# County of Fresno

Hall of Records, Rm. 301
2281 Tulare Street
Fresno, California
93721-2198

## Legislation Details (With Text)

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|---|---|---|---|
| **File #:** | 17-0688 | **Name:** | Automated Vital Statistics Software Agreements |
| | | **In control:** | Internal Services |
| **On agenda:** | 6/20/2017 | **Final action:** | 6/20/2017 |
| **Enactment date:** | | **Enactment #:** | Agreement No. 17-292, Agreement No. 17-293 |

**Title:** Make a finding that it is in the best interest of the County to suspend the competitive bidding process consistent with Administrative Policy No. 34 for unusual or extraordinary circumstances for compatibility under the general requirements for goods or services; Approve and authorize the Chairman to execute the Automated Vital Statistics Software Agreement with the Regents of the University of California, effective July 1, 2017 through June 30, 2018 ($3,150); Approve and authorize the Chairman to execute the Automated Vital Statistics Technical Assistance Agreement with the Regents of the University of California, effective July 1, 2017 through June 30, 2018 ($5,500); and Authorize the Director of Internal Services/Chief Information Officer to execute Software and Technical Assistance Renewal Agreements, subject to review and approval by County Counsel and the Auditor-Controller/Treasurer-Tax Collector, necessary for the continued use of the Automated Vital Statistics system through FY 2019-20 for an amount not to exceed $25,950 (combined maximum for FY 2017-18, FY 2018-19, and FY 2019-20)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Item, 2. Sole Source Acquisition Request, 3. Agreement A-17-292 with Regents of University of CA (Statistics), 4. Agreement A-17-293 with Regents of University of CA (Vital Statistics)

| Date | Ver. | Action By | Action | Result |
|---|---|---|---|---|
| 6/20/2017 | 1 | Board of Supervisors | Conducted Hearings | Pass |

DATE: June 20, 2017

TO: Board of Supervisors

SUBMITTED BY: David Pomaville, Director, Department of Public Health
Robert W. Bash, Director of Internal Services/Chief Information Officer

SUBJECT: Automated Vital Statistics Software and Technical Assistance Agreements with UC Regents

RECOMMENDED ACTION(S):

1. **Make a finding that it is in the best interest of the County to suspend the competitive bidding process consistent with Administrative Policy No. 34 for unusual or extraordinary circumstances for compatibility under the general requirements for goods or services.**

2. **Approve and authorize the Chairman to execute the Automated Vital Statistics Software Agreement with the Regents of the University of California, effective July 1, 2017 through June 30, 2018 ($3,150).**

3. **Approve and authorize the Chairman to execute the Automated Vital Statistics Technical Assistance Agreement with the Regents of the University of California, effective July 1, 2017**

**through June 30, 2018 ($5,500).**

4. **Authorize the Director of Internal Services/Chief Information Officer to execute Software and Technical Assistance Renewal Agreements, subject to review and approval by County Counsel and the Auditor-Controller/Treasurer-Tax Collector, necessary for the continued use of the Automated Vital Statistics system through FY 2019-20 for an amount not to exceed $25,950 (combined maximum for FY 2017-18, FY 2018-19, and FY 2019-20).**

Approval of the first recommended action will suspend the competitive bidding process. The second and third recommended actions will allow for Fresno County to purchase a one-year license for the continued use, technical support and maintenance of the Automated Vital Statistics System on the Internet (AVSS/NET) from the Regents of the University of California through its Santa Barbara Campus, for a total cost not to exceed $8,650. Approval of the fourth recommended action will allow the Director of Internal Services/Chief Information Officer to execute future such renewal agreements through FY 2019-20.

ALTERNATIVE ACTION(S):

There are no viable alternative actions. All Local Birth Registration Districts and birthing hospitals in California utilize AVSS/NET, and the County has been using it since 1987.

SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

The recommended Agreements are with the Regents of the University of California (Regents). The AVSS/NET is an interactive public health system utilized by California counties to issue birth and death certificates. The system is operated through the University of California at Santa Barbara (UCSB) on behalf of the State Office of Vital Records. As such, UCSB is effectively the sole source provider of AVSS/NET. Purchasing concurs with the request to suspend the competitive bidding process.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The FY 2016-17 Agreements in the amount of $3,150 and $5,500, respectively, are funded with fees collected for copies of birth, death, and fetal death records as mandated by Health and Safety Code, section 100425 and Welfare and Institutions Code, section 903.15 (Chapter 402, Statutes 2011). Sufficient appropriations and estimated revenues will be included in the Department of Public Health Org 5620 FY 2017-18 Requested Budget.

DISCUSSION:

In 1981, the State of California contracted with UCSB to develop an electronic system that allows for the collection, management, and reporting of public health paper forms, with special emphasis on vital records. All local birth registration districts and birthing hospitals in California utilize AVSS/NET, and the County has been using it since 1987. This system is being used as directed by the State to collect birth data and generate birth certificates. AVSS/NET allows for the transfer of birth data to the California Immunization Registry. The system also allows for the extraction of mortality statistics, which assists the Department of Public Health in identifying trends and risk factors in community groups.

The Regents rejected the County model contract and requested execution of their non-negotiable Agreements. Additionally, the Regents require the County to sign both Agreements first. The Agreements do not include the standard independent contractor, insurance, non-discrimination, hold harmless and audits and inspections clauses. The Software Agreement contains a mutual indemnification clause; however, the Regents will only protect the County in the event a suit is brought against the County for copyright infringement. Both Agreements require license and technical support fees to be paid in advance. AVSS/NET is provided on an “as is with all defects” basis and the Regents make no warranties with respect to the program. The County or the Regents may terminate either Agreement upon 60-days written notice. Both Agreements are for only one

year, but may be renewed annually upon payment of license and maintenance fees, with both parties signing a new Agreement.

Approval of the first recommended action will suspend the competitive bidding process. The second and third recommended actions will allow for Fresno County to purchase a one-year license for the continued use, technical support and maintenance of the Automated Vital Statistics System on the Internet (AVSS/NET) from the Regents of the University of California through its Santa Barbara Campus, for a total cost not to exceed $8,650. Approval of the fourth recommended action will authorize the Director of Internal Services/Chief Information Officer to execute future such one-year licensing and technical support renewal agreements through FY 2019-20

REFERENCE MATERIAL:

BAI #45, June 21, 2016, - Agt. Nos. 16-372 and 16-373

ATTACHMENTS INCLUDED AND/OR ON FILE:

Sole Source Acquisition Request
On file with Clerk - AVSS/NET Software Agreement with the Regents
On file with Clerk - AVSS/NET Technical Assistance Agreement with the Regents

CAO ANALYST:

John Hays