



Board Agenda Item 27

DATE: September 5, 2023

TO: Board of Supervisors

SUBMITTED BY: Robert W. Bash, Director of Internal Services/Chief Information Officer

SUBJECT: Retroactive Agreement with Granicus, LLC

RECOMMENDED ACTION(S):

- 1. Make a finding that it is in the best interest of the County to suspend the competitive bidding process consistent with Administrative Policy No. 34 under the “unusual or extraordinary circumstances” exception, as Granicus, LLC has provided proprietary agenda management services to the County for over ten years and is the only vendor with the intimate knowledge of the County’s needs and custom processes; and**
- 2. Approve and authorize the Chairman to execute an Agreement with Granicus, LLC for an agenda management software solution, retroactive to June 3, 2023, for a term not to exceed five consecutive years, which includes a one-year base contract and four optional one-year extensions, total not to exceed \$942,000.**

There is no increase in Net County Cost associated with the recommended actions, which will authorize Granicus, LLC (Granicus) to continue providing software, maintenance, and support for the agenda management system (Legistar). This system allows County staff to create, submit, track, and publish agenda items, and allows real-time video streaming of Board of Supervisor meetings. This item is countywide.

ALTERNATIVE ACTION(S):

Should your Board not approve the recommended actions, the County will be without an agenda management system. Your Board may direct staff to solicit for competitive bids for a new system, however since multiple County departments are users of Legistar, procuring and implementing an alternative software solution would be very costly and time consuming.

SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

The Internal Services Department (ISD) is requesting that the County suspend the competitive bidding process under Administrative Policy No. 34 under the “unusual or extraordinary circumstances” exception, to maintain access to Granicus’ Legistar agenda management software solution, which has been and continues to be used by multiple County departments for the creation of agenda items. Legistar is proprietary software to Granicus and can only be renewed, maintained, and supported by Granicus. Legistar has been heavily customized to fit the County's needs over the course of the past ten years. Replacing Legistar with a different agenda management system would require a huge increase in costs countywide as it would include the procurement of a new system, getting the new vendor up to speed on the County's needs and system customizations, implementation, and countywide training. ISD’s Purchasing Division concurs with the request to suspend the competitive bidding process.

RETROACTIVE AGREEMENT:

The recommended agreement is retroactive to June 3, 2023 as a result of extended contract negotiations. The recommended agreement is being brought to your Board in accordance with the agenda item processing timelines.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The recommended agreement's maximum compensation is \$942,000 and will be recovered through fees to user departments. The costs include \$784,657 for software fees and \$157,343 for additional licensing, modules, and features. Sufficient appropriations and estimated revenues are included in the ISD - Information Technology Org 8905 FY 2023-24 Recommended Budget and will be included in future budget requests.

DISCUSSION:

The County has contracted with Granicus for use of the Legistar agenda management software solution, for over the past ten years. Legistar is an automated agenda management solution, that allows staff to create, manage, and publish agenda items within a formatted workflow, approve agenda items electronically, construct Board of Supervisors (BOS) agendas in a standard format, and manage and track agendas countywide. Additionally, Granicus provides the capability to broadcast live video of BOS meetings in real time over the internet, record minutes linked to the video, and maintain an archive of all BOS meeting video and meeting minutes, all of which are accessible on the internet by County staff and the public.

Approval of the recommended action will execute the Agreement with Granicus, retroactive to June 3, 2023, for a potential five-year term, which include an initial one-year base term, with four optional one-year extensions, for a total amount not to exceed \$942,000. The term of this agreement may be extended only upon the written approval of both parties at least 30 days before the first day of the next one-year extension period. The Chief Information Officer (CIO) or their designee is authorized to sign the written approval on behalf of the County.

The recommended agreement with Granicus deviates from the County's standard as it incorporates a limitation of liability, limiting each party's total liability, except for willful misconduct and gross negligence to the other party, for any claims under this agreement to an aggregate cap of \$2,000,000, or actual monies collected from the insurance proceeds applicable to the claim and the contractor shall not be responsible for any lost profits or indirect, incidental, or consequential damages however caused. The Human Resources Department - Risk Management Division has reviewed the provisions and recommends the agreement not include this limitation of liability language; however, ISD - IT believes that the risks associated with these changes are an acceptable business risk.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Suspension of Competition Acquisition Request
On file with Clerk - Agreement with Granicus, LLC

CAO ANALYST:

Ahla Yang