



Legislation Details (With Board Report)

File #: A 20-399 **Name:** Cyxtera Technologies, Inc., Request for Additional Funds

Type: BoS Agreement **Status:** Passed - Natividad Medical Center

File created: 9/21/2020 **In control:** Board of Supervisors

On agenda: 10/27/2020 **Final action:** 10/27/2020

Title: Ratify the exercise by the Chief Executive Officer for Natividad Medical Center (Natividad) or his designee of a month-to-month auto renewal clause under the terms and conditions of the existing county Master Agreement (A-14052) Cyxtera Service Schedule with Cyxtera Technologies, Inc. for co-location and disaster recovery services for Natividad beginning October 9, 2020 for a 12 month period and at a cost not to exceed \$120,000, for a total Agreement cost of \$376,373.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Cyxtera Service Order Q-16809-1, 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. 16 Completed Board Order

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

Ratify the exercise by the Chief Executive Officer for Natividad Medical Center (Natividad) or his designee of a month-to-month auto renewal clause under the terms and conditions of the existing county Master Agreement (A-14052) Cyxtera Service Schedule with Cyxtera Technologies, Inc. for co-location and disaster recovery services for Natividad beginning October 9, 2020 for a 12 month period and at a cost not to exceed \$120,000, for a total Agreement cost of \$376,373.

RECOMMENDATION:

It is recommended the Board of Supervisors:

Ratify the exercise by the Chief Executive Officer for Natividad Medical Center (Natividad) or his designee of a month-to-month auto renewal clause under the terms and conditions of the existing county Master Agreement (A-14052) Cyxtera Service Schedule with Cyxtera Technologies, Inc. for co-location and disaster recovery services for Natividad beginning October 9, 2020 for a 12 month period and at a cost not to exceed \$120,000, for a total Agreement cost 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 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 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, together with language in the Amendment, extended the term through October 8, 2020, the date of last signature on the Amendment. In a separate Board request, to be placed on the same agenda as this one, Natividad shall request 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. Pursuant to the terms of the Agreement, when the fixed period of the Agreement ended October 8, 2020 and Natividad declined to renew or provide notice of termination, the lack of notice triggered the exercise of the month-to-month term auto renewal term in the Agreement. Exercise of the month to month auto-renewal clause gives Natividad the flexibility, if it so chooses, to terminate the agreement within the next twelve months without incurring a substantial early termination penalty. The cost for the twelve-month extension shall not exceed \$120,000. The request for three months' of additional funding under the fixed term and this request for additional funding for a further twelve months bring the total liability under the Agreement to \$376,373. This total liability assumes that the Board approves both Cyxtera items currently under consideration.

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 \$120,000 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