

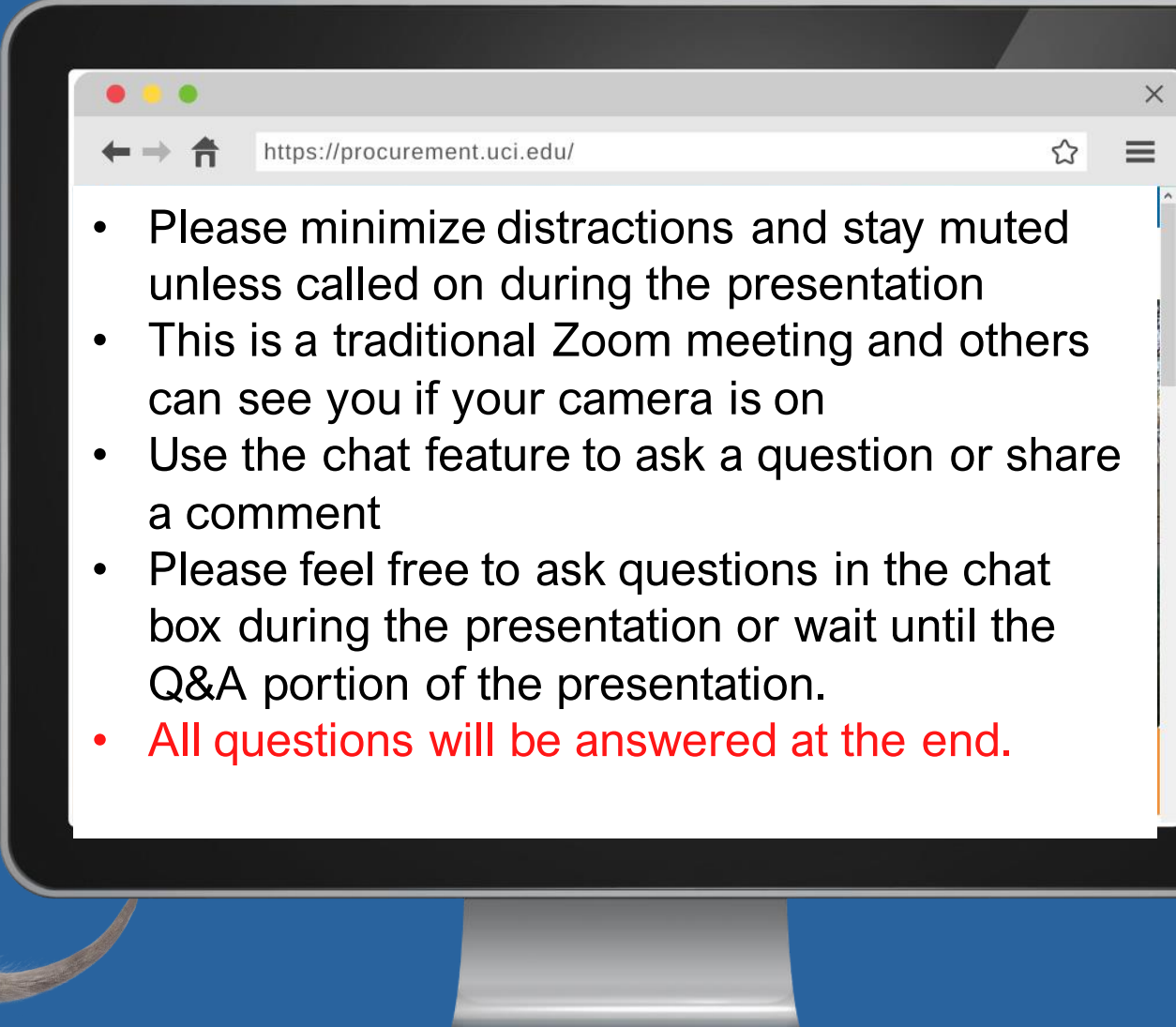
Welcome and thank you for joining!

This session will begin shortly.

THIS SESSION IS BEING RECORDED

and will be available on the Procurement Services website at: procurement.uci.edu.

We'll email you
when it's available!

