



Board Agenda Item 47

DATE: September 25, 2018

TO: Board of Supervisors

SUBMITTED BY: Kelley Landano, County Librarian

SUBJECT: Agreement with X-Act Technology Solutions, Inc. for Wi-Fi Services

RECOMMENDED ACTION(S):

1. **Make a finding that it is in the best interest of the County to waive the competitive bidding process consistent with Administrative Policy No. 34 for unusual or extraordinary circumstances for the solicitation of Wi-Fi and related services to include the Library's specified requirements; and**
2. **Approve and authorize the Chairman to execute an Agreement with X-Act Technology Solutions, Inc. to provide Wi-Fi services for 23 of the Library's branches effective October 1, 2018, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed \$293,854.**

There is no Net County Cost associated with the recommended actions, which request a waiver of the competitive bidding process to establish a five-year agreement with X-Act Technology Solutions, Inc. (X-Act), to provide Wi-Fi and associated services at 23 of the Library's 34 branch locations. The Library has already upgraded 11 branches with Wi-Fi broadband and infrastructure using federal Library Service Technology Act (LSTA) funding, which decreased the number of branches to be covered under this agreement from 34 to 23. This item is countywide.

ALTERNATIVE ACTION(S):

Should your Board choose to not approve the recommended actions, the Library will not be able to continue providing Wi-Fi and associated services at 23 of the Library's branches. There is no feasible alternative action. X-Act is the only qualified vendor that provides these services to Libraries.

SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

The Department issued a letter of interest on April 26, 2018 and only one qualified bidder, X-Act, responded. Therefore, the Department's request to waive the competitive bidding process is consistent with Administrative Policy No.34, as the Department has identified X-Act as the only vendor that can provide specific Wi-Fi services and manage Children's Internet Protection Act (CIPA) filtering in compliance with CIPA filter policy and updates to meet specified requirements. Library systems must adhere to the CIPA enacted by Congress in 2000 to manage and filter for content over the internet and maintain updates as a condition of federal funding such as LSTA grants, which the department currently receives. The Department researched other potential vendors to compile a bid list for a Request for Proposal and was unable to find another local vendor that meets the needs of the Department for Wi-Fi and associated services as provided in Exhibit B to the agreement. A Request for Proposal was not necessary since there is only one viable vendor. The Internal Services Department - Purchasing concurs with the Department's request to suspend the competitive bidding process.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions. The maximum cost of the recommended agreement (\$293,854) will be funded by Measure B and Property Taxes. Sufficient appropriations are included in the Library's FY 2018-19 Adopted Budget Org 7511 and will be included in subsequent Requested Budgets.

DISCUSSION:

The Library's current Wi-Fi and filtering service is a Library-wide system that allows internet access on public computers. Wi-Fi services were introduced in Fresno county Libraries at the Woodward and Fig Garden Regional Libraries in 2009 and funded by the Friends of the Library. Since that time, the Library has added Wi-Fi services to additional branches; some funded by the Friends of the Library and others with grant funding. At that time, there was no agreement in place for Wi-Fi services paid by the Friends of the Library, and a Purchasing agreement was procured in 2011 for the Wi-Fi services paid for with grant funding. In 2014, your Board approved an agreement with X-Act to continue providing Wi-Fi services for all 34 physical Library branch locations but funded with Measure B revenue. In 2016, your Board approved an agreement with X-Act to continue providing Wi-Fi services to Library branch locations; however, that agreement expires September 30, 2018. During FY 2017-18 the Library transitioned a portion of branches to internally provided Wi-Fi services. The Library was able to upgrade these branches' Wi-Fi broadband and infrastructure using federal LSTA funding, which covered a total of 11 branches and decreased the number of branches to be covered under this agreement from 34 to 23. These 11 branches were chosen due to a history of Wi-Fi connectivity issues. At this time, the Library does not plan on upgrading the other 23 branches because they have not had a history of problematic Wi-Fi connectivity issues.

The recommended agreement will continue to provide Wi-Fi services to 23 Library branches as listed in Exhibit A to the agreement. X-Act is best suited to continue providing Wi-Fi services to the 23 Library branch locations, including the remote mountain branches, with minimal equipment upgrades and maintenance required at this time. X-Act is unique in that they provide internet protection measures that meet CIPA filtered internet access for more robust internet safety protection from obscene content and child pornography, and limit website access not suitable for minors. For many of the Library's rural branches, the Library is the only source of free Wi-Fi in the community.

X-Act provides Wi-Fi and associated services such as technical support, CIPA internet filtering protection, management of internet carrier and Wi-Fi access, repairs and maintenance of hardware, warranty, and equipment upgrades as provided in Exhibit B to the agreement for a maximum cost of \$293,854, as listed in Exhibit C.

The recommended agreement may be terminated immediately by the County due to breach of contract, for non-funding, or without cause by the County giving thirty days advance written notice of the intention to terminate.

REFERENCE MATERIAL:

BAI # 38, September 27, 2016
BAI # 18, October 7, 2014

ATTACHMENTS INCLUDED AND/OR ON FILE:

Suspension of Competition Acquisition Request form PD-048
Agreement with X-Act

CAO ANALYST:

Samantha Buck