



Legislation Details (With Board Report)

File #: A 19-155 **Name:** Zoom Communications Agreement
Type: BoS Agreement **Status:** Passed - Information Technology Department
File created: 5/20/2019 **In control:** Board of Supervisors
On agenda: 6/25/2019 **Final action:** 6/25/2019

Title: a. Authorize the Director of Information Technology or his designee to execute a non-standard Master Subscription Agreement and Order Form with Zoom Video Communications, Inc. for video conferencing enterprise services and support for the term of July 1, 2019 through June 30, 2021, in an amount not to exceed \$134,400;
b. Accept non-standard provisions in the Master Subscription Agreement and associated Order Form as recommended by the Director of Information Technology;
c. Authorize the Director of Information Technology to sign Order Forms as necessary through the term of the agreement to enable continuity in services, subject to County Counsel review and so long as the Order Forms do not significantly alter the terms of the Master Subscription Agreement; and
d. Authorize the Director of Information Technology to execute up to three (3) future one-year order forms under the Master Subscription Agreement, subject to County Counsel review, provided that additional total costs do not exceed ten percent (10%) of the original cost (\$13,440 total additional cost) and provided the terms and conditions of the Master Subscription Agreement and associated Order Forms remain substantially the same.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Zoom Master Subscription Agreement and Order Form, 3. Zoom Business Association Agreement, 4. 76. Completed Board Order

Date	Ver.	Action By	Action	Result
6/25/2019	1	Board of Supervisors	approved - information technology department	Pass

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RECOMMENDATION:

It is recommended that the Board of Supervisors:

a. Authorize the Director of Information Technology or his designee to execute a non-standard Master Subscription Agreement and Order Form with Zoom Video Communications, Inc. for video conferencing

enterprise services and support for the term of July 1, 2019 through June 30, 2021, in an amount not to exceed \$134,400;

- b. Accept non-standard provisions in the Master Subscription Agreement and associated Order Form as recommended by the Director of Information Technology;
- c. Authorize the Director of Information Technology to sign Order Forms as necessary through the term of the agreement to enable continuity in services, subject to County Counsel review and so long as the Order Forms do not significantly alter the terms of the Master Subscription Agreement; and
- d. Authorize the Director of Information Technology to execute up to three (3) future one-year order forms under the Master Subscription Agreement, subject to County Counsel review, provided that additional total costs do not exceed ten percent (10%) of the original cost (\$13,440 total additional cost) and provided the terms and conditions of the Master Subscription Agreement and associated Order Forms remain substantially the same.

SUMMARY/DISCUSSION:

Area wise, Monterey County is one of the largest Counties in the State of California with about 3771 square miles. The need for a solution to allow for virtual face to face meetings between Department Heads, business leaders and project stakeholders is greater than ever. The goal of this project is to allow for greater collaboration and participation while relieving County staff from productive time lost in traveling to and from meetings at various distributed County office locations. In addition, this solution will reduce the use of fuels, reduce the risk of accidents, and extend the life of the County's fleet vehicles.

ITD continues to optimize and improve its video conferencing solution by adopting Zoom Cloud-based enterprise video conference solution. The solution has been piloted at ITD and has been very well received. It offers one consistent enterprise experience for all use cases, engineered to work reliably. Zoom videoconferencing has also been utilized by the Department of Health, subject to Zoom's execution of a Business Association Agreement (the BAA). The Business Association Agreement provides that the privacy and security of Zoom services comply with the Health Insurance Portability and Accountability Act. Under the proposed agreement, the BAA will continue to govern the Department of Health's utilization of Zoom videoconferencing tools.

The video conferencing solution helps County achieving its strategic initiatives in the areas of administration and infrastructure with improved County administrative efficiency, and a forward-thinking Cloud-enabled video conferencing technology infrastructure.

The Zoom Master Subscription Agreement and Order Form contain terms that are non-standard to the County but which are common in the information technology industry. The Director of I.T.D. recommends that the Board authorize the Agreement and Order form in order to realize the benefits of remote communications and meetings described above. Due to Zoom business practices, they will sign second to the County and will provide a fully executed agreement for ITD contracts files.

OTHER AGENCY INVOLVEMENT:

County Counsel does not approve the following non-standard provisions: advance payment provisions, auto-renewal provisions, limitations on damages available to County in the event of breach, warranty disclaimer, County's obligation to indemnify vendor for specified acts, non-standard insurance provisions that do not name the County as an additional insured on the vendor's insurance policies, limitations on liability and the type and amount of damages available to County, force majeure provisions, binding arbitration requirements and shortened statute of limitations period to bring claims.

FINANCING:

The funds for this service in the amount of \$67,200 have been included in the FY19-20 Recommended Budget for the Information Technology Department, ITD 1930, Budget Unit 8436, Appropriations Unit INF002. Transactions relating to future fiscal years will be included in each respective fiscal year's Recommended Budget.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The video conferencing solution helps County achieving its strategic initiatives in the areas of administration and infrastructure with improved County administrative efficiency by reducing travel time, vehicle and fuel usage, and a forward-thinking Cloud-enabled video conferencing technology infrastructure.

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

Prepared by: Lynnette Beardsall, Management Analyst II, 759-6938

Approved by:

_____ Date: _____
Eric A. Chatham, Director of Information Technology, 759-6920

Attachments: Zoom Video Communications Master Subscription Agreement and Order Form;
Business Associate Agreement executed by Zoom

Attachments on file with the Clerk of the Board