

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

October 22, 2024

**FROM**

**LYNN FYHRLUND, Chief Information Officer, Innovation and Technology Department**

**SUBJECT**

Non-Financial Agreement and Order Form with NetBrain Technologies, Inc. for Network Monitoring and Management System

**RECOMMENDATION(S)**

1. Approve a non-financial Subscription End User License **Agreement No. 24-1022**, including non-standard terms, with NetBrain Technologies, Inc., for a network monitoring and management system, effective October 22, 2024, through October 21, 2029, automatically renewing for additional five-year periods, unless either party provides notice of non-renewal.
2. Approve NetBrain Order Form No. 51814 (**Agreement No. 24-1023**) with NetBrain Technologies, Inc. for a network monitoring and management system, for the total contract amount of \$1,160,550, for the period beginning October 22, 2024, through October 21, 2029, automatically renewing for five-year terms thereafter, unless notice of non-renewal is provided by either party.

(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 Innovation and Technology Department (ITD) operating costs are recovered via service rates approved annually by the Board of Supervisors (Board). Order Form No. 51814 in the amount of \$1,160,550 with NetBrain Technologies, Inc. (NetBrain), is for the five-year cost of a network monitoring and management system. Sufficient appropriation is included in the ITD's Computer Operations 2024-25 budget and will be included in future recommended budgets.

**BACKGROUND INFORMATION**

ITD manages the County's enterprise information technology network environment that requires constant monitoring and proactive management to enhance network reliability, minimize downtime, and safeguard against potential cybersecurity attacks. NetBrain is a powerful network automation software for network monitoring, outage prevention, trouble resolution, real-time network visibility, network mapping and automation. Use of NetBrain will enable the County to instantly create on-demand dynamic maps using live data through three key automation features: network mapping automation, network troubleshooting automation, and network changes automation. These features will enable automatic network discovery, diagnostics and

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streamlined changes by analyzing benchmark data and automating network modifications within a well-defined workflow that is accompanied with detailed impact analysis reports.

Network monitoring and mapping automation allows for a continuous assessment of the County's network and security health by using real-time data provided by the County's network to create on-demand dynamic maps and reports that will provide current performance status and security threat notification affecting the County's Information Technology network and infrastructure. Network troubleshooting automation will assist ITD with diagnosis and troubleshooting network issues by analyzing benchmark data to determine the most appropriate resolution to effectively and efficiently resolve network performance issues. Finally, network change automation will allow ITD to automate a network change in a leveraged workflow and provide detailed impact analysis and reporting capabilities that will assist ITD in optimizing and securing the County's network through the change process. The benefits of the non-financial End User License Agreement (Agreement) with NetBrain include network outage prevention, automation of network discovery and mapping, real-time network visibility, troubleshooting and root cause analysis, scalability and integration capabilities, and protected changes.

The Agreement with NetBrain is its standard commercial agreement, which include terms that differ or are omitted from the standard County contract. While the parties negotiated certain terms to County standards, NetBrain would not agree to all County standard terms. The non-standard and missing terms include the following:

1. The Agreement does not require NetBrain to meet the County's insurance standards as required pursuant to County Policies, 11-05, 11-07 and 11-07SP.
  - (c) County policy requires contractors to carry appropriate insurance at limits and under conditions determined by the County's Risk Management Department and as set forth in County policy and in the County standard contract.
  - (d) Potential Impact: The County has no assurance that NetBrain will be financially responsible for claims that may arise under the Agreement, which could result in expenses to the County that exceed the total Agreement amount.
  
2. NetBrain's maximum liability to the County is limited to two times the aggregate amount paid by the County in the 12 months preceding the claim, excluding NetBrain's indemnification obligations, but not excluding liability arising from NetBrain's gross negligence, willful misconduct, or violation of law.
  - (c) The County standard contract does not include a limitation of liability.
  - (d) Potential Impact: Claims could exceed the liability cap and the Agreement amount leaving the County financially liable for the excess.
  
