

ORDINANCE NUMBER O- **21745** (NEW SERIES)

DATE OF FINAL PASSAGE **NOV 22 2023**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING EXECUTION OF THE FIRST
AMENDMENT TO THE NEXTREQUEST SERVICE
AGREEMENT WITH NEXTREQUEST CO. FOR
CONTINUATION OF THE CITY'S ONLINE PUBLIC
RECORDS REQUEST PORTAL SERVICES.

WHEREAS, NextRequest Co. provides the City of San Diego's (City) online public records request portal services which include a Record Request Management Module, Document Module, and Request and Document Retention Module; and

WHEREAS, the online records portal services include the annual license, software as a service, fully hosted, maintained, and cloud-based services; and

WHEREAS, all City departments use the portal to manage and process all public records requests received by the City; and

WHEREAS, members of the public can submit and view public records requests through the portal; and

WHEREAS, since implementation of the portal in 2016, the City has received and processed approximately 40,000 public records requests; and

WHEREAS, on May 23, 2019, the City executed the current NextRequest Service Agreement (Agreement) under Sole Source number 4001 for the period January 1, 2019, through December 31, 2023, to provide online records portal services; and

WHEREAS, the City requests to execute the First Amendment to the Agreement with NextRequest Co., to extend the existing five-year term to December 31, 2024, and increase the

not-to-exceed amount by \$66,933.50 for continuation of the City's online records portal services, including the annual license, software as a service, fully hosted, maintained, and cloud-based services, bringing the total Agreement amount to a not-to-exceed of \$293,446.50; and

WHEREAS, in alignment with the guidance provided under San Diego Municipal Code section 22.3016, the City's Purchasing Agent has certified that the award of a sole source is necessary; and

WHEREAS, the Communications Department (Department) is preparing to participate in a competitive process for online records request portal services because the Agreement expires on December 31, 2023; and

WHEREAS, the Department must ensure there is no service interruption and therefore requests to extend the five-year term by one additional year to December 31, 2024, while the City conducts a Request for Proposals (RFP) process; and

WHEREAS, executing the First Amendment to the Agreement ensures services continue and time is allowed for a potential transition period should a new vendor be awarded a contract through the RFP process; 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; 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 NextRequest Service Agreement with NextRequest Co., to extend the five-year term to December 31, 2024, and increase the not-to-exceed amount by \$66,933.50 for continuation of the City's online public records request portal services including the annual license, software as a service, fully hosted, maintained, and cloud-based services, bringing the total Agreement amount to a not-to-exceed of \$293,446.50, under the terms and conditions set forth in the Agreement as amended, on file in the Office of the City Clerk as Document No. OO- 21745.

Section 2. That the Chief Financial Officer is authorized to expend an amount not-to-exceed \$293,446.50 from General Fund 100000, over the term of the Agreement as amended, for continuation of the City's online public records request portal services including the annual license, software as a service, fully hosted, maintained, and cloud-based services through December 31, 2024, contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the Chief Financial Officer 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.

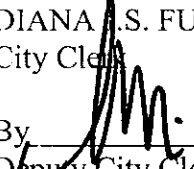
APPROVED: MARA W. ELLIOTT, City Attorney

By 
Markecia R. Simmons
Deputy City Attorney

MRS:cw
9/26/2023
Or.Dept: Communications Department
CC No.: 3000016149
Doc. No.: 3426338

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of NOV 14 2023

DIANA S. FUENTES
City Clerk

By 
Deputy City Clerk

Approved: 11/21/23
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

(The date of final passage is November 22, 2023, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

CC 3000016149
DEPT. NO.: B A: 1415

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: _____

Purpose: _____

Date: _____

By: _____
COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Funded Program	Fund	Grant Number	G/L Account	Functional Area	Business Area	Fund Center or Cost Center	Internal Order or WBS Element	Original Amount
TOTAL AMOUNT									

FUND OVERRIDE ☐

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \$66,933.50

Vendor: _____

Purpose: To authorize the expenditure of funds not to exceed \$66,933.50 to NextRequest Co. for the First Amendment to the Sole Source #4001 agreement. The Parties wish to amend the Agreement to extend the existing term to December 31, 2024, and increase the compensation by \$66,933.50 for a new total not-to-exceed amount of \$293,446.50.

Date: September 29, 2023

By: Alyssa Yopez *Alyssa Yopez*
COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Funded Program	Fund	Grant Number	G/L Account	Functional Area	Business Area	Fund Center or Cost Center	Internal Order or WBS Element	Original Amount
1		100000	NOT_RELEVANT_GRANT	513002	OTHR-00000000-GG	1415	1415000014		\$66,933.50
TOTAL AMOUNT									\$66,933.50

FUND OVERRIDE ☐

CC 3000016149

Passed by the Council of The City of San Diego on NOV 14 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 NOV 22 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 _____, 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 30 2023, and on NOV 22 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 , Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- **21745**