



Monterey County

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Board Report

Legistar File Number: 17-0617

June 27, 2017

Introduced: 6/8/2017

Version: 1

Current Status: Consent Agenda

Matter Type: General Agenda Item

- a. Approve and authorize the Contracts/Purchasing Officer or the Contracts/Purchasing Supervisor, on behalf of the County Clerk/Recorder (CCR) to execute an agreement with Iron Mountain Information Management, LLC (Iron Mountain), for microfilm/microfiche storage in an amount not to exceed \$42,000 retroactive to July 1, 2016 to June 30, 2019; and
- b. Accept non-standard language in the agreement provided by the vendor as recommended by the County Clerk/Recorder (CCR); and
- c. Authorize the Contracts/Purchasing Officer or the Contracts/Purchasing Supervisor to sign up to two future amendments to the agreement, with the same scope of services and the same non-standard language provisions, each amendment shall not cause a total increase of more than 10% of the original Agreement cost (\$4,200).

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Approve and authorize the Contracts/Purchasing Officer or the Contracts/Purchasing Supervisor, on behalf of the County Clerk/Recorder (CCR) to execute an agreement with Iron Mountain Information Management, LLC (Iron Mountain), for microfilm/microfiche storage in an amount not to exceed \$42,000 retroactive to July 1, 2016 to June 30, 2019; and
- b. Accept non-standard language in the agreement provided by the vendor as recommended by the County Clerk/Recorder (CCR); and
- c. Authorize the Contracts/Purchasing Officer or the Contracts/Purchasing Supervisor to sign up to two future amendments to the agreement, with the same scope of services and the same non-standard language provisions, each amendment shall not cause a total increase of more than 10% of the original Agreement cost (\$4,200).

SUMMARY/DISCUSSION:

The CCR requests that Board approve an agreement retroactive to July 1, 2016 and effective through June 30, 2019, including non-standard provisions, between Iron Mountain and the Monterey CCR office. The agreement is for microfilm/microfiche storage and ensures the offsite vaulted preservation, protection, and retention of Official and Vital Records for Monterey County as mandated by Government Code 27322.2.

The proposed agreement contains non-standard indemnification and liability provisions; however, Iron Mountain has provided offsite storage services to the CCR since 1985 without incident and these non-standard provisions are industry-wide standard although not County standard. The services provided by Iron Mountain are necessary for the offsite preservation, protection, and retention of Monterey County's official and vital records as mandated by Government Code 27322.2.

Iron Mountain has been providing these services to the CCR since the expiration of the prior agreement on June 30, 2016. A timely request was sent to them to enter into this Agreement prior the expiration of the former agreement but due to personnel issues at Iron Mountain, they failed to return an executed agreement until just recently. Although they have continued to store the CCR records they have not been paid for services since June 30, 2016. Therefore, the CCR requests the Board of Supervisors retroactively approves this action so that services can continue.

OTHER AGENCY INVOLVEMENT:

County Counsel has reviewed the agreement and has not approved it due to the presence of non-standard provisions and execution, including but not limited to the following: limitations on liability, document protection, indemnification, execution by corporate representatives, and remedies. County Risk Management cannot approve the agreement due to non-standard indemnity and liability provisions.

FINANCING:

The funds for payment of this agreement have been included in the CCR (1180-ACR000-8004) FY 2016-17 Adopted Budget. Transactions relating to future fiscal years will be included in each respective Recommended Budget.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This report correlates to the Administration Strategic Initiatives adopted by the Board of Supervisors by ensuring the preservation, protections, and retention of Monterey County's official and vital records as mandated by Government Code 27322.2.

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

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Authorized by:

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Assessor-County Clerk/Recorder, x5803

Attachments:
Service Agreement