

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

**August 6, 2019**

**FROM**

**MICHAEL JIMENEZ, County Librarian, County Library**

**SUBJECT**

Agreements with Vendors to Provide Books and Media

**RECOMMENDATION(S)**

1. Approve sole source Agreement including nonstandard contract terms, with OverDrive to provide digital content and platform, from September 1, 2019 through August 31, 2024, in an amount not to exceed \$2,500,000 over the five-year contract term.
2. Approve sole source Agreement with Children's Plus, Inc. to provide children's library materials, from September 1, 2019 through August 31, 2024, in an amount not to exceed \$2,500,000 over the five-year contract term.
3. Approve Agreement with Baker & Taylor to provide library materials, from September 1, 2019 through August 31, 2020, in an amount not to exceed \$2,500,000 over the one-year contract term.

(Presenter: Michael Jimenez, County Librarian, 387-2220)

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

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

**FINANCIAL IMPACT**

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The County Library (Library) has a potential annual spend on library materials of up to \$3,500,000 depending on funding availability. Each year, the Library has a variable budget to purchase materials including, but not limited to, books, DVD's, and digital content from various vendors. Adequate appropriation has been included in the Library's 2019-20 budget and will be included in subsequent recommended budgets.

**BACKGROUND INFORMATION**

Approval of the above recommendations will provide three agreements for the Library to purchase various materials for its 32 branch system from the following vendors.

OverDrive is the leading digital distribution platform for libraries, supplying the industry's largest catalog of eBooks, audiobooks, streaming video and periodicals to 36,000 libraries and schools worldwide. OverDrive is compatible with more devices than any other digital library provider through its website and digital applications. The Library has offered OverDrive service to its patrons since April 2011 and has continued to grow its collection, which currently expands to over 70,000 digital titles, with an average monthly circulation of more than 30,000 items.

The OverDrive Digital Library Reserve Access Agreement, Attachment A to the County Contract contains the following non-standard provisions:

1. County and OverDrive each warrant that it has the necessary permissions, ownership and intellectual property rights and licenses related to perform the Agreement.
2. OverDrive disclaims all warranties other than that specified in number one above.
3. Excepting OverDrive's gross negligence, willful misconduct or indemnity obligations, OverDrive limits its liability under the Agreement to \$1,000,000.

The potential impact of these nonstandard provisions is as follows:

1. The standard County Contract does not contain any warranties on the part of County. Once the County makes this warranty, ~~OverDrive~~ the County will become liable for the breach of said warranty.
2. OverDrive will not be liable for any damages resulting from the failure or interruption of its Application Services.
3. In the absence of gross negligence, willful misconduct or indemnity obligations, OverDrive's liability under the contract would be limited to \$1,000,000. The County's liability is not similarly limited.

Children's Plus specializes in sourcing and distribution of children's library materials offering the widest selection and availability of children's materials in specialized library binding. Children's Plus library materials offer a higher level of durability than its competitors and require replacement less frequently than other supplier's materials. Shipping from Children's Plus has a high level of flexibility, allowing the Library to receive items at any of the 32 branch locations in shelf ready order increasing the Library's efficiency and productivity. Children's materials also come preprocessed with a Radio Frequency Identification (RFID) tag, barcode, property label, spine label, and Accelerated Reader Level labels on appropriate materials saving the County time and resources.

Baker & Taylor has been leading the industry in providing libraries customized technical services for over forty (40) years. They have developed a multitude of innovative services in the area of collection management, cataloging services, and technical processing. Baker & Taylor is also able to process materials tailored to the specifications required by the Library to ensure that items come labeled with spine labels, property stamps, barcodes and RFID tags making the items shelf ready upon arrival.

## **PROCUREMENT**

The Library has previously purchased library materials from various vendors on an as needed basis by purchase order. Establishment of contracts ensures that the Library is able to procure items at a pre-negotiated discount rate and have items pre-processed into shelf-ready condition. The Purchasing Department has reviewed the justifications for all of the contracts and concurs with the Library Department's recommendation. OverDrive, and Children's Plus are recommended as sole source vendors due to their unique expertise in delivering library materials. OverDrive is the leading digital distribution platform for libraries, while Children's Plus library materials offer a higher level of durability than its competitors and require replacement less frequently than other supplier's materials. The agreement with Baker & Taylor will be for a one-year term to allow time for the Library to complete a Request for Proposal (RFP) process to find qualified vendors to provide general use library materials, as this service is offered by multiple vendors.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Katherine Hardy, Deputy County Counsel, 387-5437) on June 27, 2019; Library (Patrick Scalzitti, Finance and Operations Chief) on July 17, 2019; Purchasing (Michelle Churchill, Lead Buyer, 387-8258) on July 16, 2019; Finance (Elias Duenas, Administrative Analyst, 387-4052) on July 18, 2019; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on July 22, 2019.