

1 [Contract Amendment - Xtech JV AIXTEK dba Eaton Associates | 21Tech LLC - Technology
2 Marketplace - Not to Exceed \$85,014,000]

3 **Resolution approving the First Amendment to a contract between City and County of**
4 **San Francisco, acting by and through the Office of Contract Administration, and Xtech**
5 **JV AIXTEK dba Eaton Associates | 21Tech LLC for the purchase of information**
6 **technology products and specialized services on an as-needed basis under the**
7 **Technology Marketplace program, to increase the contract amount by \$65,014,000 for a**
8 **total not to exceed amount of \$85,014,000 with no changes to the five-year of**
9 **January 19, 2024, through December 31, 2028; and to authorize the Office of Contract**
10 **Administration to make necessary, non-material changes to the Amendment prior to its**
11 **final execution by all parties that do not materially increase the obligations or liabilities**
12 **to the City and are necessary or advisable to effectuate the purposes of the**
13 **Amendment.**

14
15 WHEREAS On August 21, 2023, OCA issued two Request for Proposals (“RFP”)
16 pursuant to Sourcing Events 0000007900 and 0000008618 seeking qualified suppliers to
17 provide Information Technology (“IT”) commodities and services to City departments on an
18 as-needed basis under its Technology Marketplace program; and

19 WHEREAS, Xtech JV AIXTEK dba Eaton Associates | 21Tech LLC submitted a
20 proposal and was one of the top ten highest ranked Proposers under Sourcing Event
21 0000007900; and

22 WHEREAS, On January 19, 2024, the Office of Contract Administration and Xtech JV
23 AIXTEK dba Eaton Associates | 21Tech LLC entered into an agreement for the purchase of
24 information technology products and specialized services on an as-needed basis (“Original
25 Agreement”); and

1 WHEREAS, The Original Agreement has a term of January 19, 2024, through
2 December 31, 2028, and a not to exceed amount of \$20,000,000; and

3 WHEREAS, The Original Agreement is on file with the Clerk of the Board of
4 Supervisors in File No. 231227, which is hereby declared to be a part of this Resolution as if
5 set forth fully herein; and

6 WHEREAS, The Office of Contract Administration wishes to amend the Original
7 Agreement by increasing the maximum expenditure by \$65,014,000 for a total not to exceed
8 amount of \$85,014,000 (the "First Amendment"); and

9 WHEREAS, Charter, Section 9.118(b), requires Board of Supervisors' approval by
10 Resolution of any contract which, when entered into, extends over 10 years, and of any
11 contract which, when entered into, costs the City \$10,000,000 or more; and

12 WHEREAS, The proposed Amendment contained in File No. 250168, is substantially
13 in final form, with all material terms and conditions included, and only remains to be executed
14 by the parties upon approval of this Resolution; now, therefore, be it

15 RESOLVED, That the Board of Supervisors hereby approves the Amendment in
16 substantially the form contained in File No. 250168; and, be it

17 FURTHER RESOLVED, That the Board of Supervisors authorizes the Office of
18 Contract Administration to make any modifications to the Amendment, prior to its final
19 execution by all parties, that the Office of Contract Administration determines, in consultation
20 with the City Attorney, are consistent with this Resolution, in the best interest of the City, do
21 not materially increase the obligations or liabilities of the City, are necessary or advisable to
22 effectuate the purposes of the Amendment, and are in compliance with all applicable laws,
23 including City's Charter; and, be it

24 FURTHER RESOLVED, That within 30 days of the Amendment being fully executed by
25 all parties, the Office of Contract Administration shall submit to the Clerk of the Board of

Supervisors a completely executed copy for inclusion in File No. 250168; this requirement and obligation resides with the Department, and is for purposes of having a complete file only, and in no manner affects the validity of approved Amendment.