



Legislation Details (With Board Report)

File #: A 20-345 **Name:** Agreement - West Publishing Corp. - CLEAR Pro FY2020-23

Type: BoS Agreement **Status:** Passed - Probation Department

File created: 8/17/2020 **In control:** Board of Supervisors

On agenda: 9/1/2020 **Final action:** 9/1/2020

Title: a. Approve and authorize the Contracts/Purchasing Officer or Contracts/ Purchasing Supervisor to sign the Agreement with West Publishing Corporation in the amount not to exceed \$12,000, for West CLEAR PRO Gov Law Enforcement Investigator Plus for the period from October 1, 2020 through September 30, 2023;
b. Accept non-standard contract provisions as recommended by the Chief Probation Officer; and
c. Authorize the Contracts Purchasing Officer or Contracts Purchasing Supervisor and Chief Probation Officer to sign and execute the appropriate documents and verifications when required.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Agreement-West Publishing Corp-CLEAR FY 2020-23, 3. Exhibits A thru B-1 to Agreement-West Publishing Corp, 4. Item No. 24 Completed Board Order

Date	Ver.	Action By	Action	Result
9/1/2020	1	Board of Supervisors		

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b. Accept non-standard contract provisions as recommended by the Chief Probation Officer; and
c. Authorize the Contracts Purchasing Officer or Contracts Purchasing Supervisor and Chief Probation Officer to sign and execute the appropriate documents and verifications when required.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

Approve and authorize the Contracts/Purchasing Officer or Contracts/ Purchasing Supervisor to sign the Agreement with West Publishing Corporation in the amount not to exceed \$12,000, for West CLEAR PRO Gov Law Enforcement Investigator Plus for the period from October 1, 2020 through September 30, 2023;
Accept non-standard contract provisions as recommended by the Chief Probation Officer; and
Authorize the Contracts Purchasing Officer or Contracts Purchasing Supervisor and Chief Probation Officer to sign and execute the appropriate documents and verifications when required.

SUMMARY:

The Probation Department recommends the approval of a non-standard Agreement with West Publishing Corporation, in an amount not to exceed \$12,000, for the term of October 1, 2020 through September 30, 2023 to utilize the West CLEAR PRO Gov Law Enforcement Investigator Plus. This software provides for online research services including, but not limited to, reverse phone data, consumer and credit bureau data, motor vehicle registration data, graphical display, news, map analytics, and company family tree. Juvenile Probation will use this program to locate family members for Foster Care Placement youth.

DISCUSSION:

Subscription to West CLEAR PRO Gov Law Enforcement Investigator Plus software provides dashboard interface, news content, public records, publicly available information, and proprietary records on persons and businesses, which will be used in assisting Juvenile Probation with locating family members for Foster Care Placement. This software will support probation's responsibility and goal to conduct family finding efforts as outlined in California Assembly Bill 403 and the State's Continuum of Care Reform legislation for foster care.

The Agreement is non-standard for the County. It adopts modifications to the County's standard agreement, set forth in Exhibit A, the Scope of Work, paragraph A.3. Additionally, the proposed agreement is based upon West Publishing Corporation's standard agreement, attached as Exhibit B, "Order Form." The first year's initial monthly cost of \$265 supports the five (5) licenses for Probation; each subscription year thereafter will incur an estimated 3% increase in the monthly charge. Additional charges will apply based on the number and type of reports requested by each search that is conducted. This proposed agreement will provide the investigative research and tools as described to the Probation Department for a three (3) year term of October 1, 2020, through September 30, 2023.

OTHER AGENCY INVOLVEMENT:

Previous agreements with this vendor were not approved by County Counsel, due to the presence of the following non-standard and unacceptable terms/conditions in the Agreement: payment conditions in accordance with vendor order form, limited vendor liability, restricted ability to exercise termination provisions, limited protection under insurance coverage with changes to additional insured and endorsement forms for general and automobile liability, deletion of royalties and inventions language, modification of amendments language, and deletion of disputes language.

The modifications requested by the vendor are detailed in Exhibit A, paragraph A.3. In addition, County Counsel found terms contained in the Vendor Order Form and Terms and Conditions section of the documents in Exhibit B to be contrary to the standard contractual terms for the County, including but not limited to the vendor's ability to unilaterally change monthly charges, undisclosed charges, foreign venue, unlimited vendor assignment of services, limitations on the type of and amount of damages available to the County in the event of contract breach, and "as-is" product with limited or no warranty for service performance, and therefore could not approve the agreement.

The Agreement documents have been reviewed and approved as required by the Information Technology Department.

FINANCING:

Funding for the software subscription service is included in Probation's Approved Budget for FY 20-21. There is no additional cost to the County General Fund associated with this recommendation.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This recommendation supports key objectives of: 1) Administration by providing efficient use of resources, and 2) Health and Human Services by locating homes for the placement of foster care youth.

Mark a check to the related Board of Supervisors Strategic Initiatives

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

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Attachments: Agreement with West Publishing Corporation FY 20-21, 21-22 and 22-23