

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

June 18, 2025

FROM

LYNN FYHLUND, Chief Information Officer, Innovation and Technology Department

SUBJECT

California Participating Addendum to Minnesota National Association of State Procurement Officers Master Agreement for Computer Equipment, Peripherals, and Related Services

RECOMMENDATION(S)

1. Approve non-financial California Participating Addendum **Contract No. 25-544** (No. 7-23-70-55-07) to the Minnesota National Association of State Procurement Officers Master Agreement No. 23020 with Pure Storage, Inc., including non-standard terms, for the purchase of storage platform hardware and software, for the period of June 18, 2025 through June 30, 2028.
2. Authorize the Purchasing Agent to execute any documents that may be required by the State Contract Administrator to execute orders against California Participating Addendum No. 7-23-70-55-07 to the Minnesota National Association of State Procurement Officers Master Agreement No. 23020, for storage platform hardware and software, in purchase amounts as authorized by County Policy, subject to County Counsel review.

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

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Improve County Government Operations.

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 Innovation and Technology Department (ITD) operating costs are recovered via service rates approved annually by the Board of Supervisors (Board). California Participating Addendum No. 7-23-70-55-07 (Addendum) to Minnesota National Association of State Procurement Officers (NASPO) Master Agreement No. 23020 (Agreement) is non-financial in nature and does not commit the County to make any purchases. However, participating in the NASPO Agreement via the Addendum allows the County to purchase Pure Storage, Inc. (Pure Storage) products, support, and maintenance at a reduced cost for government entities. If purchases are made under the NASPO Addendum, ITD will adhere to County purchasing policies and return to the Board for approval, if necessary. Sufficient appropriation is included in the ITD Computer Operations 2024-25 budget and will be included in future recommended budgets.

BACKGROUND INFORMATION

ITD uses Pure Storage as part of the County's enterprise storage platforms, which provides high speed storage solutions for servers and applications. Some of these applications include the

**California Participating Addendum to Minnesota National Association
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Equipment, Peripherals, and Related Services
June 18, 2025**

County's current Human Capital Management System known as EMACS, the Geographic Information System (GIS), the Enterprise Resource Planning system known as SAP, and server virtualization platforms that support over 1,400 virtual servers supporting further applications across the County.

Pure Storage is utilized by federal, state, and local government agencies and education and healthcare sectors. After conducting a competitive bidding process, the State of Minnesota awarded Pure Storage the NASPO Agreement for the purchase of computer equipment, peripherals, and related services, including storage platform hardware and software from Pure Storage. The State of Minnesota has made this contract available for use by other government entities through the NASPO cooperative purchasing program that facilitates public procurement solicitations and agreements using a lead state model. The executed Addendum No. 7-23-70-55-07 to the NASPO Agreement allows state agencies and local California government entities to make purchases by following the ordering procedures outlined in the California Department of General Services' User Instructions guide, administered by the California State Contract Administrator.

The Addendum to the NASPO Agreement includes the State of California General Provision – Information Technology contract. Collectively, these terms form the procurement contract, which includes terms that differ from the standard County contract and omits certain County standard contract terms. The non-standard and missing terms include the following:

1. Venue for disputes arising under the Addendum is in Sacramento, California.
 - County Policy 11-05 requires venue for disputes in Superior Court of California, County of San Bernardino, San Bernardino District.
 - Potential Impact: Having a venue in Sacramento may result in additional expenses that exceed the amount of the Addendum.

2. Not all County insurance requirements pursuant to County Policy 11-07 are included. However, the Addendum does include terms substantially similar to the County standard insurance requirements, including: (i) requiring the Contractor to maintain all commercial general liability insurance, workers' compensation insurance and any other insurance required under the contract; (ii) furnishing insurance certificates evidencing required insurance coverage acceptable to the State, including endorsements showing the State as an "additional insured" if required under the contract; (iii) providing required endorsements requested by the State; and (iv) providing a waiver of subrogation in favor of the State for its workers' compensation policy when performing work on state owned or controlled property.
 - The County standard contract requires contractors to carry appropriate insurance at limits and under conditions determined by the County's Risk Management Department.
 - Potential Impact: This insurance provision does not comply with County Policy 11-07 and potential claims not covered under the County's standard insurance requirements could leave the County financially liable.

3. The Addendum allows the contractors to limit their liability for damages to the total price of the purchase order for the deliverable(s) or service(s) that gave rise to the loss, such that the contractor will have a separate limitation of liability for each purchase order. This limitation excludes: (i) violations of law; (ii) intellectual property indemnification obligations; (iii) indemnification obligations for third-party claims for death, bodily injury to persons or

**California Participating Addendum to Minnesota National Association
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Equipment, Peripherals, and Related Services
June 18, 2025**

damage to real or tangible personal property caused by the contractor's negligence or willful misconduct; and (iv) prevailing party costs or attorney's fees.

- The County standard contract does not include a limitation of liability.
- Potential Impact: Claims could exceed the liability cap and the Addendum amount, leaving the County financially liable for the excess.

ITD recommends approval of the Addendum, including non-standard terms, to allow ITD to continue operating and maintaining its enterprise storage infrastructure in a cost-effective manner.

PROCUREMENT

The Addendum will be utilized to accompany future purchase orders to be approved, as necessary, per County Policy 11-04, Procurement of Goods, Supplies, Equipment and Services.

NASPO is a cooperative purchasing program that helps facilitate public procurement and can provide competitive pricing options due to its collective purchasing power. The procurement under NASPO consists of a competitive process conducted by a lead agency. Minnesota is assigned as the lead agency for the Agreement. Under this Agreement, the State of California signed the Addendum approving participation for the State, political subdivisions, and other eligible entities for the term of July 1, 2023, through June 30, 2028. As a political subdivision, the County is allowed to participate in this cooperative agreement to purchase Pure Storage hardware and support.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Kaleigh Ragon, Deputy County Counsel, 387-5455) on May 21, 2025; Purchasing (Dylan Newton, Buyer III, 387-3377) on May 22, 2025; Risk Management (Gregory Ustaszewski, Staff Analyst II, 386-9008) on May 22, 2025; Finance (Ivan Ramirez, Administrative Analyst, 387-4020) on May 28, 2025; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on June 2, 2025.

**California Participating Addendum to Minnesota National Association
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June 18, 2025**

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: June 18, 2025



cc: IT - Thomas w/agree
Contractor - c/o IT w/agree
File - w/agree
CCM 07/2/2025