



## Legislation Details (With Text)

**File #:** 0418-2013      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 2/8/2013      **In control:** Technology Committee

**On agenda:** 3/4/2013      **Final action:** 3/5/2013

**Title:** To authorize the Director of the Department of Technology to renew an annual hardware/software maintenance and support contract with XOR Media, Inc., in accordance with the sole source provisions of the Columbus City Codes and to authorize the expenditure of \$12,960.00 from the Department of Technology, Information Services Division, Internal Services Fund; and to declare an emergency. (\$12,960.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. XOR Media Sole Source Letter 2013 (2), 2. Exhibit A Seachange 2013 (2), 3. Sole Source Form Ord. No. 0418-2013 XOR

Date	Ver.	Action By	Action	Result
3/5/2013	1	CITY CLERK	Attest	
3/5/2013	1	MAYOR	Signed	
3/4/2013	1	COUNCIL PRESIDENT	Signed	
3/4/2013	1	Columbus City Council	Approved	Pass

**BACKGROUND:**

This legislation authorizes the Director of the Department of Technology (DoT) to renew an annual software maintenance and support agreement with XOR Media, Inc. The original agreement (ED025897) was entered into in 2006 with Seachange International, and most recently renewed by authority of ordinance 0486-2012, passed March 26, 2012, through purchase order EL012680. The agreement was transferred to XOR Media by authority of ordinance 2374-2012, passed December 10, 2012, subsequent to XOR Media's acquisition of Seachange International. This ordinance will provide maintenance and support for the period April 1, 2013 to March 31, 2014 at a cost of \$12,960.00.

The Department of Technology requires technical support and hardware/software maintenance services from XOR Media to support ongoing operations of a Seachange Broadcast Media video server utilized by Media Services to play/air video files on the City's government and educational cable access channels. Without the maintenance and support services provided by XOR Media, the City would not be able to effectively operate the television access channels. Also, renewing this agreement will allow the City to continue receiving software upgrades, support and related services.

XOR Media is the sole proprietor and copyright holder. Accordingly, XOR Media is also the sole source of supply for upgrades, maintenance, support, new releases and additional copies of this product. For this reason, this ordinance is being submitted in accordance with the provisions of Sole Source procurement of the Columbus City Code Section 329.07.

**EMERGENCY DESIGNATION:**

Emergency designation is requested to immediately facilitate prompt payment and to avoid interruption in the performance of services necessary in the usual daily operation.

**CONTRACT COMPLIANCE:**

Vendor: XOR Media, Inc.

FID/CC#: 45 - 5396458

Expiration Date: 10/02/2014

**FISCAL IMPACT:**

In years 2011 and 2012, the Department of Technology expended \$12,960.00 and \$12,960.00 respectively for hardware/software maintenance and support with Seachange International, now known as XOR Media, Inc. The 2013 cost for the annual hardware/software maintenance and support contract is \$12,960.00. This expenditure is budgeted and available in the Department of Technology, Information Services Division, Internal Services Fund.

To authorize the Director of the Department of Technology to renew an annual hardware/software maintenance and support contract with XOR Media, Inc., in accordance with the sole source provisions of the Columbus City Codes and to authorize the expenditure of \$12,960.00 from the Department of Technology, Information Services Division, Internal Services Fund; and to declare an emergency. (\$12,960.00)

**WHEREAS**, the Department of Technology (DoT) has a need to renew an annual contract for technical support and hardware/software maintenance support services from XOR Media, Inc. to support ongoing operations of a Seachange Broadcast Media server utilized by Media Services to play/air video files of the City's governmental and educational cable access channels (CTV); and

**WHEREAS**, the original agreement (ED025897) was entered into in 2006 with Seachange International, and most recently renewed by authority of ordinance 0486-2012, passed March 26, 2012, through purchase order EL012680. The agreement was transferred to XOR Media by authority of ordinance 2374-2012, passed December 10, 2012, subsequent to XOR Media's acquisition of Seachange International; and

**WHEREAS**, the cost associated with the 2013 XOR Media, Inc. contract is \$12,960.00, with the term period being April 1, 2013 through March 31, 2014; and

**WHEREAS**, this contract renewal is in accordance with the sole source provisions of the Columbus City Code, Section 329.07, and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Technology, in that it is immediately necessary for the Director of the Department of Technology to renew an annual hardware/software maintenance and support agreement with XOR Media, Inc. to support the daily operation activities utilized by Media Services, thereby preserving the public health, peace, property, safety and welfare; now, therefore:

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1:** That the Director of the Department of Technology be and is hereby authorized to renew an annual hardware/software maintenance and support contract, with XOR Media, Inc., in the amount of \$12,960.00, for the term period of April 1, 2013 through March 31, 2014.

**SECTION 2:** That the expenditure of \$12,960.00 or so much thereof as may be necessary is hereby authorized to be expended from:

**Div.:** 47-02|**Fund:** 514|**Sub-fund:** 001|**OCA Code:** 470202|**Obj. Level 1:** 03|**Obj. Level 3:** 3369 |**Amount:** \$12,960.00

**SECTION 3:** That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

**SECTION 4:** That the City Auditor is authorized to make any changes to revise the funding source for any contract or contract modifications associated with this ordinance.

**SECTION 5:** That this agreement is being established in accordance with the sole source provisions of the Columbus City Code, Section 329.07.

**SECTION 6:** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.