



# City Council Memorandum

*City of Arts & Innovation*

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: MARCH 12, 2024

FROM: INNOVATION & TECHNOLOGY DEPARTMENT WARDS: ALL

SUBJECT: AUTHORIZE CHANGE ORDER AUTHORITY IN THE AMOUNT OF \$18,000 FOR FY 2023/24 WITH CENTURYLINK COMMUNICATIONS, LLC, DOING BUSINESS AS LUMEN TECHNOLOGIES GROUP FOR INTERNET SERVICES AND APPROVE A THIRD AMENDMENT TO THE PROFESSIONAL CONSULTANT SERVICES AGREEMENT FOR A TERM ENDING MARCH 31, 2025, PLUS TWO OPTIONAL ONE-YEAR EXTENSIONS FOR A REVISED CONTRACT TOTAL OF \$244,800 PLUS 15% CHANGE ORDER AUTHORITY AND ANY APPLICABLE TAXES, FEES AND/OR SURCHARGES

## **ISSUE:**

Authorize Change Order Authority in the Amount of \$18,000 for FY 2023/24 with CenturyLink Communications, LLC, doing business as Lumen Technologies Group for Internet Services and Approve a Third Amendment to the Professional Consultant Services Agreement for a Term Ending March 31, 2025, plus Two Optional One-Year Extensions for a Revised Contract Total of \$244,800 plus 15% Change Order Authority and any Applicable Taxes, Fees and/or Surcharges.

## **RECOMMENDATIONS:**

That the City Council:

1. Authorize Change Order Authority in the Amount of \$18,000 for FY 2023/24 with CenturyLink Communications, LLC, doing business as Lumen Technologies Group for Internet Services;
2. Approve a Third Amendment to the Professional Consultant Services Agreement for Internet Services for a Term Ending March 31, 2025, plus two optional one-year Extensions for a revised total of \$244,800 plus any applicable taxes, fees, and/or surcharges;
3. Authorize 15% change order authority to be used for unforeseen expenses; and
4. Authorize the City Manager, or designee, to execute all documents pursuant to the Professional Consultant Services Agreement, and to make minor non-substantive changes.

## **BACKGROUND:**

In July 2018, the City issued Request for Proposals (RFP) No. 1841 — Internet Service Provider to seek proposals for qualified vendors for a new Internet services contract. The City received two (2) qualified proposals: CenturyLink and VPLS, Inc. After evaluating the proposals based on several factors, including but not limited to, costs, vendor background, technical solution, maintenance/ support and responsiveness, the City deemed CenturyLink Communications, LLC, doing business as Lumen Technologies Group (Lumen), as the most responsive and responsible bidder. On March 26, 2019, City Council approved the agreement.

On December 6, 2021, the city exercised its option to extend the agreement and added two additional years to the agreement in the form of a First Amendment.

## **DISCUSSION:**

Over the past five years, city staff have been satisfied with the services received from Lumen and recommend a contract extension of one year plus two optional one-year extensions for a maximum term of three years. Staff were able to negotiate increased internet speeds while maintaining current pricing levels of \$3,300 per month plus any applicable taxes, fees and/or surcharges.

Although the Second Amendment was signed on February 4, 2022, adding Distributed Denial of Service (DDoS) Mitigation Services to the scope of work, this exceeded the prior change order authority given by the City Council in 2019. Staff seeks approval to add the extra cost of this service to the total contract which will result in additional \$18,000 in FY 2023/24 and increases the total contract amount, with all extensions and services, to \$244,800.

Per Purchasing Resolution 23914 Section 1104 (d), which states, “Unless otherwise specifically authorized by the Awarding Entity, Change Orders which cumulatively exceed the following will require Awarding Entity approval, (d) A Contract Amendment which extends the term of the agreement beyond one year of the original expiration date.”

Purchasing Manager concurs that the recommendation is in accordance with Purchasing Resolution No. 23914.

## **STRATEGIC PLAN ALIGNMENT:**

This item contributes to the following Envision Riverside 2025 City Council Strategic Priority:

Strategic Priority 6, Infrastructure, Mobility & Connectivity

- Goal 6.2. Maintain, protect and improve assets and infrastructure within the City’s built environment to ensure and enhance reliability, resiliency, sustainability, and facilitate connectivity.

The item aligns with each of the five cross-cutting threads as follows:

1. **Community Trust** – Utilizing competitively bid services and negotiated pricing complies with the City’s procurement policies and ensure the City and its’ resident’s best interest are at the forefront.

2. **Equity** – All City employees benefit from IT making research driven decisions based on industry trends and the City's specific needs. This benefits Riverside residents and the community who benefit from reliable and available services.
3. **Fiscal Responsibility** – This purchase is an extension of a publicly bid contract that continues to provide competitive pricing.
4. **Innovation** – Maintaining fast and reliable internet speeds not only facilitates day-to-day operations in a timely manner, but also allows staff to create and implement cutting edge technologies that benefit city customers.
5. **Sustainability & Resiliency** – This purchase is imperative to the ongoing success of the City's technological infrastructure, which serves the community daily.

### **FISCAL IMPACT:**

The total fiscal impact for the action is \$244,800. A total of \$27,900 (three months at \$3,300 each plus \$18,000 for the additional service) for FY 2023/24 is available in the General Fund, Innovation and Technology Department, Network Division, IT-Internet Service Provider account, 2405000-421215. Appropriations for future fiscal years will be included in the Department's Budget submissions for those fiscal years to be presented to the City Council for approval.

Prepared by:	Jessica M. Gordon, Administrative Services Manager
Approved by:	George Khalil, Chief Innovation Officer
Certified as to availability of funds:	Kristie Thomas, Finance Director/Assistant Chief Financial Officer
Approved by:	Edward Enriquez, Assistant City Manager/Chief Financial , Officer/Treasurer)
Approved as to form:	Phaedra A. Norton, City Attorney

### **Attachments:**

1. 2019 Original Agreement
2. 2021 First Amendment
3. 2022 Second Amendment
4. Proposed Third Amendment