



# Broward County

## Legislation Details (With Text)

**File #:** 19-450      **Version:** 1

**Status:** Agenda Ready

**In control:** Finance - Enterprise Technology Services

**On agenda:** 2/25/2020      **Final action:** 2/25/2020

**Title:** A. MOTION TO APPROVE Only Reasonable Source designation for SumTotal Systems, LLC, for ongoing system maintenance, managed services, and extended support for the current version of the County's Cyborg application.

ACTION: (T-10:32 AM) Approved.

VOTE: 9-0. Vice-Mayor Geller voted in the affirmative telephonically.

B. MOTION TO APPROVE Seventh Amendment to the License and Maintenance Agreement between Broward County and SumTotal Systems, LLC, to clarify the scope of managed services, to add up to three optional one-year renewal terms for each of managed services, term maintenance, and extended support through October 31, 2023, to be exercised by the Director of Purchasing, and to increase the total not-to-exceed amount by \$1,364,777 from \$3,131,746 to \$4,496,523; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:32 AM) Approved.

VOTE: 9-0. Vice-Mayor Geller voted in the affirmative telephonically.

**Sponsors:**

**Indexes:** Established Commission Goals

**Code sections:**

**Attachments:** 1. Exhibit 1 - Agreement Summary, 2. Exhibit 2 - SumTotal Systems 7th Amendment, 3. Exhibit 3 - SumTotal Sole Source Memo

Date	Ver.	Action By	Action	Result
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### Broward County Commission Regular Meeting

**Director's Name:** George Tablack

**Department:** Finance and Administrative Services      **Division:** Enterprise Technology Services

### Information

#### Requested Action

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**VOTE: 9-0. Vice-Mayor Geller voted in the affirmative telephonically.**

B. MOTION TO APPROVE Seventh Amendment to the License and Maintenance Agreement

between Broward County and SumTotal Systems, LLC, to clarify the scope of managed services, to add up to three optional one-year renewal terms for each of managed services, term maintenance, and extended support through October 31, 2023, to be exercised by the Director of Purchasing, and to increase the total not-to-exceed amount by \$1,364,777 from \$3,131,746 to \$4,496,523; and authorize the Mayor and Clerk to execute same.

***ACTION: (T-10:32 AM) Approved.***

***VOTE: 9-0. Vice-Mayor Geller voted in the affirmative telephonically.***

**Why Action is Necessary**

Motion A. In accordance with the Broward County Procurement Code, Section 21.34, a Sole Source Procurement above the award authority of the Director of Purchasing must be approved and awarded by the Board.

Motion B. In accordance with the Broward County Procurement Code, Sections 21.31.a.4 and 21.31.g., the Board shall approve all awards greater than the award authority of the Director of Purchasing and any contract renewed beyond a five-year period.

**What Action Accomplishes**

Motions A. and B.: Allow for continued system maintenance, managed services, and extended support for current version of County's critical Cyborg application, including quarterly and year-end closing support for the Payroll/Human Resources/Position Control System.

**Is this Action Goal Related**

Yes

**Previous Action Taken**

None.

**Summary Explanation/Background**

THE FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT AND THE ENTERPRISE TECHNOLOGY SERVICES DIVISION RECOMMEND APPROVAL OF THE ABOVE MOTIONS.

This item supports the Commission's Value for "Consistently delivering responsive, efficient, quality services to the public and internal customers."

On October 21, 1997 (Item No. 18), the Board approved an Agreement with Cyborg Systems, Inc. ("Cyborg") for the County's license to use the Cyborg system, a payroll/human resources/position control system (the "1997 Agreement").

In June 2003, Hewitt Associates, LLC ("Hewitt") acquired Cyborg and became the successor in interest to the 1997 Agreement.

On October 15, 2004, the Director of Purchasing approved a Software License and Maintenance Agreement between the County and Hewitt, reaffirming the license granted in the 1997 Agreement for the Cyborg system and granting additional licenses to County (the "2004 Agreement").

In February 2008, Vista Equity Partners acquired Hewitt Associates, LLC and formed Accero, Inc. ("Accero"); Accero became the sole provider of maintenance for the Cyborg system.

On August 14, 2009, the Director of Purchasing approved the First Amendment to the 2004 Agreement with Accero for a platform license transfer from the HP AIX platform (old platform) to the SUN Solaris platform (new platform) at no cost to County.

On August 31, 2010 (Item No. 78), the Board approved the Sole Source designation and the Second Amendment to the 2004 Agreement with Accero for continued maintenance of the Cyborg system and extended the existing Software License and Maintenance Agreement for three one-year periods with two optional one-year renewals for a potential five-year total through October 31, 2015.

On November 15, 2011, SumTotal Systems, LLC ("SumTotal") and Broward County entered into a Memorandum of Understanding assigning and affirming that the 2004 Agreement between Accero and the County was assumed by SumTotal on the same terms and conditions.

On September 6, 2013, the Director of Purchasing approved the Third Amendment to the 2004 Agreement between the County and SumTotal for additional licenses, software maintenance and consulting services, and increasing the maximum not-to-exceed amount by \$284,500 from \$685,117 to \$969,617.

On August 8, 2014, the Director of Purchasing approved the Sole Source designation for SumTotal as the proprietary operator of the Cyborg system.

On August 20, 2014, the Director of Purchasing approved the Fourth Amendment to the 2004 Agreement between the County and SumTotal removing the Third Amendment's Scope of Services in its entirety and permitting the Contract Administrator to authorize consulting services subject to an hour limitation.

On October 28, 2014 (Item No. 33), the Board approved the Fifth Amendment to the 2004 Agreement to initiate managed services and to extend system maintenance and professional services for the Cyborg system for three years and two optional one-year extension terms through October 31, 2020.

On November 15, 2018, the Director of Purchasing approved the Sixth Amendment to the 2004 Agreement to add additional terms and conditions related to applicable laws and software security.

The purpose of the Seventh Amendment is to clarify the responsibilities as they relate to managed services required under the Agreement, to add optional renewal terms beyond the 2015-2020 term, to provide pricing for the optional renewal terms, and to increase the total not-to-exceed amount by an additional \$1,364,777. The proposed estimated amounts consist of \$80,000 for services through the end of the 2015-2020 term, and for the three potential annual renewal periods combined, if fully exercised, a total of \$334,636 for managed services, \$120,000 for extended support for Cyborg version 6.12 (v6.12), \$455,140 for support and maintenance, and \$375,000 for professional services. The new total not-to-exceed contract amount is \$4,496,522.

The current Cyborg system is used to manage, track, and report County-wide payroll, human resources, and position control systems for employees. It is anticipated that the Cyborg application will be decommissioned and replaced following the implementation of PeopleSoft HCM.

Sunshine negotiation meetings were held on May 21, 2019 and June 13, 2019. The meetings were attended by representatives from SumTotal Systems, LLC, the Purchasing Division, the Enterprise Technology Services Division, and the Office of the County Attorney.

**Source of Additional Information**

Carol Munemura, Assistant Director, Enterprise Technology Services Division, 954-357-5565

**Fiscal Impact**

**Fiscal Impact/Cost Summary**

The source of funding for the maximum term of the proposed Amendment is the Enterprise Technology Services, Application Services Software Support Fund No. 10010-35501040-512730 in the amount of \$1,364,777.