



## Legislation Details (With Board Report)

**File #:** 13-0649      **Name:** AvePoint Software  
**Type:** General Agenda Item      **Status:** Passed  
**File created:** 6/12/2013      **In control:** Board of Supervisors  
**On agenda:** 6/25/2013      **Final action:** 6/25/2013

**Title:** a. Approve and authorize the Contracts/Purchasing Officer to execute on behalf of County of Monterey a Master Software License and Support Agreement between the County of Monterey and AvePoint, Inc. for the period of May 5, 2013 through May 4, 2014 for the yearly provision of software support/maintenance of the DocAve 5 application in the total amount of \$2,517;  
b. Accept non-standard language in the Master Software License and Support Agreement provided by AvePoint, Inc.; and  
c. Authorize the Contracts/Purchasing Officer to issue purchase orders for the continuance of software support/maintenance of the DocAve5 application as needed and with available funding.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Master\_Software\_License\_and\_Support\_Agreement\_Final, 2. Completed Board Order, 3. Fully Executed Agreement, Master Software License and Support Agreement

Date	Ver.	Action By	Action	Result
6/25/2013	1	Board of Supervisors	approved	

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b. Accept non-standard language in the Master Software License and Support Agreement provided by AvePoint, Inc.; and  
c. Authorize the Contracts/Purchasing Officer to issue purchase orders for the continuance of software support/maintenance of the DocAve5 application as needed and with available funding.

**RECOMMENDATION:**

It is recommended that the Board of Supervisors:

- a. Approve and authorize the Contracts/Purchasing Officer to execute on behalf of County of Monterey a Master Software License and Support Agreement between the County of Monterey and AvePoint, Inc. for the period of May 5, 2013 through May 4, 2014 for the yearly provision of software support/maintenance of the DocAve 5 application in the total amount of \$2,517;
- b. Accept non-standard language in the Master Software License and Support Agreement provided by AvePoint, Inc.; and
- c. Authorize the Contracts/Purchasing Officer to issue purchase orders for the continuance of software support/maintenance of the DocAve5 application as needed and with available funding.

**SUMMARY/DISCUSSION:**

The Information Technology Department (ITD) has implemented the SharePoint application and site for use by county departments. The SharePoint site provides tools for departmental collaboration across organizational

and geographic boundaries. The SharePoint site developed, managed, and hosted by ITD is a secure web-based platform which enables departments to create team sites to gather and share information. The provision of file sharing, project management, business management, and document management capabilities while reducing security risks through this site also promotes “green computing”. As part of the management of this application, web access, and database, ITD is responsible for back-up and recovery and therefore has purchased DocAve 5 application developed by AvePoint, Inc.

The approval of this Master Software License and Support Agreement (Agreement) will enable ITD to continue the proper management of the SharePoint application and with the ability to restore database contents as needed. The Agreement provides software updates, service pack upgrades, and fixes as released by AvePoint. ITD has reviewed the need of the continued use of the application and therefore it is the recommendation of the Director of ITD to proceed with the Agreement.

The Agreement covers all licenses through AvePoint, Inc. Should the County purchase additional licenses through AvePoint, Inc., the subsequent support/maintenance of the licenses would be covered under this Agreement and is quoted and invoiced on a yearly basis. The only requirement would be for the County to pay the technical support/maintenance. As with all software licensing, subscription, and support/maintenance, the vendor requires payment up front for the ensuing period. Due to this requirement, ITD is renewing the support on a yearly basis versus opting for a reduced fee for a three year period. The review of the Agreement terms and conditions and the County’s efforts to modify the non-standard language in the Master Agreement prevented this from being brought before the Board until this time.

OTHER AGENCY INVOLVEMENT:

The Agreement was not approved by County Counsel and/or Risk Management due to the presence of the following non-standard and unacceptable terms/conditions in the Agreement: as-is product without warranty or performance guarantee, non-liability of vendor for damages, lack of refund for unperformed portion of services, agreed upon venue in another state, and evergreen provisions.

FINANCING:

The funds for the support/maintenance Agreement have been included in the FY 2013-14 Recommended Budget for the Information Technology Department, ITD 1930, Unit 8137, INF002. Transactions relating to each fiscal year will be included in each respective Recommended Budget.

Prepared by: Sarah House, Management Analyst III, 755-5108

Approved by:

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Dianah Neff, Director of Information Technology

Dated: June 14, 2013

Attachments:  
Agreement