



Legislation Text

File #: 23-1989, **Version:** 1

Health and Human Services Agency (HHS) recommending the Board:

- 1) Make findings that the provision of video conferencing software and services provided by Contractor are in the public's best interest and that there are specialty skills, qualifications, and equipment not expressly identified in County classifications involved in the performance of the work in accordance with El Dorado County Ordinance Code, Chapter 3.13.030(B);
- 2) Make findings in accordance with Procurement Policy C-17 Section 3.4 exempting the competitive bidding process due to Zoom Video Communications, Inc. being the sole source of the proprietary software as outlined in Procurement Policy C-17 Section 3.5;
- 3) Approve and authorize the Chair to sign Purchase Contract 8186 with Zoom Video Communications, Inc., in the amount of \$32,400 for the term retroactively beginning June 11, 2023, through June 10, 2026, and perpetually renewable thereafter at an approved quoted rate;
- 4) Authorize the Purchasing Agent, to execute further documents relating to Purchase Contract 8186, contingent upon approval by County Counsel and Risk Management, including amendments which do not increase compensation beyond the Purchasing Agent maximum perpetual dollar amount authority in accordance with Procurement Policy C-17; and
- 5) Authorize the HHS Director, or the HHS Chief Assistant Director, to execute programmatic, administrative, and fiscal documents relating to Purchase Contract 8186.

FUNDING: Various Health and Human Services Agency funding streams.

DISCUSSION / BACKGROUND:

Zoom, also called Zoom Meetings, is a proprietary video conferencing software program developed by Zoom Video Communications, Inc. Since 2019, Zoom has been used by multiple HHS divisions/departments as a means to communicate with colleagues, clients, and collaborative organizations through video conferencing.

Through perpetual non-financial Business Associate Agreement 5879 fully executed by the County's Board Chair on August 24, 2021, HHS has an agreement with Zoom Video Communications, Inc., to ensure that when HHS utilizes the Zoom platform for client communications, the protected health information of clients remains protected under various confidentiality standards, including Health Insurance Portability and Accountability Act (HIPAA) (File ID: 21-1278). The video conferencing services provided by Zoom are necessary to allow HHS Public Health Division to safely provide virtual infectious disease services in compliance with HIPAA regulations.

HHS had previously issued Purchase Order (PO) 20001441 for the Zoom services, effective June 11, 2020, for a three-year term, with services paid on an up-front annual basis, which expired June 10, 2023. Due to delays during the renewal process, the Purchase Order renewal was unable to be executed prior to the expiration of the previous agreement. The contractor did not remove HHS's access to Zoom due to the pre-existing relationship and the agency's continued usage need of video conferencing. Consequently, this Purchase Contract will need to start retroactively to June 11, 2023, to cover the video conferencing usage provided since the prior agreement's term date. If this

Purchase Contract is not retroactive to June 11, 2023, then Zoom cannot be paid for the services they provided during this time. HHSA remains focused on process and procedure improvements to reduce retroactive requests within our control and improve upon our contractual commitments.

Under County Procurement Policy C-17, Section 3.5, Finding of Fact, proprietary software, such as Zoom video conferencing, are exempt from the competitive bidding process. The vendor Zoom was selected as it was a leading and worldwide software known for its expertise in video conferencing. With the expanded need for video conferencing across external and internal entities, Zoom offered the most flexibility for all stakeholders accessibility to participate in a video conference and offered the HIPAA safeguards, which was a prerequisite by HHSA to ensure the protections of personal and health information of clients.

ALTERNATIVES:

Should the Board decline to approve this recommendation, HHSA would be unable to utilize the Zoom software for the purpose of conducting client meetings while protecting the personal and health information of clients.

PRIOR BOARD ACTION:

08/24/21 21-1278, Zoom BAA 5879

OTHER DEPARTMENT / AGENCY INVOLVEMENT:

Approved by County Counsel, Risk Management, and Information Technologies.

CAO RECOMMENDATION:

Approve as recommended.

FINANCIAL IMPACT:

There is no Net County Cost associated with this Agenda item. Sufficient appropriations were included in the Fiscal Year 2023-24 Budget and will be included in future budgets for the term of the Purchase Contract.

CLERK OF THE BOARD FOLLOW UP ACTIONS

Obtain the Chair's signature on the Purchase Contract.

STRATEGIC PLAN COMPONENT:

Good Governance

CONTACT

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