

ORDINANCE NUMBER O- 20748 (NEW SERIES)

DATE OF FINAL PASSAGE DEC 01 2016

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING AMENDMENT NO. 4 TO THE
MASTER SERVICES CONTRACT BETWEEN THE CITY OF
SAN DIEGO AND COLUMBIA ULTIMATE, INC., TO
EXTEND SUCH AGREEMENT PAST FIVE YEARS AND TO
INCREASE EXPENDITURE AUTHORIZATION

WHEREAS, San Diego Data Processing Corporation (SDPPC) previously
provided certain information technology-related procurement services to the City; and

WHEREAS, on November 15, 2011, SDDPC entered into the Master Services Contract
(Contract) with Columbia Ultimate Business Services, Inc., a Washington corporation, on
behalf of its customer, the City, to provide licensing of its proprietary debt collection software
known as "The Collector System" as well as affiliated products and related modules on an
as-needed basis by the City; and

WHEREAS, effective on January 1, 2012, the Contract was assigned by SDPPC to the
City pursuant to a letter agreement dated November 22, 2011; and

WHEREAS, the Washington corporation known as Columbia Ultimate Business
Services, Inc. has never existed and did not exist at the time that the Contract was entered into
and does not currently exist, as the true and correct corporate name of such entity as of
November 15, 2011, is and was Columbia Ultimate, Inc.; and

WHEREAS, the Contract erroneously listed Columbia Ultimate Business Services, Inc.
as the corporate entity contracting with SDDPC; and

WHEREAS, Columbia Ultimate, Inc. is a Washington corporation and the operations
company that handles the day-to-day functions and agreements with clients and which has
performed on the Contract and assumed all of the rights, obligations, and responsibilities under
the Contract; and

WHEREAS, as of October 1999, Columbia Ultimate Business Systems, Inc. is a Nevada holding company for Columbia Ultimate, Inc., and does not contract with clients; and

WHEREAS, as referenced in the recitals of the Contract, the City through SDDPC has entered into various agreements with Columbia Ultimate Inc., and its related entities:

- a. Effective November 21, 1997, SDDPC entered into both a Software License Agreement and Software Support Agreement with Columbia Ultimate Business Systems, Inc.
- b. Effective February 4, 2004, SDDPC entered into an Immedia Agreement with Columbia Ultimate, Inc.; and

WHEREAS, on June 17, 2014, the City's Purchasing Agent provided written sole source approval for this Contract, authorizing an expenditure of up to \$220,000 per year; and

WHEREAS, on August 6, 2014, the City entered into Amendment No. 1 to allow for enhanced reporting and performance services and skip tracing capabilities in addition to the current debt collection services provided by Columbia Ultimate, Inc.; and

WHEREAS, on July 22, 2015, the City entered into Amendment No. 2 to discontinue Ultimate Analytics services provided as part of Amendment No. 1 as set forth in the Ultimate Analytics License and Service Subscription Agreement; and

WHEREAS, on January 21, 2016, the City entered into Amendment No. 3 to add three additional services, specifically, the National Change of Address service, Electronic Address Confirmation service, and Multiple Letters Per Envelope (Householding) service and included a revised Exhibit C; and

WHEREAS, on June 10, 2016, Ontario Systems acquired Columbia Ultimate, Inc., but Columbia Ultimate, Inc. retains its status as a separate legal entity under its parent corporation, Ontario Systems; and

WHEREAS, the Contract is set to expire on December 31, 2016, and the City, through this Amendment No. 4, is seeking to extend the term of the Contract for up to an additional term of (3) years, which will extend the Contract beyond a total of five years and to increase the annual expenditure authorization under the Contract from \$220,000 to \$230,000; and

WHEREAS, on September 21, 2016, the Purchasing and Contracting Department Director approved the Request and Certification for Sole Source Procurement for this Contract; and

WHEREAS, on October 5, 2016, the Council Committee on Budget and Government Efficiency voted to recommend approval of this Amendment No. 4 to the Contract by the full Council; and

WHEREAS, under San Diego Charter section 99, no contract, agreement or obligation extending for a period of more than five years may be authorized except by Ordinance approved by a two-thirds majority vote of the City Council; NOW THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:


Section 1. That the Mayor, or his designee, is authorized to execute, for and on behalf of said City, extend the Agreement and increase the expenditure authorization under the terms and conditions set forth in Amendment No. 4 to the Contract.

Section 2. That the expenditure of an amount not to exceed \$230,000 per year of the Contract, is authorized for the purpose of executing Amendment No. 4 to the Contract, contingent upon authorization of the respective fiscal year budget and provided that the Chief Financial Officer or her designee certify funds are available for such purposes.

Section 3. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Kenneth So
Deputy City Attorney

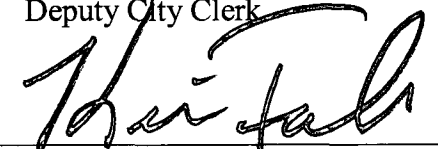
KRS: jdf:ccm
10/07/16
Or.Dept: Treasurer
Doc. No. 1352607

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of NOV 15 2016.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 11/28/16
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

(Note: The date of final passage is December 1, 2016, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)

Passed by the Council of The City of San Diego on NOV 15 2016, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 01 2016.

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Linda Bruin, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

OCT 25 2016

, and on

DEC 01 2016

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Linda Bruin, Deputy

Office of the City Clerk, San Diego, California

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