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Enactment Date	11-8-17 ef

Memo

To Board of Education

From Kyla Johnson-Trammell, Superintendent
Vernon Hal, Senior Business Officer *VH*
Susan Beltz, Chief Technology Officer *SB*

Board Meeting Date November 8, 2017

Subject Ratification of Emics, Inc. dba Informed K12 (Chalk Schools) Agreement between Oakland Unified School District and Emics, Inc.

Action Requested Ratification of Emics, Inc. dba Informed K12 (Chalk Schools) Agreement between Oakland Unified School District and Emics, Inc. beginning August 10, 2017 through August 9, 2018 in the amount of \$60,480, with an automatic annual renewal for three (3) additional years.

Background The Technology Services department has successfully used Emics, Inc. dba Informed K12 for 2016-17 and is using this firm going forward for the same services as previously provided.

The Oakland Unified School District (OUSD) uses the Chalk Schools solution to enable online completion and approval of basic forms. These include the system access request forms used by Technology Services,



**OAKLAND UNIFIED
SCHOOL DISTRICT**

Community Schools, Thriving Students

the Employee Action forms used by Talent, the PE Minutes forms used by applicable schools, etc.

Previously, these forms were completed on paper and submitted via mail or FAX. This introduced unwanted overhead and made it difficult to track submitted forms through the approval process. In addition, incomplete or illegible forms typically resulted in a need to restart the process. Making these forms available online has reduced paper and significantly increased efficiency throughout OUSD.

Discussion

Chalk Schools is a flexible form builder which is capable of quickly converting a PDF document into an online form. Data validation capabilities are provided to enforce completion and proper formatting of form entry fields. Form signatures are captured using a legally-compliant e-signature technology. In addition, Chalk Schools contains reporting features to enable form tracking and metrics.

Once a form is completed, the Chalk Schools system allows the end user to submit the form to an approver in cases where this is required. The approver can simply e-sign and click a button to submit the form to its final destination. Unlike more extensive workflow engines, Chalk Schools makes it possible for even non-technical users to quickly convert their existing PDF documents to online forms and apply basic routing rules.

Ratifying this Agreement will allow OUSD to continue using Chalk Schools to enable online form completion and submission, thereby reducing overhead and increasing transparency throughout OUSD.

Recommendation

Ratification of Emics, Inc. dba Informed K12 (Chalk Schools) Agreement between Oakland Unified School District and Emics, Inc. dba Informed K12 beginning August 10, 2017 through August 9, 2018 in the amount of \$60,480, with an automatic annual renewal for three (3) additional years.

Fiscal Impact

\$60,480 from Funding Resource 9999994701: General Purpose (GP) Software Licensing

Attachments

Emics, Inc. dba Informed K12 (Chalk Schools) Agreement



CONTRACT JUSTIFICATION FORM

**This Form Shall Be Submitted to the Board Office
With Every Consent Agenda Contract.**

Legislative File ID No. _____

Department: Technology Services

Vendor Name: Emics, Inc.

Contract Term: Start Date: August 10, 2017 End Date: August 9, 2018

Annual Cost: \$ 60,480

Approved by: Susan Beltz

Is Vendor a local Oakland business? Yes No

Why was this Vendor selected?

The Technology Services department has successfully used Emics, Inc. dba Informed K12 for 2016-17 and is using this firm going forward for the same services as previously provided. The Oakland Unified School District (OUSD) uses the Chalk Schools solution to enable online completion and approval of basic forms. These include the system access request forms used by Technology Services, the Employee Action forms used by Talent, the PE Minutes forms used by applicable schools, etc. Making these forms available online reduces overhead and increases transparency throughout OUSD.

Summarize the services this Vendor will be providing.

Emics, Inc. dba Informed K12 will provide licensing for Chalk Schools and related support.

Was this contract competitively bid? Yes No

If No, answer the following:

1) How did you determine the price is competitive?

The solution is unique in terms of its online PDF conversion capabilities and overall ease of use. In addition, the solution was used in 2016-17 and it would require significant resources to refactor the existing forms into another solution. The overall cost is indicative of the fact that the solution allows for 12 major processes plus 63 accounts for the customized PE Minutes solution, used to track physical education minutes for applicable schools.

