



Contra
Costa
County

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: March 23, 2021

Subject: Contract #72-141 with Constant Contact, Inc.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Health Services Director, or designee, to enter into on behalf of the County (1) Constant Contact Website and Products Terms and Conditions of Use, and (2) execute a Side Letter with Constant Contact, Inc., a corporation, in an amount not to exceed \$119,700 to provide a hosted email marketing software platform for the period from March 23, 2021 through March 22, 2026.

FISCAL IMPACT:

This contract will result in contractual service expenditures of up to \$119,700 over a 5-year period and will be funded 100% by Whole Person Care State revenues.

BACKGROUND:

Constant Contact, Inc. is an online marketing company offering a mass email marketing solution that is Health Insurance Portability and Accountability Act of 1996 (HIPAA) compliant. This contract meets the social needs of Contra Costa County's Community Connect program by affording the ability to electronically send HIPAA sensitive community resources and information to enrolled members, aiding in the county's intent to protect the privacy and provide for the security of Protected Health Information (PHI); this

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **03/23/2021** ☒ 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: March 23, 2021

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: Laura Cassell, Deputy

Contact: PAT WILSON,
925-335-8777

service provides for a single use platform.

The Health Services Department solicited for a HIPAA compliant email marketing software product that could provide a single use platform but did not receive any qualified responses. Due to the lack of response,

BACKGROUND: (CONT'D)

Constant Contact, Inc., was chosen. Contract #72-141 is the initial contract with Constant Contact, Inc.

Approval of this new Contract #72-141 allows the contractor to provide services through March 22, 2026. The Website and Products Terms and Conditions of Use agreement requires the County to indemnify Constant Contact, Inc., for claims arising from County's breach of the agreement, and County's content in the system. The agreement provides that the County's only resource for the solution's non-performance is for Constant Contact to use commercially reasonable efforts to remedy the error. The agreement limits Constant Contact's liability under the agreement to the amount paid to Constant Contact in the 13 months preceding the claim, including any data breach.

CONSEQUENCE OF NEGATIVE ACTION:

If this contract is not approved, Contra Costa Health Services will not reap the benefits of a HIPAA compliant email marketing software platform, which could delay the sharing of important health information.