



# County of Monterey

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

## Legislation Details (With Board Report)

<b>File #:</b>	A 14-200	<b>Name:</b>	MMTG
<b>Type:</b>	BoS Agreement	<b>Status:</b>	Passed
<b>File created:</b>	7/15/2014	<b>In control:</b>	Board of Supervisors
<b>On agenda:</b>	7/29/2014	<b>Final action:</b>	7/29/2014

**Title:** a. Approve and authorize the Director of the Department of Social Services, or his designee, to sign an agreement with McWilliams-Mailliard Technology Group, Inc. for \$13,350 to provide license and subscriptions to the AACTS software for Adult Protective Services staff for the period July 1, 2014 - June 30, 2015, including non-standard terms and conditions; and  
b. Authorize the Director of the Department of Social Services, or his designee, to sign up to three (3) amendments to this agreement where the total amendments do not exceed 10% of the original contract amount, and do not significantly change the scope of work.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Mailliard Technology Group Agreement (2014-2014), 2. Completed Board Order, 3. Fully Executed Agreement between the County of Monterey and McWilliams-Mailliard Technology Group, Inc.

Date	Ver.	Action By	Action	Result
7/29/2014	1	Board of Supervisors	approved	

a. Approve and authorize the Director of the Department of Social Services, or his designee, to sign an agreement with McWilliams-Mailliard Technology Group, Inc. for \$13,350 to provide license and subscriptions to the AACTS software for Adult Protective Services staff for the period July 1, 2014 - June 30, 2015, including non-standard terms and conditions; and  
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### RECOMMENDATION:

It is recommended that the Board of Supervisors:

a. Approve and authorize the Director of the Department of Social Services, or his designee, to sign an agreement with McWilliams-Mailliard Technology Group, Inc. for \$13,350 to provide license and subscriptions to the AACTS software for Adult Protective Services staff for the period July 1, 2014 - June 30, 2015, including non-standard terms and conditions; and  
b. Authorize the Director of the Department of Social Services, or his designee, to sign up to three (3) amendments to this agreement where the total amendments do not exceed 10% of the original contract amount, and do not significantly change the scope of work.

### SUMMARY/DISCUSSION:

Contractor provides AACTS software that fully supports Adult Protective Services (APS) case management data entry, client documentation and prepares statistical data for required monthly reports to the State. In addition, AACTS enhances the administrative oversight of Adult Protective Services and assures compliance with specific state regulations and mandates. Contractor has provided license and subscriptions to the Department for use of the AACTS software since 2004. The software program is very effective, and contractor

has been responsive and reliable in addressing the Department's needs.

Contractor requires Mutual Indemnification in all of its service agreements. Therefore, it is recommended that the County's standard indemnity language be replaced in this agreement with Contractor's Mutual Indemnification provision, and that the County accept the non-standard terms and conditions due to limited alternative resources for this software/programming, and the need for uninterrupted service. The agreement was delayed coming to the Board due to negotiations with the vendor.

**OTHER AGENCY INVOLVEMENT:**

The Auditor-Controller and Purchasing have reviewed and approved the proposed Agreement. County Counsel has reviewed and has not approved the Agreement due to non-standard terms and conditions, including but not limited to the following; mutual indemnification on service received contract; absolute financial obligation on the part of the County to make payment even if MMTG or subcontractor does not perform; unregulated assignment of the contract by MMTG; limitations on MMTG liability to dollar amount of contract; ability of MMTG to refuse County access to service; required third party services without liability to MMTG; no professional liability insurance coverage.

**FINANCING:**

This agreement is funded 100% by Federal, State and realignment funds. Sufficient appropriations and estimated revenues in SOC005 are included in the FY 2014-15 Adopted Budget. Approval of this action has no impact to the County General Fund.

Prepared by: Allison Yant, Management Analyst II, x7515

Approved by: Elliott Robinson, Director of Social Services, x4434

Attachments:

Mailliard Technology Group Agreement (2014/2015)

Proposed contract is filed with the Clerk of the Board as an attachment to this Board Report