2) Please check the competitive bid exception relied upon:

- Educational Materials**
- Special Services** contracts for financial, economic, accounting, legal or administrative services
- CUPCCAA exception** (Uniform Public Construction Cost Accounting Act)
- Professional Service Agreements** of less than \$87,800 (increases a small amount on January 1 of each year)
- Construction related Professional Services** such as Architects, DSA Inspectors, Environmental Consultants and Construction Managers (require a "fair, competitive selection process)
- Energy** conservation and alternative energy supply (e.g., solar, energy conservation, co-generation and alternate energy supply sources)
- Emergency** contracts [requires Board resolution declaring an emergency]
- Technology** contracts
 - electronic data-processing systems, supporting software and/or services (including copiers/printers) over the \$87,800 bid limit, must be competitively advertised, but any one of the three lowest responsible bidders may be selected
 - contracts for computers, software, telecommunications equipment, microwave equipment, and other related electronic equipment and apparatus, including E-Rate solicitations, may be procured through an RFP process instead of a competitive, lowest price bid process
 - Western States Contracting Alliance Contracts (WSCA)
 - California Multiple Award Schedule Contracts (CMAS) [contracts are often used for the purchase of information technology and software]
- "Piggyback" Contracts** with other governmental entities
- Perishable Food**
- Sole Source**
- Change Order for Material and Supplies** if the cost agreed upon in writing does not exceed ten percent of the original contract price
- Other, please provide specific exception**



230 California St, Suite 601
San Francisco, CA 94111
www.informedk12.com

Oakland Unified School District
1000 Broadway Suite 300
Oakland, CA 94607

Date: September 22, 2017

Summary of Services and Costs re Informed K12

Service	Unit Price
Internal Office forms and workflow processes 12 Internal Office Processes	\$37,800/ year
63 School P.E. Accounts All processes include: <ul style="list-style-type: none">• Unlimited electronic signatures, interactive form fields, pre-filled data fields, and reusable templates to automatically collect, route, and track responses and approvals• Unlimited responses archived with full access search and nightly back-ups for all data• Phone, chat, and email support for form managers and recipients• Continuous upgrades and extensive browser and device support• Online webinars and resources for form managers	\$22,680 / year
ANNUAL COST:	\$60,480

Informed K12-Oakland Unified School District Agreement

This Agreement is made as of August 10, 2017 between Emics, Inc. dba Informed K12 ("Emics, Inc.") and Oakland Unified School District (at times, "OUSD," "You" or "Your"), covering the services to be provided below for one (1) year from the commencement of this Agreement (*i.e.*, from August 10, 2017 to August 9, 2018) at a total cost to OUSD of \$60,480. This Agreement supersedes and replaces any and all prior written and oral agreements between Emics, Inc. and OUSD. This agreement automatically renews each year, for a maximum of three (3) years and upon the same terms and conditions as set forth herein, unless OUSD provides written notice of cancellation at least 30 days prior to the end of each 365-day period. Payment is due to Emics, Inc. 30 days after the initiation or renewal of services.

During the term of this Agreement, Emics, Inc. will provide the following to OUSD by way of the Informed K12 solution:

All processes include:

- Internal Office forms and workflow processes.
 - 12 Internal Office Processes.
- 63 School P.E. Accounts.
- Unlimited electronic signatures, interactive form fields, pre-filled data fields, and reusable templates to automatically collect, route, and track responses and approvals.
- Unlimited responses archived with full access search and nightly back-ups for all data.
- Phone, chat, and email support for form managers and recipients.
- Continuous upgrades and extensive browser and device support.
- Online webinars and resources for form managers.
- Ongoing assistance and staff support. Informed K12 will provide a dedicated client success and implementation specialist as the primary contact for your district.
- Advanced access to new features, and full access to the Informed K12 system. You will receive first notice and early review of all new developments.
- Dedicated accounts with set up and configuration. Account services will adhere to the terms and definitions outlined in our Privacy Policy. In sum, you control your account information, documents, and settings. We will not rent or sell your information to third parties outside Emics, Inc. without your consent.

