



# Board Agenda Item 44

DATE: September 25, 2018

TO: Board of Supervisors

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

SUBJECT: Microsoft Premier Services Agreement

RECOMMENDED ACTION(S):

1. **Make a finding that it is in the best interest of the County to waive the competitive bidding process under Administrative Policy No. 34 due to unusual or extraordinary circumstances for the solicitation of the maintenance and technical and support of Microsoft products; and**
2. **Approve and authorize the Chairman to execute a sole source Agreement with Microsoft Corporation (Microsoft) for Premier Support Services maintenance and technical support of Microsoft products, effective October 2, 2018 through October 1, 2019 (\$131,370).**

Approval of the recommended actions will allow Microsoft to continue providing maintenance and support for the Microsoft products used by the County's servers, databases and over 7,000 personal computers and other devices in use throughout the County. Estimated support requirements are determined in advance based on historical usage and implementations. This Agreement is in conjunction with the current Master Services Agreement between Microsoft and the County. This item is countywide.

ALTERNATIVE ACTION(S):

There is no viable alternative action. Should your Board not approve the recommended action, Microsoft will terminate their maintenance and technical support and County departments will not have sufficient IT support.

SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

The Department of Internal Services - Information Technology Division (ISD-IT) is recommending, with concurrence from the Purchasing Division of the Internal Services Department, that your Board waive the competitive bidding process under Administrative Policy No. 34 due to unusual or extraordinary circumstances in order to have Microsoft continue providing necessary maintenance and support for the Microsoft products used by the County. Microsoft is the only provider of such services.

FISCAL IMPACT:

There is no increase in Net County Cost. Funding for activity under this agreement is included in the FY 2018-19 ISD-IT budget (Org 8905).

DISCUSSION:

The County has successfully contracted with Microsoft for software products and support for the past 20 years, with the implementation of a Master Services Agreement, most recently updated September 1, 2012,

and ongoing Premier Service Support. The service is used for the design and implementation of multiple software installations, supporting several departmental applications, data and infrastructure requirements

ISD-IT utilizes Microsoft products for several of its server, workstation and database software components, including workstation office products and email services. Microsoft's Premier Support provides ongoing technical services via phone and on-site support. Diagnostics and problem resolution, software updates, critical fixes and configuration assistance/reviews are all part of the Premier Service.

This Agreement is nearly identical to the one that is currently in place. The one-year Agreement allows for County IT staff to contact Microsoft Premier Support for expert technical assistance and services, based upon the annual prepayment of a pre-determined number of support hours. Each month the support hours (burn rate) are reviewed and services adjusted, as needed, to stay within contracted hours. Any unused hours may be converted to training sessions and on-site reviews of existing and planned configuration implementations. The hours must be used within the year and cannot be carried forward. Microsoft is not required to refund any amounts that have been pre-paid if this contract is terminated for non-funding in any given contract year. Additionally, there is indemnification language requiring the County to hold Microsoft harmless from any claims, lawsuits, etc. that arise from the County running afoul of its non-exclusive right to use Microsoft's "sample code", which is to be expected in Service Agreements such as these. Over the next year of the Agreement, the County expects to fully utilize this service to support the current environment and future enhancements/upgrades of Windows Server, Windows PC Operating Systems, Exchange Mail, SQL Server, Office Products and associated software components.

REFERENCE MATERIAL:

BAI #27, September 11, 2012

ATTACHMENTS INCLUDED AND/OR ON FILE:

Sole Source Acquisition Request  
On file with Clerk - Agreement with Microsoft Corporation

CAO ANALYST:

Juan Lopez