- 
- The monitor displays a web browser window with the URL <https://procurement.uci.edu/>. The browser window contains a list of instructions for the session.
- Please minimize distractions and stay muted unless called on during the presentation
 - This is a traditional Zoom meeting and others can see you if your camera is on
 - Use the chat feature to ask a question or share a comment
 - Please feel free to ask questions in the chat box during the presentation or wait until the Q&A portion of the presentation.
 - **All questions will be answered at the end.**



Buying Software and IT Services

*Procurement Services Department Buyer Training Session
Tuesday, September 19, 2023*

UCI Division of Finance and Administration | With U • For U

Procurement Training

Robust **training guides** are available on the Procurement website and can be accessed from the top of our website.

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UCI Procurement
Services



In addition to the PDF training guides, you may find our interactive online courses on UCLC. You can also request personalized individual or group training available via [Zoom](#) or in person.



Capital Asset



PALCard



UCIBuy



Requisition



Purchase Order

Procurement Training

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In addition to our guides and micro-learnings, you can request a **one-on-one session** conducted via Zoom for a more personalized learning experience.

Please contact procurement@uci.edu.

Remember

As an employee of a public university, it is your responsibility to comply with all procurement laws, rules, regulations, executive orders, policies and procedures concerning the purchase of goods and services:

- UCOP BUS-43
- UCI 707-10
- UCI 701-23
- California Public Contract Code
- Uniform Guidance
- Small Business First
- Covered Services



You are **not authorized to sign on behalf of the University** or to bind the University in any manner.

It is **a violation of federal and state law and UC policy** to procure a service or commodity without acquiring the necessary approvals and documents in advance.

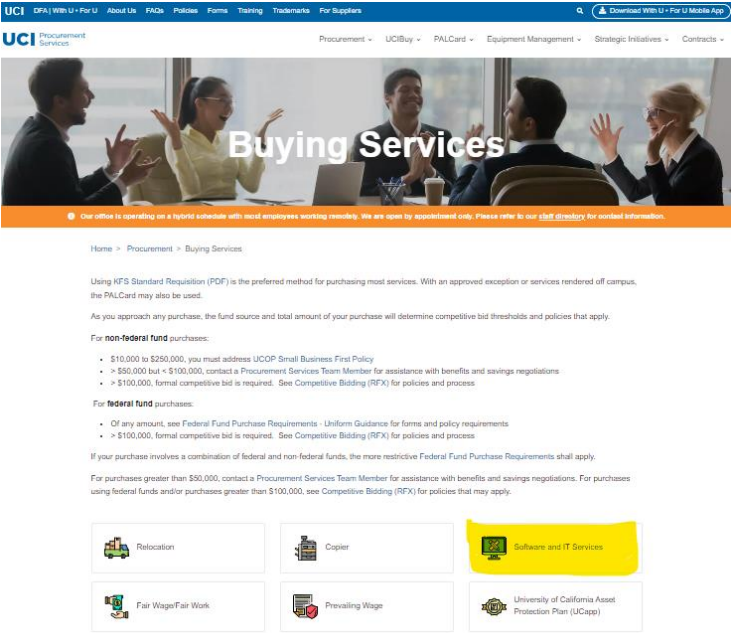
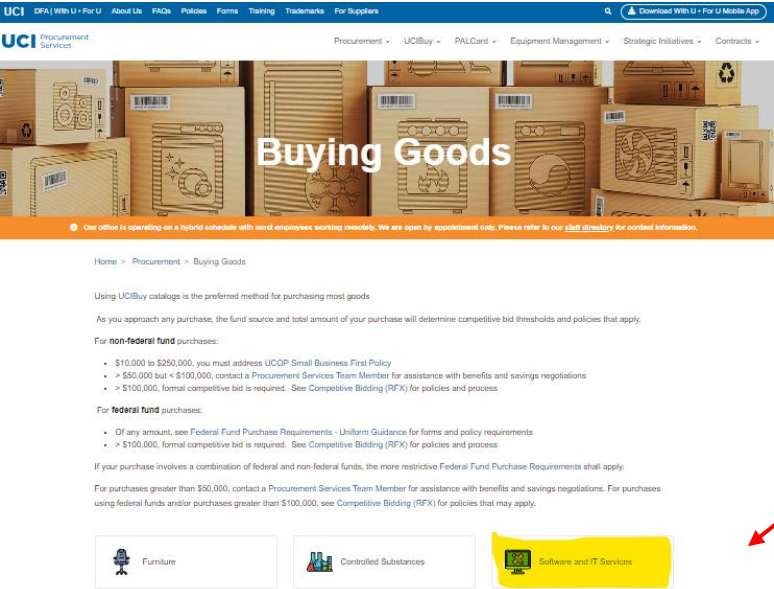
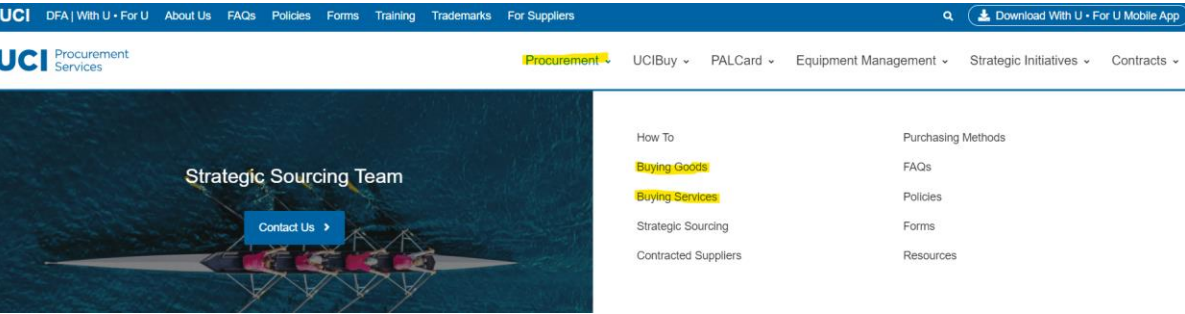
If you do, you may be held **personally responsible for the cost** of the products or services purchased.

