



Contra  
Costa  
County

To: Board of Supervisors  
From: Melinda Cervantes, County Librarian  
Date: December 18, 2018

Subject: Software and Services Agreement – Bibliocommons, Inc.

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the County Librarian, or designee, to execute a Library Subscription Master Agreement with Bibliocommons Inc., including mutual indemnification, in an amount not to exceed \$632,000 for hosting library content management software system and catalog, for the period January 1, 2019 through December 31, 2020.

**FISCAL IMPACT:**

100% Library Fund.

**BACKGROUND:**

The Contra Costa County Library ensures easy, equitable access to library services for all Contra Costa County residents. The Library's Strategic Plan guides the Library in prioritizing its resources, manpower, programming and efforts. The plan's goals and objectives were developed by collecting extensive input from community members and research findings. The Strategic Plan is a powerful tool in tailoring, reshaping and rethinking how library services, facilities and programs support the needs of the community.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **12/18/2018** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

AYE: John Gioia, District I Supervisor  
Candace Andersen, District II Supervisor  
Diane Burgis, District III Supervisor  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: December 18, 2018

David Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Melinda Cervantes,  
925-608-7700

By: Laura Cassell, Deputy

cc:

This Library Subscription Master Agreement with Bibliocommons will provide the Library the ability to create a new website with a comprehensive Content Management System and Catalog Discovery Layer developed specifically for libraries. It will allow the Library's site, including its catalog and events calendar, to be fully compatible with mobile devices. The software will enable the Library to offer many improved

## BACKGROUND: (CONT'D)

online features such as, natural language search, shareable booklists, the ability to virtually browse shelves, FRBR logic results (meaning all formats will display in a single search result), a built-in Awards and Bestsellers database, and read-alike suggestions when a searched for item is not available. It offers seamless integration and promotion of catalog content on the website and web content in the catalog. Bibliocommons is fully compatible with the Library's existing Integrated Library System (ILS). Patrons will also have the option to post and share content with other library users regarding books and other media in the Library's collection. The system also provides controls for children's safety. Children under the age of 13 will not have the ability to post free text, create their own user names or send and receive private messages.

This Agreement includes modifications to the General Conditions for the County and Contractor: Section 19.1 (Indemnification). As modified, the County agrees to indemnify and hold harmless Bibliocommons for the County's share of any and all claims, costs and liability for any damage, injury or death of or to any person or the property of any person, including attorneys fees, arising out of the willful misconduct or the negligent acts, errors or omissions of the County in the performance of this Agreement.

Bibliocommons will enforce the Terms of Use that library patrons agree to when they use the system, including removal of content that violate the Terms of Use. Under the agreement, Bibliocommons does not indemnify County for third party claims based on content removal, but Bibliocommons will notify the County if a patron appeals removal of content posted to the system due to a Terms of Use violation.

Bibliocommon's liability is limited under the contract to the amount of fees paid in the 12 months preceding a claim. The limitation of liability does not apply to Bibliocommons' intellectual property indemnity obligation.

## CONSEQUENCE OF NEGATIVE ACTION:

If not approved, the Library would be unable to manage strategic planning outcomes to increase and enhance the patron library experience.