



Board Report

File #: A 15-303, **Version:** 1

- a. Ratify and approve a non-standard agreement for the provision of software license subscriptions, software maintenance/support, and technical support services between the County of Monterey and HLP, Inc., effective July 1, 2014 through June 30, 2017, for an amount not to exceed \$55,680;
- b. Ratify and approve non-standard provisions as recommended by the Director of Health;
- c. Authorize the Director of Health to sign the agreement; and
- d. Authorize the Director of Health to sign up to three (3) amendments to this agreement where the total amendment amounts, cumulatively, do not exceed 10% of the original contract (\$5,568 maximum additional amount), do not significantly change the scope of work, and do not change the non-standard provisions approved by the Board.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Ratify and approve a non-standard agreement for the provision of software license subscriptions, software maintenance/support, and technical support services between the County of Monterey and HLP, Inc., effective July 1, 2014 through June 30, 2017, for an amount not to exceed \$55,680;
- b. Ratify and approve non-standard provisions as recommended by the Director of Health; and
- c. Authorize the Director of Health to sign the agreement; and
- d. Authorize the Director of Health to sign up to three (3) amendments to this agreement where the total amendment amounts, cumulatively, do not exceed 10% of the original contract (\$5,568 maximum additional amount), do not significantly change the scope of work, and do not change the non-standard provisions approved by the Board.

SUMMARY:

The proposed recommendation renews the County's existing software licensing subscription and software maintenance/technical support; it also adds professional services not covered under the recurring software maintenance/technical support provisions. The approval of this recommended action will enable the Health Department, Environmental Health Bureau/Animal Services Program (EHB) to continue to monitor, track, and bill for services associated with the Animal Services Program, including dog and cat licensing and license renewals, maintaining animal vaccination records, and rabies tracking and control. In addition, the continued use of this software application will maintain community online access, enabling the public to search the County's website for lost/stray animals brought into the Animal Services Shelter.

DISCUSSION:

The EHB has maintained a service agreement with HLP Inc. for the issuance of new and renewal animal licenses since July 1, 2008. Through this Agreement, HLP, Inc. has continuously provided EHB with a unified application for managing animal license applications and renewals, providing animal vaccination record reporting capabilities, and providing rabies tracking and control. This is achieved using HLP Inc.'s Chameleon/CMS software and Public Access software.

Software licensing subscription and maintenance/support had previously been provided to, and paid by, the County without a formal written agreement in addition to the animal licensing agreement. Upon receiving

notification from the Auditor/Controller in Fiscal Year 2014-15 regarding this fact, steps were taken to negotiate an agreement for software licensing subscription and maintenance/support services. Negotiations with the vendor were lengthy due to the vendor's reluctance to accept the County's standard agreement and the vendor's preference for the vendor's licensing agreement, the terms of which were not disadvantageous to the County. After multiple revisions to the scope of work and agreement terms, the final agreement is recommended for approval, reflecting terms agreed to by both the vendor and EHB and which are as beneficial as possible to the County.

Chameleon/CMS and Public Access continue to be the products that best suit EHB's needs for issuing licenses, providing for public access online to stray animals brought to the shelter, and for managing its activity records database. Moreover, Chameleon/CMS and Public Access are used by most animal shelters in the nation; its use enables EHB to communicate and interact with other animal shelters for the benefit of pet owners and animals. Accordingly, it is EHB's recommendation that the Board approve the execution of an Agreement with HLP, Inc. EHB has obtained the approval of the County's Contracts/Purchasing Department to utilize the Chameleon/CMS and Public Access software and support contract as a sole source of these products and services.

The continuance of the software licensing subscription, software maintenance/technical support will enable EHB to maintain effectiveness, efficiency, and accuracy in service and data management within the Animal Services Program. It is vital that the Environmental Health Bureau continues to receive these critical data management services.

This work supports the Monterey County Health Department 2011-2015 strategic plan initiatives: 1) Empower the community to improve health through programs, policies, and activities; and 2) Enhance community health and safety by emphasizing prevention. It also supports one of the ten essential public health services, specifically: 2) Diagnose and investigate health problems and health hazards in the community and 6) Enforce laws and regulations that protect health and ensure safety.

OTHER AGENCY INVOLVEMENT:

The Information Technology Department has reviewed and concurs with the recommendation. County Counsel has reviewed the agreement and does not approve due to the following non-standard provisions: limitations on vendor liability and warranty, vendor disclaimers of warranty, non-standard vendor rights to terminate County's software license; vendor's non-liability for harm to County operations, data and attendant disclaimer of liability for consequential damages; and requirement, in Exhibit B, for County, to indemnify a third-party escrow holder if the vendor goes out of business. Risk Management concurs with County Counsel's statements, above; Risk Management cannot approve the non-standard provisions.

FINANCING:

Funding for this Agreement is included in the Health Department Environmental Health FY 2015-16 Adopted Budget (4000-HEA005-8272) and will have no financial impact on the General Fund.

Prepared by: Robin Kimball, Management Analyst I, x1297

Approved by: Ray Bullick, Director of Health, x4526

Attachments:

Agreement is on file with the Clerk of the Board