not to exceed \$192,201.78 in the aggregate;
- b. Accept the non-standard language in the Agreement provided by McAfee as recommended by the Director of Information Technology; and
- c. Authorize the Contracts/Purchasing Officer to issue purchase orders on an as needed basis as recommended by the Director of Information Technology for the next three (3) years not to exceed \$64,067.26 annually and \$192,201.78 in the aggregate.

SUMMARY

It is requested that the Contracts/Purchasing Officer receive approval from the Board of Supervisors to sign a non-standard Agreement with KIS for the provision of McAfee product enhanced support and licensing, and issue purchase orders on an as needed basis as recommended by the Director of Information Technology.

DISCUSSION:

McAfee is a vendor that has provided anti-virus, anti-spyware, and encryption software which is

essential to the County users and is one component of the County's security architecture. This support has been provided through a McAfee authorized partner, Sable Computers Inc., dba KIS (Keep IT Simple). The continuance of the critical licensing support and maintenance provides the ability for the Information Technology (IT) Team to continue their ongoing efforts in protecting the data assets of the County while supporting the secure and efficient transaction of business and delivery of services by departments within the County.

The proposed agreement is non-standard for the County, but is based upon a standard agreement that McAfee uses throughout the State and nation, including with other governmental bodies. Based upon the County's past experience with this well-established company, the Director of Information Technology is recommending approval of this agreement.

OTHER AGENCY INVOLVEMENT:

The Agreement was not approved by County Counsel due to the presence of the following non-standard and unacceptable terms/conditions required by the vendor: terms and conditions of the agreement (incorporated by reference) have not been provided for review; vendor has limited or no liability for this as-is service; jurisdiction for agreement is New York; County has absolute duty to pay even if service issues; terms provide for benefits and protections in favor of vendor only; vendor retains sole control over content and retains right to make unilateral changes to product.

This agreement is on file with the Clerk of the Board.

FINANCING:

The funds for payment of this agreement have been included in the FY 14-15 Recommended Budget for the Information Technology Department, ITD 1930, Unit 8437, Appropriation unit INF002. Transactions relating to future fiscal years will be included in each respective Recommended Budget.

Prepared by:

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Approved by:

Dianah Neff, Director of Information Technology, 759-6923

Attachments:

- A. McAfee Technical Support and Maintenance Terms and Conditions
- B. Quote from KIS
- C. Sole Source Sole Brand Justification

