



Board Report

File #: 20-947, Version: 2

- a. Approve and authorize a non-standard agreement in the amount of \$25,000, between the County of Monterey, by and through the Monterey County Treasurer-Tax Collector, and Unitrends, which specifies a backup and disaster recovery solution with on-premises and cloud backup of critical finance system data, for the period of January 1, 2021 through June 30, 2024; and
- b. Authorize the Monterey County Treasurer-Tax Collector to sign the non-standard Agreement for Unitrends to provide a data backup and disaster recovery solution; and
- c. Authorize the Monterey County Treasurer-Tax Collector to amend the Agreement with Unitrends by one three-year extension or up to three one-year contract extensions, where the Amendment extension(s) do not exceed ten percent of the original Agreement amount per annual extension or significantly change the scope of work.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Approve and authorize a non-standard agreement in the amount of \$25,000, between the County of Monterey, by and through the Monterey County Treasurer-Tax Collector, and Unitrends, which specifies a backup and disaster recovery solution with on-premises and cloud backup of critical finance system data, for the period of January 1, 2021 through June 30, 2024; and
- b. Authorize the Monterey County Treasurer-Tax Collector to sign the non-standard Agreement for Unitrends to provide a data backup and disaster recovery solution; and
- c. Authorize the Monterey County Treasurer-Tax Collector to amend the Agreement with Unitrends by one three-year extension or up to three one-year contract extensions, where the Amendment extension(s) do not exceed ten percent of the original Agreement amount per annual extension or significantly change the scope of work.

SUMMARY/DISCUSSION:

The Monterey County Treasurer-Tax Collector (TTC) safeguards critical financial system data with a backup and disaster recovery system solution to prevent loss of data from user error, system failure, and/or natural disaster. This solution provides both on-premises backup as well as offsite cloud backup, with advanced Ransomware protection. This solution provides additional benefits with a quick Recovery Time Objective (RTO) and minimizes data loss with a robust Recovery Point Objective (RPO). These features enable the department to minimize and/or eliminate data loss, as well as reduce down-time in a disaster situation.

On January 1, 2018, the County entered into a three (3) year agreement with KIS/Barracuda Networks for a on premises/cloud backup solution. In preparation for the agreement end-date of December 31, 2020, negotiations to extend the contract for an additional three (3) years was initiated. The amended agreement received by the County included a 35% increase in pricing. This significant increase prompted the TTC to research other vendors that provide a similar or better solution. Because Unitrends provides additional features at a more reasonable cost, the TTC desires to enter into a non-standard 42-month term agreement, starting January 1, 2021. The requested 'not to exceed' amount of \$25,000 includes a buffer for estimated taxes and delivery costs.

Unitrends currently provides similar services to at least one other County department without issue. Use of the Unitrends type services are a business necessity for the TTC Office. The non-standard terms are industry standard for this type of service. It is the recommendation of the Treasurer-Tax Collector that the Agreement with Unitrends be accepted by the County notwithstanding the non-standard terms and conditions.

OTHER AGENCY INVOLVEMENT:

County Counsel has reviewed the Unitrends End User License Agreement and Vendor Proposal Terms & Conditions - Government and other related documents and is not able to approve them due to the existence of

non-standard terms, including but not limited to the existence of ‘as-is’ provisions, lack of insurance, no warranty, lack of indemnity, and jurisdiction/venue outside of California.

FINANCING:

Effective January 1, 2021 through June 30, 2024, the recommended Agreement will provide an essential function to protect and preserve sensitive and business-critical financial data. The cost, including a buffer for estimated taxes and delivery charges, is based on the Unitrends Proposal - Pricing Local Backup w/Replication to the Unitrends Forever Cloud for a 42-month term, which is attached and is part of the Agreement. The TTC accounted for the full cost of the existing or a similar Agreement and the required funding is included in its FY 2020-21 Adopted Budget. There is no additional impact to the General Fund. The recommended alternative for one three-year extension or three one-year extensions will be determined prior to the end of the 42-month term based on departmental needs and the best interests of the County at that time.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES

The request to enter into this agreement supports the County’s Administration policy because it allows the department to operate in an efficient and cost-effective manner and preserve and protect crucial financial data.

Mark a check to the related Board of Supervisors Strategic Initiatives:

☒ Administration

Prepared by: Sean Gomes, Finance Systems Manager, x5436

Approved by: Mary A. Zeeb, Treasurer-Tax Collector, x5474

Attachments: Unitrends Proposal - Pricing
Proposed End User License Agreement