

THE INFORMATION IN THIS BOX IS NOT A PART OF THE CONTRACT AND IS FOR COUNTY USE ONLY



Contract Number
18-527 A1

SAP Number

Innovation and Technology Department

Department Contract Representative	Jennifer Mancebo
Telephone Number	909-388-5579
Contractor	International Business Machine Corporation
Contractor Representative	Sara Brayton
Telephone Number	515-240-5795
Contract Term	8/1/2021 through 7/23/23
Original Contract Amount	Not-to-exceed \$4,323,000
Amendment Amount	N/A
Total Contract Amount	Not-to-exceed \$4,323,000
Cost Center	1200104048, 1200904048, 1201004048

Briefly describe the general nature of the contract: *Close Agreement with International Business Machine Corporation relating to a Software License Review.*

FOR COUNTY USE ONLY

Approved as to Legal Form

▶ Bonnie Uphold
Bonnie Uphold, County Counsel

Date 5-19-2022

Reviewed for Contract Compliance

▶ _____

Date _____

Reviewed/Approved by Department

▶ _____

Date _____



Software License Management Office
International Business Machines Corporation
1301 E. Euclid Avenue Suite C
Des Moines, IA 50316

November 17, 2021

Ms. Noel Cantrell
IT License Compliance Analyst
San Bernardino County
60 E. Gilbert Street
San Bernardino County, CA 92415

Re: IBM Software License Review

Dear Ms. Cantrell:

This Software License Review (“SLR”) letter (“Letter”) serves to formally close the recent SLR conducted by Deloitte (“SLR Reviewer”) on behalf of International Business Machines Corporation (“IBM”) regarding San Bernardino County’s (“Client”) use of certain IBM software.

The SLR Reviewer reported the findings and conclusions regarding the SLR in the Effective License Position report dated 09/14/2021 (“ELP”). The ELP is the basis for the resolution of the SLR by both IBM and Client.

Client has acquired directly from IBM the IBM products as outlined in the Resolution Tables below as set forth in Purchase Order 4100224462 on November 18, 2021.

RESOLUTION TABLE 1 – PREVIOUSLY DEPLOYED IPAA PROGRAMS

D PART NUMBER	E PART NUMBER	DESCRIPTION	QUANTITY	S&S START DATE	S&S END DATE
D04JKLL	E054ALL	IBM FILENET IMAGE SERVICES TOOLKIT CLIENT DEVICE LICENSE + SW SUBSCRIPTION & SUPPORT 12 MONTHS	4	11/15/2019	11/30/2022
D04IFLL	E053RLL	IBM FILENET IMAGE SERVICES INTEGRAL SDS CONNECTOR TO HCAP RESOURCE VALUE UNIT LICENSE + SUBSCRIPTION & SUPPORT 12 MONTHS	15	11/15/2019	11/30/2022

Resolution Table 2 - New Monthly License IPAA Programs				
Monthly License Part Number	Product Description	Quantity	Monthly License Start Date	Monthly License End Date
D17MCLL	IBM Cognos Analytics Non-Production Environment for Linux on System z Processor Value Unit (PVU) Monthly License	1,500	11/01/2021	01/31/2022
D19SDLL	IBM Cognos Analytics Explorer on System z Processor Value Unit (PVU) Monthly License	1,500	11/01/2021	01/31/2022
D19IZLL	IBM Infosphere Information Server Enterprise Edition for Linux on System z Processor Value Univ (PVU) Monthly License	1,100	11/01/2021	01/31/2022
D1NZBLL	IBM WebSphere Application Server Network Deployment for Linux on z Systems per Virtual Processor Core Monthly License	16	11/01/2021	01/31/2022

Please be reminded in order to remain compliant with subcapacity requirements, you must deploy the latest version of ILMT and generate and maintain ILMT reports in accordance with the applicable subcapacity licensing terms.

Client acknowledges that the terms for sub-capacity licensing (“**Sub-capacity Licensing Terms**”) are included in the IPAA and govern the transaction when Client obtains eligible sub-capacity products for use in an eligible virtualization environment.

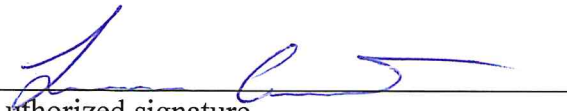
There are several requirements for sub-capacity licensing qualification, including installation and configuration of the IBM License Metric Tool (“**ILMT**”) and providing to IBM the required reports as specified in the IPAA. Client agrees to: 1) install and configure ILMT and generate the initial ILMT report within 90 days; and 2) produce, on a quarterly basis, the required reports, retaining such reports for at least two years, and making them available to IBM upon IBM’s request.

Should you have any questions, I am happy to arrange a call to discuss.

Agreed to:
International Business Machines Corporation

By: Sara Brayton
Name: Sara Brayton
Title: Software Licensing Manager
Phone: 515-240-5795
Email: sbrayton@us.ibm.com

Agreed to:
San Bernardino County

By 
Authorized signature

Name (type or print): Larry Ainsworth

Position (type or print): Chief Information Officer

Date: December 3, 2021

Client IBM Customer number: 8307388

Client address: 670 Gilbert Street
San Bernardino, CA 92415



County of San Bernardino DELEGATED AUTHORITY – DOCUMENT REVIEW FORM

This form is for use by any department or other entity that has been authorized by Board of Supervisors/Directors action to execute grant applications, awards, amendments or other agreements on their behalf. All documents to be executed under such delegated authority must be routed for County Counsel and County Administrative Office review prior to signature by designee.

Note: This process should NOT be used to execute documents under a master agreement or template, or for construction contract change orders. Contact your County Counsel for instructions related to review of these documents.

Complete and submit this form, along with required documents proposed for signature, via email to the department's County Counsel representative and Finance Analyst. If the documents proposed for signature are within the delegated authority, the department will submit the requisite hard copies for signature to the County Counsel representative. Once County Counsel has signed, the department will submit the signed documents in hard copy, as well as by email, to CAO Special Projects Team for review. If approved, the department will be provided routing instructions as well as direction to submit one set of the executed documents to the Clerk of the Board within 30 days.
For detailed instructions on submission requirements, reference Section 7.3 of the Board Agenda Item Guidelines as the Delegation of Authority does not eliminate the document submission requirements.

Department/Agency/Entity: Department of Innovation and Technology

Contact Name: Jennifer Mancebo Telephone: 909-388-5579

Agreement No.: 18-527 Amendment No.: 1 Date of Board Item 7/13/21 Board Item No.: 26

Name of Contract Entity/Project Name: International Business Machine Corporation

Explanation of request/Special Instructions:
Please see attached discussion regarding Close Letter.

Insert check mark that the following required documents are attached to this request:

- Documents proposed for signature (Note: For contracts, include a signed non-standard contract coversheet for contracts not submitted on a standard contract form).
- Board Agenda item that delegated the authority

Department Routed to County Counsel	County Counsel Name: Bonnie Uphold	Date Sent: 4/21/22
Reviewing County Counsel Use Only	Review Date <u>4-27-2022</u> <u>Bonnie Uphold</u> Signature	Determination: <input checked="" type="checkbox"/> Within Scope of Delegated Authority <input type="checkbox"/> Outside Scope of Delegated Authority
CAO-Special Projects Use Only	Review Date <u>4/29/22</u> <u>Steven Ruppberg</u> Signature	Disposition: <input checked="" type="checkbox"/> Route for signature to: <input type="checkbox"/> Chair <input type="checkbox"/> CEO <input checked="" type="checkbox"/> Department <input type="checkbox"/> Return to Department for preparation of agenda item