

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

October 8, 2024

FROM

DEREK ARMSTRONG, Director, Economic Development

SUBJECT

Reference Solutions Agreement with Data Axle, Inc. to License the Data Axle Reference Solutions Platform

RECOMMENDATION(S)

Approve Reference Solutions **Agreement No. 24-955** with Data Axle, Inc., including non-standard terms, to license use of the Data Axle Reference Solutions Platform, in the annual purchase amount of \$5,420, for the contract period beginning on October 15, 2024 through October 14, 2025, automatically renewing annually thereafter unless terminated by either party. (Presenter: Derek Armstrong, Director, 387-4386)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Promote the Countywide Vision.

Create, Maintain and Grow Jobs and Economic Value in the County.

Improve County Government Operations.

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

Ensure Development of a Well-Planned, Balanced, and Sustainable County.

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). The cost of the 12-month Reference Solutions Agreement (Agreement), which is a subscription agreement that includes license and system terms and conditions of use, with Data Axle, Inc. (Data Axle) for the Data Axle Reference Solutions Platform (Platform) is \$5,420 annually. Sufficient appropriation is included in the Economic Development (ED) 2024-25 budget and will be included in future recommended budgets.

BACKGROUND INFORMATION

ED receives requests from County departments, businesses, and cities within the county for business listing information that assists in the research of growing and existing industries in the region, which is a key function of economic development. The Platform provides accurate data that encompasses both active and historical United States (US) based business listings. The Platform software will be used for business attraction efforts and to prepare for industry conferences and events. The Platform's data will enhance the research services ED provides to existing and new businesses interested in the county.

The Agreement is Data Axle's standard commercial contract, which includes terms that differ from the standard County contract and omits certain County standard contract terms. While the

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parties negotiated certain contract terms to County standard, Data Axle would not agree to all County standard terms. The non-standard and missing terms include the following:

1. The County is required to indemnify Data Axle against all claims arising out of the County's: (a) use of the Products; (b) negligent or willful misconduct; (c) use of the Products in violation of the terms of this Agreement or any Laws; or (d) data provided or submitted to Data Axle or the Products.
 - The County standard contract does not include any indemnification or defense by the County of a contractor.
 - Potential Impact: By agreeing to indemnify Data Axle, the County could be contractually waiving the protection of sovereign immunity. Claims that may otherwise be barred against the County, time limited, or expense limited could be brought against Data Axle without such limitations and the County could be responsible to defend and reimburse Data Axle for costs, expenses, and damages, which could exceed the total Agreement amount.
2. Data Axle's maximum liability to the County is limited to two times the fees actually paid by the County for the affected product in the 12 months prior to the claim being made, excluding Data Axle's indemnification obligations, gross negligence, or willful misconduct, but not violations of law.
 - The County standard contract does not include a limitation of liability.
 - Potential Impact: Claims could exceed the liability cap and the Agreement amount leaving the County financially liable for the excess.

PROCUREMENT

ED conducted a search for comparable software systems that can provide new and historical US business listing data. The Data Axle Reference Solutions Platform was the lowest price for all of the services provided. The Purchasing Department supports this competitive procurement based on an informal solicitation of quotes and services.

ED solicited quotes from four prospective software companies and received replies from four companies. Data Axle submitted a quote for \$5,420 per six users, DatabaseUSA submitted a quote for \$8,000 per six users, ZoomInfo submitted a quote for \$29,495 per six users, and D&B Hoovers submitted a quote for \$34,667 per eight users. After reviewing the submitted quotes and services provided, ED determined that Data Axle best met the needs of the County as their quote was the most competitive, as it related to price and services provided.

REVIEW BY OTHERS

This item has been reviewed County Counsel (Bonnie Uphold, Supervising Deputy County Counsel, 387-5455) on August 2, 2024; Purchasing (Alberto Cazares, Buyer III, 387-2463) on August 8, 2024; Risk Management (Victor Tordesillas, Director, 387-5564) on August 6, 2024; Innovation and Technology (Lynn Fyhrlund, Chief Information Officer, 388-5501) on September 10, 2024; Finance (Carl Lofton, Administrative Analyst, 387-5404) on September 20, 2024; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on September 20, 2024.

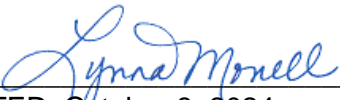
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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: October 8, 2024



cc: EDA - Armstrong w/agree
Contractor - c/o EDA w/agree
File - w/agree
CCM 10/9/2024