



County of Monterey

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

Board Report

File #: 16-1260, **Version:** 1

- a. Approve and authorize the Library Director to execute a non-standard Professional Services Agreement with Library Ideas, Inc., in the amount of \$14,317.00, for a period of one year, for the period retroactive to April 25, 2016 through April 24, 2017, for Library patron access to digital music, movies and other media services;
- b. Approve non-standard provisions as recommended by the Library Director.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Approve and authorize the Library Director to execute a non-standard Professional Services Agreement with Library Ideas, Inc., in the amount of \$14,317.00, for a period of one year, for the period retroactive to April 25, 2016 through April 24, 2017, for Library patron access to digital music, movies and other media services;
- b. Approve non-standard provisions as recommended by the Library Director.

SUMMARY:

One of the main focuses for the future of libraries is identifying emerging trends relevant to libraries and librarianship. Online services are a trend and wave of the future for library services. Online services for library patrons are a core service in Monterey County Free Libraries (MCFL) and are considered to be a virtual MCFL library branch. Offering access to the public to online products and services provides MCFL with a competitive edge and makes MCFL up to date with current industry practices. Online products are essential services that are offered to the community that is increasingly technologically savvy and whose needs are now internet based.

The recommended agreement will enable MCFL to provide the public with access to specified online media services.

The proposed agreement, in the amount of \$14,317.00, will fund services during a one (1) year period, retroactive from April 25, 2016 through April 24, 2017. The reason for the delay in bringing this agreement to the Board for approval is the vendor's delay in responding to the County's suggested agreement terms, which mitigate the risk to the County posed by the vendor's terms. For example, staff negotiated changes in agreement language to recognize that the County, as a public entity, is subject to public access laws and so could not agree to keep the terms of the agreement confidential.

DISCUSSION/ OTHER AGENCY INVOLVEMENT:

The proposed Agreement has been reviewed and approved by the Auditor-Controller's Office as to fiscal terms and the Information Technology Department regarding nonstandard technology projects. The proposed Agreement has been reviewed but not approved by the Office of the County Counsel due to non-standard terms and conditions, including: absence of insurance and indemnification provisions protecting the County; non-standard vendor rights to terminate after required opportunity to cure; incorporation by reference of vendor's

non-standard End User Agreement; limitations on warranty; limitations of the type of and amount of damages available to the County; up-front, lump sum payment; and vendor's unilateral right of assignment; non-standard venue of contract disputes in the State of Delaware.

MCFL acknowledges these shortcomings in the vendor's agreement, but given the nature of the agreement, its relatively low cost and the fact that the vendor is well-established in its field, the Library Director considers the potential risks to the County to be outweighed by the benefits to MCFL patrons.

FINANCING:

The recommended Professional Services Agreement provides for an amount not to exceed \$14,317.00 over a one year period. Funds have been included in the Library Budget Unit 6110, Fund 003, under Books, Periodicals and other Subscriptions (6401). There is no additional impact on the General Fund associated with this recommendation.

Prepared by:

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Approved by:

Jayanti Addleman, Library Director, (831)883-7566

Attachments:

Library Ideas, Inc. Service Agreement with Monterey County Free Libraries