



Legislation Details (With Board Report)

File #: 20-647 **Name:** Cyxtera Technologies, Inc., Request for Additional Funds
Type: BoS Agreement **Status:** Passed - Natividad Medical Center
File created: 8/7/2020 **In control:** Board of Supervisors
On agenda: 10/27/2020 **Final action:** 10/27/2020

Title: Authorize the payment by the Chief Executive Officer for Natividad Medical Center (“Natividad”) or his designee of \$30,000 to cover remaining unpaid and undisputed invoices for Service Order Q-16809-1 with Cyxtera Technologies, Inc. for co-location and disaster recovery services for Natividad for the three month period retroactive July 1, 2020 through October 8, 2020, under the terms and conditions of the existing county Master Agreement (A-14052) for a total Agreement liability of \$376,373.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Cyxtera Service Order Q-16809-1.pdf, 3. Cyxtera County Agreement.pdf, 4. CenturyLink NATIVIDAD amendment 5 to County Agreement.pdf, 5. CenturyLink county Amendment 4.pdf, 6. CenturyLink County Amendment 3.pdf, 7. CenturyLink county Amendment 2.pdf, 8. CenturyLink County Amendment 1.pdf, 9. CenturyLink County Agreement.pdf, 10. Item No. 15 Completed Board Order

Date	Ver.	Action By	Action	Result
10/27/2020	1	Board of Supervisors		

Authorize the payment by the Chief Executive Officer for Natividad Medical Center (“Natividad”) or his designee of \$30,000 to cover remaining unpaid and undisputed invoices for Service Order Q-16809-1 with Cyxtera Technologies, Inc. for co-location and disaster recovery services for Natividad for the three month period retroactive July 1, 2020 through October 8, 2020, under the terms and conditions of the existing county Master Agreement (A-14052) for a total Agreement liability of \$376,373.

RECOMMENDATION:

It is recommended the Board of Supervisors:

Authorize the payment by the Chief Executive Officer for Natividad Medical Center (“Natividad”) or his designee of \$30,000 to cover remaining unpaid and undisputed invoices for Service Order Q-16809-1 with Cyxtera Technologies, Inc. for co-location and disaster recovery services for Natividad for the three month period retroactive July 1, 2020 through October 8, 2020, under the terms and conditions of the existing county Master Agreement (A-14052) for a total Agreement liability of \$376,373.

SUMMARY/DISCUSSION:

On July 21, 2015, the Board of Supervisors approved a three-year Master Agreement with CenturyLink Communications (CenturyLink) to provide managed hosting, data circuits and co-location and disaster recovery services, supporting the Enterprise Resource Planning (ERP) System for Monterey County and also for Natividad Medical Center systems. Thereafter, in May 2017, Cyxtera Technologies, Inc. (Cyxtera) acquired CenturyLink’s co-location and disaster recovery business while CenturyLink retained their data circuit and hosting services. In July 2018, the Board approved a new Master Agreement with Cyxtera (A 19-347), providing for continuance of these services for an additional year, expiring on June 30, 2019. In 2019, the

Board approved an Amendment to extend the Agreement with Cyxtera for an additional one (1) year period to June 30, 2020. Contrary to the 2019 Board order, language in the Agreement, read together with the Amendment, extended through October 8, 2020, the date of last signature on the Amendment. In this Board request, Natividad requests additional funding to cover unpaid and undisputed invoices not authorized by the 2019 Board order for the three-month period, July 1, 2020 through October 8, 2020.

In a separate Board request, to be placed on the same agenda, Natividad requests ratification of the CEO's exercise of a month-to-month auto renewal clause in the Agreement, for an additional twelve months at a cost of \$120,000. This request for three months' of additional funding under the fixed term and the simultaneous request for additional funding for a further twelve months bring the total liability under the Agreement to \$376,373. This total liability amount assumes that the Board approves both Cyxtera items currently under consideration.

This request adds funds to agreement A-14052 in order to continue paying Cyxtera through the legal term of the Agreement.

OTHER AGENCY INVOLVEMENT:

The Office of County Counsel has reviewed and approved this request as to form, and the Auditor-Controller has reviewed the payment provisions. The request has been reviewed and approved by NMC's Finance Committee and by its Board of Trustees on September 11, 2020.

FINANCING:

The cost for this request is \$30,000 for FY20-21, all of which has been included in the FY20-21 Adopted Budget. There is no impact to the General Fund.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This initiative supports the timely recovery of the infrastructure and the critical electronic patient care systems which rely on it in the event of a disaster situation. Without a geographically separated data center, the hospital's information systems would be vulnerable to regional disaster events. This will have a high likelihood of having a negative impact the County's health and human services.

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

Prepared by: Ari Entin, Chief Information Officer, 783-2564
Approved by: Gary R. Gray, DO, Chief Executive Officer, 783-2504

- Attachments:
- Cyxtera Technologies, Inc. Service Order Q-16809-1
 - Cyxtera Technologies, Inc. Master Agreement
 - CenturyLink Communications LLC Amendment No. 5
 - CenturyLink Communications LLC Amendment No. 4
 - CenturyLink Communications LLC Amendment No. 3
 - CenturyLink Communications LLC Amendment No. 2
 - CenturyLink Communications LLC Amendment No. 1
 - CenturyLink Communications LLC Agreement

Attachments on file with the Clerk of the Board