

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

July 27, 2021

FROM

MARLENE HAGEN, Director, Children and Family Services

SUBJECT

Conditional Waiver of Enforcement of a Contract Requirement with Binti, Inc. for License and Support of the Binti Platform

RECOMMENDATION(S)

1. Approve conditional waiver of enforcement of Section 1(e) of the Master Subscription and Services Agreement No. 21-208 with Binti, Inc., which prohibits remote access to County data from outside the continental United States provided specific conditions are met to ensure the security and privacy of County data, for a six-month period beginning July 28, 2021.
2. Authorize the Director of Children and Family Services to execute all documents regarding the conditional waiver of enforcement of Section 1(e) of the Master Subscription and Services Agreement No. 21-208.
3. Direct the Director of Children and Family Services to transmit all documents related to this conditional waiver of enforcement of Section 1(e) of the Master Subscription and Services Agreement No. 21-208 to the Clerk of the Board of Supervisors within 30 days of execution.
(Presenter: Marlene Hagen, Director, 387-2792)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

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

Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.

FINANCIAL IMPACT

This item does not impact Discretionary General Funding (Net County Cost). The Master Subscription and Services Agreement (Agreement) with Binti, Inc. (Binti), in the amount of \$636,000, is funded 50% (\$318,000) with state funding and 50% (\$318,000) with federal funding. Adequate appropriation and revenue have been included in the 2020-21 and 2021-22 Human Services Administrative Claim budget and will be included in future recommended budgets.

BACKGROUND INFORMATION

The Agreement with Binti provides Children and Family Services (CFS) with access and applicable license to use Binti's Platform, including support and training. The Binti Platform allows potential resource families to apply online and complete state requirements to be approved as a resource family. With the Platform, CFS is able to manage the approval workflow, tracking the status of each applicant's background check, application follow-up, and training completion.

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On May 26, 2021, Binti contacted CFS regarding the plans of a Binti customer support member to relocate to the Philippines due to a family health emergency. Binti made assurances that all Binti application data and San Bernardino County data would continue to be hosted and stored on Binti hosting cloud services located within the continental United States (US), with all the same stringent security and privacy protocols. However, this particular Binti Customer Support representative would be accessing County data from outside of the continental United States when responding to customer support chat/emails and helping users with the system. Section 1(e) of the Agreement prohibits remote access to County data from outside of the continental United States.

The recommended conditional waiver of the enforcement of Section 1(e) of Agreement No. 21-208, will be effective for a six-month period beginning July 28, 2021, and requires Binti ensure the following conditions are met:

1. The waiver applies only to the Binti employee who is relocating to the Philippines;
2. The employee only accesses the Binti admin portal via secure VPN (Virtual Private Network), and all data in Binti physically being viewed on the screen as part of this support function remains stored on US networks;
3. Binti maintains controls that verify the identity of the employee to grant access to Binti via VPN through Single Sign-On and secure VPN protocols;
4. This employee exclusively uses a Binti-owned work computer with a completely encrypted hard-drive; and
5. Binti's Senior Security Engineer will verify that:
 - a. the VPN is fully operational,
 - b. there is no documentation/information stored locally,
 - c. the hard-drive on the workstation is fully encrypted, and
 - d. the employee has completed a re-review/training of all Binti's security policies.

The Innovation and Technology Department has reviewed this request and determined the risk to the security of County data is low. CFS recommends temporarily accommodating the remote access by this individual because this customer support representative is familiar with the County and associated systems, and is available during needed support hours.

The recommended conditional waiver also requires Binti to notify the County if any of the above conditions change. The Agreement with Binti may be terminated by the County or Binti without cause upon written notice by to the other party.

PROCUREMENT

On March 23, 2021 (Item No. 27), the Board of Supervisors approved non-competitive Agreement No. 21-208 with Binti for license and support of the Binti Platform to provide an online application process, tracking system, and training component for the CFS resource family approval process, in an amount not to exceed \$636,000, for the period of April 1, 2021 through March 31, 2024. The California Department of Social Services requires California's child welfare service agencies to have data system strategies in place to address and maintain the resource family approval process. The Binti Platform is proprietary, is specifically designed and customized to work collaboratively with the existing California Child Welfare Services/Case Management System (CWS/CMS), and is the only fully developed application available to meet this requirement.

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REVIEW BY OTHERS

This item has been reviewed by Human Services Contracts (Becky Giroux, Contracts Manager, 388-0241) on June 24, 2021; County Counsel (Julie Surber, Principal Assistant County Counsel, 387-5455) on June 29, 2021; Innovation and Technology Department (Robert Pittman, Chief Information Security Officer, 388-5510) on July 6, 2021; Human Services Information, Technology and Support Division (Danny Tillman, Department Information Services Administrator, 386-3765) on June 30, 2021; Finance (John Hallen, Administrative Analyst, 388-0208) on July 12, 2021; and County Finance and Administration (Tanya Bratton, Deputy Executive Officer, 388-0332) on July 12, 2021.

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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: July 27, 2021



cc: File - Children & Family Services
CCM 08/4/2021