



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Board Report

File #: 13-1291, **Version:** 1

- a. Approve and authorize the Contracts/Purchasing Officer to execute a Master Product License Agreement and yearly Product Schedule with UNICOM Systems, Inc. for the provision of software subscription and maintenance/support in the yearly amount not to exceed \$50,000, with an effective date of September 5, 2013;
- b. Accept non-standard contract provisions as recommended by the Director of Information Technology; and
- c. Authorize the Contracts/Purchasing Officer to sign future Product Schedules in an amount not to exceed \$50,000 and issue purchase orders under the same or similar terms as needed.

RECOMMENDATIONS:

It is recommended that the Board of Supervisors:

- a. Approve and authorize the Contracts/Purchasing Officer to execute a Master Product License Agreement and yearly Product Schedule with UNICOM Systems, Inc. for the provision of software subscription and maintenance/support in the yearly amount not to exceed \$50,000, with an effective date of September 5, 2013;
- b. Accept non-standard contract provisions as recommended by the Director of Information Technology; and
- c. Authorize the Contracts/Purchasing Officer to sign future Product Schedules in an amount not to exceed \$50,000 and issue purchase orders under the same or similar terms as needed.

SUMMARY/DISCUSSION:

The New Jersey Macro4, Inc. subsequently acquired by UNICOM Systems, Inc. has provided software licensing, maintenance, and support for the DataBack and System Accounting software for the County mainframe system since 1994. The DataBack is a tool utilized to back up mainframe system files, write to tape, and manage the mainframe tape volume library. The System Accounting tool is used on the mainframe system to track job and process run times, collect data on print and central processing unit resources used and track the activity in order to feed into the Information Technology billing system. The mainframe system is accessed by the Sheriff Department, Probation, District Attorney, Department of Social Services, Auditor-Controller, and the Information Technology Department.

UNICOM Systems, Inc. requires one Agreement for all software product licenses, maintenance, and support. A Product Schedule with the cost of the ensuing licensing term will be submitted to the County by UNICOM Systems, Inc. on a yearly basis. The approval of the Product License Agreement (Agreement) for software licensing, maintenance, and support is absolutely necessary to ensure the County retains the ability to recover mainframe files in the event of system failure and be able properly utilize the mainframe system for billing. It is requested that the agreement have an effective start date of September 5, 2013; the delay in getting the matter scheduled on the Board agenda was due to the need to resolve language issues and processing concerns, complicated by unavailability of key participants in the discussion.

The termination clause of ninety days is nonstandard and applies subject to funding availability. Based upon the County's past experience with this well-established company, we are seeking the approval of the Board to proceed with the Agreement to ensure proper support of the mainframe applications continue.

OTHER AGENCY INVOLVEMENT:

The Agreement was not approved by County Counsel and/or Risk Management due to the presence of the following non-standard and unacceptable terms/conditions in the Agreement: limited liability, undisclosed future costs on automatic renewal, evergreen term, penalties for late payment, nonstandard indemnification/liability, nonstandard termination clause of ninety days which is subject to funding availability only, and jurisdiction in Los Angeles, California.

FINANCING:

The funds for payment of this Agreement have been included in the FY 2013-14 Recommended Budget for the Information Technology Department, ITD 1930, Unit 8137, Appropriations Unit INF002. Transactions relating to future fiscal years will be included in each respective Recommended Budget. Should funding be reduced and/or terminated, the County may terminate this Agreement by giving ninety (90) days written notice prior to the ensuing licensing, maintenance, and support period.

Prepared by: Sarah House, Management Analyst III, 755-5108

Approved by:

Dianah Neff, Director of Information Technology

Dated: December 5, 2013

Attachments: Agreement