



OFFICE OF COUNTY COUNSEL  
INTER-DEPARTMENT MEMORANDUM

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**TO:** Dustin Bailey, Procurements and Contracts  
**FROM:** Judith M. Kerr, Deputy County Counsel *JMK*  
**DATE:** December 5, 2007  
**RE:** Identix Contract

This memorandum is written as a follow up to our meeting today and as a supplement to my memorandum of December 4<sup>th</sup>, 2007. I had an opportunity to review your modifications and I am returning the contract to you. I have recommended that the "Maintenance Start" dates set forth in Exhibit B be reconciled with any former maintenance agreements for the equipment covered by the contract in order to avoid any overlap between these agreements. For example, in our conversation with the Probation Department today they confirmed that they have been receiving maintenance services without a maintenance agreement since 2006. As a result, a start date in March of 2007 does not overlap.

We were also advised by Undersheriff Fred Kollar that the "Cal ID RAN (remote access network) Committee" had decided that the Sheriff would administer the Live Scan Maintenance Agreements on behalf of the Placerville Police Department, the South Lake Tahoe Police Department and the El Dorado County Office of Education and add them to the new contract. As a result, this raises additional potential liability issues for the County. Please be advised that since the contract is between El Dorado County and the Sheriff's Department only, the County would be responsible for any potential liability issues that may arise, even if exclusively related to the services provided to the other public entities. This includes but is not limited to potential contract and tort claims. We recommend that the Board of Supervisors be apprised of these issues.

JMK:kg  
S:administration/procurement/Identix2