

ARC EMPLOYER DATABASE

New Contract Signed

A master contract for the production of the ARC Employer Database was signed between the State of Iowa and *infoUSA* on May 5, 2009. The contract is for a period of three years with two possible one-year extensions.

The Master Contract and State License have been sent electronically to all LMI Directors and ARC Database Administrators. The first deliverable under this contract (3 CD-ROMs) has already been sent to each state. **Each state is required to sign a License Agreement with *infoUSA* to receive any additional deliverables.** The target date to have the state licenses signed is July 15, 2009.

Products

After signing the State License, each State Licensee will receive in October 2009 an uncompressed database (flat file) in the new format and containing the new data elements negotiated under the Iowa contract. They will also receive a minimum of three CD/DVD's and any additional no-cost CD/DVD's as requested. It will be the Licensee's responsibility to distribute the CD/DVD's to the appropriate users. Updates will be delivered every six months.

| 2009 ARC Employer Database Timeline | |
|--|---|
| Date | Activity |
| 3/31/2009 | Iowa Contract #CT2865 End Date |
| 5/5/2009 | Iowa Contract #MA 3557-09 Executed |
| 5/5/2009 | First data deliverable under Iowa Contract (Flat File and 3 CD-ROMs in existing format) sent to all states |
| 5/6/2009 | Master Contract and State License Agreement sent to all LMI Directors and ARC Database Administrators |
| 6/20/2009 | Uncompressed database (flat file) in new format delivered to Iowa for testing by ARC Employer Database Steering Committee |
| 7/15/2009 | Target date for individual State Licenses to be signed. License must be executed for a state to receive any further deliverables. |
| 10/1/2009 | Uncompressed database (flat file) in new format delivered by <i>infoUSA</i> to all Licensees (states with signed Licenses) under Iowa contract data and format requirements. If Licensee implements, an application that downloads records, captcha software must be enabled. |
| 10/15/2009 | Three (3) CD/DVDs and additional no-cost CD/DVDs in new format to be delivered to each Licensee* |
| *Repeats every six months. State action items shown in red. For more information, e-mail: Daniel.brown@iwd.iowa.gov | |

Uses and Users

The ARC Employer Database is licensed to provide information for employer contacts. While information on employment and industry is also provided, its use for statistical analysis may be limited.

The ARC Employer Database must be used by only approved “users” and for only those approved “uses.” Usage must meet both criteria.

The Employer Database is licensed under the Iowa Master Contract for **use by**:

- Individual job seekers
- One Stop Career Centers
- Workforce Development Boards
- Public Economic Development Entities
- State Workforce Agencies
- Public Welfare Agencies
- State employment statistics agencies as defined under Section 309 of the Workforce Investment Act (WIA) of 1998
- All mandatory and optional partners as described under WIA and other partner agencies.
- The Employment and Training Administration of the U.S. Department of Labor

The Employer Database is licensed under the Iowa Master Contract for the **purposes of**:

- Career Exploration
- Job Search
- Job Development
- Employment Support Services
- Labor Market Research (including enhancement of existing employer name and address files)
- Related public workforce system development efforts
- Generating mailing lists to be used for these purposes.

License is **not** granted for marketing use between businesses.

The Employer Database is licensed for use independent of the media and method of delivery. It can be made available through:

- Standalone PCs
- Client-server systems
- Internet/Intranet systems, and other delivery mechanisms that may develop.

Levels of Usage

Data elements available to each level of user are detailed in Attachment 7, the State License Agreement.

- Licensee (SESA, SWA or ETA)
Able to download the entire database to a PC or server (along with the search and display application) or search the database using the CD/DVD directly.
- Intermediate Users (local One Stop Center or other non-client user as defined above)
After completing an initial search, Intermediate users may retrieve and display an unlimited number of partial records of which not more than 25 records can be viewed at one time. They can also print or download up to 100 records at a time per single print or download request. Internet applications developed by or on behalf of the LICENSEE which enable the download for Web export of downloadable records from the database shall include a “captcha” or similar software system that requires the manual or sound entry of coded words, letters, answers to questions or similar human intervention and response before the User can download from the database. Usage is only for uses licensed by the contract.

