



Board Agenda Item 38

DATE: September 27, 2016

TO: Board of Supervisors

SUBMITTED BY: Laurel C. Prysiazny, 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 as X-Act Technology Solutions, Inc. is the only authorized Wi-Fi services provider meeting 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 the Library's 34 branches effective October 1, 2016 through September 30, 2018 (\$180,753.24).**

There is no Net County Cost associated with the recommended actions, which request a waiver of the competitive bidding process to establish a two year Agreement with X-Act Technology Solutions, Inc. (X-Act); to continue providing Wi-Fi and associated services at all of the Library's 34 physical branch locations.

ALTERNATIVE ACTION(S):

There is no feasible alternative action. X-Act is the only qualified vendor that provides these services. If your Board chooses to not approve the recommended actions, the Library will not be able to continue providing Wi-Fi and associated services at the Library's 34 branches.

SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

The Department requests the Board to waive the competitive bidding process consistent with Administrative Policy No. 34 as X-Act is the only vendor qualified to provide Wi-Fi services. The Department would like to continue to provide Wi-Fi services at the 34 branches in the County Library system. 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.

X-Act is best suited to continue providing Wi-Fi services to all Library branch locations including the remote mountain branches with only equipment upgrades and maintenance required at this time. X-Act is unique in that they provide internet protection measures that block or filter internet access for a more robust internet safety protection from obscene content, child pornography, and limit website access not suitable for minors. Based on this, it is recommended your Board waive the competitive bid process to ensure continuance of Wi-Fi services at all 34 physical Library branch locations. The Purchasing Division of the Internal Services Department concurs with this recommendation.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions. The cost to provide services to the 34 Library branches for the term of the Agreement is \$180,753.24. The cost under this Agreement for services for FY 2016-17 is \$76,378.24. The cost for FY 2017-18 is \$83,500. The cost for FY 2018-19 is \$20,875. This Agreement is funded with Measure B sales tax revenue. Sufficient appropriations are included in the Library's FY 2016-17 Adopted Budget Org 7511 and will be included in subsequent Requested Budgets.

DISCUSSION:

Wi-Fi services were first 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 added Wi-Fi services to additional branches; some funded by the Friends of the Library and others with grant funding. At the time, there was no agreement in place for the Wi-Fi services paid by the Friends of the Library, and a Purchasing Agreement was procured in 2011 for the W-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 now funded with Measure B sales tax revenue. For many of the Library's rural branches, the Library is the only source of free Wi-Fi in their community. The current Agreement with X-Act expires September 30, 2016.

X-Act provides Wi-Fi and associated services such as technical support, internet 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. The recommended Agreement will provide Wi-Fi services to all 34 Library branches as listed in Exhibit A to the Agreement.

The recommended Agreement differs from the County's model agreement in that it is for two consecutive years. The recommended Agreement may be terminated immediately by the County due to breach of contract, or without cause by the County giving thirty days advance written notice to X-Act.

REFERENCE MATERIAL:

BAI #18, October 7, 2014

ATTACHMENTS INCLUDED AND/OR ON FILE:

Suspension of Competition Acquisition Request
On file with Clerk - Agreement with X-Act

CAO ANALYST:

Samantha Buck