



**City of Sacramento  
City Council**

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915 I Street, Sacramento, CA, 95814  
[www.CityofSacramento.org](http://www.CityofSacramento.org)

**Meeting Date: 10/30/2012**

**Report Type: Consent**

**Title: Supplemental Agreement: Internet Services**

**Report ID: 2012-00849**

**Location: Citywide**

**Recommendation:** Pass a Motion 1) authorizing the City Manager or City Manager's designee to execute Supplemental Agreement No. 1 to Agreement 2010-0491 with tw telecom holdings inc. for internet connectivity services, to increase the not-to-exceed amount to \$221,752; and 2) ratify payments previously made for services rendered in fiscal year 2011/12 in the amount of \$74,584.

**Contact:** Darin Arcolino, IT Manager, (916) 808-0403; Gary S. Cook, Chief Information Officer, (916) 808-8600, Information Technology Department

**Presenter: None**

**Department:** Information Technology

**Division:** Technical Support Services

**Dept ID:** 07001061

**Attachments:**

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- 1-Description/Analysis
- 2-Background
- 3-Supplemental Agreement-TWtelecom Holdings Inc

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**City Attorney Review**

Approved as to Form  
Janeth D. San Pedro  
10/15/2012 4:16:47 PM

**City Treasurer Review**

Reviewed for Impact on Cash and Debt  
Russell Fehr  
10/9/2012 10:14:32 AM

**Approvals/Acknowledgements**

Department Director or Designee: Gary Cook - 10/15/2012 8:26:03 AM



## Description/Analysis

**Issue:** In order to continue to provide citywide internet services for City staff, the Information Technology Department (IT) issued a Request for Proposal (RFP) for internet connectivity services that was advertised on the City's web site in April 2010. The resulting Non Professional Services Agreement was awarded to tw telecom holdings inc. for an amount not to exceed the \$73,584, but with options to renew the Agreement for up to four additional one-year terms (Agreement No. 2010-0491). This staff report requests approval to ratify payments previously made to tw telecom holdings inc. for services rendered for Fiscal Year 2011/12 in the amount of \$74,584, which were in excess of the not-to-exceed amount of Agreement No. 2010-0491, and to renew the services for an additional one-year term for an amount not to exceed \$73,584 increasing the total contract amount to \$221,752 and allowing continuation of citywide internet service.

**Policy Considerations:** The recommendations in this report are in accordance with City Code Section 3.56 for nonprofessional services.

**Economic Impacts:** None

**Environmental Considerations:** The report does not constitute a "project" and is therefore exempt from the California Environmental Quality Act (CEQA) [CEQA Guidelines Sections 15061(b)(3);15378(b)(2)].

**Sustainability:** Under Phase 1 of the City of Sacramento's Climate Action Plan, all applicable "Green" technology initiatives will be considered prior to the purchase of IT equipment hardware and software.

**Commission/Committee Action:** None

**Rationale for Recommendation:** Internet services provided by tw telecom holdings, inc., allows for the continuation of citywide internet services. The current agreement with tw telecom allows for up to four additional one-year terms. Staff is requesting to extend the current agreement an additional one-year term. Internet service is a critical business requirement for nearly all departments citywide. Without internet services, staff are unable to effectively meet their business requirements.

**Financial Considerations:** No additional funding is requested. Sufficient funding for this service is identified in Citywide and Community Support Department operating budget.

**Emerging Small Business Development (ESBD):** tw telecom holdings, inc. is not certified as an Emerging or Small Business Enterprise.



## **Background:**

The Information Technology Department is responsible for providing flexible, cost-effective IT business systems for the City including internet connectivity services.

On April 16, 2010, the Information Technology Department (IT) issued a Request for Proposal (RFP) (P101341005) for internet connectivity services for the City. The City received two proposals. Of the two responses received, tw telecom's proposal best met the City's internet service requirements. As a result of the RFP, the City's entered into a Nonprofessional Services Agreement with tw telecom holdings, inc., for an amount not to exceed the total sum of \$73,584 with the option to renew the Agreement for up to four (4) additional one-year terms.



# SUPPLEMENTAL AGREEMENT

**Project Title and Job Number: Internet Service Provider**  
**Purchase Order #:**

**Date:** \_\_\_\_\_  
**Contract Supplement No.: 1**

The City of Sacramento ("City") and tw telecom holdings, Inc ("Contractor"), as parties to that certain Non-Professional Services Agreement designated as Agreement Number 2010-0491 , including any and all prior supplemental agreements modifying said agreement (said agreement and supplemental agreements are hereafter collectively referred to as the "Agreement"), hereby supplement and modify the Agreement as follows:

1. The scope of Services specified in Exhibit A of the Agreement is amended as follows:
  - a. The term of the Agreement is extended to June 30, 2013
2. In consideration of the additional and/or revised services described in section 1, above, the maximum not-to-exceed amount that is specified in Exhibit B of the Agreement for payment of Contractor's fees and expenses, is increased by 74,584.00, and said maximum not-to-exceed amount is amended as follows:
 

Agreement's original not-to-exceed amount:	73,584.00
Net change by previous supplemental agreements:	0
Not-to-exceed amount prior to this supplemental agreement:	74,584.00
Increase by this supplemental agreement:	148,168.00
New not-to exceed amount including all supplemental agreements:	221,752.00
3. Contractor agrees that the amount of increase or decrease in the not-to-exceed amount specified in section 2, above, shall constitute full compensation for the additional and/or revised services specified in section 1, above, and shall fully compensate Contractor for any and all direct and indirect costs that may be incurred by Contractor in connection with such additional and/or revised services, including costs associated with any changes and/or delays in work schedules or in the performance of other services or work by Contractor.
4. Contractor warrants and represents that the person or persons executing this supplemental agreement on behalf of Contractor has or have been duly authorized by Contractor to sign this supplemental agreement and bind Contractor to the terms hereof.
5. Except as specifically revised herein, all terms and conditions of the Agreement shall remain in full force and effect, and Contractor shall perform all of the services, duties, obligations, and conditions required under the Agreement, as supplemented and modified by this supplemental agreement.

**ApprovedBy:**

**Approved As To Form By:**

  
 Contractor DAVID K. REBLE, JPL/BA

\_\_\_\_\_  
City Attorney

**Approved By:**

**Attested To By:**

\_\_\_\_\_  
 Gary S. Cook  
 Chief Information Officer, Information Technology Department  
 For: John F. Shirey, City Manager

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City Clerk