

# EL DORADO COUNTY BOARD OF SUPERVISORS AGENDA ITEM TRANSMITTAL

Meeting of  
December 14, 2004

**AGENDA TITLE:** Avaya Telecommunication Equipment Maintenance Agreement--Services Only (Retroactive)

<b>DEPARTMENT:</b> Information Technologies	<b>DEPT SIGNOFF:</b> 12/10/2004 <i>Laura A. Gull</i>	<b>CAO USE ONLY:</b> <i>D</i>
<b>CONTACT:</b> Tom Straling	<i>Kelly Webb</i>	
<b>DATE:</b> 12/10/2004	<b>PHONE:</b> x5415	

**DEPARTMENT SUMMARY AND REQUESTED BOARD ACTION:**  
The Information Technologies Division of the Chief Administrative Office recommending the Board:

- 1) Make findings that it is more economical and feasible to utilize an outside contractor for the provision of Telecommunications Equipment maintenance in accordance with County Ordinance 3.13.030;
- 2) Approve the Avaya General Conditions of Maintenance Services, Channel Service Agreement Order Form and Service Agreement Supplement (10-1-2004 to 9-30-2008).
- 3) Authorize the Chairman to execute the agreements.

**CAO RECOMMENDATIONS:** *Recommend approval. Laura A. Gull*

**RECEIVED  
BOARD OF SUPERVISORS  
EL DORADO COUNTY**  
12/10/04  
04 DEC 10 PM 4:58

<b>Financial impact?</b> <i>yes</i>	Funding Source: <input checked="" type="checkbox"/> Gen Fund <input type="checkbox"/> Other	
<b>BUDGET SUMMARY:</b>	Other:	
Total Est. Cost _____ \$77,520.00	<b>CAO Office Use Only:</b>	
<b>Funding</b>	4/5's Vote Required <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Budgetedx _____ \$77,520.00	Change in Policy <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
New Funding _____	New Personnel <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Savings _____	<b>CONCURRENCES:</b>	
Other _____	Risk Management <i>yes</i>	
Total Funding _____ \$77,520.00	County Counsel <i>yes - conditional</i>	
<b>Change in Net County Cost</b> _____ \$0.00	Other <i>Purchasing.</i>	

\***Explain** Budgeted in FY 04/05 IT budget

**BOARD ACTIONS:** DEC 14, 2004 - APPROVED. *#68*

<p><b>Vote:</b> Unanimous _____ Or _____</p> <p><b>Ayes:</b> SUPERVISORS: SWEENEY, SOLARO, DUPRAY, BAUMANN</p> <p><b>Noes:</b> NONE</p> <p><b>Abstentions:</b> NONE</p> <p><b>Absent:</b> PAINE</p> <p style="font-size: small;">Rev. 6/04 ISKW001 Agenda</p>	<p>I hereby certify that this is a true and correct copy of an action taken and entered into the minutes of the Board of Supervisors</p> <p><b>Date:</b> _____</p> <p><b>Attest:</b> Cindy Keck, Board of Supervisors Clerk</p> <p><b>By:</b> _____</p>
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# El Dorado County Information Technologies

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Address: 360 Fair Lane  
Placerville, CA 95667  
Voice (530) 621-5450  
Fax (530) 295-2512

**TO:** Board of Supervisors  
**FROM:** Patrick Hale  
**DATE:** December 10, 2004  
**SUBJECT:** Avaya Telecommunications Hardware Maintenance (Retroactive)

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## RECOMMENDATIONS:

The Information Technologies Division of the Chief Administrative Office recommending the Board:

1. Make findings that it is more economical and feasible to utilize an outside contractor for the provision of Telecommunications Equipment maintenance in accordance with County Ordinance 3.13.030;
2. Approve the Avaya General Conditions of Maintenance Services, Channel Service Agreement Order Form and Service Agreement Supplement (10-1-2004 through 9-30-2008); and,
3. Authorize the Chairman to execute the agreements.

## REASONS FOR RECOMMENDATIONS:

El Dorado County has used 9 Avaya Definity switches for approximately 10 years. These 9 switches provide all telephone communications in El Dorado County facilities. This equipment has been maintained by Avaya, Inc. (formerly Lucent Technologies, Inc.) since 1999 under a previous agreement. These switches are approaching the end of their service life. Avaya has announced within the next 3.5 years they will no longer support the G3I central processing units within the Definity switches. Committing to a 4-year service agreement ensures El Dorado County's voice communications infrastructure will be in service through October of 2008. A 4-year service agreement is crucial to the County, in that it gives us adequate time to prepare for the replacement of this very costly equipment prior to

*"The commitment of the Information Technologies staff is to deliver creative, practical solutions and service in support of the current and future technological needs of El Dorado County."*

the expiration of this agreement. This new agreement reduces our per port/per month charges by \$.03 per port/month and is approximately \$.20 less per port/month than initial price quotes obtained in July of 2004. We currently have 3,750 ports in use.

