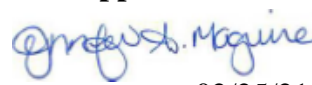


CITY COUNCIL ACTION REQUEST

| | | | |
|---|---|---|---|
| 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: Environmental Services Department, City Attorney's Office, and City Manager's Budget Office | Dept. Approval: /s/ Julia H. Cooper |
| Council District(s): Citywide | | | CMO Approval:  02/25/21 |

SUBJECT: NINTH AMENDMENT TO THE AGREEMENT WITH ENFOTECH & CONSULTING, INC. FOR AN ENVIRONMENTAL ENFORCEMENT DATA MANAGEMENT SYSTEM

RECOMMENDATION:

Adopt a resolution authorizing the City Manager to negotiate and execute the Ninth Amendment to the Agreement with enfoTech & Consulting, Inc. (Lawrenceville, NJ) for an Environmental Enforcement Data Management System to add 10 one-year options for a total of 18 to extend the agreement through June 30, 2031 for ongoing maintenance, support, and related services with maximum compensation not to exceed \$1,970,218 through June 30, 2021, subject to the appropriation of funds.

Desired Outcome: Provide ongoing maintenance, support, and related services for the Environmental Services Department's Environmental Enforcement Data Management System.

BASIS FOR RECOMMENDATION:

The Environmental Enforcement Data Management System (EEDMS) is used by approximately 70 Environmental Services Department (ESD) staff. The EEDMS provides data management for a wide array of programs, including storm water inspections for industrial, commercial, and construction sites; illegal discharge complaint response; food service facility inspections; permitting for dentists using mercury amalgam; pretreatment program implementation for industrial wastewater dischargers; and integrated waste management enforcement programs. This system is critical to help ESD ensure compliance with the regulatory and permitting requirements of the Environmental Protection Agency and the State of California's National Pollution Discharge Elimination System.

In 2003, Council authorized staff to execute the agreement with enfoTech & Consulting, Inc. for a maximum compensation of \$1,063,399.¹ In 2005, Council authorized staff to extend the term of the Agreement, and the EEDMS was fully deployed in 2007.² In 2010 and 2012, Council authorized amendments to the Agreement for a major upgrade to the EEDMS that was completed by the end of 2012.³ In June 2018, staff returned to Council to obtain authorization to add three additional options to the Agreement for ongoing maintenance, support, and related services.⁴ To date, eight amendments, nine change orders, and eight options have been executed under Council authority for this Agreement. The EEDMS took four years to implement, and the system is integrated with the City Laboratory Information Management System that performs water testing. Therefore, replacement of the system will require a significant investment by the City in both monetary and staffing resources. The current Agreement will expire on June 30, 2021, and there are no additional options to extend.

¹ Council Resolution April 2003: <https://records.sanjoseca.gov/Resolutions/RES71496.PDF>

² Council Resolution April 2005: <https://records.sanjoseca.gov/Resolutions/RES72628.pdf>

³ Council Resolution June 2010: <https://records.sanjoseca.gov/Resolutions/RES75470.PDF>

Council Resolution March 2012: <https://records.sanjoseca.gov/Resolutions/RES76161.PDF>

⁴ Council Resolution June 2018: <https://records.sanjoseca.gov/Resolutions/RES78640.pdf>

ESD staff is in the process of seeking funding for a future Request for Proposal for a new system. Approval of this recommendation will enable staff to exercise additional options to continue ongoing maintenance, support, and related services for the EEDMS to ensure no disruption in services while funding is approved, the competitive procurement is conducted, the new agreement is executed, and the new system, if applicable, is implemented and integrated with other City systems.

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 City's 2020-2021 Adopted Operating Budget City Services Areas Delivery Framework: "Provide environmental leadership through policy development, program design, and reliable utility services."

COST AND FUNDING SOURCE:

| Fund # | Appn # | Appn. Name | Total Appn | Amt. for Contract | 2020-2021 Adopted Operating Budget Page | Last Budget Action (Date, Ord. No.) |
|--------|--------|---|--------------|-------------------|---|-------------------------------------|
| 446 | 0762 | Non-Personal/Equip-Environmental Services | \$2,566,369 | \$23,522* | X - 99 | 10/20/2020, Ord# 30494 |
| 513 | 0762 | Non-Personal/Equip-Environmental Services | \$35,152,940 | \$20,315* | X - 91 | 10/20/2020, Ord# 30494 |
| 423 | 0762 | Non-Personal/Equip-Environmental Services | \$4,164,668 | \$3,208* | X - 57 | 10/20/2020, Ord# 30494 |
| 541 | 0762 | Non-Personal/Equip-Environmental Services | \$351,705 | \$6,415* | X - 94 | 10/20/2020, Ord# 30494 |

*Reflects funding for the current option term ending June 30, 2021. Funding sources for future option terms will be subject to appropriation through the City's annual budgeting process.

FOR QUESTIONS CONTACT: Jennifer Cheng, Deputy Director of Finance, at jennifer.cheng@sanjoseca.gov.