



The County of El Dorado

Chief Administrative Office

Laura S. Gill, Chief Administrative Officer

Procurement & Contracts Division

Bonnie H. Rich, Manager of Procurement & Contracts

Phone (530)621-5830 Fax (530)295-2537

TO: Jeff Neves, Sheriff

CC: Fred Kohler, Undersheriff

FROM: Bonnie H. Rich, Purchasing Agent *BHR*

DATE: August 13, 2007

SUBJECT: Agreement #778-S0711 with Location Technologies

Enclose you will find the subject contract for the provision of an Automated Vehicle Location System. Procurement and Contracts negotiated, wrote, and processed this Agreement at the request of your office and has received the document back from County Counsel.

The Agreement has not been approved by Counsel. Counsel has expressed several concerns with the language in the Agreement, which will not be negotiated further by the vendor. Areas of concern are as follows:

- The one year Limited Liability provision states that the vendor will repair or replace defective product at their discretion and does not give timelines for the repair or replacement of defective product. The provision notes many possible sources of damage as being uncovered under the Limited Liability
- The contract contains a disclaimer and limitation of liability provision that is inconsistent with the one year Limited Liability provision.
- Products provided by Location Technologies are noted to be sold "as is" and without warranties, expressed or implied. Therefore, the quality, usability, or state of repair of the products is not guaranteed in any way.
- The mutual indemnity may be unenforceable because of the warranty, limitation of liability, and disclaimer provisions.
- Maintenance and service of the system has not been adequately described within the contract. The scope of this service is unclear.
- Description of the training being provided is not given within the Agreement.
- It is unclear who will be providing the RS232 Cable.

The Purchasing Agent is recommending that the Sheriff's Office *NOT* enter into this Agreement with Location Technologies. However, please review the attached documentation and Agreement and indicate below if your office would like Procurement and Contracts to continue processing this Agreement or if the process should be cancelled.

Please contact me directly at extension 5940 if you have any questions. Thank you for your assistance.

330 Fair Lane
Placerville, CA 95667

Cancel the contracting process with this vendor:

By: _____ Date: _____
Sheriff/Undersheriff

Continue with the contracting process with this vendor:

By: *M Kelly* Date: *8-22-07*
Sheriff/Undersheriff
with noted changes on PP. 24.