Board Agenda Item 46

DATE:	July 12, 2022
TO:	Board of Supervisors
SUBMITTED BY:	Robert W. Bash, Director, Internal Services/Chief Information Officer
SUBJECT:	Amendment and Agreement for Capital Planning Tools and Services Software

RECOMMENDED ACTION(S):

1. **Approve and authorize the Chairman to execute a First Amendment to Agreement with Accruent, LLC., to continue to provide a Computerized Maintenance Management System for work order management, inventory control and mobile functionality, but remove the capital planning tools and service software no longer offered, effective upon execution with no change to the term of February 9, 2021 through February 8, 2026, or compensation maximum of $1,230,000; and,**

2. **Approve and authorize the Chairman to execute an Agreement with VFA, Inc., for capital planning tools and services, effective upon execution, not to exceed three years and seven months, which includes a one year and seven-month base contract and two optional one-year extensions, total not to exceed $870,000.**

There is no additional Net County Cost associated with the recommended actions, which will allow the continued procurement of capital planning tools and services. Due to a corporate restructuring of VFA, Inc. (VFA) by Accruent, LLC (Accruent), a portion of the County's facilities software portfolio has been transferred to a different operational unit within Accruent's corporate structure, necessitating the recommended agreement with VFA for capital planning tools and service software. This item is countywide.

ALTERNATIVE ACTION(S):

Not approving the recommended actions would cause disruptions to the operation of capital planning software utilized by various divisions of the Internal Services Department (ISD). This would not impact ongoing facilities operations, as the VFA capital asset planning software is largely separate from FAMIS, the ISD - Facility Services Division (Facilities) operational software.

FISCAL IMPACT:

There is no additional Net County Cost associated with the recommended actions. There is no change to the maximum compensation of the agreement with Accruent ($1,230,000). The maximum compensation of the recommended agreement with VFA ($870,000) will be recovered through chargebacks to user departments. Sufficient appropriations and estimated revenues are included in the Department's Information Technology Services (IT) Org 8905 FY 2022-23 Recommended Budget and will be included in future budget requests.

DISCUSSION:

Due to a corporate restructuring by Accruent, a portion of the County's facilities software portfolio has been transferred to a different operational unit within Accruent's corporate structure, necessitating the recommended agreement with VFA for capital planning tools and service software. The operational software provided by Accruent would not be affected by these actions or impact daily facilities operations.

Approval of the recommended amendment will remove the capital planning tools and services from the agreement with Accruent. However, the compensation in the agreement with Accruent was not reduced to account for software and service costs associated with VFA that the department has already paid. Additionally, ISD is exploring the addition of a project and lease management software suite related to the existing FAMIS platform, and additional software and service costs may be associated with those implementations, which would be funded through the agreement with Accruent.

Under the recommended agreement with VFA, the capital planning tools, and service software costs will remain the same. A significant portion of compensation included in the recommended agreement is associated with facility assessment services, which may be necessary due to the County's recent acquisition of new buildings, including, but not limited to, the new Sheriff's West Annex Jail, the Behavioral Health Olive campus, and the new Sheriff's Area 2 Substation. Capital planning tools and service software allow for long-term capital maintenance planning and include the development of extensive preventative maintenance schedules to ensure that the County's buildings are appropriately maintained. The potential three-year and seven-month term for the recommended agreement with VFA will result on termination on the same date (February 8, 2026) as the agreement with Accruent.

The recommended agreement with VFA includes non-standard insurance provisions relating to obtaining an endorsement naming the County as an additional insured and providing some mutual indemnity to the vendor in specific circumstances. The Human Resources Department - Risk Management Division has reviewed the provisions and would prefer the use of the standard language; however, ISD - IT believes that the risks associated with these changes are an acceptable business risk.

The recommended agreement with VFA incorporates a limitation of liability limiting each party's total liability to the other for any claims under the agreement to the fees paid for the prior twelve months for the product, which is the subject matter of the claim, and limits the types of damages for which each party will be liability to the other, including indirect, special, incidental, exemplary, punitive, treble, or consequential damages. The recommended agreement also limits the time period for bringing a claim arising out of the agreement to the shorter of one year, or the minimum period allowed by law after the cause of action has occurred.

REFERENCE MATERIAL:

BAI #28, February 9, 2021

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - First Amendment to Agreement with Accruent
On file with Clerk - Agreement with VFA

CAO ANALYST:

Sonia M. De La Rosa