

ORDINANCE NUMBER O- 21721 (NEW SERIES)

DATE OF FINAL PASSAGE SEP 18 2023

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN DIEGO TO EXECUTE THE FIRST AMENDMENT TO
THE COOPERATIVE PROCUREMENT CONTRACT WITH
DELL MARKETING, L.P. FOR MICROSOFT SOFTWARE,
SUBSCRIPTIONS, AND SERVICES.

WHEREAS, the City of San Diego (City) through its current Microsoft Enterprise Agreement receives access to Microsoft software that is the primary software used daily by City staff in the operation and delivery of information technology services, including Microsoft Office and Windows software; and

WHEREAS, the Department of Information Technology is responsible for acquiring licensing for City computers, on-premise servers, and cloud-hosted infrastructure. Microsoft is the manufacturer of the primary user-productivity software used throughout the City. More than twelve thousand (12,000) City employees use and rely upon Microsoft-licensed products on a day-to-day basis to perform various tasks central to their roles; and

WHEREAS, in 2019, the County of Riverside, acting as the lead agency for CCISDA/MISAC, issued a competitive solicitation for a new Microsoft Enterprise Agreement and, to accommodate the divergent needs of participating agencies, the County awarded a new Master Services Agreement to multiple Licensed Service Providers sufficient to meet Statewide needs, including Dell Marketing, L.P. (Dell); and

WHEREAS, in October 2020, the City executed a three-year cooperative procurement contract with Dell effective November 1, 2020, through October 31, 2023, for a not-to-exceed amount of \$14,032,100 authorized by Resolution No. RR-313243 (Contract); and

WHEREAS, the City's current three-year Enterprise Agreement with Dell for Microsoft will expire on October 31, 2023 and

WHEREAS, the City is now seeking approval to extend the Contract term for an additional three (3) years, effective November 1, 2023, through October 31, 2026, for a total Contract term of six (6) years; 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 two-thirds majority vote of the City Council; and

WHEREAS, as provided for in Section 22.3208 of the San Diego Municipal Code, the City's Purchasing Agent certified in writing that use of a cooperative procurement contract with Dell is in the City's best interests, to the City's economic advantage, and the agency's contract was awarded using a process that complies with the City's policies, rules, and regulations; and

WHEREAS, the Office of the City Attorney has drafted this ordinance based on the information provided by City staff, with the understanding that this information is complete, true, and accurate; 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 the City, the First Amendment to the Cooperative Procurement Contract between the City of San Diego and Dell Marketing, L.P., for the acquisition of Microsoft Software, Subscriptions and Services, to increase the not-to-exceed amount from \$14,032,100 to \$32,665,700 and to extend the Contract term for an additional three (3) years, effective November 1, 2023, through October 31, 2026, for a total Contract term of six (6) years, and otherwise modifying the


Contract pursuant to the terms and conditions contained in the First Amendment to the Contract on file with the Office of the City Clerk as Document No. OO- 21721.

Section 2. That the Chief Financial Officer is authorized to expend a total amount not to exceed \$32,665,700 over the six (6) year term of the Contract solely and exclusively to provide funds for the Contract term, contingent upon the passage of the Appropriations Ordinance for the applicable fiscal years and contingent upon the Chief Financial Officer furnishing one or more certificates certifying that funds necessary for expenditures 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 
Steven R. Lastomirsky
Deputy City Attorney

SRL:jvg
July 7, 2023
Or.Dept: Information Technology
Doc. No.: 3351017

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of SEP 12 2023.

DIANA J.S. FUENTES
City Clerk

By Kristell Medina
Deputy City Clerk

Approved: 9/15/23
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

(Note: The date of final passage is September 18, 2023, 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 SEP 12 2023, 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"/>
Kent Lee	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 18 2023.

AUTHENTICATED BY:

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

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Kristell Medina, 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

AUG 01 2023

and on SEP 18 2023.

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)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Kristell Medina, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O-21721