



Board Agenda Item 18

DATE: January 7, 2020

TO: Board of Supervisors

SUBMITTED BY: Margaret Mims, Sheriff-Coroner-Public Administrator
Robert W. Bash, Director of Internal Services/Chief Information Officer

SUBJECT: Retroactive Agreements with VertiQ Software LLC, and CompuTrust Software Corporation

RECOMMENDED ACTION:

- 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 updated software and continued maintenance from VertiQ Software, LLC, as the software is exclusively provided by this vendor;**
- 2. Approve and authorize the Chairman to execute a retroactive Agreement with VertiQ Software, LLC for software products used by the Coroner and Medical Examiners (CME) to track and report on deceased cases, effective July 15, 2019 through June 30, 2024, total not to exceed \$258,980;**
- 3. 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 updated software and continued maintenance from CompuTrust Software Corporation, as the software is exclusively provided by this vendor; and**
- 4. Approve and authorize the Chairman to execute a retroactive Agreement with CompuTrust Software Corporation for software products used by the Public Administrator to identify and administrate the estates of persons who died intestate, manage trust and court records, and inventory real and personal property, effective July 15, 2019 through June 30, 2024, total not to exceed \$214,346.**

Approval of the recommended actions will waive the competitive bidding process to enable the County to continue to utilize VertiQ, and CompuTrust's unique software, both of which the County has used since 1994, and which are designed to support the Sheriff's Office. In addition, the recommended actions would allow the Sheriff's Office to fully upgrade its existing systems to web-based platforms.

In addition, approval of the second and fourth recommended actions will appoint the Sheriff as the County's contract administrator with the authority to deal with the contractors on all matters concerning the Agreements and to amend the Agreements, with consent of the County Administrative Office, to adopt an updated pricing structure consistent with an amended software solution and renewal dates, not to exceed maximum expenditure limits. This item is countywide.

ALTERNATIVE ACTION(S):

Your Board could choose not to approve the recommended actions and could require the Sheriff's Office to issue Requests for Proposal (RFP) for software. If your Board chooses not to approve the proposed Agreements, a disruption in the Sheriff's Offices' everyday duties would occur, requiring extensive staff time

and expense to locate alternative methods for administering the estates of persons who die intestate. Additionally, another means for reporting coroner procedures and statistical requirements would be required.

SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

The Sheriff's Office is requesting, with concurrence from the Purchasing Division of the Internal Services Department, that your Board waive the competitive bidding process under Administrative Policy No. 34 under the "unusual or extraordinary circumstances" exception in order to continue to receive support for these proprietary products which have been in use by the County since 1994. Software licenses and technical support for the web-based CompuTrust system and (CME) software currently in use are proprietary and available only from CompuTrust and VertiQ. Significant resources would be required to change the systems, retrain staff, and migrate data to a new system. The cost to the County for replacement of the current system, rather than upgrading the current system, would be excessive.

RETROACTIVE AGREEMENT:

The recommended Agreements are retroactive to July 15, 2019. These new Agreements have required cooperative planning between Departmental divisions over an extended period of time. Approval of these Agreements concludes a long period of decision-making regarding these collaborative pieces of software.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions.

For the VertiQ software upgrade for the Sheriff's Office, the compensation amount for the initial prorated term of the Agreement will be \$164,530 (\$66,480 one-time conversion fees, and \$54,300 software and annual maintenance fees, and \$43,750 additional license and support fees). Software and maintenance fees will increase at a rate of three percent (3%) each subsequent contract year. An additional \$7,000 has been allocated for intermittent support fees, and an additional \$48,240 has been budgeted across the potential 5-year term for cloud-based data-hosting, should the Sheriff's Office choose to enact this additional service. The maximum contract payment limit for the VertiQ agreement through the five (5) year term is \$258,980. Sufficient appropriations and estimated revenues are included in the Adopted Budget for FY 2019-20 Sheriff-Coroner-Public Administrator's Org 3111. Funding will also be included in future department budget requests for your Board's consideration.

For the CompuTrust software upgrade for the Sheriff's Office the compensation amount for the initial prorated term of the Agreement will be \$122,014 (\$37,800 one-time conversion fees, \$81,694 software and annual maintenance fees, and \$2,520 for a one-time universe fee prior to full Internet upgrade). Software and maintenance fees will increase at a rate of three percent (3%) each subsequent contract year. An additional \$7,000 has been allocated for intermittent support fees, and an additional \$25,547 has been budgeted across the potential 5-year term for cloud-based data-hosting, should the Sheriff's Office choose to enact this additional service. The maximum contract payment limit for the CompuTrust agreement through the five (5) year term is \$214,346. Sufficient appropriations and estimated revenues are included in the Adopted Budget for FY 2019-20 Sheriff-Coroner-Public Administrator's Org 3111. Funding will also be included in future department budget requests for your Board's consideration.

DISCUSSION:

VertiQ software is used by the Sheriff's Office to record, document, and collate case files, including weights and measures, specimen case tagging, overhead camera recording, invoicing and billing, body storage, California Highway Patrol reporting, digital image files, specimen scanning/imaging, and public-facing records provision. The recommended VertiQ Agreement includes an upgrade of the Intranet CME software to a true Internet-based CME software version.

CompuTrust software is used by the Sheriff's Office to administer the estates of persons who die intestate (without a will), manage trust and court records, and inventory real and personal property. The recommended

Agreement includes an upgrade of the CompuTrust software to a web-based version. The web-based version of the CompuTrust software includes all of the functionality of the current CompuTrust system as well as additional functions, such as new case management, assets log and check register pages. The web-based system will allow staff access in the field and in court. This system is widely used by many counties within California and allows the County the ability to customize the system to suit the County's specific needs.

The recommended Agreements have non-standard indemnification clauses, insurance, and limitation on liability provisions. Both agreements limit the contractors' liability to the County, excluding indemnification claims, to the total usage fees paid to the contractor within the prior year. These limits are less than recommended by Human Resources-Risk Division. However, the Sheriff's Office has reviewed these provisions and is comfortable with their terms, and staff believes that the benefits associated with the recommended Agreements outweigh any potential risks. The recommended Agreements will allow the Sheriff's Office to upgrade the system. Additionally, the Sheriff's Office has been using the system since 1994, and has not encountered a support issue with this software vendor.

Moreover, if sufficient funds are not allocated by the County, the recommended Agreements allow for termination at any time once ninety (90) days advance written notice is given to the contractor. The recommended Agreements also allow the Sheriff and/or her designee to terminate the contract in full or in part upon giving of ninety (90) days advance written notice of an intention to terminate to contractor.

If approved by your Board, the recommended Agreements will be effective retroactively to July 15, 2019, through June 30, 2024.

REFERENCES:

BAI #23, July 15, 2014
BAI #28, April 14, 2009

ATTACHMENTS INCLUDED AND/OR ON FILE:

Suspension of Competition - VertiQ Software, LLC
Suspension of Competition - CompuTrust Software Corporation
On file with Clerk - Agreement with VertiQ Software, LLC
On file with Clerk - Agreement with CompuTrust Software Corporation

CAO ANALYST:

Jeannie Z. Figueroa