

AGENDA ITEM

144 DECEMBER

DATE: December 21, 2011

TO: Members, Planning, Program Development and Budget Committee
Members, Board of Governors

FROM: Robert A. Hawley, Deputy Executive Director

SUBJECT: Contract Authorization – Amendment to Contracts For:
1) Oracle Enterprise System Programming and Development (Solution Boost);
2) Development and Placement of Public Service Announcements (California Broadcasters Association);
3) Necessary IBMi5/AS400 Maintenance, Administration and After Hours Support (Midrange Support Group)

EXECUTIVE SUMMARY

Under Board Policy, Tab 17 [Control Policies & Procedures], Article 3 [Contracts], Section 2 [Authority], contracts in excess of \$75,000 involving consulting services, capital equipment, or technology purchases must be authorized by the Board of Governors. Authority is sought here to for three contracts: 1) to amend the existing contract with Solution Boost to increase the contract amount by \$30,000. The total compensation under the agreement for previous services rendered over the last three years exceeds a total of \$75,000; 2) to authorize staff to enter into a contract with the California Broadcasters Association (CBA) on a sole source basis, to assist the State Bar develop and place media communications including public service announcements for a contact amount not to exceed \$100,000; 3) to authorize staff to enter into a contract with Midrange Support Group to provide necessary support that exceeds the abilities of in-house staff for the State Bar's primary computer platform the IBMi5/AS400. This includes after hours administration, enhanced problem solving and proactive maintenance. The contract is not to exceed three years or a total of just under \$140,000. Board members with questions about this matter may contact Robert Hawley at (415) 538-2277 or Robert.Hawley@calbar.ca.gov.

BACKGROUND

Tab 17 [Control Policies & Procedures], Article 3 [Contracts], Section 2 [Authority] of the Board's Policy Book states as follows:

“No contracts for consulting services, capital equipment, or technology purchases exceeding \$75,000 may be entered into, by or on behalf of the State Bar unless authorized by the Board of Governors. Any future amendments to a contract originally below the \$75,000 threshold that will result in bringing the total contract amount to this level will also require Board approval.”

Exempted are those contracts associated with the normal operations of the Bar including but not limited to site agreements, Admissions consultants, IOLTA and Equal Access grant distributions, and other routine contracted services exceeding \$75,000.

“Also exempted are cases of emergency where a purchase is necessary for the immediate reservation of the public health, welfare or safety, or protection of State Bar employees or property provided the details justifying an emergency contract and other supporting documentation be reported to the Board at its next scheduled meeting.”

ISSUE

In accordance with the foregoing, Board authorization is requested 1) to proceed with an amendment to the existing Solution Boost contract to add \$30,000 for programming and development services on the State Bar’s Oracle Enterprise System that processes human resource, payroll, procurement and other critical operational data; 2) to enter into a contract with the California Broadcasters Association (CBA) on a sole source basis, to assist the State Bar develop and place media communications including public service announcements for a contact amount not to exceed \$100,000; and, 3) to authorize staff to enter into a contract with Midrange Support Group to provide necessary support that exceeds the abilities of in-house staff for the State Bar’s primary computer platform the IBMi5/AS400. This includes after hours administration, enhanced problem solving and proactive maintenance. The contract is not to exceed three years or a total of just under \$140,000.

DISCUSSION

Solution Boost

The State Bar utilizes Oracle Enterprise J.D. Edward as its human resource, payroll, procurement reporting, and data processing system. There are annual updates and adjustments that need to be made to the system for which Solution Boost has provided the programming and development support over the last few years. In addition, Solution Boost assists in the development of enhancements to the system including custom interfaces between the State Bar and our benefit providers such as Kaiser, Aetna, and CalPERS, that allow for electronic transfer of data directly from system to

system, reducing the need for manual processing. This requires programming skills on the Oracle Enterprise J.D. Edwards System that do not exist on staff. As a result, we have contracted with Solution Boost since February 2009 to provide this development and programming assistance, as needed. The State Bar seeks authority to add \$30,000 to the current contract, expiring December 31, 2011, to cover year-end programming needs for 2011 and into 2012 including transfer feeds between the State Bar and Benesyst, which is a new benefit provider who will assist the State Bar with COBRA administration for terminated employees and with transit reimbursement under the transit reimbursement policy. The addition of \$30,000 to the existing contract will enable Solution Boost to provide the support assistance that is critical to the Human Resource/Payroll system at year end and will enable the State Bar to finalize the data interfaces referenced above. The contract obtains these services at \$150/hour. The services are provided remotely, not on site. This amendment will bring the total contract amount to over nearly \$180,000 over four years.

