



San Bernardino County

Legislation Text

File #: 3100, Agenda Item #: 50

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

October 27, 2020

FROM

LARRY AINSWORTH, Chief Information Officer, Information Services Department

SUBJECT

Amendment No. 1 to Contract No.17-906 with CA Technologies, Inc. for Workload Automation Software Maintenance and Support

RECOMMENDATION(S)

Approve Amendment No. 1 to Contract No. 17-906 with CA Technologies, Inc. for CA ESP/Workload Automation software maintenance and support, increasing the total contract amount by \$63,791, from \$235,824 to \$299,615, and extending the term an additional two years for the total contract period of December 21, 2017, through December 20, 2022.

(Presenter: Jake Cordova, Assistant Chief Information Officer, 388-0503)

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. 1 to Contract No. 17-906 with CA Technologies, Inc. (CA Tech) will not result in the use of Discretionary General Funding (Net County Cost). The cost for maintenance and support of CA Tech software is included in the Information Services Department (ISD) Computer Operations 2020-21 budget and will be included in future recommended budgets. Operating costs are recovered via service rates approved annually by the Board of Supervisors (Board).

BACKGROUND INFORMATION

ISD's Enterprise Infrastructure division manages the enterprise server, which requires the use of workload automation software to schedule and automate the jobs of enterprise-wide applications.

On December 19, 2017 (Item No. 25), the Board approved Contract 17-906 with CA Tech for the purchase of workload automation software licenses and support. Amendment No. 1, in the form of a Product Renewal Notification and Software ("Order"), modifies the terms of the Contract by extending the term for two additional years, increasing the total contract amount by \$31,895.67 for each year of the extended term for a total of \$63,791, and modifying the payment terms. The amended payment terms are non-standard terms, as follows:

1. Failure to timely remit payment of all amounts set forth in the Payment Schedule shall, immediately and without notice, to the maximum extent permitted by applicable law and the Governing Agreement,

relieve CA Tech of any and all support obligations hereunder and all Customer subscription use rights shall be suspended until payment is tendered at which time use rights shall recommence and after payment of a twenty percent (20%) reinstatement fee support services shall also recommence.

- County standard payment terms are Net 60 days with no interest or late payment penalties.
- Potential Impact: County standard processing time is 60 days or more. Failing to pay within 30 days will result in a material breach of the contract, which may allow CA Tech to terminate the contract and seek other legal remedies, including charging the County the 20% reinstatement fee, which would exceed the contract amount.

PROCUREMENT

The terms in Amendment No. 1 to Contract No. 17-906 with CA Tech will be used to accompany future purchase orders to be approved, as necessary, per County Policy 11-04 Procurement of Goods, Supplies, Equipment and Services.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Bonnie Uphold, Deputy County Counsel, 387-5487) on September 30, 2020; Purchasing (Jessica Barajas, Lead Buyer, 388-5546) on October 1, 2020; Finance (Monique Amis, Administrative Analyst, 387-4883) on October 7, 2020; and County Finance and Administration (Kelly Welty, Deputy Executive Officer, 387-5423) on October 8, 2020.