



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Nora Frimann
Acting City Attorney

**SUBJECT: AMENDMENT TO MASTER
SERVICES AGREEMENT WITH
LOGIK SYSTEMS, INC. FOR
HOSTED E-DISCOVERY AND
DOCUMENT MANAGEMENT**

DATE: September 3, 2020

RECOMMENDATION

Adopt a resolution authorizing the City Attorney to negotiate and execute a Fifth Amendment to the Master Services Agreement with Logik Systems, Inc. for hosted e-discovery and document management, increasing the maximum amount of compensation by \$91,250, for a total compensation amount of \$320,549, and extending the term beginning September 28, 2017 through September 27, 2021.

OUTCOME

Approval of the agreement would provide the City Attorney's Office with continued access to hosted e-discovery and document management solution services for the final year of the planned four-year term.

BACKGROUND

The City Attorney's Office provides legal services to the City of San José which includes document review and production related to pending litigation matters and responses to requests under the California Public Records Act. In March 2017, the Office issued a Request for Proposal ("RFP") for hosted electronic information, document review and production software services, including but not limited to electronic data processing and discovery, review and analysis, document production, maintenance, customer support, training, and security. Pursuant to the procurement authority under San José Municipal Code Section 4.04.030, the City Attorney selected Logik Systems, Inc. ("Logik") as the most advantageous to the City, and entered into a Master Services Agreement ("Agreement") with Logik to provide hosted e-discovery and document management solution services through their software platform Logikcull that allows the City Attorney's Office to efficiently manage large volumes of documents (e.g., emails, memos, images, videos, and other content). Logikcull provides information governance, preservation,

September 3, 2020

Subject: AMENDMENT TO MASTER SERVICES AGREEMENT WITH LOGIK SYSTEMS, INC. FOR HOSTED E-DISCOVERY AND DOCUMENT MANAGEMENT

Page 2

collection, processing, production, and management consistent with the standard industry EDRM (e-Discovery Reference Model). The original Agreement was for a one-year term beginning on September 28, 2017 and ending on September 27, 2018, with annual renewals. Since 2018, this Agreement has been amended to increase the compensation to provide for additional user licenses, upgrade storage capacity, and pay for overage costs. The original Agreement included 125GB of storage; however, due to expanding data needs the City exceeded the active storage capacity and incurred several overage charges. The City Attorney's Office has also been using Logikcull to manage a litigation matter which currently has more than 140GB of data, for extensive document review, tagging, redaction, and production. To eliminate further overage costs, the Agreement was amended to expand the data storage allotment and to remove user caps for the account. The current term of the Agreement expires on September 27, 2020.

ANALYSIS

The City Attorney's Office desires to enter into a Fifth Amendment to the Agreement to extend the term for the third and final annual renewal period, through September 27, 2021, at an annual compensation amount of \$91,250, for a total maximum compensation of \$320,549. The costs associated with the addition of upgraded data storage capacity has increased the total compensation for the Agreement above the City Attorney's procurement authority. A new RFP process for these services will be conducted prior to the expiration of the Agreement in 2021.

CONCLUSION

Authorizing the City Attorney to negotiate and execute a Fifth Amendment to the Agreement with Logik Systems, Inc. will provide the City Attorney's Office with continued access to hosted e-discovery and document management solution services for the final year of the Agreement.

CLIMATE SMART SAN JOSE

The recommendation in this memo has no effect on Climate Smart San José energy, water, or mobility goals.

PUBLIC OUTREACH

This memorandum will be posted on the City's Council Agenda website for the September 15, 2020 Council meeting.

COORDINATION

This memorandum has been coordinated with the City Manager's Budget Office.

BUDGET REFERENCE

The table below identifies the fund and appropriations proposed to fund the contract recommended as part of this memo.

Fund #	Appn. #	Appn. Name	Current Appn.	Amount for Contract	2020-2021 Proposed Operating Budget Page*	Last Budget Action (Date, Ord. No.)
001	0442	Non-Personal/ Equipment	\$1,533,774	81,250	VII - 20	06/23/2020 Ord. No. 30437
541	0442	Non-Personal/ Equipment	\$200,000	10,000	IX - 90	06/23/2020 Ord. No. 30437

*The 2020-2021 Adopted Operating Budget was approved on June 16, 2020 and adopted on June 23, 2020.

HONORABLE MAYOR AND CITY COUNCIL

September 3, 2020

**Subject: AMENDMENT TO MASTER SERVICES AGREEMENT WITH LOGIK SYSTEMS, INC. FOR
HOSTED E-DISCOVERY AND DOCUMENT MANAGEMENT**

Page 4

CEQA

Not a Project; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.

NORA FRIMANN
Acting City Attorney

Nora Frimann
By Nora Frimann (Aug 31, 2020 10:06 PDT)
NORA FRIMANN
Acting City Attorney

For questions please contact Nora Frimann, Acting City Attorney, at (408) 535-1900.

cc: David Sykes