

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

June 28, 2022

FROM

SHANNON D. DICUS, Sheriff/Coroner/Public Administrator

SUBJECT

Agreement with Thomson Reuters Enterprise Center GmbH for CLEAR Proflex Subscription and Support Services

RECOMMENDATION(S)

1. Approve Order Form **Agreement No. 22-582** with Thomson Reuters Enterprise Center GmbH in the amount of \$74,814 for the period of July 1, 2022 through June 30, 2025, to subscribe to the CLEAR Proflex comprehensive online investigative platform to assist the Sheriff/Coroner/Public Administrator to identify victims and persons of interest related to case investigations.
2. Approve Thomson Reuters Enterprise Center GmbH Standard Terms and Conditions, including non-standard terms (**County Contract No. 22-583**), for the use of the CLEAR Proflex comprehensive online investigative platform, which shall remain in effect for as long as the underlying Order Form Agreement is in place, or unless terminated.
3. Authorize the Sheriff/Coroner/Public Administrator or Undersheriff to execute change orders to the Order Form Agreement, as needed, subject to review by County Counsel, so long as the total aggregate amount of such change orders does not exceed \$10,000, and the change orders do not amend the agreement term.
4. Direct the Sheriff/Coroner/Public Administrator or Undersheriff to transmit copies of all change orders to the Clerk of the Board of Supervisors within 30 days of execution.

(Presenter: John Ades, Deputy Chief, 387-3760)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

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

Provide for the Safety, Health and Social Service Needs of County Residents.

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). The cost of the CLEAR Proflex (CLEAR) subscription and support services provided by Thomson Reuters Enterprise Center GmbH (Thomson Reuters) in the amount of \$74,814 will be funded within the Sheriff/Coroner/Public Administrator's (Department) 2022-23 existing budget allocation (4430001000) and will be included in future recommended budgets as detailed below:

Fiscal Year	Cost
2022-23	\$24,204
2023-24	\$24,931
2024-25	\$25,679

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Fiscal Year	Cost
Total	\$74,814

BACKGROUND INFORMATION

The Department's Criminal Intelligence Division handles an average of 350 cases per year. The cases typically require forensic examinations of computer, video, and audio involved in such crimes as identity theft, child exploitation, robberies, and homicide. The personnel within the Division routinely attend training classes and seminars to maintain education regarding ever-changing technology. CLEAR provides live gateways to help quickly identify victims and persons of interest in ongoing investigations. It is a comprehensive online investigative platform that allows investigators and analysts to easily access billions of public records, publicly available information, and proprietary data for investigation and due diligence, including identity verification and risk assessments.

The proposed Order Form Agreement includes terms and conditions that differ from the County's standard contract language as follows:

1. Limitations of Liability
 - a. Non-Standard Term: The Contractor limits its liability to not exceed the amount payable in the prior 12 months for the service that is subject to the claim for damages, or if the claim is made within the first 12 months, 12 times the average of the monthly charges paid.
 - b. Potential Impact: The County's standard contract language is not similarly limited. The Department could potentially not recover all damages incurred during the contract period.
 - c. Justification: The Department believes access to the data provided by the investigative platform negates any potential risk associated with use of the software provided by Thomson Reuters.

2. Assignment
 - a. Non-Standard Term: The Contractor may assign, delegate or otherwise transfer the agreement in whole or in part to an affiliate or any entity without written notice.
 - b. Potential Impact: Contractor may assign the contract to another entity the Department is unfamiliar with without the Department's approval.
 - c. Justification: The Department believes access to the data provided by the investigative platform negates any potential risk associated with the transfer of the agreement.

While this is a notable exception to the County's standard contract language, the Department recommends approval of the agreement with Thomson Reuters to provide the CLEAR comprehensive online investigative platform. County Counsel and Risk Management have reviewed and provided input on the proposed agreement with Thompson Reuters.

PROCUREMENT

Thompson Reuters holds proprietary rights to the CLEAR software subscription and support services and is the sole provider for the features and capabilities of CLEAR. The terms in the contract including non-standard terms may be used to accompany future purchase orders issued to Thompson Reuters, as necessary, per County Policy 11-04 Procurement of Goods, Supplies, Equipment and Services. Additionally, County Policy 11-05 requires departments to

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obtain Board of Supervisors approval for the procurement of goods and services with non-standard terms and conditions.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Richard D. Luczak, Deputy County Counsel, 387-5455) on June 2, 2022; Purchasing (Michael Candelaria, Lead Buyer, 387-0321) on June 2, 2022; Risk Management (Victor Tordesillas, Director, 387-0321) on May 26, 2022; Finance (Tom Forster, Administrative Analyst, 387-4635) on June 6, 2022; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on June 9, 2022.

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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: June 28, 2022



cc: Sheriff - Welty w/agrees
Contractor - C/O Sheriff w/agree
File - w/agree
CCM 07/20/2022