


CITY COUNCIL ACTION REQUEST

Department(s): Finance, Public Works, Information Technology	CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment	Coordination: City Attorney's Office and City Manager's Budget Office	Dept. Approval: /s/ Julia H. Cooper /s/ Matt Cano /s/ Khaled Tawfik
Council District(s): Citywide			CMO Approval:  11/10/22

SUBJECT: FIRST AMENDMENT TO THE AGREEMENT WITH UBICQUIA LLC FOR A SMART OUTDOOR LIGHT MANAGEMENT SOLUTION AND PURCHASE ORDERS WITH AT&T MOBILITY FOR ASSOCIATED CELLULAR SERVICES

RECOMMENDATION:

Adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute the First Amendment to the Agreement with Ubicquia LLC (Fort Lauderdale, FL) for the purchase of a Smart Outdoor Lighting Management Solution, including hardware, software, and related services such as implementation, training, warranty, maintenance, and support, to extend the initial term through December 31, 2023, with no change in initial term maximum compensation, and negotiate and execute up to nine one-year options for additional hardware, software subscriptions, and related services through December 31, 2032 or as may be adjusted to align with the software renewal term, subject to the appropriation of funds; and
- (b) Negotiate and execute up to 10 annual open purchase orders for cellular services with AT&T Mobility (Atlanta, GA), including any documentation required to leverage AT&T's cooperative agreement through the National Association of State Procurement Officials, for a maximum compensation not to exceed \$40,000 for the initial term purchase order ending December 31, 2023, subject to the appropriation of funds.

Desired Outcome: Authorizing the City Manager to take this action provides the City with a facility lighting management system, including associated cellular services, to improve reliability, maintenance, and operational efficiency, including reducing energy usage and furthering the City's sustainability efforts.

BASIS FOR RECOMMENDATION:

In December 2021,¹ the City Council authorized the City Manager to execute an Agreement with Ubicquia LLC for a Smart Outdoor Lighting Management Solution to modernize facility outdoor lighting and leverage LED technological opportunities through funding obtained through ballot Measure T - *The Disaster Preparedness, Public Safety, and Infrastructure Bond*. This Agreement leverages the results of a competitive Request for Proposal process managed by the Finance Department on behalf of the Department of Public Works.

Upon request by the Department of Public Works and the Information Technology Department, Finance staff re-negotiated additional contract changes to the Agreement with Ubicquia prior to execution to remove the cellular connectivity network and data services, which are required for the smart lighting controllers to communicate with the central lighting management system, so these services could be purchased separately through a purchase order leveraging the National Association of State Procurement Officials cooperative

¹ December 2021 City Council Memorandum: <http://sanjose.legistar.com/gateway.aspx?M=F&ID=60ccc5fa-5f46-485d-a9c9-b48eb29453e0.pdf>

agreement with AT&T Mobility. These changes were requested so staff could work directly with local AT&T Mobility staff for customer service issues, rather than through Ubiqquia as a go-between with AT&T Mobility's national wholesale staff. The Agreement with Ubiqquia was executed on April 13, 2022 with the initial term ending December 31, 2022, by which time implementation was expected to be complete.

In attempting to execute the purchase order with AT&T Mobility for the cellular connectivity, Finance staff discovered the State of California had not executed the participating addendum to enable State jurisdictions to leverage the cooperative agreement. The participating addendum was executed by the State in October 2022.

Approval of this recommendation will authorize staff to (1) execute the First Amendment to the Agreement with Ubiqquia to extend the initial term through December 31, 2023 to allow sufficient time to implement the solution and (2) issue annual purchase orders to AT&T Mobility for the cellular connectivity network and data services.

Climate Smart San José: The recommendation in this memorandum aligns with one or more 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 action is consistent with the City Council-approved budget strategy to effectively manage the City's technological resources to enable and enhance the delivery of City services and projects.

Fund #	Appn #	Appn. Name	Total Appn	Amt. for Contract	2022-2023 Adopted Capital Budget Page	2022-2023 Adopted Operating Budget Page	Last Budget Action (Date, Ord. No.)
498	414U	Measure T – City Facilities LED Lighting	\$2,424,000	\$598,400	1211	N/A	010/18/2022, Ord. No. 30833
001	0572	Public Works Non-Personal/ Equipment	\$17,626,917	\$86,720*	N/A	789	06/21/2022, Ord. No. 30790

*Includes \$56,000 for the Ubiqquia Agreement and \$30,720 for the cellular connectivity network and data services. The \$40,000 not to exceed in recommendation (b) includes a contingency amount of \$9,280 which is subject to the appropriation of funds.

FOR QUESTIONS CONTACT: For procurement- and contract-related questions, please contact Luz Cofresi-Howe, Assistant Director of Finance, at luz.cofresi-howe@sanjoseca.gov. For program-related questions, please contact Katherine Brown, Deputy Director of Public Works, at katherine.brown@sanjoseca.gov.