



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Matt Cano

SUBJECT: SEE BELOW

DATE: October 22, 2021

Approved

Date

10-25-21

**SUBJECT: FIRST AMENDMENT TO CONSULTANT MASTER AGREEMENT
AMENDMENT WITH SMARTWAVE TECHNOLOGIES LLC FOR
ESUHSD COMMUNITY WIFI**

SUPPLEMENTAL

REASON FOR SUPPLEMENTAL

On Friday, October 15, 2021, Infinity Communications & Consulting, Inc. notified the City that it wanted to terminate the Consulting Master Agreement for Community Wi-Fi projects funded by the Community Development Block Grant Fund. In response to the request, the City terminated the agreement with Infinity. As a result of the termination, staff is now seeking to increase the master agreement with SmartWave Technologies, LLC by the full amount of the terminated Infinity agreement.

RECOMMENDATION

Approve the First Amendment to the Master Consultant Agreements with SmartWave Technologies, LLC, to increase the maximum amount of compensation by \$600,000 for a total amount not to exceed \$1,600,000, for projects funded by Community Development Block Grant Fund.

OUTCOME

This action will allow the City to proceed with consultant services that are necessary to complete the network design for the Oak Grove High School attendance area.

ANALYSIS

On August 6, 2021 Infinity declined the service order for work to complete the design of the Oak Grove High School attendance area network due to capacity and workload constraints. Staff is working with SmartWave to complete the tasks that were previously offered to Infinity. Initially, staff recommended retaining \$200,000 in the Infinity agreement to allow for quick delivery of smaller service orders should the need and opportunity arise, though no service orders had been identified or prepared to issue to Infinity with these remaining funds.

On October 15, 2021 Infinity notified the City of their intention to terminate the master consulting agreement in its entirety due to the same workload and capacity constraints. The City accommodated Infinity's request by issuing on [DATE] a notice of termination without cause.

This action seeks to move the \$600,000 maximum compensation that was available under the Infinity agreement to SmartWave Technologies master agreement. This action ensures the City can perform the work needed to finalize the power distribution design and additional network design of the Oak Grove High School attendance area Wi-Fi network.

BUDGET REFERENCE

The table below identifies the fund and appropriations to fund the contract recommended as part of this memo and remaining project costs, including project delivery, construction, and contingency costs.

Fund #	Appn #	Appn. Name	Total Appn	Amt. for Contract	2013-2014 Adopted Capital Budget Page	Last Budget Action (Date, Ord. No.)
441	7483	Public Works Neighborhood Infrastructure Improvements	\$1,200,000	\$600,000*	N/A	08/17/2021, 30629

* The 2021-2022 Adopted Operating Budget was approved on June 15, 2021 and adopted on June 22, 2021 by the City Council.

/s/

MATT CANO

Director, Public Works Department

For questions, please contact Deputy Director, Mathew Nguyen at Mathew.Nguyen@sanjoseca.gov.