



County of Monterey

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

Board Report

File #: A 16-127, **Version:** 1

- a. Approve and authorize the Director of Information Technology to execute, on behalf of the County of Monterey, an Oracle Public Sector Technical Support Services Agreement for the period of June 1, 2016 through June 22, 2019 for technical support/maintenance of Oracle database server software, in a total aggregate amount not to exceed \$70,000; and
- b. Approve and authorize the Director of Information Technology to execute, on behalf of Monterey County, an Oracle Annual Acceptance Letter to implement the Agreement and confirm annual costs;
- c. Accept non-standard language in the Oracle Public Sector Technical Support Agreement and the Oracle Annual Acceptance Letter, as recommended by the Director of Information Technology;
- d. Authorize the Director of Information Technology to execute two (2) additional one (1) year extensions with no more than a 5% increase in the yearly cost per extension, with no material changes in non-standard terms, and subject to County Counsel review; and
- e. Authorize the Auditor-Controller's Office to issue payments on a yearly basis, not to exceed the total aggregate amount, as requested by the Director of Information Technology.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Approve and authorize the Director of Information Technology to execute, on behalf of the County of Monterey, an Oracle Public Sector Technical Support Services Agreement for the period of June 1, 2016 through June 22, 2019 for technical support/maintenance of Oracle database server software, in a total aggregate amount not to exceed \$70,000; and
- b. Approve and authorize the Director of Information Technology to execute, on behalf of Monterey County, an Oracle Annual Acceptance Letter to implement the Agreement and confirm annual costs; and
- c. Accept non-standard language in the Oracle Public Sector Technical Support Agreement and the Oracle Annual Acceptance Letter, as recommended by the Director of Information Technology; and
- d. Authorize the Director of Information Technology to execute two (2) additional one (1) year extensions with no more than a 5% increase in the yearly cost per extension, with no material changes in non-standard terms, and subject to County Counsel review; and
- e. Authorize the Auditor-Controller's Office to issue payments on a yearly basis, not to exceed the total aggregate amount, as requested by the Director of Information Technology.

SUMMARY/DISCUSSION:

The Monterey County Information Technology Department (ITD) manages software licensing for the Oracle database server used by the Department of Social Services (DSS), the Monterey County Water Resources Agency (MCWRA), and ITD. After the initial software purchase, there have been yearly recurring maintenance/support costs for these licenses, paid pursuant to a Board-approved Oracle Public Sector Technical Support Services Agreement (TSSA). The yearly fee provides for software updates, fixes and technical support/maintenance which is the industry standard for software licenses.

Oracle has changed the terms of its Public Sector TSSA, requiring Board review and approval of its non-standard terms. The proposed Oracle Public Sector TSSA references the software licensing terms of the one-time purchase of the licenses. The terms stated in the TSSA are standard in terms of the industry and are in use in many other public sector agencies nationwide. Based upon the County's past experience with this well-

established software company, ITD seeks the approval of the Board to proceed with this TSSA to ensure the County has the benefit of continued updates to this software and technical support, if needed. This TSSA covers all existing Oracle licenses purchased by the County and confirms the level of technical support and maintenance that will be provided for these licenses.

Oracle will provide the County an Acceptance Letter (AL) for each of the software licenses owned by the County. The AL confirms the renewal details for the software license and requests payment information for the annual technical support and maintenance. The terms stated in the AL are also non-standard to the County, but are standard in the industry and have been accepted by many other public sector agencies nationwide. The Acceptance Letter for Support Services #6760891 is attached.

The IT Department manages the licenses for ITD, ITD-Telecommunications, the Department of Social Services and the Monterey County Water Resources Agency. Oracle will provide an Acceptance Letter for each of these licenses, including the costs and term for support and maintenance.

OTHER AGENCY INVOLVEMENT:

County Counsel has reviewed the Oracle Public Sector Technical Support Agreement and cannot approve due to the following non-standard terms: Oracle's software support policies subject to change in Oracle's discretion; limitations on warranty for software support services; limitations on amount and type of damages available to the County to fees paid; non-standard indemnity provisions; and shortened statute of limitations periods. Risk does not approve non-standard indemnity provisions.

FINANCING:

The funds for the technical support/maintenance period of June 1, 2016 through June 30, 2019 have been included in the FY 2015-2016 Adopted Budget for the Information Technology Department. Transactions for future years will be included in each yearly recommended budget. The initial charge for the MCWRA and DSS licenses is borne by Information Technology, but is charged back to MCWRA and DSS via the ITD billing process.

Prepared by: Elizabeth Crooke, Management Analyst, 755-5108

Approved by:

Dianah Neff, Director, Information Technology, 759-6923

Attachments:

Oracle Public Sector Technical Support Services Agreement
Oracle Acceptance Letter for Support Services # 6760891

Attachments are on file with the Clerk of the Board