

# OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

## **Resolution Authorizing the Selection of Cornerstone OnDemand, Inc. for a Learning Management System in the Not-To-Exceed Amount of \$299,645.21**

WHEREAS, the Ohio Turnpike and Infrastructure Commission (“Commission”) emphasizes providing training opportunities to Commission employees as training aligns with the Commission’s Quality of Work/Life Strategic Initiative stating: “we are committed to provided Ohio Turnpike employees with stable employment and a friendly, respectful and team-oriented culture that include a diversity and inclusion strategy; training; effective communications from leadership; and the ability to be heard and valued;” and

WHEREAS, the Commission previously contracted with Cornerstone OnDemand, Inc. (“Cornerstone”) for a learning management system (“LMS”) which allowed the Commission to provide necessary online training to employees across the Turnpike’s 241 miles, including trainings required by the state (*i.e.*, diversity and inclusion training, cybersecurity, naloxone administration, and more); and

WHEREAS, the Commission understands that Commission data is stored in the United States and the majority of client support services are performed in the United States, but Cornerstone utilizes personnel located outside the United States for more complex client support matters; and

WHEREAS, the Commission’s Training & Development Manager researched companies offering LMS services and found that each LMS reviewed uses virtual, cloud-based support accessible outside the United States, which is a common practice; and

WHEREAS, the research also confirmed that the only data accessible to any Cornerstone personnel located outside the United States is limited to non-personal, identifiable or confidential information, such as employee name, position title, location and manager; and

WHEREAS, Ohio’s Executive Orders 2019-12D and 2022-02D generally prohibit the expenditure of public funds on services performed outside the United States or data storage outside the United States, unless a waiver is obtained from the State of Ohio, Department of Administrative Services (“Ohio DAS”); and

WHEREAS, the Director of Contracts Administration confirmed with Ohio DAS that limited client support services performed outside the United States are considered ancillary to the main services under the contract and Ohio DAS approves waivers in these circumstances; and

WHEREAS, Ohio DAS approved a waiver for Cornerstone’s services under Executive Orders 2019-12D and 2022-02D; and

WHEREAS, the Commission’s Director of Contracts Administration determined that the selection of Cornerstone OnDemand, Inc. complies Section 5537.07(F) of the Ohio Revised Code; and

WHEREAS, the Training & Development Manager obtained three proposals for LMS services and found that each company offers similar services, but the additional cost and time involved in transferring training records and data from Cornerstone to a new provider would be costly and disadvantageous to the Commission and could cause significant downtime and Cornerstone performed satisfactorily under a prior contract; and

WHEREAS, the Training & Development Manager recommends selecting Cornerstone OnDemand, Inc. for a learning management system for an initial three-year term at \$117,222.22, and two additional, two-year options to extend the contract at \$87,203.54 (first renewal term) and \$95,228.45 (second renewal term) for a total not-to-exceed amount of \$299,654.21; and

WHEREAS, the Executive Director has reviewed the recommendation of the Training & Development Manager and concurs that the Commission should approve the selection of Cornerstone OnDemand, Inc. for a learning management system; and

WHEREAS, Commission action is necessary to approve the contract in accordance with Article V, Section 1.00 of the Commission's Bylaws because the expenditure exceeds \$150,000.00; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED, by the Ohio Turnpike and Infrastructure Commission that the selection of Cornerstone OnDemand, Inc. is approved to provide a learning management system and that the Executive Director is authorized to enter into a contract with Cornerstone OnDemand, Inc. for an initial three-year term at \$117,222.22, and two additional, two-year options to extend the contract at \$87,203.54 (first renewal term) and \$95,228.45 (second renewal term) for a total not to exceed amount of \$299,654.21.

**(Resolution No. 84-2022 adopted November 21, 2022)**