


**CITY COUNCIL ACTION REQUEST**

<b>Department(s):</b> Finance	<b>CEQA:</b> Not a Project, File No. PP17- 003, Agreements/ Contracts (New or Amended) resulting in no physical changes to the environment.	<b>Coordination:</b> Library Department, City Attorney's Office, and City Manager's Budget Office	<b>Dept. Approval:</b> /s/ Rick Bruneau
<b>Council District(s):</b> Citywide			<b>CMO Approval:</b>  3/29/23

**SUBJECT: ACTIONS RELATED TO PURCHASE ORDERS WITH NEWSBANK INC. FOR SAN JOSE MERCURY NEWS DIGITAL ARCHIVES**

**RECOMMENDATION:**

Adopt a resolution authorizing the City Manager to:

- (a) Amend purchase order OP 63124 with NewsBank, Inc. (Naples, FL) to add San José Mercury News digital archives prior to 1985 and increase compensation by \$768,257 for a revised maximum compensation of \$807,005 for the current term ending December 31, 2023.
- (b) Negotiate and execute amendments as required for any unanticipated changes during the current term ending December 31, 2023, subject to the appropriation of funds.
- (c) Negotiate and execute annual purchase orders with NewsBank, Inc. for subscription renewals as required, subject to the appropriation of funds.

**Desired Outcome:** Authorizing the City Manager to take this action provides the Library Department and its patrons with full-text online access to the San José Mercury News archive.

**BASIS FOR RECOMMENDATION:**

Since 1922, the San José Mercury News is the largest single source for historical, regional information and photography for Santa Clara Valley. The San José Mercury News archives prior to 1985 currently are only available to library patrons and City staff by searching through microfilm, which is time consuming, often inaccurate or yielding no results. Damaged microfilm can also no longer be replaced. The Library Department wishes to purchase digital access to the online, full-text version of the San José Mercury News archives to provide the public efficient and equitable access to this historic information.

The City currently has a purchase order with NewsBank, Inc. executed under the City Manager's authority for the San José Mercury News annual subscription for current (since 1985) digital archives with maximum compensation of \$38,748. In February 2023, the Finance Department determined NewsBank, Inc. qualified as a brand name/sole source/unique service for San José Mercury News archives and subscriptions pursuant to City of San José Municipal Code Sections [4.12.240.B3](#) (required to obtain a necessary item only available from one source and purchased in accordance with Section [4.12.230](#) of this Code), [4.12.240.B5](#) (cost savings), and [4.12.235](#) (unique service).

Approval of this recommendation will authorize staff to amend the current purchase order to purchase digital access to the San José Mercury News archives and to issue annual purchase orders for subscription renewals.

Climate Smart San José: The recommendation in this memorandum 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 City's 2022-2023 Adopted Operating Budget, specifically the Service Delivery Framework for the City Service Area pertaining to Neighborhood Services to create: 1) Vibrant Cultural, Learning, Recreation, and Leisure Opportunities and 2) Healthy Neighborhoods and Capable Communities.

**COST AND FUNDING SOURCE:**

Fund #	Appn #	Appn. Name	Total Appn.	Amt. for Recommendation	2022-2023 Adopted Operating Budget Page	Last Budget Action (Date, Ord. No)
001	2150	SJPL Foundation Grants	\$1,062,860	\$768,257	888	2/14/2023, Ord. No. 30883

**FOR QUESTIONS CONTACT:** For procurement- and contract-related questions, please contact Albie Udom, Deputy Director of Finance – Purchasing & Risk Management, at [albie.udom@sanjoseca.gov](mailto:albie.udom@sanjoseca.gov). For program-related questions, please contact Michelle Ornat, Deputy Director, at [michelle.ornat@sjlibrary.org](mailto:michelle.ornat@sjlibrary.org).