

#55
6/29/21

(O-2021-139)

ORDINANCE NUMBER O- **21338** (NEW SERIES)

DATE OF FINAL PASSAGE ~~JUL 12 2021~~

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING EXECUTION OF A FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND ZCOLO, LLC AND ALSO AUTHORIZING EXECUTION OF OPTION YEARS SIX THROUGH NINE OF THE AGREEMENT.

WHEREAS, on October 3, 2016, the City completed a formal Request for Proposal (RFP) process for data center colocation services and awarded a contract (Agreement) to Castle Access, Inc. (dba KIO Networks); and

WHEREAS, on January 16, 2018, the Agreement was assigned from KIO Networks to Zayo Group, LLC (Zayo) due to the sale of the facility to Zayo; and

WHEREAS, on May 1, 2021, the Agreement was assigned from Zayo to zColo, LLC (zColo) due to a sale of the facility to zColo; and

WHEREAS, City staff strongly supports the proposed First Amendment to the Agreement and would like to have the ability to exercise the options to continue services in this facility in order to reduce the City's costs by not requiring a move to a new hosting location; and

WHEREAS, this action will provide authorization for the Mayor or his designee to execute the First Amendment to the Agreement to increase the not-to-exceed amount from \$1,224,675 to \$3,100,000 and otherwise modify the Agreement as pursuant to the terms and conditions of the First Amendment, and to exercise option years six through nine on the Agreement and the related Master Service Agreement (KIO) 2016-10-01 - zCon-00103387; and

WHEREAS, under 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 exercise, for and on behalf of the City, the remaining four (4) option years of the Agreement between zColo, LLC and the City of San Diego for the provision of a comprehensive data center colocation facility and its infrastructure and network service, and also to execute the First Amendment to the Agreement to increase the not-to-exceed amount from \$1,224,675 to \$3,100,000 and to otherwise modify the Agreement pursuant to the terms and conditions contained in the First Amendment on file with the City Clerk as Document No. OO-21338.

Section 2. That the Chief Financial Officer is hereby authorized to expend an amount not to exceed \$3,100,000 over the term of the Agreement, contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Section 3. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the 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: MARA W. ELLIOTT, City Attorney

By /s/Steven R. Lastomirsky
Steven R. Lastomirsky
Deputy City Attorney

SRL:jvg
5/11/21
Or.Dept: Department of Information Technology
Doc. No.: 2658690

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of 06/29/2021.

ELIZABETH S. MALAND
City Clerk

By /s/Linda Irvin
Deputy City Clerk

Approved: 7/12/21
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUN 29 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<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"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 12 2021

AUTHENTICATED BY:

(Seal)

TODD GLORIA
Mayor of The City of San Diego, California.

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

By Linda Irwin, 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

JUN 15 2021, and on JUN 29 2021

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 Irwin, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 21338