



**SAN FRANCISCO
HUMAN SERVICES AGENCY**

Department of Benefits
and Family Support

Department of Disability
and Aging Services

P.O. Box 7988
San Francisco, CA
94120-7988
www.SFHSA.org



London Breed
Mayor

Trent Rhorer
Executive Director

MEMORANDUM

TO: HUMAN SERVICES COMMISSION

THROUGH: TRENT RHORER, EXECUTIVE DIRECTOR

FROM: DAN KAPLAN, DEPUTY DIRECTOR
ESPERANZA ZAPIEN, DIRECTOR OF CONTRACTS

DATE: APRIL 19, 2024

SUBJECT: CONTRACT MODIFICATION: **CRASHPLAN GROUP, LLC (FORMERLY KNOWN AS CODE42 SOFTWARE, INC) (FOR PROFIT)** TO PROVIDE DATA RISK AND PROTECTION SOFTWARE

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CONTRACT TERM:	<u>Current</u>	<u>Modification</u>	<u>Revised</u>	<u>Contingency</u>	<u>Total</u>
	10/01/21- 09/30/24	10/01/24- 09/30/27	10/01/21 09/30/27		
CONTRACT AMOUNT:	\$325,172	\$519,714	\$844,886	\$84,488	\$929,374
ANNUAL AMOUNT:	<u>FY21-23</u>	<u>FY23-24</u>	<u>FY24-25</u>	<u>FY25-26</u>	<u>FY26-27</u>
	\$164,986	\$160,186	\$173,238	\$173,238	\$173,238
Funding Source	<u>County</u>	<u>State</u>	<u>Federal</u>	<u>Contingency</u>	<u>Total</u>
MODIFICATION FUNDING:	\$633,665	\$101,386	\$109,835	\$84,488	\$929,374
PERCENTAGE:	75%	12%	13%		100%

The Human Services Agency (HSA) requests authorization to modify the existing sole source waiver and contract with CrashPlan Group, LLC (formerly known as Code42 Software, Inc.) for the period of October 1, 2024, through September 30, 2027, in an additional amount of \$519,714, plus a 10% contingency for a total amount not to exceed \$929,374. The purpose of the contract is to provide data risk and protection software.

Background

HSA currently uses CrashPlan Group's software for data risk protection and response. HSA would like to continue the subscription services for these software licenses. CrashPlan Group's software allows the user to save data on their laptops that may contain client data and it stays protected. HSA uses CrashPlan Group's services to provide automated backup and recovery of user data on workstation computers. The CrashPlan Group system includes standard backup/recovery in case of device failure, and additionally it is used by HSA to ensure retention of data that may be subject to litigation hold. CrashPlan Group's service includes litigation hold functionality that prevents users or administrators from accidentally or routinely deleting data under hold, e.g. in the course of decommissioning accounts after separation from employment.

A Business Associate Agreement is required because the use of CrashPlan Group contains Protected Health Information/Personally Identifiable Information data and will now have to be on a software maintenance contract.

Services to be Provided

Contractor will provide access to the CrashPlan cloud-based software platform.

Selection

The contractor was selected through a sole source waiver which was approved on March 13, 2024 and is proprietary software. Admin Code 21.30: Proprietary Software Licenses and Support and Proprietary Equipment

Funding

Funding for this contract is provided through a combination of Federal, State, and County General Funds.

ATTACHMENTS

Appendix A-2 – Services to be Provided

Appendix B-2 – Budget

Sole Source Approval

**Appendix A-2
Scope of Services
CrashPlan Group, LLC
Data Risk and Protection Software
October 1, 2021 – September 30, 2027**

Item 1: CrashPlan Cloud

Description: Standard user license.

Item 2: Product and Integration Configuration

Description: Professional services to get HSA's new tenant configured in the cloud. (First Year only)

Item 3: CrashPlan ProStart Upgrade

Description: Professional services SKU to help facilitate the transition from HSA's previous on-premise SKU to Code42's new fully cloud SKU. This includes a health check, updates to deployment, SSO, etc.

Item 4: Authority Migration Services - Standard

Description: Free professional services SKU to facilitate the actual migration of HSA's tenant from on-prem to the cloud.

Appendix B-2
Calculation of Charges
CrashPlan Group, LLC
Data Risk and Protection Software
October 1, 2021 – September 30, 2027

Item # Reference	Product Description	Term	Metric	Quantity	Unit Price
1	CrashPlan Cloud	12 (months)	Each User	2,600	\$66.63
2	ProStart S	Term (First Year only)	One Time	1	\$4,800.00

Annual Amount:

FY21/22 – FY22/23*	\$164,986
FY23/24	\$160,186
FY24/25	\$173,238
FY25/26	\$173,238
FY26/27	\$173,238
Total	\$844,886
Contingency	\$ 84,488
Not to Exceed Amount	\$929,374

*Services did not start until July 1, 2022.

The total amount of this budget is **\$844,886**. Contingent amount up to \$84,488 may be available in the City's sole discretion.

The total amount of the contract shall not to exceed **\$929,374**.



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Date: March 12, 2024
To: Dan Kaplan, Deputy Director, HSA
From: Esperanza Zapien, Director of Contracts, HSA
RE: Sole Source Waiver Request, Administrative Code Section 21.30 – CrashPlan (Supplier ID # 0000052693)

The Human Services Agency (HSA) respectfully requests the approval of the modification of the previously approved sole source waiver for CrashPlan, in an additional amount of \$519,714 (\$173,238 annually) plus a 10% contingency for a total amount not to exceed \$929,374.40 for the provision of the proprietary application and software, CrashPlan, which is a SaaS data risk detection and response product,” utilized by the Human Services Agency Information Technology Department. The purpose of the modification is to increase the contract amount to provide additional license users.

Per Administrative Code Section 21.30(d), “Where a vendor has proprietary rights to the software or where maintenance of equipment by a particular vendor is required to preserve a warranty, software support and equipment maintenance agreements entered into with that vendor shall be treated as a sole source for the purposes of any contract requirements included in the Municipal Code.”

We have found that there are very few vendors in the Enterprise endpoint backup space. Of the ones that do provide endpoint backups, they either do not have a specific legal hold feature or the feature is very limited. Whereas, CrashPlan has a very robust and sophisticated legal hold solution, which is why we chose them.

Specifically, CrashPlan provides the following feature that the other vendors do not have:

- Create “matters,” i.e. legal cases, which contain a list of “custodians” (employees/users) who have relevant data that needs to have legal hold applied.
- Create different hold policies according to need
- Apply a particular hold policy to each matter.
- For each custodian in a matter, the hold policy is applied to their data on any CrashPlan-enrolled device that is assigned to them.
- When a legal case is closed, the administrator can close the “matter” and all legal holds for that matter will immediately be released. If a particular user is still a custodian in a different matter, the hold will remain according to the policy in that matter.

Requesting this sole source waiver modification would allow HSA to not interrupt already existing services and continue to work directly with CrashPlan as they are the sole proprietors of this specific software and application.

HSA is proposing the following:

Request: To extend the current contract by 3 years for a total term of 6 years.



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