

## MONTEREY COUNTY BOARD OF SUPERVISORS

<b>MEETING:</b> March 20, 2012 Consent	<b>AGENDA NO.:</b> 39.1
<b>SUBJECT:</b>	<ul style="list-style-type: none"><li>a. Approve and authorize the County Librarian to sign a Vendor supplied standard Service Agreement with AT&amp;T Corporation for high speed broadband connectivity from ten Monterey County Free Libraries branches to the County of Monterey's Information Technology Department in an amount not to exceed \$205,420 in the aggregate for the period of July 1, 2012 through 2017.</li><li>b. Waive detailed review and approval requirements by County Counsel, Auditor/Controller, Risk Management, and Contracts/Purchasing, and accept the vendor's agreement, terms and conditions, including indeterminate exposure to financial and risk liability, and limited liability by AT&amp;T as a business necessity.</li></ul>
<b>DEPARTMENT:</b> Library	

### **RECOMMENDATION:**

It is recommended that the Board of Supervisors:

- a. Approve and authorize the County Librarian to sign a Vendor supplied standard Service Agreement with AT&T Corporation for high speed broadband connectivity from ten Monterey County Free Libraries branches to the County of Monterey's Information Technology Department in an amount not to exceed \$205,420 in the aggregate for the period of July 1, 2012 through 2017.
- b. Waive detailed review and approval requirements by County Counsel, Auditor/Controller, Risk Management, and Contracts/Purchasing, and accept the vendor's agreement, terms and conditions, including indeterminate exposure to financial and risk liability, and limited liability by AT&T as a business necessity.

### **SUMMARY:**

The recommended action will enable Monterey County Free Libraries (MCFL) to replace its outdated frame relay connections to the County of Monterey's Information Technology Department with Customized Switched Metro Ethernet (CSME) service at the following branches: Buena Vista, Carmel Valley, Castroville, Gonzales, Greenfield, King City, Marina, Prunedale, Seaside and Soledad.

### **DISCUSSION:**

In FY 2012 there were 224,000 patrons who used MCFL computers to access the internet. In addition, staff shares the same internet lines to perform essential tasks such as checking library materials in and out, placing holds, managing overdue fines, etc. The current connections between MCFL branches and the County Information Technology Department are becoming saturated and are unable to support the growing demand for high speed connectivity to the internet by the public and library staff. Library patrons and staff complain about the slowness of the internet and inability to provide efficient library services, especially when accessing services and sites that require significant bandwidth, including streaming media and webinars, which are now a standard use of the internet.

MCFL and the County of Monterey's Information Technology Department worked collaboratively to investigate options and find the most efficient and cost effective plan to

replace the current network infrastructure with a high speed broadband service that will support the needs of library patrons and staff for the next five years. This solution, Customized Switched Ethernet Service, is provided by AT&T. This solution will increase the current branch bandwidth of 1.544 Mbps to 10Mbps, with the ability to increase to 1 Gbps which is expected to meet the current and anticipated bandwidth needs for the next five years. AT&T is the only service provider able to provide this service at the 10 branches at this time.

The deadline for submitting the application in order to receive the E-Rate discount for this service is 11:59 p.m. on March 20, 2012. The standard service agreement with AT&T includes installation of equipment which requires a 5 year contract. The standard Service Agreement which was received by the Library on March 13, 2012, must be signed prior to submission of this E-Rate application. If this deadline is missed, the Library would have to wait till the next application cycle one-year later in order to apply for the discount. It is in the best interest of the public for MCFL to apply for this significant discount in order to maximize its budget and to sustain quality library services.

The Service Agreement amount of \$205,420 covers a five year contract with AT&T during the period of July 01, 2012 through June 30, 2017 and is based on a discounted monthly rate of \$1956.15 and includes a onetime installation cost of \$88,050.65. The breakdown of costs is as follows: 2012-2013 \$111,524.45, 2013-2014 \$23,473.80, 2014-2015 \$23,473.80. The cost for 2015-2016 is \$23,473.80, and for 2016-2017, \$23,473.80. Though County budgets are only forecasted 3 years in advance, the Library anticipates that its budget for the next 5 years will be able to cover the costs of this agreement. The contract also includes an E-Rate rider stating that "...if E-Rate funding for services and/or equipment is denied, agreement will terminate as to those services and/or equipment..." In the event that an early termination occurs due to lack of funding, an early termination penalty will apply, but budgeted funds should be available to cover those costs if necessary.

#### **OTHER AGENCY INVOLVEMENT:**

The proposed Service Agreement has been reviewed and approved by the Library and by the Information Technology Department. Because of the short deadline and business necessity, the Library is requesting a waiver of standard review by the Office of the County Counsel, Auditor-Controller's Office, and Risk Management of this one-time project. Although sufficient time was not available to provide for a detailed review of the documents that comprise or are incorporated into the agreement (in excess of 1500 pages), it would appear that most if not all of the issues would not be negotiable in any event and would result in the County accepting an As-Is contract, with limited liability by AT&T, and indeterminate risk liability and financial exposure by the County related to installation, maintenance and associated costs of operation of the equipment. The County will be required to assume all liability for the equipment, including its ultimate disposal, and there may be currently unknown costs associated with installation (easement, access, and equipment preparation). As indicated, the Library is asking that compliance with the County's standard terms and conditions be waived and that the contract be approved as a business necessity.

**FINANCING:**

The recommended Service Agreement provides for the total amount of \$205,420 for a five year contract term. The annual cost of \$23,473.80 and the installation cost of \$88,050.65 totaling \$111,524.45 has been included in the FY2012-13 Budget. There is no cost to the County General Fund associated with this recommendation.

Prepared by:

Approved by:

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Chris Ricker  
Managing Librarian  
831-883-7567

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Jayanti Addleman  
County Librarian  
831-883-7566

Date:

Date:

Attachment: The Service Agreement and sole source document are on file with the Clerk to the Board.

cc: Charles J. McKee, County Counsel   Michael Miller, Auditor-Controller  
Mike Derr, County Contracts-Purchasing Manager  
Steve Mauck, Risk Management  
Jennifer Stimson, Information Technology Department