The County's contract with Avaya expired September 29, 2004. Information Technologies has been working with the vendor since April of 2004 and was prepared to bring this matter to the Board on October 19, 2004. At the last minute a minor discrepancy was found in an Avaya Utility Addendum to our original agreement with Avaya. When asked to correct the discrepancy, Avaya rescinded the Utility Addendum and advised Information technologies they would not agree to any of terms contained in our original agreement #232-S9911. Avaya then sent our department their standard agreements.

Information Technologies worked with Avaya for quite some time negotiating the technical language contained in the Avaya agreements before they met our requirements. The agreements were then forwarded to Purchasing and County Counsel for legal review. Avaya made very few concessions to Purchasing and County Counsel.

County Counsel has given conditional approval to the new Avaya agreements and asked that the Board be aware of the following items:

- 1) Avaya's agreement contains Limits of Liability.
- 2) Avaya reserves the right to assign the contract in some instances without the permission of the County.
- 3) Certain fees per these agreements for additional work are not defined or specified.

Information Technologies has reviewed these items and feels the benefits of this agreement outweigh the potential issues cited by County Counsel, as referenced above.

During the negotiation process, Avaya agreed to place a hold on billing the County for services and agreed to maintain our equipment until the new agreements were negotiated and executed. The County is currently two billing cycles in arrears. Upon approval by the Board, the Information Technologies will process these Avaya invoices.

#### **FISCAL IMPACT:**

The total cost for existing network devices on maintenance for one-year is approximately \$67,500 and will vary slightly based on ports in use. Total ports currently in use total approximately 3,750. Information Technologies has budgeted for a maximum of 4,000 ports and is requesting the maximum annual payment to Avaya is set at an amount not-to-exceed \$77,520 per year for the duration of the contract.

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**NET COUNTY COST:**

No change in Net County cost. Funds are budgeted within the IT FY04/05 equipment maintenance budget.

**ACTION TO BE TAKEN FOLLOWING APPROVAL:**

Upon full execution of the agreement, Information Technologies will forward copies to the Purchasing Agent for encumbrance in an amount not-to-exceed \$77,520 annually for the duration of the 4-year agreement.

Respectfully,



Patrick Hale, Director  
Information Technologies Department

Attachment 1: Avaya General Conditions of Maintenance Services

Attachment 2: Avaya Channel Services Agreement Order Form

Attachments 3: Avaya Service Agreement Supplement

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# CONTRACT ROUTING SHEET

Date Prepared: \_\_\_\_\_

Need Date: Please Rush need for 12/14/04 BOS Mtg at request of Department

**PROCESSING DEPARTMENT:**

Department: CAO/Procurement & Contracts  
Dept. Contact: Bonnie H. Rich  
Phone #: 5940  
Department  
Head Signature: *Bonnie H. Rich*

**CONTRACTOR:**

Name: Avaya  
Address: 211 Mt. Airy Road  
Basking Ridge, NJ 07920  
Phone: \_\_\_\_\_

**CONTRACTING DEPARTMENT:** Information Technologies

Service Requested: Avaya (telephone switches and related hardware) maintenance  
Contract Term: \_\_\_\_\_ Contract Value: \$69,670.20  
Compliance with Human Resources requirements? Yes: \_\_\_\_\_ No: \_\_\_\_\_  
Compliance verified by: \_\_\_\_\_

**COUNTY COUNSEL:** (Must approve all contracts and MOU's)

Approved: *conditional* Disapproved: \_\_\_\_\_ Date: 12/10/04 By: *LBH*  
Approved: \_\_\_\_\_ Disapproved: \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_\_\_  
Advise BOS that several items recommended by  
County Counsel could not be negotiated. IT has reviewed  
and is recommending approval. Note in particular:  
1) Avaya has included a limitation of liability  
2) Contract may be assigned in some instances without  
County approval.  
3) Certain fees for additional work are not specified  
but should be their then current fees.

EL DORADO COUNTY COUNSEL  
2004 DEC 8 AM 9:41

Please Forward to Risk Management Thank You!

**RISK MANAGEMENT:** (All contracts and MOU's except boilerplate grant funding agreements)

Approved: *[check]* Disapproved: \_\_\_\_\_ Date: 12-8-4 By: *[Signature]*  
Approved: \_\_\_\_\_ Disapproved: \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_\_\_

\_\_\_\_ Please Call for Pick-up. Thank you!

