

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

October 5, 2021

FROM

LARRY AINSWORTH, Chief Information Officer, Innovation and Technology Department

SUBJECT

Non-Financial Amendment to Enterprise License Agreement with VMware for Software Subscription and Support Services

RECOMMENDATION(S)

Approve non-financial **Amendment No. 3 to Enterprise License Agreement No. 20-132** with VMware changing the expiration date from March 23, 2023 to March 30, 2023, adding on-premise software subscription and support services, commencing on October 5, 2021, and hosted service, commencing on November 2, 2021, with each continuing through the remainder of the term ending on March 30, 2023, and permitting other County departments to make future purchases of qualified VMware software and services under the terms and conditions of Enterprise License Agreement No. 20-132.

(Presenter: Larry Ainsworth, Chief Information Officer, 388-5501)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Improve County Government Operations.

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

FINANCIAL IMPACT

Approval of Amendment No. 3 to Enterprise License Agreement No. 20-132 (Amendment No. 3) will not result in the use of Discretionary General Funding (Net County Cost). Amendment No. 3 is non-financial in nature and updates Enterprise License Agreement No. 20-132 (ELA) to include the additional on-premise software and hosted service, which will be purchased by the Innovation and Technology Department (ITD) from VMware's authorized reseller pursuant to Agreement No. 20-133, which was previously approved by the Board of Supervisors (Board) on March 24, 2020 (Item No. 28) for ITD's purchases. Amendment No. 3 also modifies the ELA to permit other County departments to make future purchases of qualified VMware software and services under the terms and conditions of the ELA. ITD and other County departments will ensure there is adequate appropriation within their respective annual departmental budgets for the cost of any future purchases of VMware software and services and will adhere to County purchasing policies and return to the Board for approval, if necessary.

BACKGROUND INFORMATION

ITD maintains physical and virtual servers for departments for the purpose of hosting County applications and data. VMware allows multiple applications and operating systems to run on one server, enabling better resource management. ITD's virtual server environment consists of over 1,700 virtual servers and utilizes the VMware platform to provide these services.

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On March 24, 2020 (Item No. 28), the Board approved the non-financial ELA with VMware for the period of March 24, 2020 through March 23, 2023, for software subscription and support services for ITD. This approval also included the designation of the Chief Information Officer (CIO) as the authorized official to sign non-financial documents as they pertain to the changes to ITD's software subscription and support services. On June 18, 2020, the CIO signed a Statement of Work for consulting services (Amendment No. 1) and on March 18, 2021, the Chief Information Officer signed a Change Request ("CR") Form cancelling the consulting services under the Statement of Work (Amendment No. 2). Amendment No. 1 and Amendment No. 2 did not modify the terms of the ELA. The use of VMware software is subject to the terms and conditions of the VMware End User License Agreement (EULA), as negotiated by ITD, attached as Exhibit B to the ELA.

Amendment No. 3 changes the expiration date of the ELA from March 23, 2023 to March 30, 2023 to align the expiration date to end three years after ITD's March 31, 2021 purchase date of the software and support services under the ELA. Amendment No. 3 also updates the ELA to include additional on-premise software subscription and support services and hosted service for ITD. It also modifies the ELA, which is currently specific to ITD for its purchases of eligible software and services, to permit other County departments to make future purchases of VMware software and services under the terms and conditions of the ELA if those purchases meet threshold requirements set by VMware, which would be more efficient than negotiating new terms and conditions for each future purchase. However, if future purchases by other County departments are not on the list of eligible software or services in the ELA and/or do not meet VMware's threshold requirements, the subject department would still have to enter into a separate agreement with VMware.

PROCUREMENT

The ELA and Amendment No. 3 will accompany future purchase orders to be approved, as necessary, per County Policy 11-04 Procurement of Goods, Supplies, Equipment and Services. ITD conducted a competitive bid process prior to the Board's approval of the ELA and agreement with VMware's authorized reseller on March 24, 2020 (Item No. 28) for ITD's purchases. All other County departments will be required to obtain competitive bids from VMware authorized resellers for future qualified purchases.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Agnes Cheng, Deputy County Counsel, 387-5455) on September 13, 2021; Purchasing (Michael Candelaria, Lead Buyer III, 387-0321) on September 8, 2021; Finance (Joon Cho, Administrative Analyst, 387-5402) on September 17, 2021; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on September 20, 2021.

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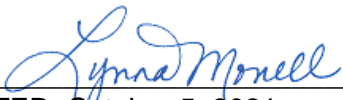
Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. 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: October 5, 2021



cc: IT - Mancebo w/agree
Contractor - C/O IT w/agree
File - w/agree
CCM 10/6/2021