During the term of this Agreement, OUSD will provide:

- **Primary contact:** Identify one staff member as your primary contact, who provides direct input to the Informed K12 team in order to ensure success.

- **Feedback and review:** As a valued Informed K12 customer, you will have the ability to help to shape and improve the tool for all educators by providing feedback and reviewing any findings together for continuous improvement.

Emics, Inc. and OUSD agree that Sections 5, 6, 8, 10–16, 19-21, and 23-32 of the 2017-2018 OUSD Professional Services Agreement (“17/18 OUSD PSA”) are applicable and incorporated into this Agreement as if fully set forth herein, and that the provisions of said Sections of the 17/18 OUSD PSA govern the rights and obligations of the Parties should those provisions conflict with anything set forth in this Agreement. The 2017-2018 OUSD Professional Services Agreement is attached hereto as Attachment A.

Confidentiality

OUSD designates Emics, Inc. as an “authorized representative” for purposes of the Family Educational Rights and Privacy Act (“FERPA”) as OUSD has outsourced institutional services or functions to Emics, Inc. and the latter (1) performs an institutional service or function for which OUSD would otherwise use employees; (2) is under the direct control of OUSD with respect to the use and maintenance of education records; and (3) is subject to the requirements of 34 C.F.R. § 99.33(a) governing the use and redisclosure of personally identifiable information from education records. Emics, Inc. will maintain the confidentiality of any and all student data provided to it as a part of this Agreement. The confidentiality requirements under this paragraph shall survive the termination or expiration of this Agreement or any subsequent agreement intended to supersede this Agreement. To ensure the continued confidentiality and security of the student data processed, stored, or transmitted under this Agreement, Emics, Inc. shall maintain a system of safeguards that will at minimum include the following:


- a. Procedures and systems that ensure all student records are kept in secured facilities and access to such records is limited to personnel who are authorized to have access to said data under this section of the Agreement.
- b. All designated staff and faculty at Emics, Inc. involved in the handling, transmittal, and/or processing of data provided under this Agreement will be required to execute a confidentiality agreement requiring said personnel to maintain the confidentiality of all student related personally identifiable information.
- c. Procedures and systems that shall require the use of secured passwords to access computer databases used to process, store, or transmit data provided under this Agreement.
- d. Procedures and systems, such as good practices for assigning passwords, shall be developed and implemented to maintain the integrity of the systems used to secure computer databases used to process, store, or transmit data provided under this Agreement.
- e. Procedures and systems that ensure that all confidential student data processed, stored, and/or transmitted under the provisions of this Agreement shall be maintained in a secure manner that prevents the interception, diversion, or other unauthorized access to said data.
- f. The procedures and systems developed and implemented to process, store, or transmit data provided under this Agreement shall ensure that any and all disclosures of confidential student data comply with all provisions of FERPA, as well as all federal and California law relating to the privacy rights of students, such as but not limited to, the Children’s Online Privacy Protection Act (15 U.S.C. §§ 6501–6506), the Information Practices Act and the California Public Records Act insofar as

- such laws are applicable to the parties to this Agreement.
- g. Access to any personally identifiable information included in the data shall be restricted to those individuals with a legitimate need for access in order to carry out the purposes set forth above in this Agreement.

We look forward to a long lasting and mutually beneficial relationship.

Emics, Inc. dba K12 Informed K12


Oakland Unified School District



 Authorized Signature
 Sarah Chau

 Print Name
 10/12/17

 Date




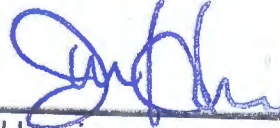
 Authorized Signature
 Susan Beltz

 Print Name
 10/16/2017

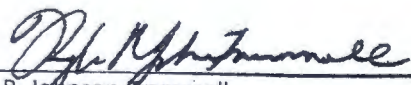
 Date

OAKLAND UNIFIED SCHOOL DISTRICT
 Office of General Counsel
 APPROVED FOR FORM & SUBSTANCE

By: 
 MICHAEL L. SCISLATE, Attorney at Law
 10/17/17



 James Harris
 President, Board of Education



 Kyla R. Johnson-Frammell
 Secretary, Board of Education

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