

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

April 9, 2024

FROM

LYNN FYHRLUND, Chief Information Officer, Innovation and Technology Department

SUBJECT

Non-Financial Agreements with Microsoft Corporation for Software and Volume Licensing for the Preschool Services Department

RECOMMENDATION(S)

1. Approve termination of the following agreements with Microsoft Corporation, effective April 9, 2024:
 - a. Volume Licensing School Subscription Enrollment Agreement No. 23-1152
 - b. Volume Licensing Program Signature Form No. 23-1153
2. Approve the following non-financial agreements and enrollment documents with Microsoft Corporation for software and licensing for the Preschool Services Department, retroactively effective August 1, 2023 through July 31, 2026:
 - a. Volume Licensing School Subscription Enrollment **Agreement No. 24-317**.
 - b. Volume Licensing Program Signature Form (**Agreement No. 24-318**)
3. Authorize the Chief Information Officer or Assistant Chief Information Officer to electronically accept and execute non-substantive amendments to the Volume Licensing School Subscription Enrollment Agreement and Volume Licensing Program Signature Form with Microsoft Corporation, subject to review by County Counsel.
4. Direct the Chief Information Officer or Assistant Chief Information Officer to transmit any non-substantive amendments to the agreements and enrollment documents with Microsoft Corporation referenced in Recommendation No. 2 to the Clerk of the Board of Supervisors within 30 days of acceptance or execution.

(Presenter: Lynn Fyhrlund, Chief Information Officer, 388-5501)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Operate in a Fiscally-Responsible and Business-Like Manner.

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The Volume Licensing School Subscription Enrollment Agreement and Volume Licensing Program Signature Form (collectively Agreements) are non-financial in nature and pertain solely to the terms that govern Microsoft Corporation's (Microsoft) volume licensing agreements and the use of Microsoft software. Software purchases are made through authorized resellers. Approval of the Agreements will allow the Preschool Services Department (PSD) to purchase Microsoft software and licenses at a reduced cost as an education institution. PSD is required to ensure there is adequate appropriation within its annual departmental budget for the cost of the Microsoft software and licenses during the three-year term.

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BACKGROUND INFORMATION

PSD utilizes computer systems that rely on Microsoft operating systems and related software products such as Microsoft 365 and Microsoft Visio Pro for Office. Participation in the Agreements will allow PSD to purchase Microsoft software and subscription licensing at a reduced cost as a qualified educational user.

In 2017, PSD began working with the Innovation and Technology Department (ITD) to access the Microsoft Campus and School Agreement (CASA) and accompanying documents in order to purchase discounted Microsoft software and licensing. At that time, and due to restrictions from Microsoft, the County utilized the CASA approved between Microsoft and the City of Riverside to receive access to the reduced pricing offered to educational institutions. The accompanying Volume Licensing documents (Volume Licensing Program Signature Form, Volume Licensing School Subscription Enrollment Agreement, and Product Terms) were reviewed and approved by County Counsel and executed by the Purchasing Agent on June 26, 2017.

On October 24, 2023 (Item No. 35), the Board of Supervisors (Board) approved non-financial Agreement Nos. 23-1151, Campus and School Agreement, including non-standard terms; 23-1152, Volume Licensing School Subscription Enrollment Agreement; 23-1153, Volume Licensing Program Signature Form; and 23-1154, Product Terms with Microsoft, for software and licensing for PSD, retroactively effective August 1, 2023 through July 31, 2026.

On December 16, 2023, ITD was notified by Microsoft that the order for the PSD licenses could not be completed as Agreement Nos. 23-1152 and 23-1153 approved by the Board on October 24, 2023, contained inaccurate information provided by the third-party reseller in regard to the number of licenses to be purchased and student enrollment status. To resolve this issue, Microsoft provided ITD with a corrected Volume Licensing School Subscription Enrollment Agreement and Volume Licensing Program Signature Form for Board approval. The Campus and School Agreement No. 23-1151 and the Products Terms Agreement No. 23-1154, previously approved by the Board remain unchanged. To ensure that PSD's period of use is properly licensed, it is necessary for the corrected Volume Licensing School Subscription Enrollment Agreement and Volume Licensing Program Signature Form to begin retroactively on the same date as the prior Volume Licensing School Subscription Enrollment Agreement No. 23-1152 and Volume Licensing Program Signature Form Agreement No. 23-1153, which are simultaneously being terminated.

ITD recommends termination of Agreement Nos. 23-1152 and 23-1153 and approval of the new Agreements with Microsoft to allow for the purchase of Microsoft licenses for PSD, for the period retroactive to August 1, 2023 through July 31, 2026. The authorization for the Chief Information Officer or Assistant Chief Information Officer to electronically execute non-substantive amendments to the Agreements in Recommendation No. 2, subject to review by County Counsel, is necessary to expedite approval of updates to the Agreements to mitigate potential delays with the purchase and use of Microsoft licenses by PSD.

This item is being presented for approval at this time as this is the first date available following confirmation of the required administrative, operational, and legal reviews. Approval at this time will not impact PSD operations.

PROCUREMENT

The Agreements provide discounted educational Microsoft software licensing through approved authorized resellers. The Purchasing Department supports the use of the Agreements as a

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competitive justification. The County is required to obtain competitive bids from a minimum of three of the authorized resellers and select and complete the authorized enrollment form with the authorized reseller at the lowest cost.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Bonnie Uphold, Supervising Deputy County Counsel, 387-5455) on March 8, 2024; Purchasing (Christina Reddix, Buyer III, 387-2060) on March 1, 2024; Risk Management (Gregory Ustaszewski, Staff Analyst II, 386-9008) on March 11, 2024; Finance (Iliana Rodriguez, 387-4205, and Paul Garcia, 386-8392, Administrative Analysts) on March 20, 2024; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on March 25, 2024.

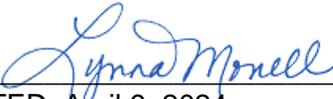
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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Curt Hagman Seconded: Joe Baca, Jr.
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY  _____
DATED: April 9, 2024



cc: IT - McClane w/agrees
Contractor - c/o IT w/agree
File - w/agree
CCM 04/15/2024