



Legislation Text

File #: 21-0955, **Version:** 1

Health and Human Services Agency recommending the Board:

- 1) Approve and authorize the Chair to sign Purchase Contract 5775 with Abacus Data Systems, Inc., dba AbacusNext, for the provision of AbacusLaw in the amount of \$11,904 and for a term of twenty-four (24) months effective upon execution;
- 2) Authorize the Health and Human Services Agency Director, or designee, to execute further documents relating to Purchase Contract 5775, contingent upon County Counsel and Risk Management approval, including amendments which do not increase the maximum dollar amount or term of the Agreement; and
- 3) Authorize the retroactive payment of the April and May Invoices under the prior Purchase Contract 4820 with AbacusLaw with the understanding that the 15% increase in the April and May invoices will be offset with a June 2021 invoice credit, resulting in the monthly rate staying at \$496.

FUNDING: 21% California Department on Aging and 79% General Fund.

DISCUSSION / BACKGROUND:

In February 2020, the Health and Human Services Agency (HHSA) received a request to renew an existing software subscription with AbacusNext (Abacus) for AbacusLaw used by Senior Legal Services staff in Community Services. The terms and conditions for a thirty-six (36) month renewal were reviewed and approved by Counsel on April 20, 2020 and were then submitted into FENIX as a Purchase Contract following standard protocol. Documents were subsequently approved and posted in FENIX by the Purchasing Agent on April 28, 2020.

In April 2021, HHSA staff received an invoice with an amount due that is fifteen percent (15%) higher than anticipated, \$570.40 instead of \$496. Upon contacting Abacus, staff were informed that the existing software subscription had auto renewed after twelve (12) months and not the thirty-six (36) months included in the Purchase Contract. With further research, it was determined that a staff member signed and returned a twelve (12) month renewal instead of the thirty-six (36) month renewal and Purchase Contract, in error.

Working in concert with Abacus, Staff have reached a collaborative solution whereby a new twenty-four (24) month subscription at the previous pricing has been drafted for the Board's consideration. Further, Abacus has agreed to a one-time credit to be included in the June 2021 invoice that is equal to the 15% increase included in the April 2021 and May 2021 invoices. Staff is asking that the Board authorize the payment of the April and May invoices at the higher rate with the understanding that the credit on the June Invoice will keep the agreement within the \$496 a month rate. This item is being brought to the Board due to the retroactive approval of the April and May invoices at the higher rate.

Additionally, Abacus has agreed to remove their standard auto renew language in the Abacus End User License Agreement, thus eliminating any perception that this is a perpetual agreement and preventing any further rate increases without prior approval.

ALTERNATIVES:

Should the Board decline to approve this recommendation, HHSA would still need to pay outstanding

invoices received after April 28, 2021 at a rate 15% higher than the proposed renewal with funding from the General Fund.

PRIOR BOARD ACTION:

N/A

OTHER DEPARTMENT / AGENCY INVOLVEMENT:

Approved by County Counsel and Information Technologies.

CAO RECOMMENDATION:

Approve as recommended.

FINANCIAL IMPACT:

This software subscription is a renewal of a prior agreement and continues to be funded with 21% CDA and 79% General Fund. Sufficient appropriations were included in the Fiscal Year 2021-22 Budget and will be included in future budgets for the term of the Agreement.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) Clerk of the Board to obtain signature of Chair on two (2) original Purchase Contract Order Forms #5775.
- 2) Clerk of the Board to return one (1) fully executed Purchase Contract Order Form to HHSA Contracts Unit at 3057 Briw Rd, Suite B.

STRATEGIC PLAN COMPONENT:

N/A

CONTACT

Don Semon, Director, Health and Human Services Agency