



# CITY OF CARSON

## Legislation Text

File #: 2019-549, Version: 1

### Report to Mayor and City Council

Tuesday, July 02, 2019

Consent

#### **SUBJECT:**

**CONSIDERATION OF APPROVAL OF CONTRACT SERVICES AGREEMENT WITH GRANCIUS, INC., FOR LEGISTAR SOFTWARE, STREAMING MEDIA, AND VIDEO HOSTING SERVICES (CITY COUNCIL)**

#### **I. SUMMARY**

The City utilizes Granicus, Inc. ("Granicus") for steaming media and video hosting services and its Legistar software. The services and software are proprietary and available only through Granicus. Since the cost of this maintenance and support for each fiscal year is now anticipated to exceed the City Manager's purchasing authority, the City Council is being asked to approve the award of a three-year service contract to Granicus.

#### **II. RECOMMENDATION**

TAKE the following actions:

1. WAIVE the bidding requirements in Chapter 6 ("Purchasing System") of Title II of the Carson Municipal Code, pursuant to Carson Municipal Code Section 2611(e) ("Sole Source Purchasing"); and
2. APPROVE the three-year contract services agreement with Granicus, Inc., for Legistar software, streaming media, and video hosting services in the amount of \$95,660.36 ("Agreement"); and
3. AUTHORIZE the Mayor to execute the Agreement upon approval as to form by the City Attorney.

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### III. ALTERNATIVES

TAKE another action deemed appropriate by the City Council. IV.

### BACKGROUND

The City has been using the streaming media and video hosting services from Granicus since 2006. This allowed the live broadcasting of City Council meetings over the internet. The City has also used Granicus software to make staff reports, agendas, and minutes synchronized to the archive videos, all of which are available through the City's website. In 2014, the City purchased the Legistar software that enabled the automation of the entire legislative process. This software made the staff report process paperless and approval workflows streamlined across all departments.

Because the hardware equipment is over 7 years old and no longer supported (End-of-Life) by Granicus, the hardware coding appliance has to be upgraded to ensure future support. The one-time cost for the upgrade is \$4,142.21, due to the delivery and installation of certain pieces of hardware. The software operates on a yearly subscription basis, with the total cost for the 2019-20 fiscal year being \$29,087.66.

The remaining fiscal years for this three-year agreement will be budgeted as follows:

FY 2020/21 - \$30,482.80

FY 2021/22 - \$31,947.69

Staff recommends waiving the bidding requirements in Chapter 6 ("Purchasing System") of Title II of the Carson Municipal Code, pursuant to the exemption in CMC section 2611(e) which reads as follows:

"Sole Source Purchasing. The City Manager may dispense with this Chapter's bidding requirements if he or she finds that the materials, supplies, equipment, or services are unique because of their quality, durability, availability, or fitness for a particular use and are available only from one (1) source, or, if available from more than one (1) source, can be purchased from the manufacturer or service provider for a lower price. If the cost of such sole source purchasing is \$25,000 or greater, then the City Council's approval shall be required."

No other software provides the full range of services that Legistar and its accompanying software offer. Granicus is the only provider of software which both streamlines and automates the majority of the local legislative process. As such, the Sole Source exception to the general bidding requirement is applicable here.

#### Changes to City's Standard Form Contract

Granicus requested numerous changes to the City's standard form contract, and after negotiations with the City Attorney's office, has agreed to the form that is attached for the Council's consideration. The changes to the City's standard form contract are shown in Exhibit B of the attached proposed contract. The changes include changes to the insurance requirements (approved by Risk Management), changes to the invoicing requirements (approved by Purchasing). Other revisions were necessitated by the nature

of the services being performed (software services), such as inclusion of Section 6.3 (Permitted Use) in lieu of the prior Section 6.3 (Ownership of Documents), a change that is designed to protect Granicus' intellectual property rights to its products.

Most notably, Granicus requires inclusion of a "Limitation of Liability" provision that limits Granicus' (and in most cases the City's) liability for direct damages under the contract to the compensation paid for services performed under the contract during the 12 months immediately preceding the date a party submits a notice of claim for damages. The limitation of liability provision also precludes recovery of consequential and related damages arising from interruption of the City's use of Granicus' products (or resulting interruption of City business) arising from circumstances beyond Granicus' reasonable control.

Additionally, while both parties retain the right to terminate the contract at any time with or without cause, the required notice period has been increased to 90 days for each party. **V.**

#### **FISCAL IMPACT**

Funds have been allocated in the proposed budget for FY 2019/20 for these items in the amount of \$29,087.66 in account number 101-50-520-101-6004 and \$4,142.21 in account number 101-50-520-101-6020.

#### **VI. EXHIBITS**

1. Granicus Proposal, Quote #: Q-63929. (pgs. 4 - 11)
2. Granicus Contract Services Agreement. (pgs. 12 - 46)

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