


CITY COUNCIL ACTION REQUEST

Department(s): Finance	CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment	Coordination: Information Technology Department, City Attorney's Office, and City Manager's Budget Office	Dept. Approval: /s/ Julia H. Cooper
Council District(s): Citywide			CMO Approval:  12/02/21

SUBJECT: FIRST AMENDMENT TO THE AGREEMENT WITH OPENGOV, INC. FOR DATA AND TRANSPARENCY PORTAL SOFTWARE

REASON FOR REPLACEMENT:

Updates pricing to the proposed option terms, based on recent developments raised by the vendor.

RECOMMENDATION:

Adopt a resolution authorizing the City Manager to execute the First Amendment to the Agreement for Data and Transparency Portal with OpenGov, Inc. (Redwood City, CA) to add up to five one-year options to extend the agreement through December 31, 2026 for ongoing subscriptions, support, and maintenance services with a maximum compensation of \$59,000 for the first option beginning January 1, 2022 through December 31, 2022, subject to the annual appropriation of funds.

Desired Outcome: Authorizing the City Manager to take this action will allow the City to continue to be transparent and accountable to its citizens by providing City data through a publicly available centralized platform.

BASIS FOR RECOMMENDATION:

To increase transparency and accountability to its residents, stimulate civic participation, and facilitate better information sharing, the City publishes its open data online, which includes financial and other types of public data. As part of the City's Smart Cities goal, the City introduced three keystone behaviors in all its processes: champion the customer, learn through data, and iterate to improve. This brings data to the core of the City's processes and operations. The City's open data portal aligns with the City's Open Data Policy by providing a medium to publish City data sets in consumable formats. The open data portal serves as a content management system and allows the City to engage its various audiences on three levels: articles, stories, and deep data dive. The open data portal communicates data stories to community stakeholders through visually appealing and clear dashboards and provides residents, City staff, non-profit and academic institutions, and partners access to raw data.

An agreement for these services was executed with OpenGov, Inc. under the City Manager's contract authority based on the results of a competitive Request for Proposal (RFP) conducted by the Finance Department in 2018. The City received and scored three responsive proposals in accordance with the evaluation criteria and weightings set forth in the RFP. Oral Interviews and a Best and Final Offer were conducted with the two top-ranked finalists to make clarifications, finalize pricing, and allow finalists an opportunity to rescind and/or modify exceptions submitted to the City's standard terms and conditions. Neither finalist requested or received the City's local or small business preferences. One of the finalists (Socrata) was subsequently disqualified for excessive exceptions to the City's standard terms and conditions, so a recommendation of award was made to OpenGov, Inc. No protests were received. The resulting agreement with OpenGov, Inc. was for an initial three-year initial term beginning January 1, 2019 through December 31, 2021 with no options to extend and a maximum compensation of \$215,000.

Although the RFP allowed for a total contract term of up to five years [a three-year initial term and two one-year options], the original agreement only included the initial three-year term to expedite execution under

the City Manager’s signature authority to ensure continuity of services. Staff seeks approval to extend the total contract term with OpenGov, Inc. for up to eight years [the three year-initial term plus five one-year options]. The addition of five one-year option terms will allow the City to stay ahead of developing trends and requirements so a new procurement can be strategically initiated when mechanisms and technologies for compliance are established, adopted by the market, and ripe for implementation. In the interim, the City can contain future costs for these services as OpenGov, Inc. has agreed to lock in pricing for ongoing subscriptions, technical support, and maintenance for the first option term at the current rate of \$59,000 per year. For subsequent option terms, the vendor may request a price increase with justification in accordance with the Producer Price Index (PPI), with a cap not to exceed 5% over the previous year’s fees.

Approval of this recommendation will allow staff to amend the agreement to add up to five one-year options to extend the agreement through December 31, 2026 to continue to provide the public access to the City’s open data portal, while also providing City staff with the flexibility to strategically initiate a new procurement to take advantage of developing technology, contain future costs for ongoing services, and leverage sunk costs for the current implementation.

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

Commission Recommendation/Input: There is no commission recommendation or input associated with this action.

This Council item is consistent with the Council-approved Budget Strategy: front line service delivery and effective use of technology.

COST AND FUNDING SOURCE:

Fund #	Appn #	Appn. Name	Total Appn	Amt. for Contract	2021-2022 Adopted Operating Budget Page	Last Budget Action (Date, Ord. No.)
001	0432	Non-Personal / Equipment	\$9,471,850	\$59,000	655	10/19/2021, 30682

FOR QUESTIONS CONTACT: For program-related questions, please contact Rob Lloyd, Chief Information Officer, at rob.lloyd@sanjoseca.gov. For procurement- and contract-related questions, please contact Jennifer Cheng, Deputy Director of Finance, at jennifer.cheng@sanjoseca.gov.