



San Bernardino County

Legislation Text

File #: 3078, Agenda Item #: 8

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

October 27, 2020

FROM

WILLIAM L. GILBERT, Director, Arrowhead Regional Medical Center

SUBJECT

Agreement with Citrix Systems, Inc. for Technology Consulting Services

RECOMMENDATION(S)

Approve Agreement with Citrix Systems, Inc. for technology consulting services to upgrade and configure Citrix Federated Authentication Services to provide single sign on verification and authentication for accessing server-based applications in a not-to-exceed amount of \$87,950 for the one-year period of October 28, 2020 through October 6, 2021.

(Presenter: William L. Gilbert, Director, 580-6150)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

**Provide for the Safety, Health and Social Service Needs of County Residents.
Operate in a Fiscally-Responsible and Business-Like Manner.**

FINANCIAL IMPACT

Approval of the agreement with Citrix Systems, Inc. (Citrix) will not result in the use of Discretionary General Funding (Net County Cost) as the \$87,950 for the technology consulting services is funded by State Medi-Cal, Federal Medicare, private insurances, and other departmental revenue. Funding sources may change in the future pending any legislative activity related to the repeal and/or replacement of the Affordable Care Act. Adequate appropriation and revenue are included in the Arrowhead Regional Medical Center (ARMC) 2020-21 budget and will be included in future recommended budgets.

BACKGROUND INFORMATION

The agreement with Citrix will improve ARMC operations by allowing ARMC to maximize the Citrix system presently in use. ARMC currently uses a Citrix environment to run and access applications through a server instead of having the applications installed on each user's local hard drive. Using the Citrix environment allows for a more secure use and storage of hospital data including protected health information.

On June 26, 2018 (Item No. 16), the Board of Supervisors (Board) approved a contract to Edge Solution and Consulting to upgrade the Citrix Infrastructure for virtual desktop environment and application delivery. When the upgrade was purchased, the Citrix License Agreement, End User Services Agreement and Enterprise License Program were not presented to the Board. In order to now procure consulting services with Citrix that will facilitate the upgrade and configuration to Citrix Federation Authentication Services, the Citrix License Agreement, End User Services Agreement and Enterprise License Program must be accepted and approved.

Thus, this contract has incorporated the Citrix License Agreement, End User Services Agreement and Enterprise License Program in order to obtain the technology consulting services. Through the upgrade and configuration, ARMC will be able to leverage authentication architecture to provide an optimally secure, single sign-on experience for end users as well as obtain remote access of virtual resources. The Citrix technology consultation services will help ARMC meet current technology performance standards and provide a Health Insurance Portability and Accountability Act (HIPAA) compliant way of providing and managing a virtual desktop environment primarily for Physicians and Nurses.

The Citrix License Agreement, End User Services Agreement and Enterprise License Program Terms are its standard commercial terms as of May 1, 2020, which includes terms that differ from the standard County contract and omits certain County standard contract terms. The non-standard and missing terms include the following:

1. Governing law is the State of Florida
 - The County standard contract requires California governing law.
 - Potential Impact: The contract will be interpreted under Florida law. Any questions, issues or claims arising under this contract will require the County to hire outside counsel competent to advise on Florida law, which may result in fees that exceed the total contract amount.
2. Citrix's may assign the contract to a successor in interest, or pursuant to a merger or a sale or transfer of all of substantially all of its assets, to any affiliate or third party acquiring or otherwise assuming part of the business of Citrix or any of its affiliates without notice to the County.
 - The County must approve any assignment of the contract.
 - Potential Impact: Citrix 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.
3. The contract is silent on attorneys' fees.
 - The County standard contract requires each party to bear its own costs and attorney fees, regardless of who is the prevailing party.
 - Potential Impact: County Counsel cannot advise on, whether and to what extent, Florida law may affect a party's requirement to pay the prevailing party's attorneys' fees and costs in a legal action where no specific provision is provided in the contract.
4. The contract does not require Citrix to meet the County's insurance standards.
 - The County standard contract requires contractors to carry appropriate insurance at limits and under conditions determined by the County's Risk Management Department.
 - Potential Impact: The contract does not include County standard insurance requirements. This means that the County has no assurance that Citrix will be financially responsible for claims that may arise from the County's use of the software, which could result in expenses to the County that exceed the total contract amount.
5. Limitation of the total aggregate liability of Citrix, its affiliates, suppliers or authorized distributors shall not exceed the amount paid for the relevant product, during the relevant term of subscription, the relevant maintenance term or the consulting deliverable, excluding its indemnification obligations and to the extent permitted by applicable law.
 - The County standard contract does not include a limitation of liability.
 - Potential Impact: Claims could exceed the liability cap and the contract amount leaving the County financially liable for the excess. County Counsel cannot advise on, whether and to what extent, Florida law may limit or expand the exclusion of limits to the extent prohibited by applicable law.

6. Venue is Broward County, Florida

- The County must approve any assignment of the contract.
- Potential Impact: Citrix 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.

PROCUREMENT

The procurement of this technology consulting services is sole-source. Citrix Systems Inc. Consulting Services is the only firm that has performed a Citrix server implementation that exceeds 1000 Citrix servers and can provide access to Citrix Product Management, Product Development, Lifecycle Management, and Technical Support through Citrix Solution Architects.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Bonnie Uphold, Deputy County Counsel) on September 1, 2020; Purchasing Department (Michelle Churchill, Supervising Buyer, 387-2070) on September 29, 2020; ARMC Finance (Chen Wu, ARMC Finance Budget Officer, 580-3165) on, September 29, 2020; Finance (Amanda Trussell, Principal Administrative Analyst, 387-5423) on October 2, 2020; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on October 9, 2020.