3. There is no termination for convenience without paying a cancellation fee, which is the amount equal to the sum of any unpaid fees for the remainder of the then-current subscription period.
  - (c) The County standard contract gives the County the right to terminate the contract, for any reason, with a 30-day written notice of termination without any obligation other than to pay amounts for services rendered and expenses reasonably incurred prior to the effective date of termination.
  - (d) Potential Impact: If the County does not timely provide the required non-renewal notice or cancels the Agreement before the end of a subscription period, the County is required to pay the remainder of the full Agreement amount, which could result in payment liability where no funds are available due to lack of allocation or loss of funding.

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ITD recommends approval of the Subscription End User License Agreement, including non-standard terms, and Order Form to allow ITD to leverage NetBrain's technology to enhance network management and security. ITD will return to the Board for approval of additional expenditure authority and contract term extensions at every five-year term renewal, as needed.

**PROCUREMENT**

ITD recently completed a comparative analysis of available network monitoring solutions provided by various vendors based on ITD's requirements of providing network troubleshooting, change management, and network mapping and assessment tools. ITD reached out to the following vendors and selected NetBrain as it best meets ITD's and the County's functional requirements for a network monitoring solution by providing real-time dynamic network mapping and visualization tools, advanced root cause analysis, and extensive and advanced automation features that will integrate with applications currently in use by ITD and the County.

<b>Vendor</b>	<b>Network Monitoring Solution</b>	<b>Vendor Location</b>	<b>Meets County Needs</b>
NetBrain Technologies, Inc.	NetBrain Continuous Network Assessment Platform	Burlington, MA	Yes
Solarwinds Worldwide, LLC	Network Performance Monitor	Austin, TX	No
LogicMonitor Inc.	Paessler Router Traffic Grapher	Santa Barbara, CA	No
Juniper Networks	Juniper Sky Enterprise	Sunnyvale, CA	No

NetBrain is scalable and flexible and will provide ITD with valuable network management tools to assist with the optimization, minimize downtime, and safeguard against potential cybersecurity attacks of the County's network.

Additionally, ITD utilizes Gartner, Inc. (Gartner), a contracted global information technology research and consulting agency, to determine the best options for a network monitoring solution based on the County's functional requirements. Gartner is an industry leader in technological research and consulting services comprised of over 12,000 client organizations in over 100 countries for entities in the information technology and government sector working with organizations to develop technology strategies, plans and budgets, as well as selecting the right technologies for their operations.

Gartner research is referenced continuously by ITD staff to obtain relevant research, comparison, and ranking of technology solutions. Gartner ranks NetBrain as a leading provider of network automation solutions due to NetBrain's superior capabilities in the three main areas that address ITD's functional requirements of network monitoring and mapping, network troubleshooting, and network change automation. All three of these functional capabilities align with the comparative analysis requirements conducted by ITD.

The Purchasing Department concurs with the non-competitive procurement of the NetBrain platform due to its functional specifications. A comparative analysis with other network solutions indicated that NetBrain is the only vendor that meets ITD's performance and quality requirements.

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**REVIEW BY OTHERS**

This item has been reviewed County Counsel (Bonnie Uphold, Supervising Deputy County Counsel, 387-5455) on October 17, 2024; Purchasing (Jessica Barajas, Supervising Buyer, 387-2060) on September 23, 2024; Risk Management (Gregory Ustaszewski, Staff Analyst, 386-9008) on September 24, 2024; Finance (Iliana Rodriguez, Administrative Analyst, 387-4205) on October 4, 2024; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on October 4, 2024.

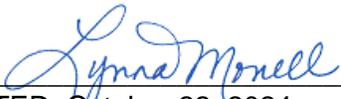
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Record of Action of the Board of Supervisors  
San Bernardino County

**APPROVED (CONSENT CALENDAR)**

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

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: October 22, 2024



cc: IT - Onyango w/agrees  
Contractor - c/o IT w/agree  
File - w/agree  
CCM 10/25/2024