Today's Agenda

- Welcome
- Buying Software and IT Services
- Resources
- Q & A



How to Navigate to the New Webpage



New Webpage

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Contracts

Buying Software/IT Services

Our office is operating on a hybrid schedule with most employees working remotely. We are open by appointment only. Please refer to our [staff directory](#) for contact information.

Home > Procurement > Buying Software/IT Services

Information Technology (IT) services include electronic storage, processing or transmitting of data or information, as well as the data or information itself. IT services include, and are not limited to, software, cloud-based software, electronic mail, voice mail, cloud based fax services, databases, digitized information, platforms (mobile PaaS, open PaaS, integration platform as a service (iPaaS), web based subscriptions, website hosting, etc.).

IT services (as compared to general services) involves the supplier's work or deliverable being the granting of a license or subscription to use a data, software or cloud solution, application, or access a website for a set period of time. When the primary objective of a purchase is to obtain labor from a supplier, that is most likely a general service and not an IT service, even if the labor involves technology or computing.

For example, purchasing a new cloud software/solution/app is IT services. If you hire that same company to provide implementation services, it would still be an IT service because the primary purpose is acquisition of the software.

However, hiring a separate company for implementation services alone would be a general service purchase since the main deliverable of that purchase is their labor.

When purchasing IT services, departments must address a few key issues prior to submission of the requisition such as competitive bidding, data security, privacy, and insurance requirements.

Click each drop down to determine how to coordinate a review with each subject matter area.

IT Service Purchases Process Steps

IT Service Purchases Process Steps

Contracted Suppliers

Data Security

Privacy

Agreements & Terms

Cyber Liability Insurance

Making Your Purchase

Making Your Purchase Using a PALCard

Need personalized assistance?

Contact Us

<https://www.procurement.uci.edu/procurement/buying-software-it-services.php>

Risk Services – BUS-63 Requirements

- Risk Management Offices ensure [BUS-63](#) requirements have been met **BEFORE** the effective date of a contract, purchase order, or other agreement.
- All agreements between Suppliers and the University must include, as part of the contract:
 - **A requirement that the Supplier provides a Certificate of Insurance (COI) showing evidence of compliance with the established minimum insurance requirements.**
 - **Not providing the COI can delay Risk's analysis and approval.**
 - A requirement that the Supplier maintains minimum levels of insurance.
 - Cyber Insurance: this is based on the protection level and number of records.
 - A requirement that the Supplier adds the University as an Additional Insured (AI).
 - Indemnification: A provision to defend, indemnify and hold harmless the University from loss, injury or damage caused by or as a result of the Supplier's negligent or intentional acts arising out of the performance of the contract.

