

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

June 22, 2021

FROM

LARRY AINSWORTH, Chief Information Officer, Innovation and Technology Department

SUBJECT

Rescind OpenText, Inc. End User License Agreement

RECOMMENDATION(S)

Rescind the Board of Supervisors approval of perpetual non-financial OpenText, Inc. End User License Agreement No. 20-204 for software support submitted by the Innovation and Technology Department.

(Presenter: Larry Ainsworth, Chief Information Officer, 388-5501)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

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

FINANCIAL IMPACT

There is no financial impact associated with rescinding Agreement No. 20-204 with OpenText, Inc. (OpenText).

BACKGROUND INFORMATION

The Innovation and Technology Department (ITD) has utilized Alchemy software from OpenText for the past 10 years to catalogue property information data from the enterprise server into a searchable database for the Auditor-Controller/Treasurer/Tax Collector (ATC). ATC uses the property information database to create the twice-annual Tax Sale brochure and the Department of Child Support Services (DCSS) uses RightFax software from OpenText for documentation and support.

On April 21, 2020 (Item No. 31), the Board of Supervisors (Board) approved End User License Agreement (Agreement) No. 20-204 with OpenText, submitted by ITD. Also, on April 21, 2020 (Item No. 21), the Board approved End User License Agreement No. 20-206 with OpenText, submitted by DCSS. These Agreements were identical. DCSS originally negotiated the Agreement but was uncertain if they would be requesting Board approval on April 21, 2020. Due to the upcoming expiration date of April 30, 2020, for ITD's Alchemy software support, ITD obtained Board approval of the Agreement on April 21, 2020. DCSS ultimately obtained Board approval of their Agreement on the same date.

For both the ITD and DCSS Agreement submissions to Clerk of the Board, OpenText was scheduled as the last party to sign. After multiple attempts, ITD was unable to obtain signature from the vendor and Agreement No. 20-204 remains unexecuted. DCSS was successful in obtaining OpenText's signature on Agreement No. 20-206. As Agreement No. 20-206 is fully

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executed on behalf of the County and OpenText, it also covers ITD's Alchemy software support. The Clerk of the Board and County Counsel have requested that ITD obtain Board approval to rescind approval of unexecuted Agreement No. 20-204, for record keeping purposes.

PROCUREMENT

Not Applicable

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Bonnie Uphold, Deputy County Counsel, 387-5455) on May 17, 2021; Finance (Carolina Mendoza, Administrative Analyst, 387-0294) on May 27, 2021; and County Finance and Administration (Kelly Welty, Deputy Executive Officer, 387-5423) on June 7, 2021.

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Record of Action of the Board of Supervisors
County of San Bernardino

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: June 22, 2021



cc: File- Innovation and Technology
LA 06/24/2021