Intermediate Users access to the ARC Employer Database shall be restricted by username and password protection technology. Each Intermediate User that has access to the ARC Employer Database shall sign an agreement with the Licensee to abide by the terms and conditions of this License Agreement when using the ARC Employer Database. A template for the Sub-License Agreement is available at www.almisdb.org.

Persons using the ARC Employer Database in public, college, or university libraries will have End User access only through the Internet.

- End User (an individual engaged in job search or career exploration)
End users may receive a display of partial records of which not more than 25 records can be downloaded, viewed or printed at one time. End users may also print the data elements up to 25 records at a time and email 25 records at a time (per single download request) to an email address. End Users will not be able to view any email address in the ARC Employer Database. Such usage is for job search and career exploration.

Licensees shall have the right to use all or any part of the Database for the identified Uses and Users, in any and all formats, media and means of delivery, including the Internet for a minimum of 15 months from and after the issuance of each updated database. This right shall survive the termination or expiration of the contract.

More specific information is also contained in Section 2 of the state License Agreement.

Licensee Responsibilities/Terms of Usage

It is important that Licensees review the requirements for use of the ARC Employer Database under this new Master Contract and State License. Carefully review **Section 2, Grant of License**, in the State License Agreement. Some of the important requirements include the following:

- ◆ The ARC Employer Database is licensed specifically for the uses and users listed above. Both criteria must be met.
- ◆ The Licensee is charged with maintaining a data security system that will control access to the Employer Database and will take steps to prevent unauthorized usage. (See Section 2e of the License Agreement.)
- ◆ Displays of the ARC Employer Database shall also include the appropriate copyright notice and, where feasible, display the *infoUSA* logo. At the Licensee's option, the display may link to the *infoUSA* website. (See Section 2g of the License Agreement.)
- ◆ A Sub-License Agreement between the Licensee and each Intermediate User will be required. A template for the Sub-License Agreement is available at www.almisdb.org. (See Section 3, page 7 of the License Agreement.)
- ◆ The Licensee is responsible for distributing the no-cost CD/DVD's to users as appropriate under the Master Contract and State License.

- ◆ We suggest that Licensees work closely with users, especially intermediate users, to make sure they understand the requirements of the Master Contract and State License. The ARC Employer Database is proprietary information licensed only for the specified uses and users. Misuse could result in termination of the Licensee Agreement. Procedures for arbitration of alleged breaches are provided for in Section 7 of the License Agreement.
- ◆ Licensees may engage contractors to support the uses and users of the ARC Employer Database. *infoUSA* has pre-approved four contractors:
 - Geographic Solutions, Inc.
 - Employment Security Commission of North Carolina
 - Xpand Corporation.
 - Ciber, Inc.

All other contractor access to the detailed ARC Employer Database is subject to prior approval by *infoUSA*.

| Contract Highlights | Master Contract (MC) or License Agreement (LA) Section |
|--|---|
| Additional Data Elements | MC – Attachment 3, Section 2.d |
| New User - Public Economic Development | LA – Section 1.h |
| Captcha required for downloading of records | LA – Section 2.e.2 |
| Sub-license agreement with intermediate user required and must provide a complete list of all intermediate users to <i>infoUSA</i> | LA – Section 2.b |
| Three levels of users in the contract | MC – Attachment 3, Section 1.a |
| Each licensee will receive an uncompressed database (flat file) via FTP with each update | MC – Attachment 3, Section 1.d |
| Licensee distributes CD/DVD's to intermediate and end users | MC - Attachment 3, Section 3.f |
| Data may be merged with other datasets subject to contract requirements | LA – Section 3.3.g |
| No re-negotiation for new methods of delivery | MC – Attachment 2, Section 4.b |
| Data will be available for up to 15 months subsequent to the termination of the agreement | LA – Section 6.b |
| Logo/Copyright information | LA – Section 2.g |
| Change in numbers of records that can be displayed | LA – Section 3.b for all users items 1,2, and 3 |
| Licensee to provide <i>infoUSA</i> branded website address | LA - Section 2.c |
| Use must meet both the user and usage requirements (double test) | MC – Attachment 2, Section 1, users and uses LA – Section 1, items h and i |
| Arbitration for disagreement in usage | LA – Section 7.b |

The ARC Employer Database is managed by Iowa Workforce Development on behalf of the ARC Resource Center (ARC) and the Employment and Training Administration (ETA) of the U.S. Department of Labor.

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