

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

March 28, 2023

FROM

PETE MENDOZA, Interim Director, Purchasing Department

SUBJECT

Contracts for Information Technology Staffing Services

RECOMMENDATION(S)

1. Approve fixed-rate contracts, including non-standard terms for TEKsystems, Inc. and Akkodis, Inc., with the following vendors for information technology staffing services on an as-needed, fee-for-services basis, for the period of March 28, 2023, through March 27, 2028:
 - a. 21 Tech, LLC, **Contact No. 23-210.**
 - b. 22nd Centuries Technologies, Inc. , **Contact No. 23-211.**
 - c. Argus Associates, Inc. , **Contact No. 23-212.**
 - d. BuzzClan, LLC, **Contact No. 23-213.**
 - e. Computer Aid, Inc. , **Contact No. 23-214.**
 - f. Cogent Infotech Corporation, **Contact No. 23-215.**
 - g. DatamanUSA, LLC. , **Contact No. 23-216.**
 - h. HyperGen Inc. , **Contact No. 23-217.**
 - i. Integrated Technology Solutions and Services, Inc. , **Contact No. 23-218.**
 - j. Mindlance, Inc. , **Contact No. 23-219.**
 - k. Akkodis, Inc. , **Contact No. 23-220.**
 - l. Paramount Software Solutions, Inc. , **Contact No. 23-221.**
 - m. Elegant Enterprises-Wide Solutions, Inc. , **Contact No. 23-222.**
 - n. Infojini, Inc. , **Contact No. 23-223.**
 - o. Serigor, Inc. , **Contact No. 23-224.**
 - p. Sierra Cybernectics, Inc. , **Contact No. 23-225.**
 - q. Technostaff LLC dba HonorVet Technologies, **Contact No. 23-226.**
 - r. TEKsystems, Inc. , **Contact No. 23-227.**
 - s. Timmons Group, Inc. , **Contact No. 23-228.**
 - t. Tryfacta, Inc. , **Contact No. 23-229.**
 - u. V3iT Consulting, Inc. , **Contact No. 23-230.**
 - v. VSoft Consulting Group, Inc. , **Contact No. 23-231.**
 - w. vTech Solutions, Inc. , **Contact No. 23-232.**
 - x. Zion Cloud Solutions LLC, **Contact No. 23-233.**
2. Authorize County departments and separated entities to execute work orders against the contracts, some of which may exceed \$200,000 per year.
3. Authorize the Purchasing Agent to add, replace and delete positions, and adjust rates as needed.

(Presenter: Pete Mendoza, Interim Director, 387-2073)

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 additional Discretionary General Funding (Net County Cost). The costs associated with the utilization of these recommended contracts will be incurred on a fee-for-service basis. Departments and separated entities that utilize information technology (IT) staffing services are responsible for ensuring adequate funding is included in their respective department budgets. Vendor fees are based on the position requested and the length of the project.

BACKGROUND INFORMATION

County departments and separated entities require development, enhancement, and maintenance of business applications on a variety of hardware and software platforms. These applications include the County's financial accounting system, payroll, budget, personnel, document imaging, and public websites. Some County departments and separated entities develop, support, and maintain applications and business line systems within their respective organizations.

County Policy 11-04 allows for the use of outside service providers when there is a need for special skills. County departments and separated entities, including the Innovation and Technology Department (ITD), require the use of contract staff with specialized skillsets to support immediate needs and to meet project deadlines, deliverables, and increased workloads. The need for each contractor is time-sensitive and project-specific, with the technical skillsets and number of service hours required varying with each project.

The process to onboard the IT staffing personnel requires a work order detailing the project requirements, project timeline, and position title to be created. The work order is then sent to contracted staffing agencies who then provide resumes to the County for review. The County then selects who will be interviewed and hired for the project. This process is generally handled by ITD. However, departments and separated entities with dedicated IT teams may manage the process directly.

Approval of these contracts will allow County departments and separated entities that require IT staffing services to streamline the process of obtaining IT staffing services, reduce procurement costs, and fill staffing requirements timely, which will assist in preventing costly project delays.

The County and TEK Systems, Inc. (TEK) negotiated the County standard contract (TEK Contract). The final agreement includes the following non-standard terms:

1. The TEK Contract excludes from TEK's indemnification obligations claims arising from TEK's reasonable reliance on the instructions or from the County's negligence or gross negligence.
 - The County standard contract indemnity provision requires the contractor to indemnify, defend, and hold County harmless from third party claims arising out of the acts, errors or omissions of any person.
 - Potential Impact: The exclusion means that if a claim is made against the County arising from the County's instructions, negligence or gross negligence, TEK will not indemnify the County for the claim.

2. The TEK Contract excludes its Errors and Omissions, Professional Liability, and Cyber Liability policies from the waiver of subrogation, which does not meet the County's insurance standards as required pursuant to County Policy 11-07.
 - The County Policy requires contractors to carry appropriate insurance at limits and under conditions determined by the County's Risk Management Department and set forth in the County standard contract.
 - Potential Impact: No waiver of subrogation may allow TEK's insurer to bring suit against the County, which could result in expenses that exceed the total TEK Contract amount.

The County and Akkodis, Inc. (Akkodis) negotiated the County standard contract (Akkodis Contract). The final agreement includes the following non-standard terms:

1. The Akkodis Contract excludes from Akkodis' indemnification obligations claims arising from the County's acts or omissions from its indemnification obligations.
 - The County standard contract indemnity provision requires the contractor to indemnify, defend, and hold County harmless from third party claims arising out of the acts, errors or omissions of any person.
 - Potential Impact: The exclusion means that if a claim is made against the County arising from the County's actions, Akkodis will not indemnify the County for the claim.
2. Akkodis' maximum liability to the County is limited to the amounts actually paid to Akkodis for the services during the 12 months immediately preceding the incident giving rise to the claim.
 - The County standard contract does not include a limitation of liability.
 - Potential Impact: Claims could exceed the liability cap and the Akkodis Contract amount leaving the County financially liable for the excess.

Purchasing recommends approval of the Agreements, including the non-standard terms, as both contractors provide highly technical and experienced staff who provide critical services to county departments.

PROCUREMENT

On January 3, 2022, the Purchasing Department (Purchasing) released Request for Proposals (RFP) No. AGENCY22-PURC-4398 via the County's Electronic Procurement Network (ePro) to solicit qualified vendors to provide IT staffing services for a five-year term. Proposals were received from 72 vendors.

Staff from multiple departments with IT experience and Purchasing evaluated the submissions based on responsiveness to the RFP requirements, competitive pricing, qualifications, and experience. Based on the evaluation results, 24 vendors were selected for award.

County Policy 11-04 requires Board of Supervisor's approval for any competitive and non-competitive purchase of services where the annual aggregate cost exceeds \$200,000.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Adam Ebright, Deputy County Counsel, 387-4229) on March 6, 2023; Innovation and Technology (Jake Cordova, Interim Chief Information

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Officer, 387-5501) on March 6, 2023; Risk Management (Victor Tordesillas, Director, 386-8623) on March 23, 2023; Finance (Ivan Ramirez, Administrative Analyst, 387-4020) on March 10, 2023; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on March 13, 2023.

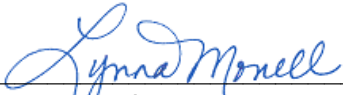
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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: March 28, 2023



cc: Purchasing - Churchill w/agrees
Contractor - C/O Purchasing w/agree
File - w/agree
CCM 03/30/2023