Risk Services – Common Issues

Risk review OIT Security Review.

- Include invaluable information on data protection levels, privacy concerns.
- May include valuable information on system setup: Environmental factors like setup and encryption
- Provide the basis for minimum Cyber insurance levels and Risk approvals.

Certificates of Insurance:

- Risk denials for inadequate Cyber Insurance.
 - Cyber vs Excess Cyber: Excess Cyber to get to the minimum insurance is ok in some situations.
- Jurisdictional issues.
- Request AI status for Cyber – if Supplier denies, move forward.

Indemnity & Limitation of Liability:
"The amount of fees paid is not an accurate measure of the contract's Risk" - Wise Person, Richmon1.

- LOL must be read with any Indemnity provisions.
 - Sometimes LOL carved out completely: 'Except for Indemnity obligations...'
 - Sometimes LOL carved out and "super"-capped: 'Indemnity obligations will not exceed 5 times the fees paid'.
- Compared to Minimum Insurance reqs: may be pennies on the dollar.

Risk Services – Indemnity & Limitation of Liability



Indemnification means that one party assumes financial responsibility in the event of a specified loss. The language of an indemnification clause should only hold the University liable for the culpable acts or omissions of its own employees, officers, agents, students, invitees or guests.



One way indemnification; Mutual indemnification. Indemnification includes covered events which are subject to negotiation: In IT Contracts, most important Risks should be included (1) Data Breaches and (2) 3rd Party Infringement.



Recoverable Damages: All claims, liability, loss, expense (including reasonable attorneys' fees). Exceptions: Negligence and Gross Negligence: "but only in proportion to and to the extent ... caused by or result from the negligent or intentional acts or omissions of THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, its officers, employees or agents."



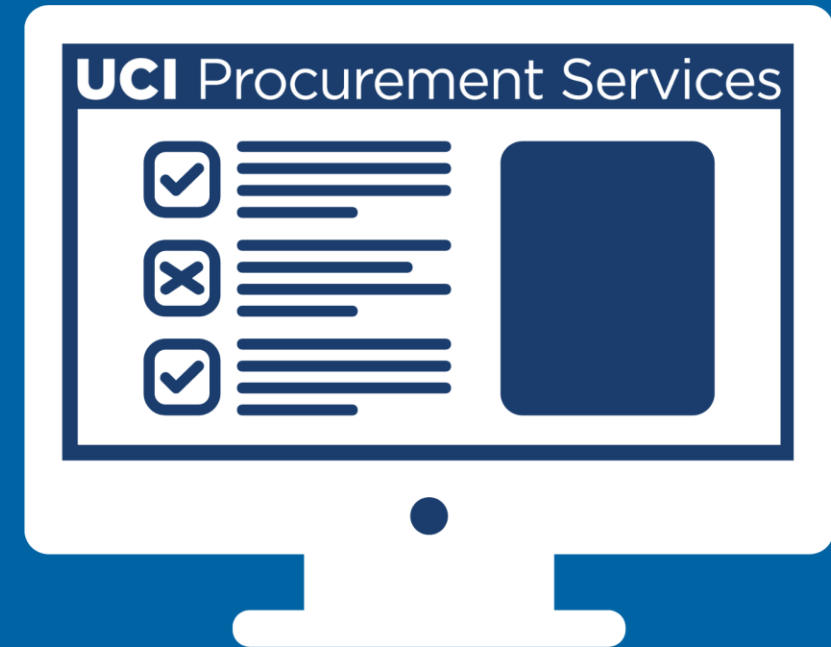
Limitation of Liability: Limits the amount recovered.

Resources

- [Procurement Services](#)
- [Buying Software/IT Services webpage](#)
- [BUS-63](#)
- [Regents' Standing Order 100.4\(dd\)\(9\)](#)
- [Software and Hardware Resources](#)

Survey

<https://bit.ly/9-19-survey>



Questions



*Thank
You*