



This Agreement entitles the Health Department to receive software updates, as new versions are released by PerkinElmer, and support services through their helpdesk and remote assistance programs.

While less than \$100,000 total value, we are asking the Board's approval because the Agreement contains non-standard language for insurance and indemnification. It is very common in software license agreements for the vendor to require protections that deviate from County standard indemnification language, yet Health successfully negotiated some improved terms favorable to the County as to indemnification. Further, the maintenance and support services provided hereunder will be performed remotely; the vendor will not be on site. Therefore, the insurance requirements were amended.

As previously stated, Health has had a successful relationship with this vendor for over 13 years. We have every expectation that we will continue to work effectively with this vendor without risk to the County.

The Agreement is retroactive to July 1, 2013. There were delays in negotiating mutually acceptable terms with the vendor. PerkinElmer was working on the basis that the County was already bound by the license agreement because of our use of their software, and it took several weeks to help them understand that a more formal agreement was needed in order to process the maintenance renewal for payment. It took several more weeks to negotiate the terms, with the assistance of County Counsel.

OTHER AGENCY INVOLVEMENT:

County Counsel and the Auditor-Controller have reviewed this Agreement as to legal form and legality and fiscal provisions respectively. Due to late submission of this Board Report, the CAO Budget and Analysis Division was not provided adequate time to fully review for potential fiscal, organizational, policy, or other implications to the County of Monterey. Exhibit A License Agreement is on file with the Clerk of the Board.

FINANCING:

This request is included in Health Department's FY2013-2014 Adopted Budget, 4000-HEA003, and is funded by fees collected from testing services performed by the Public Health Laboratory.

Prepared by: John Maddock, DISM II, 4531

Approved by: Ray Bullick, Director of Health, 4526

Attachments:

Exhibit A - License Agreement - PerkinElmer Health Sciences, Inc. is on file with the Clerk of the Board.