



County of Fresno

Hall of Records, Rm. 301
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Fresno, California
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Legislation Details (With Text)

File #: 20-0999

On agenda: 9/22/2020

Final action: 9/22/2020

Enactment date:

Enactment #: Agreement No. 20-347

Title: 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 Microsoft Corporation is the only provider of necessary maintenance and support of Microsoft products used by the County; and approve and authorize the Chairman to execute a Unified Support Services Agreement with Microsoft Corporation for maintenance and technical support of Microsoft products, effective October 2, 2020 through October 1, 2021, total not to exceed \$284,366

Attachments: 1. Agenda Item, 2. Sole Source Acquisition Request, 3. Agreement A-20-347 with Microsoft Corporation

Date	Ver.	Action By	Action	Result
9/22/2020	1	Board of Supervisors	Approved as Recommended	Pass

DATE: September 22, 2020

TO: Board of Supervisors

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

SUBJECT: Microsoft Unified Support 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 consistent with Administrative Policy No. 34 for unusual or extraordinary circumstances, as Microsoft Corporation is the only provider of necessary maintenance and support of Microsoft products used by the County; and**
- 2. Approve and authorize the Chairman to execute a Unified Support Services Agreement with Microsoft Corporation for maintenance and technical support of Microsoft products, effective October 2, 2020 through October 1, 2021, total not to exceed \$284,366.**

Approval of the recommended actions will allow the Internal Services Department - Information Technology Services Division (ISD-IT) to provide maintenance and support through Microsoft Corporation (Microsoft) for Microsoft products used by the County's servers, databases, and over 7,000 computers and other devices in use throughout the County. Estimated support requirements are determined in advance, based on historical usage and implementations. The recommended agreement is in conjunction with Master Services Agreement No. 12-457 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 actions, Microsoft will terminate their maintenance and technical support.

SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

The Department's request to waive the competitive bidding process is consistent with Administrative Policy No. 34 as Microsoft is the only provider of necessary maintenance and support of Microsoft products used by the County. These products include the servers, databases, and over 7,000 computers and other devices in use throughout the County. The Internal Services Department - Purchasing concurs with the Department's request to waive the competitive bidding process.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The maximum compensation for the recommended agreement is \$284,366. Costs for these services are recovered through charges to user departments. Sufficient appropriations and estimated revenue are included in the ISD-IT Org 8905 FY 2020-21 Adopted Budget and will be included in future budget requests.

DISCUSSION:

The County has successfully contracted with Microsoft for software products and support for the past 21 years, with the implementation of a Master Services Agreement No. 12-457, most recently updated September 1, 2012, and ongoing Unified Service Support. Unified Service Support was renamed and restructured last year and is now called Microsoft Unified Support Services. 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 Unified 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 Microsoft Unified Support Service.

The recommended one-year agreement allows for ISD-IT staff to contact Microsoft Unified Support for expert technical assistance and services, based upon the annual prepayment of a pre-determined number of support hours. As a part of the reorganization of this program from Premier to Unified, support hours are now unlimited, and the separate tracked support hours are primarily utilized for training sessions, and on-site reviews of existing and planned configuration implementations. These 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. Over the term, ISD-IT 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.

The recommended agreement includes 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 ISD-IT expects in service agreements such as these. Risk Management has reviewed the proposed agreement and has found the document acceptable.

REFERENCE MATERIAL:

BAI #27, September 11, 2012

ATTACHMENTS INCLUDED AND/OR ON FILE:

Sole Source Acquisition Request
On file with the Clerk - Unified Support Services Agreement with Microsoft Corporation

CAO ANALYST:

Sonia M. De La Rosa