



## Legislation Details (With Text)

**File #:** 0198-2015      **Version:** 1

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

**File created:** 1/9/2015      **In control:** Technology Committee

**On agenda:** 2/9/2015      **Final action:** 2/10/2015

**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. (\$12,960.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. QUOTE XOR MEDIA APR 2015 - MAR 2016, 2. 2015 XOR Media Sole Source Letter, 3. Sole Source Form Ord. No. 0198-2015

| Date      | Ver. | Action By             | Action                  | Result |
|-----------|------|-----------------------|-------------------------|--------|
| 2/10/2015 | 1    | CITY CLERK            | Attest                  |        |
| 2/10/2015 | 1    | MAYOR                 | Signed                  |        |
| 2/9/2015  | 1    | COUNCIL PRESIDENT     | Signed                  |        |
| 2/9/2015  | 1    | Columbus City Council | Approved                | Pass   |
| 2/2/2015  | 1    | Columbus City Council | Read for the First Time |        |

### **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 0413-2014, passed March 31, 2014, through purchase order EL015531. This ordinance will provide maintenance and support for the period April 1, 2014 to March 31, 2015 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 Chapter 329.

### **CONTRACT COMPLIANCE:**

Vendor: XOR Media, Inc.      FID/CC#: 45 - 5396458      Expiration Date: 11/11/2016

**FISCAL IMPACT:**

In years 2013 and 2014, 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 2015 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. This ordinance is contingent on the passage of the 2015 City of Columbus Operating Budget.

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. (\$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 0413-2014, passed March 31, 2014, through purchase order EL015531. 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 2015 XOR Media, Inc. contract is \$12,960.00, with the term period being April 1, 2015 through March 31, 2016; and

**WHEREAS**, this contract renewal is in accordance with the sole source provisions of the Columbus City Code, Chapter 329, and

**WHEREAS**, it is 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, 2015 through March 31, 2016.

**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, Chapter 329.

**SECTION 6:** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.