

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

February 6, 2024

**FROM**

**DEREK ARMSTRONG, Director, Economic Development**

**SUBJECT**

License Agreement with Placer Labs, Inc. for the Placer Venue Analytics Platform

**RECOMMENDATION(S)**

Approve the Order Form and License **Agreement No. 24-119** with Placer Labs, Inc., including non-standard terms, for the use of the Placer Venue Analytics Platform, in the amount of \$100,000, for the contract period of February 6, 2024 through February 5, 2026.  
(Presenter: Derek Armstrong, Director, 387-4386)

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

**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 24-month License Agreement, for use of the Placer Labs, Inc. (Placer) Placer Venue Analytics Platform (Platform) is \$100,000. Sufficient appropriation is included in the Economic Development (ED) 2023-24 budget and will be included in future recommended budgets.

**BACKGROUND INFORMATION**

ED receives requests from businesses and cities within the county for information that assists in the attraction and retention of industries in the region, a key function of economic development. The Placer Platform provides accurate data that tracks visitor traffic, dwell time, time spent at locations of interest, as well as where these visitors are traveling from. Additionally, the Platform can provide demographic and spending patterns of visitors and will provide ED with additional research capabilities to attract businesses and drive tourism to locations that match the interests of visitors in the county. ED will be using the Placer software to customize its site selection services and provide data for business attraction efforts.

The Placer Order Form and License Agreement (Agreement) is Placer's standard commercial contract, which includes terms that differ from the standard County contract and omits certain County standard contract terms. While the parties negotiated certain contract terms to County standard, Placer would not agree to all County standard terms. The non-standard and missing terms include the following:

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Analytics Platform  
February 6, 2024**

1. Placer's maximum liability to the County is limited to two times the fees paid to Placer in the 12 months preceding the claim, excluding Placer's gross negligence and willful misconduct, and the greater of \$250,000 or five times the fees paid to Placer in the 12 months preceding the claim for Placer's indemnification obligations or violation 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.
  
2. The Agreement does not include certain standard County insurance requirements.
  - 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: The County has no assurance that Placer will be financially responsible for claims that may arise under the Agreement, which could result in expenses to the County that exceed the total Agreement amount.

ED recommends approval of the subscription agreement with Placer, including non-standard terms, to allow ED to provide businesses and cities within the county with information that assists in the attraction and retention of individuals in the region.

**PROCUREMENT**

ED did a comparison search of analytical software systems that can provide demographic data and visitor profiles for the region's retail, commercial and tourism sectors. The Placer 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 three prospective analytics software companies on December 7, 2023, and received replies from two companies. Placer submitted a quote for \$50,000 per six users, Near's Pinnacle Data submitted a quote for \$25,000 per user, and PlacerIQ did not respond to the request for a quote. After reviewing the submitted quotes and services provided, ED determined that Placer best met the needs of the County as their quote was the most competitive, as 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 January 26, 2023; Purchasing (Alberto Cazares, Buyer III, 387-2463) on January 10, 2024; Risk Management (Victor Tordesillas, Director, 387-5564) on January 25, 2024; Innovation and Technology Department (Lynn Fyhrlund, Chief Information Officer, 388-5501) on January 10, 2024; Finance (Carl Lofton, Administrative Analyst, 387-5404) on January 3, 2024; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on January 3, 2024.

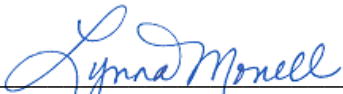
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Record of Action of the Board of Supervisors  
San Bernardino County

**APPROVED (CONSENT CALENDAR)**

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

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: February 6, 2024



cc: ED - Armstrong w/ agree  
Contractor c/o ED w/ agree  
File w/ agree

JLL 02/7/2024