



Legislation Details (With Board Report)

File #: 22-212 **Name:** Approve and Authorize the Workforce Development Board to execute a Non-Standard Agreement with Chmura Economics for FY 2022-23

Type: General Agenda Item **Status:** Passed

File created: 3/1/2022 **In control:** Board of Supervisors

On agenda: 4/19/2022 **Final action:** 4/19/2022

Title: a. Approve and authorize the Executive Director of the Monterey County Workforce Development Board (WDB) to execute a non-standard Agreement with Chmura Economics and Analytics, LLC for the provision of a JobsEQ® labor market software subscription to the WDB retroactive to April 1, 2022, for the period of April 1, 2022 through March 31, 2023, in the amount of \$8,635; and
 b. Authorize the Executive Director, or designee, to execute up to five (5) future amendments of one (1) year each, subject to County Counsel review, where the amendments do not exceed ten percent (10%) of the original contract amount for a total maximum increase per amendment of \$863.50 and do not significantly change the scope of work or non-standard contract provisions

Sponsors: Workforce Investment Board (WIB)

Indexes:

Code sections:

Attachments: 1. Board Report, 2. 2022-23 Chmura LMI Agreement, 3. Completed Board Order Item No. 73

Date	Ver.	Action By	Action	Result
4/19/2022	1	Board of Supervisors	approved	Pass

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RECOMMENDATION:

It is recommended that the Board of Supervisors:

a. Approve and authorize the Executive Director of the Monterey County Workforce Development Board (WDB) to execute a non-standard Agreement with Chmura Economics and Analytics, LLC for the provision of a JobsEQ® labor market software subscription to the WDB retroactive to April 1, 2022, for the period of April 1, 2022, through March 31, 2023, in the amount of \$8,635; and
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SUMMARY:

Background

Chmura Economics & Analytics, LLC - JobsEQ® (“Chmura”) is an online labor market software license subscription that allows authorized users to obtain answers to comprehensive questions, including “real-time”

employment statistics and trends, job forecasts, wages, educational data (projected completions, certifications, and degrees), demographics, and firm-specific information that convert data into decision-ready information that can be analyzed over a span of time.

On April 26, 2016, the WDB's Executive Director received approval from the Board of Supervisors to execute a non-standard agreement with Chmura in the amount of \$4,995 from April 1, 2016, through March 31, 2017 and authorization to execute one (1) amendment thereto, contingent upon approval by County Counsel, where the amendment does not exceed 10 percent (10%) of the original contract amount and does not significantly change the scope of work or non-standard contract provisions.

On August 29, 2017, the Interim WDB Executive Director received approval and retroactive authorization from the Board of Supervisors to execute Amendment No. 1 to the 2016 Chmura agreement, effective April 1, 2017, and to execute up to five (5) future amendments.

On October 27, 2020, the WDB received approval from the Board of Supervisors for an Amendment No. 5 to extend the prior JobsEQ® agreement for an additional year and add \$1,500 to the basic subscription cost of \$4,995 to provide an additional feature - Real Time Intelligence - with geographic coverage matching the WDB's JobsEQ® subscription, for a total amount of \$6,495. In June 2021, the WDB executed Renewal and Amendment No. 6, which will expire on March 31, 2022.

A comparison of quotes from Labor Market Information providers was performed in January 2022 to ensure that Chmura's services continue to be the best option for the WDB. At that time, the WDB was notified that Chmura had made another useful feature available to its JobsEQ® clients - its Employer Database business listings - for an additional cost of \$2,140 per year. The WDB is requesting to continue with the Real Time Intelligence feature and add the Employer Database feature for a total annual contract amount of \$8,635.

This expenditure supports the WDB's 2021-2024 Local and Regional Strategic Plan initiatives that address system alignment and accountability, service integration and continuous improvement, using high quality and actionable labor market data to support evidence-based policymaking. Funding for the Agreement with Chmura for labor market information services is consistent with the FY 2021-22 Final Budget approved by the WDB at its meeting of October 7, 2021.

Based on the utility to the WDB of the 2016 agreement with Chmura and its amendments, the Executive Director is requesting approval of the same non-standard terms approved by the Board of Supervisors in 2016: disclaimer of warranty or guarantee that data is accurate or that product will perform - product provided "as-is"; limitation on type of damages and liability available; non-standard indemnification of County provisions; modification of standard County insurance provisions; County obligation to indemnify Chmura; non-standard termination provisions, non-standard choice of law and venue provisions; and jury trial waiver.

Notwithstanding Chmura's insistence on including these non-standard terms, the WDB's Executive Director recommends moving forward with the new Agreement as Chmura Economics & Analytics, LLC has provided annual proof of commercial general liability with endorsements, even though it did not accept all standard insurance provisions. The Agreement provides access to an online service and will not require onsite training or assistance.

DISCUSSION:

The Board is asked to authorize the Executive Director of the WDB to execute a new, non-standard Agreement with Chmura and to execute future annual renewals to extend the new Agreement with Chmura for five (5) additional years to April 2028 and increase the total amount of the annual Agreement by ten percent or less of

the original contract amount, subject to County Counsel review.

OTHER AGENCY INVOLVEMENT:

The parties to the Agreement were involved in its development. County Counsel has reviewed the Agreement as to form.

FINANCING:

Workforce Innovation and Opportunity Act (WIOA) Adult, Dislocated Worker, and Youth grant funding in an amount not to exceed \$8,635 will be used to fund the Agreement with Chmura and is budgeted in Fund 021, Appropriations Unit CAO030, Unit 8478. There is no financial impact to the General Fund resulting from approval of this Agreement.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Authorizing the Executive Director of the WDB to execute this Agreement will help the WDB continue to monitor and forecast local and regional economic trends, as well as aid workforce professionals, employers, and job seekers to make career, education, and economic development decisions to help promote stable employment and economic growth.

√ Administration: Promote an organization that practices efficient and effective resource management and is recognized for responsiveness, strong customer orientation, accountability and transparency.

Prepared by: Elizabeth Kaylor, Management Analyst II, Ext. 5385

Approved by: Christopher Donnelly, Executive Director, Ext. 6644

ATTACHMENTS:

Board Report

FY 2022-23 Chmura Labor Market Information Subscription Agreement