

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

August 25, 2020

FROM

LARRY AINSWORTH, Chief Information Officer, Information Services Department

SUBJECT

Enterprise Security Agreement with Cisco Systems, Inc. for Software

RECOMMENDATION(S)

1. Approve Enterprise **Agreement No. 20-669** Program Terms and Conditions for End Users with Cisco Systems, Inc., including the non-standard terms, for enterprise security software purchased from Cisco authorized reseller Presidio Networked Solutions Group, LLC, for the period of August 25, 2020, through August 24, 2023.
2. Designate the Chief Information Officer or their designee, as the authorized official to sign documents as they pertain to changes to the Cisco enterprise security software licenses, subject to review by County Counsel, so long as such documents do not increase the total not-to-exceed amount of \$3,000,000 with Presidio Networked Solutions Group, LLC, modify the terms, or change the duration of the contract.
3. Direct the Chief Information Officer to transmit all documents and amendments in relation to this agreement to the Clerk of the Board of Supervisors within 30 days of execution.
(Presenter: Jake Cordova, Information Services Division Chief, 388-0503)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

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

FINANCIAL IMPACT

Approval of the Enterprise Agreement Program Terms and Conditions for End Users with Cisco Systems, Inc. (Cisco) for Cisco enterprise security software purchased from Presidio Networked Solutions Group, LLC (Presidio) will not result in the use of Discretionary General Funding (Net County Cost). The three-year cost for the Cisco enterprise security software is \$1,969,580. The remaining not-to-exceed amount of \$1,030,420 will allow ISD to purchase additional enterprise security software, as needed. Sufficient appropriation is available in the Information Services Department (ISD) Computer Operations 2020-21 budget and will be included in future recommended budgets. Operating costs are recovered via service rates approved annually by the Board of Supervisors (Board).

BACKGROUND INFORMATION

Cisco offers enterprise security software through an Enterprise Security Agreement (ESA). The ESA will provide the County with access to various security products that will protect the County against malware and other cyber threats, secure workloads processed in a multi-cloud environment, provide comprehensive analysis of network activity, and provide a detection and response solution.

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The ESA Program Terms and Conditions for End Users (Program Terms) is Cisco's standard commercial agreement, which contains terms that differ from the standard County contract. The non-standard terms include the following:

1. The term of the contract is indefinite so long as there is an active purchase of software licenses.
 - County Policy 11-06SP does not permit indefinite term or automatically renewing contracts unless approved by the Board.
 - Potential Impact: There is no specific end-term to the contract and, with no termination for convenience, the County is indefinitely bound to the terms and conditions of the contract.
2. The County agrees to a non-cancelable payment obligation and may not terminate the contract for convenience.
 - The County standard contract gives the County the right to terminate the Contract, for any reason, with a thirty (30) day written notice of termination without any obligation other than to pay amounts for services rendered and expenses reasonably incurred prior to the effective date of termination.
 - Potential Impact: There is no termination for convenience without penalty. Upon any termination by either party regardless of cause, the County is required to pay the outstanding contract amount, which could result in payment liability where no funds are available due to lack of allocation or loss of funding.
3. Cisco may assign the contract to an affiliate without notice or consent.
 - The County standard contract provides that the County must approve any assignment of the contract.
 - Potential Impact: Cisco may assign the contract to a third party or business with which the County is legally prohibited from doing business due to issues of Federal debarment or suspension and conflict of interest, without the County's knowledge.

ISD recommends approval of the Program Terms, including the non-standard terms which are typical in the IT industry, to allow ISD to purchase various enterprise security software products to protect the County from potential security threats.

Cisco only sells enterprise security software products through authorized resellers and Presidio was selected as a result of a competitive Request for Proposal (RFP) process. Entering into a multi-year contract eliminates annual cost increases and streamlines the process for the purchase of additional enterprise security software due to growth. The not to exceed amount of \$1,030,420 for additional purchases from Presidio over the three-year cost of the enterprise security software will allow ISD to purchase Cisco security products at locked-in rates during the three-year ESA term.

Designating the Chief Information Officer or their designee, as the authorized official to sign future documents to confirm additional Cisco security products, will allow ISD to ensure uninterrupted security of critical data on the County network during the ESA term. Such documents will be subject to review and approval by County Counsel, will not increase the total contract amount, exceed the scope of services of the contract, or change the duration of the contract.

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PROCUREMENT

On May 28, 2020, ISD released RFP No. ISD120-TOPS-3831 via the County's Electronic Procurement Network (ePro) for Cisco enterprise security software from Cisco authorized resellers. The following proposals were received and Presidio was selected solely based on the lowest cost proposal. No protests were received.

Vendor	Location	Total 3-Year Cost
Presidio	Irvine, CA	\$1,969,580
Kambrian Corp.	West Covina, CA	\$3,386,014
NetXperts Inc.	Ontario, CA	\$2,069,941
ConvergeOne	Ontario, CA	\$2,154,408

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Bonnie Uphold, Deputy County Counsel, 387-5487) on August 4, 2020; Purchasing (Jessica Barajas, Lead Buyer, 388-5546) on August 3, 2020; Finance (Joon Cho, Administrative Analyst, 387-5402) on August 6, 2020; and County Finance and Administration (Kelly Welty, Deputy Executive Officer, 387-5423) on August 6, 2020.

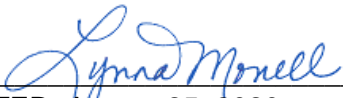
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Record of Action of the Board of Supervisors
County of San Bernardino

APPROVED (CONSENT CALENDAR)

Moved: Josie Gonzales Seconded: Robert A. Lovingood
Ayes: Robert A. Lovingood, Janice Rutherford, Dawn Rowe, Curt Hagman, Josie Gonzales

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: August 25, 2020



cc: ISD- Mancebo w/agree
 Contractor- C/O ISD w/agree
 File-w/agree
la 08/26/2020