California Broadcasters Association (CBA)

The State Bar seeks approval to enter into a contract not to exceed \$100,000 with the CBA on a sole source basis to develop and place media content for the State Bar particularly including public service announcements. The subject of the public service announcements will focus upon the State Bar's public education initiatives: Kids and the Law, When you Turn 18, and Seniors and the Law. In addition, public service announcements about the State Bar's discipline system and how to find a lawyer through certified lawyer referral services will be included. Board approval is necessary as this is a consulting agreement in excess of \$75,000. Use of CBA has been approved by staff as a sole source contract. CBA has previously been approved by the state of California as a sole source provider due to its unique ability not only to develop media content but to assure placement of that content with broadcasters within the state of California. No other provider of media, advertising, or public relation services can as effectively provide this placement service as the association of broadcasters itself. The state of California including the Department of Child Support Services, Franchise Tax Board, various California state commissions have used the services of CBA in amounts varying between \$60,000 and over \$100,000 for these same purposes. Upon Board approval, a contract will be developed with CBA to provide these services in an amount not to exceed \$100,000.

Midrange Support Group

The State Bar utilizes the IBMi5/AS400 as its primary platform for the State Bar's essential computer applications including case administration within the Office of the Chief Trial Counsel and State Bar Court; the administration, development and grading of the California Bar Exam, and administration of the Member Records, billing, MCLE compliance and related activities. There is a constant need for AS400 administration, monitoring and maintenance. Existing staff has been performing these duties, but there is a need for enhanced levels of performance that exceed existing staff abilities including afterhours (24/7) monitoring/maintenance and problem solving, proactive

future focused maintenance and utilization planning. The State Bar seeks approval to contract with Midrange Support Group for assistance in supporting the IBM i5/AS400 environment. Midrange specializes in providing these services for entities of the State Bar's size. These contract services will supplement our day-to-day system administration activities including user access, daily operations, error message monitoring, problem solving that is currently addressed by State Bar staff during normal business hours. This contract will provide extended (24x7) support for proactive maintenance, monitoring and problem solving. The contract will also include necessary system upgrades and enhancements to the AS/400 hardware that exceed existing staff capabilities. The contract is for a two year period, with an option to renew for a third year; not to exceed \$139,470.00 for three years. Midrange was selected through a competitive Request for Proposals (RFP) process. Six vendors were solicited, two responded and one declined. A four-person evaluation team assessed and rated the two responses and selected the winning bidder.

FISCAL / PERSONNEL IMPACT:

There is no material personnel impact. The fiscal impact is as set forth above.

RULE AMENDMENTS:

None.

BOARD BOOK IMPACT:

None.

RECOMMENDATION

Staff recommends that the contract amendment and contact as set forth above be approved.

PROPOSED BOARD COMMITTEE RESOLUTION:

Should the Planning, Program Development and Budget Committee agree with the above recommendation, the following resolution would be appropriate:

RESOLVED, that the Planning, Program Development and Budget Committee recommends that the Board authorize staff to proceed with the amendment to the Solution Boost agreement identified in the item before the Committee this date, within the parameters set forth; and it is

FURTHER RESOLVED, that the Planning, Program Development and Budget Committee recommends that the Board authorize staff to proceed with the California Broadcasters Association contract identified in the item before the Committee this date, within the parameters set forth; and it is

FURTHER RESOLVED, that the Planning, Program Development and Budget Committee recommends that the Board authorize staff to proceed with the Midrange Support Group contract identified in the item before the Committee this date, within the parameters set forth.

PROPOSED BOARD OF GOVERNORS RESOLUTION:

Should the Board concur with the Planning, Program Development and Budget Committee's recommendation, the following resolutions would be in order:

RESOLVED, that upon the recommendation of the Planning, Program Development and Budget Committee, the Board hereby authorizes staff to proceed with the amendment to the Solution Boost contract identified in the item before the Board this date, within the parameters set forth; and it is

FURTHER RESOLVED, that upon the recommendation of the Planning, Program Development and Budget Committee, the Board hereby authorizes staff to proceed with the California Broadcasters Association contract identified in the item before the Board this date, within the parameters set forth; and it is

FURTHER RESOLVED, that upon the recommendation of the Planning, Program Development and Budget Committee, the Board hereby authorizes staff to proceed with Midrange Support Group contract identified in the item before the Board this date, within the parameters set forth.