

ORDINANCE NUMBER O- 21903 (NEW SERIES)

DATE OF FINAL PASSAGE DEC 18 2024

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING EXECUTION OF THE SECOND AMENDMENT TO THE NEXTREQUEST SERVICE AGREEMENT WITH NEXTREQUEST CO. (ALSO KNOWN AS CIVICPLUS) FOR CONTINUATION OF THE CITY'S ONLINE PUBLIC RECORDS REQUEST PORTAL SERVICES.

RECITALS

The Council of the City of San Diego (Council) adopts this Ordinance based on the following:

A. NextRequest Co. (*also known as CivicPlus*) 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. The online records portal services include the annual license, software-as-a-service, fully hosted, maintained, and cloud-based services.

B. All City departments use the portal to manage and process all public records requests received by the City. Members of the public can submit and view public records requests through the portal.

C. Since implementation of the portal in 2016, the City has received and processed over 40,000 public records requests.

D. 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, including the annual license for maintenance and technical support for the portal.

E. The City approved the First Amendment to the Agreement (First Amendment) via Ordinance number O-21745, which passed on November 22, 2023, to extend the term of the

Agreement by one year through 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, which brought the Agreement to a total not-to-exceed amount of \$293,446.50.

F. On September 9, 2024, the City approved Sole Source Modification number 4001 to amend the Agreement to extend the term by an additional six months through June 30, 2025, with an option to extend for an additional six-month period through December 31, 2025; and increase the not-to-exceed amount by \$71,991.67 for continuation of the City's online records portal services, bringing the Agreement to a new total not-to-exceed amount of \$365,438.17. The amount of \$293,446.50 has already been expended under the Agreement during the initial five year term and the additional one year (year six) approved through the First Amendment.

G. 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.

H. The Communications Department (Department) is currently going through a competitive process for online public records request portal services. The Agreement expires on December 31, 2024. The City posted Request for Proposals (RFP) Number 1009060-24-F on May 6, 2024, and it closed on June 12, 2024. The City intends to award a ten-year contract for online public records request portal services.

I. The Department must ensure there is no service interruption and therefore requests to extend the existing term by six (6) months through June 30, 2025, with an option to extend for an additional six-month period through December 31, 2025, while the RFP process is carried out.

J. The Second Amendment to the Agreement will ensure services continue and time is allowed for a transition period should a new vendor be selected through the RFP process.

K. The Agreement is subject to San Diego Charter section 99, which provides (subject to certain exceptions) that no contract, agreement, or obligation creating City indebtedness and extending for a period of more than 5 years may be authorized except by an ordinance adopted by a two-thirds majority of the Council.

L. 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.

ACTION ITEMS

Be it ordained by the Council of the City of San Diego:

Section 1. The Council approves the Agreement.

Section 2. The Mayor, or his designee, is authorized, on the City's behalf, to execute the Second Amendment to the NextRequest Service Agreement with NextRequest Co. (*also known as CivicPlus*), to extend the existing term by six months through June 30, 2025, with an option to extend for an additional six-month period through December 31, 2025; and increase the total not-to-exceed amount by \$71,991.67 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 not-to-exceed amount of the Agreement to \$365,438.17, under the terms and conditions set forth in the Agreement, on file in the Office of the City Clerk as Document No. OO- 21903.

Section 3. The Chief Financial Officer is authorized to expend an amount not-to-exceed \$365,438.17 from the 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

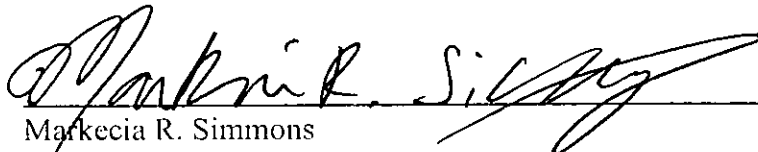
license, software-as-a-service, fully hosted, maintained, and cloud-based services through June 30, 2025, with an option to extend for an additional six-month period through December 31, 2025, contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the Chief Financial Officer furnishing one or more certificates certifying that funds necessary for expenditure under the established Agreement are, or will be, on deposit with the City Treasurer.

Section 4. The Council dispenses with a full reading of this Ordinance before its passage because a written copy of this Ordinance was made available to the Council and the public before the dates of its passage.

Section 5. 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

October 3, 2024

Or.Dept: Communications Department

CC No.: 3000017209

Doc. No. 3831794

I certify that the Council of the City of San Diego adopted this Ordinance at a meeting held on  
DEC. 09 2024

DIANA J.S. FUENTES  
City Clerk

By *Connie Patterson*  
Deputy City Clerk

Approved: 12/13/24  
(date)

*Todd Gloria*  
TODD GLORIA, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

(Note: The date of final passage is December 18, 2024, 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 3000017209  
 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: \$35,140.00

Vendor: NextRequest Co.

Purpose: To authorize the expenditure of funds not to exceed \$35,140 for the Second Amendment to the Sole Source agreement for six-month optional extension period.

Date: October 14, 2024

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		513002	OTHR-00000000-GG	1415	1415000014		\$35,140.00
TOTAL AMOUNT									\$35,140.00

FUND OVERRIDE

Passed by the Council of The City of San Diego on DEC 09 2024, 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Henry Foster, III	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 18 2024

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 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 NOV 12 2024, and on DEC 18 2024.

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 Linda Irwin, Deputy  
For Connie Patterson

Office of the City Clerk, San Diego, California

Ordinance Number O- **21903**