



Legislation Details (With Board Report)

File #: 16-159 **Name:** OPTIV-Accuvant Renewal Agreement
Type: General Agenda Item **Status:** Passed
File created: 2/2/2016 **In control:** Board of Supervisors
On agenda: 2/23/2016 **Final action:** 2/23/2016

Title: a. Authorize the Contracts/Purchasing Officer or Contracts Purchasing Supervisor, on behalf of the Information Technology Department, to execute a renewal and amendment No. 1 to the Non-Standard Agreement with Accuvant Inc., for consulting and training services for the Information Technology Department, to extend the term of service by six months, to March 31, 2016;
b. Authorize the Contracts/Purchasing Officer to execute a consent to the assumption of the Non-Standard Agreement with Accuvant Inc., by Optiv Security Inc.; and
c. Authorize the Contracts/Purchasing Officer to issue purchase orders on an as-needed basis.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Renewal and Amendment No 1 to Agreement, 3. Signed Board Order and Executed Agreement with Accuvant, 4. Completed Board Order, 5. Fully Executed Agreement between the County of Monterey and OPTIV

Date	Ver.	Action By	Action	Result
2/23/2016	1	Board of Supervisors	approved	

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- b. Authorize the Contracts/Purchasing Officer to execute a consent to the assumption of the Non-Standard Agreement with Accuvant Inc., by Optiv Security Inc.; and
- c. Authorize the Contracts/Purchasing Officer to issue purchase orders on an as-needed basis.

RECOMMENDATIONS:

It is recommended that the Board of Supervisors:

- a. Authorize the Contracts/Purchasing Officer or Contracts Purchasing Supervisor, on behalf of the Information Technology Department, to execute a renewal and amendment No. 1 to the Non-Standard Agreement with Accuvant Inc., for consulting and training services for the Information Technology Department, to extend the term of service by six months, to March 31, 2016; and
- b. Authorize the Contracts/Purchasing Officer to execute a consent to the assumption of the Non-Standard Agreement with Accuvant Inc., by Optiv Security Inc.; and
- c. Authorize the Contracts/ Purchasing Officer to issue purchase orders on an as-needed basis.

SUMMARY/DISCUSSION:

On March 24, 2015 the Board of Supervisors approved a non-standard Agreement with Accuvant Inc. for the provision of consulting services to migrate existing firewall systems to new appliances and to provide training to Information Technology Department (ITD) staff on support and maintenance of the new appliances. The term of the Agreement was from March 31, 2015 to September 31, 2015.

During the term of the Agreement, effective July 1, 2015, Accuvant Inc., merged with and into Fishnet, a Delaware Corporation, with Fishnet being the surviving entity. Fishnet changed its name to Optiv Security Inc. (Optiv), a Delaware corporation. Optiv represents that it is bound, and considers itself bound, under Delaware law, to the Agreement executed by Accuvant, Inc. Approximately one-half the services provided under the Agreement were provided by Optiv Inc. Optiv Inc. first advised the County of the merger and change in corporate entities on October 11, 2015. County consent to Optiv's assumption of the obligations of the Agreement is recommended.

Due to the complexity of the project, services were provided by Optiv Inc. after the expiration of the Agreement in September 2015. It is thus recommended that the Agreement be renewed and amended, in order to extend term of the Agreement to reflect the time period during which services were actually provided and to provide for the possibility of future services. Further, the Amendment would correct a typographical error to make the statement of the maximum amount of the contract consistent within the contract documents.

All other terms of the Agreement, including the non-standard terms previously approved by the Board and including the amount of the Agreement, remain the same.

OTHER AGENCY INVOLVEMENT:

County Counsel has reviewed the proposed Renewal and Amendment No. 1 and Consent to Assumption of the Agreement by Optiv and approves it as to form.

Attachments are on file with the Clerk of the Board.

FINANCING:

Financing for this Agreement is part of the approved ITD CIP for current year, the funds for payment of this Agreement have been included in the FY 15-16 Recommended Budget for the Information Technology Department, 1930, Unit 8436, Appropriation unit INF002. As ITD receives no General Fund contribution, reimbursement of expenditure will come from customers benefitting from this project. Customer departments have those funds built into their respective FY 2015-16 budgets as well.

This Amendment does not impact the cost of this Agreement, but rather only extends the term of the Agreement.

Prepared by: Elizabeth Crooke, 755-5108

Approved by:

Dianah Neff, Director of Information Technology, 759-6923

Attachments:

Attachment 1. Renewal and Amendment No. 1 to Agreement Between the County of Monterey and OPTIV; County of Monterey Consent to Assumption of Agreement by OPTIV from ACCUVANT; Exhibit 1 - SOW
Attachment 2: Executed Accuvant Agreement and Signed Board Order