



County of Fresno

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Legislation Text

File #: 19-1151, **Version:** 1

DATE: October 8, 2019

TO: Board of Supervisors

SUBMITTED BY: Dawan Utecht, Director, Department of Behavioral Health
Robert W. Bash, Director of Internal Services/Chief Information Officer

SUBJECT: Retroactive Agreement with CompuTrust Software Corporation

RECOMMENDED ACTION:

- 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 for updated software and continued maintenance from CompuTrust Software Corporation, as the software is exclusively provided by this vendor.**
- 2. Approve and authorize the Chairman to execute a retroactive Agreement with CompuTrust Software Corporation for software products used by the Public Guardian to identify and administrate the estates of persons under conservatorship, manage trust and court records, and inventory real and personal property, effective October 7, 2019 through June 30, 2024, total not to exceed \$323,735.**

Approval of the recommended actions will waive the competitive bidding process to enable the County to continue to utilize CompuTrust Software Corporation's (CompuTrust) unique software, which the County has used since 1994, designed to support the Public Guardian case management and accounting system functions. In addition, the recommended actions would allow the County Public Guardian to fully upgrade the existing system to a web-based platform.

ALTERNATIVE ACTION(S):

Should your Board could choose not to approve the recommended Agreement, it will result in extensive staff time and cost to locate an alternative system to administer the estate of estate of persons under conservatorship. Lastly, if not approved, the Department would need to locate another means to report Public Guardian procedures, manage finances, and statistical requirements.

SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

The Public Guardian is requesting your Board waive the competitive bidding process, consistent with Administrative Policy No. 34 under the unusual or extraordinary circumstances exception in order to provide continued support for these proprietary products, which have been in use by the County since 1994. CompuTrust's licenses and technical support for the Public Guardian case management and trust accounting system currently in use are proprietary, and available only through CompuTrust. The Department would be required to invest significant financial resources to change to a new system, re-train staff, and migrate data to a new system. Staff estimates that the cost to bid for and migrate to a new system would exceed one million dollars for human resources, software, hardware, and data conversion. All the requested software products,

licenses, and support are available exclusively through CompuTrust. The Internal Services Department - Purchasing concurs with the Department's request to waive the competitive bidding process.

RETROACTIVE AGREEMENT:

The recommended Agreement is retroactive to October 7, 2019. This new Agreement required involved planning across a 10-year period. Approval of this Agreement concludes a long period of decision-making regarding this software.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The first, prorated-year term of the Agreement will be \$61,713 (\$27,550 one-time conversion fees, \$32,226 software and annual maintenance fees, and \$1,937 additional License and support fees). Software and maintenance fees will increase each year at a rate of three percent (3%) each subsequent contract year. An additional \$7,000 has been allocated for intermittent support fees, and an additional \$29,829 has been budgeted across the potential 5-year term for cloud-based data-hosting, should the Department choose to enact this additional service. The maximum contract cost associated with the CompuTrust Agreement through the five (5) year term is \$323,735. Sufficient appropriations are included within the Department FY 2019-20 Adopted Budget and will be included in subsequent budgets, Organization 5630-0010.

DISCUSSION:

CompuTrust software is used to administer the estates of persons under conservatorship, manage finances, court records, and inventory real and personal property. The Agreement includes an upgrade of the previous CompuTrust Case Management and Trust Accounting System (CTI) for the Public Guardian. The CTI converted from a software system to a web-based version. The web-based version of CTI includes all of the functionality of the current system, as well as additional functions, such as new case management, assets log and check register pages. The added functions allow staff to access the system while in the field and in court. This system is widely used by other California counties, and offers the ability to customize the system to suit the specific needs of the County.

The recommended Agreement has non-standard indemnification clauses, insurance, and a limitation on liability provisions. The Department has been using the system since 2011 and has not encountered a support issue with this software vendor. The Department of Behavioral Health has reviewed these provisions and is comfortable with their terms, and staff believes that the benefits associated with the Recommended Agreement outweigh any potential risks. The recommended Agreement will allow the department to upgrade the system.

If sufficient funds are not allocated, the recommended Agreement allows for termination, at any time once ninety (90) days advance written notice is given to the contractor. In addition, the recommended Agreement allows the Director of Internal Services and/or designee to terminate the recommended Agreement in full or in part upon giving of ninety (90) days advance written notice of an intention to terminate to contractor.

If approved by your Board, the recommended Agreement will be effective upon execution through June 30, 2024.

REFERENCES:

BAI #19, October 7, 2014
BAI #28, April 14, 2009

ATTACHMENTS INCLUDED AND/OR ON FILE:

Suspension of Competition

On file with Clerk - Agreement with CompuTrust Corporation

CAO ANALYST:

Ron Alexander