**OTHER APPROVAL:** (Specify department(s) participating or directly affected by this contract).

Departments: Information Technologies DEPARTMENT  
Approved: *[Signature]* Disapproved: \_\_\_\_\_ Date: 12/08/04 By: *[Signature]*  
Approved: \_\_\_\_\_ Disapproved: \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_\_\_

ORIGINAL

382-S0511

AVA-020

October-03



# Channel Service Agreement Order Form

(Utility Version)

Customer Name: County of El Dorado	Contract #	Dept Name
Sold To number: Multiple	Contract Administrator: Tom Straling	Information Technologies
Equipment Location Address: Multiple	Contractor Admin Telephone Number: 530-621-5415	Installation Date:
<b>360 Fair Lane</b>		<b>Renewal</b>
City Placerville State CA Zip 95667		Service Commencement Date*:
		<b>Next Bill Cycle</b>

This Order Form is subject to the terms and conditions of the General Conditions of Maintenance Services in effect between the parties. Please refer to the Service Agreement Supplement (SAS) for more information regarding this order. Vision Technology is a Certified Business Partner for Avaya. In that role they are a value added resource for Avaya. Maintenance Services will be provided by Avaya. Avaya will invoice Customer and payments will be sent directly to Avaya.

The Maintenance service unit price associated with Call Center Administered Agents and Administered Voice Mail Boxes will remain fixed based on the number of units located at the site at commencement of Maintenance services for that site. Such per unit charge shall remain unchanged for the contracted term of maintenance support, independent of quantity changes during recorded true ups. \*The maintenance services ordered hereunder and the associated billing may commence, in some cases, during the Avaya product warranty period. Avaya will, at its discretion, perform a true up on no more than a quarterly basis to reconcile the billing on any items which have been added (activated) or removed

Site	Sold To	Ports	Coverage	Expiration Date(s)	Payer # (s)	Billing/mo	Per port cost
Johnson Rd	3146968	446	8X5 Remote + Parts	Coterminous 48 mo	100979522	695.76	✓
S. Tahoe Blvd	3147000	110	8X5 Remote + Parts	Coterminous 48 mo	100979522	171.60	✓
Silver Dollar Blvd	3146980	288	8X5 Remote + Parts	Coterminous 48 mo	100979522	449.28	✓
BRIW Rd	3147012	366	8X5 Remote + Parts	Coterminous 48 mo	100979522	570.96	✓
Forni Rd	3146935	118	8X5 Remote + Parts	Coterminous 48 mo	100979522	- 184.08	✓
Headington Rd	3146925	130	8X5 Remote + Parts	Coterminous 48 mo	100979522	202.80	✓
Spring St	3146958	334	8X5 Remote + Parts	Coterminous 48 mo	100979522	- 521.04	✓
Main St	3146946	270	8X5 Remote + Parts	Coterminous 48 mo	100979522	- 421.20	✓
Fair lane	3146914	1652	8X5 Remote + Parts	Coterminous 48 mo	100979522	2,589.13	✓
<b>TOTAL</b>	<b>All</b>	<b>3714</b>	<b>8X5 Remote + Parts</b>	<b>Coterminous 48 mo</b>	<b>100979522</b>	<b>5,805.85</b>	<b>\$1.563234 per port</b>

Customer signature below indicates customer has read and agrees to the terms and conditions of the applicable agreement.

Customer: <b>EL DORADO COUNTY</b>	Avaya Inc.
By: <i>[Signature]</i>	Accepted By: <i>[Signature]</i>
Typed Name: <b>RUSTY DUPRAY</b>	On: <b>12/14/04</b>
Address: <b>330 FAIR LANE</b>	City: _____ State: _____ Zip: _____
City: <b>PLACERVILLE</b> State: <b>CA</b> Zip: <b>95667</b>	
Business Partner Co. Name: Vision Technologies	Business Partner Sales Associate (Preparer): <b>Liz Guezzale</b>
Business Partner HQ Address: 1865 Broadway 12 Floor NY, NY 10023	Phone Number: <b>858 699 7774</b>
Main Telephone #: 212 408 1555	email: <b>lguezzale@visiontechny.com</b>
Avaya Siebel Parent ID: <b>4539443</b>	Please e-mail electronic copy of this CSA Order form to <b>bpcmtc@avaya.com</b> with format of subject line : <b>BP Name/Customer Name/Sold to</b>

Distribute to: Original (BPCC) Copy 2 (Customer) Copy 3 (Avaya Authorized BusinessPartner)

ATTEST: CINDY KECK, Clerk  
of the Board of Supervisors

By: *[Signature]*  
DEPUTY **12/14/04**