



Board Agenda Item 63

DATE: June 16, 2026

TO: Board of Supervisors

SUBMITTED BY: Mike Kerr, Director of Information Technology/Chief Information Officer

SUBJECT: Agreement with InContact, Inc. dba NICE Systems, Inc.

RECOMMENDED ACTION(S):

- 1. Under Administrative Policy No. 34 for competitive bids or requests for proposals (AP 34), determine that an exception to the competitive bidding requirement under AP 34 is satisfied and a suspension of competition is warranted due to unusual or extraordinary circumstances as InContact, Inc. dba NICE Systems, Inc. (NICE) is the only vendor that meets the County's technical and operational requirements for outbound dialer software, and that the best interests of the County would be served by entering into an agreement with NICE; and**
- 2. Approve and authorize the Chairman to execute an Agreement with NICE for outbound dialer software for mass client notification and personalized appointment reminders, effective upon execution, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed \$413,081.**

There is no increase in Net County Cost associated with the recommended actions, which will suspend the competitive bidding process under AP 34 and allow the Information Technology Services Department (ITSD), on behalf of the Department of Social Services (DSS), to implement a new outbound dialer software to replace the existing end-of-life system. This item is countywide.

ALTERNATIVE ACTION(S):

If the recommended actions are not approved, the County will not be able to transition from the current outbound dialer solution, Cameo, which is at end-of-life and is no longer being supported. The server hosting the Cameo dialer has also reached end-of-life. Your Board may direct the departments to coordinate with the General Services Department - Purchasing Division (Purchasing) to issue a competitive bid; however, it may leave DSS without a way to send out mass client notifications in the interim.

SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

The Department's request to suspend the competitive bid process is consistent with AP 34 as NICE is the only vendor with a single software solution that meets all of DSS's technical and operational requirements. Purchasing reviewed and concurs with the Department's assessment that this satisfies the exception to the competitive bidding process required by AP 34.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The maximum

compensation under the recommended Agreement is \$413,081. Costs associated with the recommended Agreement are recovered through chargebacks to user departments, which only includes DSS at this time. Sufficient appropriations and estimated revenues are included in the ITSD Org 8905 FY 2025-26 Adopted Budget and will be included in future ITSD Recommended Budget requests for the duration of the Agreement term.

DISCUSSION:

On July 6, 2020, on behalf of ITSD and DSS, Purchasing executed Agreement No. P-20-253 with New Era Technology for the Cameo software, effective July 1, 2020 through June 30, 2023, with a total compensation not to exceed \$23,356. Although vendor support is no longer offered, DSS has continued using the software.

DSS relies on the Cameo outbound dialer software for mass client notifications and personalized appointment reminders. This software and the server hosting it have reached end-of-life, no longer meet current security standards, and are unsupported. DSS relies on outbound communication to deliver important information and send personalized voice reminders for appointments. Due to the critical nature of this software, ITSD needed to identify a replacement solution as soon as possible.

DSS and ITSD contacted three vendors, including NICE, Everbridge, and Five9 to research and identify a viable replacement solution. Of the three vendors, NICE was the only vendor that met all the County's operational and technical requirements, which includes the ability to support both high-volume mass communications and individualized customer contact.

The recommended Agreement includes deviations from the County's standard contract language. Specifically, the "Termination for Non-Allocation of Funds" clause extends the County's termination notice to NICE from 30 to 60 days if future funds are not appropriated through no fault of the County and no other legal funds or payment mechanisms remain. In addition, NICE will indemnify the County only for intellectual property infringement and has included a limitation of liability equal to fees paid in the previous 24 months. The commercial general liability insurance limits were reduced from \$2,000,000 to \$1,000,000 per occurrence and annual aggregate reduced from \$4,000,000 to \$2,000,000. ITSD and DSS consulted with the Human Resources - Risk Management Division regarding these deviations and were advised that accepting them would be a departmental business decision. These provisions are common in software agreements, and ITSD and DSS have determined that accepting the deviations is in the County's best interest.

Approval of the recommended actions will approve the recommended Agreement, which includes a three-year initial term and two optional one-year extensions. The total maximum compensation for the three-year term of the Agreement is \$267,670. If the Agreement is extended into optional years 4 and 5, the maximum compensation will increase to \$340,375 and \$413,081, respectively.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Suspension of Competition
On file with Clerk - Agreement with NICE

CAO ANALYST:

Amy Ryals