

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

**September 24, 2024**

**FROM**

**TRACY REECE, Chief Probation Officer, Probation Department**

**SUBJECT**

Non-Financial California Participating Addendum to Minnesota National Association of State Procurement Officers ValuePoint Master Agreement with Dell Marketing L.P. for Computers

**RECOMMENDATION(S)**

1. Approve non-financial California Participating Addendum No. 7-23-70-55-01 (**Contract No. 24-943**), including non-standard terms, to the Minnesota National Association of State Procurement Officers ValuePoint Master Agreement No. 23026 with Dell Marketing L.P., for the procurement of Dell computer equipment, for the period of September 25, 2024 through June 30, 2025.
2. Authorize the Purchasing Agent to execute any documents that may be required by the State to execute orders against California Participating Addendum No. 7-23-70-55-01, subject to County Counsel review.

(Presenter: Tracy Reece, Chief Probation Officer, 387-5692)

**COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

**Improve County Government Operations.**

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

**FINANCIAL IMPACT**

Approval of the item will not result in the use of Discretionary General Funding (Net County Cost). Participating in the National Association of State Procurement Officers (NASPO) with California Participating Addendum No. 7-23-70-55-01 (California PA) allows San Bernardino County (County) to purchase Dell products at a reduced cost for government entities. If future purchases are made under the California PA, the Probation Department (Probation) will adhere to County purchasing policies and return to the Board of Supervisors for approval, if necessary.

**BACKGROUND INFORMATION**

Probation must replace its computers as part of a four-year lifecycle program and found that Dell OptiPlex computers are smaller, faster and have more Universal Serial Bus (USB) ports, which is highly desirable. Probation has progressively replaced its computers with the Dell Marketing L.P. (Dell) brand, to have one main platform, which standardizes technical support departmentwide through use of the same hardware and software. There is no current Countywide contract with Dell. Approval of this agreement allows Probation to obtain Dell products at the most competitive rate and to streamline its operations.

On December 5, 2023 (Item No. 39), the Board of Supervisors (Board) approved NASPO Participating Addendum No. 7-15-70-34-003, allowing the County to procure for Dell products

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directly from Dell through the NASPO agreement as it was more cost effective compared to vendors that were awarded Countywide contracts. This contract terminated on January 31, 2024 and a new contract, the California PA, was established effective from February 1, 2024 to June 30, 2025 with a renewal limit until June 30, 2028.

Dell is an information technology solutions provider, selling to federal, state and local government agencies, as well as education and healthcare markets. After conducting a competitive bidding process, the State of Minnesota awarded Dell the contract for the purchase of computer equipment and peripherals. 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 Minnesota NASPO agreement is identified as ValuePoint Master Agreement No. 23026 (NASPO Agreement). The State of California executed the California PA to the Minnesota NASPO - NASPO Agreement, which allows State agencies and local California government entities to make purchases under this NASPO Agreement by following the ordering procedures outlined by the State of California.

The California PA to the NASPO Agreement includes the State of California General Provision – Information Technology Contract No. GSPD-40 IT. Collectively, these terms form the procurement contract, which includes terms that differ from the standard County contract. The non-standard language includes the following:

1. Venue for disputes arising under the California PA 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 Dell computer equipment.
2. Not all County insurance requirements pursuant to County Policy 11-07 are included. However, the contract 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.

Probation recommends approval of the California PA, including the non-standard terms, as the agreement will enable Probation to use County funds effectively by obtaining Dell computer equipment at a competitive cost.

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**PROCUREMENT**

NASPO ValuePoint is a cooperative purchasing program that helps facilitate public procurement and is able to provide competitive pricing options due to its collective purchasing power. The procurement under the NASPO Agreement consists of a competitive process conducted by a lead agency. Minnesota is assigned as the lead agency for the NASPO Agreement. Under this agreement, the State of California signed the California PA, approving participation for the State, political subdivisions, and other eligible entities, for the term of February 1, 2024 through June 30, 2025. As a political subdivision, the County is allowed to participate in this cooperative agreement.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Maria Insixiengmay, Deputy County Counsel, 387-5455) on September 3, 2024; Risk Management (Loretta Acuña, Staff Analyst II, 386-9039) on September 3, 2024; Purchasing (Ariel Gill, Supervising Buyer, 387-2070) on September 4, 2024; Finance (Iliana Rodriguez, Finance Analyst, 387-4205) on September 6, 2024; County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on September 10, 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, Curt Hagman, Joe Baca, Jr.  
Absent: Dawn Rowe

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: September 24, 2024



cc:     Probation - Villalvazo w/agree  
         Contractor - c/o Probation w/agree  
         File - w/agree  
CCM    09/30/2024