



## Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Nora Frimann  
City Attorney

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

**DATE:** March 3, 2022

### **RECOMMENDATION**

Adopt a resolution authorizing the City Attorney to negotiate and execute a Seventh Amendment to the Master Services Agreement with Logik Systems, Inc. for hosted e-discovery and document management, increasing the maximum amount of compensation by \$22,812, for a total compensation amount of \$388,986, and extending the term beginning September 28, 2017 through June 27, 2022.

### **OUTCOME**

Approval of the amendment would provide the City Attorney's Office with continued access to hosted e-discovery and document management solution services for an additional three months while the Office conducts a competitive procurement process.

### **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, 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 had also been using Logikcull to manage a litigation matter 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 third and final annual renewal period for the Agreement expired on September 27, 2021. On September 14, 2021, the City Council authorized the City Attorney to negotiate and execute a Sixth Amendment to the Agreement, increasing the amount of compensation by \$45,630, for a total compensation amount of \$366,179, and extending the term for an additional six months, through March 27, 2022, in order to allow time for the City Attorney's Office to conduct a new RFP process for these services. The cost of the six-month extension in the executed Sixth Amendment came in \$5.00 lower at a compensation amount of \$45,625, for a total maximum compensation of \$366,174.

## **ANALYSIS**

The City Attorney's Office desires to enter into a Seventh Amendment to the Agreement to extend the term for an additional three months, through June 27, 2022, at a compensation amount of \$22,812, for a total maximum compensation of \$388,986. Previously the City Attorney's Office anticipated the new RFP process could be completed before the expiration of the Sixth Amendment. However, the projected timeline to complete the procurement will extend beyond the expiration of the Sixth Amendment. This extension will allow the Office to secure a vendor prior to the expiration of the Seventh Amendment.

## **CONCLUSION**

Authorizing the City Attorney to negotiate and execute a Seventh 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 while a new RFP process is completed.

## **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 March 15, 2022 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.

<b>Fund #</b>	<b>Appn. #</b>	<b>Appn. Name</b>	<b>Current Appn.</b>	<b>Amount for Contract</b>	<b>2021-2022 Adopted Operating Budget Page</b>	<b>Last Budget Action (Date, Ord. No.)</b>
001	0442	Non-Personal /Equipment	\$1,814,781	\$22,812	442	02/08/2022 Ord. No. 30717

## **CEQA**

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

NORA FRIMANN  
City Attorney

By /s/ Diana Yuan  
DIANA YUAN  
Deputy City Attorney

For questions please contact DIANA YUAN, DEPUTY CITY ATTORNEY, at 408-535-1900.

cc: Jennifer Maguire