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 2 **Ordinance approving a contract between the City and County of San Francisco and the**
 3 **American Registry for Internet Numbers, LTD. (ARIN), for the registration of Internet**
 4 **Protocol address space, required to increase the City's bandwidth on the Internet and**
 5 **designating ARIN as the sole source contractor for the registration of Internet**
 6 **Addresses, and waiving the competitive procurement requirements of the San**
 7 **Francisco Administrative Code Chapter 21 for this service, and approving the City**
 8 **indemnifying and holding ARIN harmless against claims arising from the activities of**
 9 **the City under the contract, and waiving the requirement of Section 21.35 of the San**
 10 **Francisco Administrative Code that every contract contain a statement regarding**
 11 **liability of claimants for submitting false claims, and waiving the requirement of**
 12 **Section 21.19(d) of the San Francisco Administrative Code that a City contract not**
 13 **contain an automatic renewal provision.**

14 Note: Additions are single-underline italics Times New Roman;
 15 deletions are ~~strikethrough italics Times New Roman~~.
 16 Board amendment additions are double underlined.
 Board amendment deletions are ~~strikethrough normal~~.

17 Be it ordained by the People of the City and County of San Francisco:

18 Section 1. FINDINGS. The Board of Supervisors hereby finds and declares that:

19 (1) The City currently obtains Internet Protocol addresses from SBC, the City's current
 20 Internet Provider (ISP). To date, SBC has provided the City with 3000 IP addresses as part of
 21 the Internet services it provides the City. These IP addresses belong to SBC and are on loan
 22 to the City as long as the City uses SBC as its ISP.

23 (2) The City is in the process of establishing a second connection to the Internet using
 24 a different ISP and wants to load balance the traffic between the two Internet connections in
 25 order to increase the speed and reliability of the City's Internet service.

1 (3) In order to achieve this goal in a cost-effective manner, the City must be able to
2 obtain its own IP addresses which are independent of the ISP's.

3 (4) ARIN is the sole source of Internet Addresses for North America; it is a non-profit
4 organization whose sole purpose is to assign and manage all Internet addresses in North
5 America, the Caribbean and sub-Saharan Africa.

6 (5) The ARIN contract is a standard form used by ARIN for its services. ARIN is
7 unwilling to modify the contract to include the City's required provisions.

8 (6) Indemnification of ARIN is a required element of the contract.

9 (7) Without this contract, the City would be required to obtain this service through a
10 third party, such as SBC.

11 (8) Upon approval of this ordinance, DTIS will submit the City's application to ARIN for
12 services and upon approval by ARIN and the City's payment of the \$ 5000 annual fee, the
13 contract will commence and remain in effect until terminated by either party on thirty(30) days
14 notice.

15 (9) The annual cost of the service is currently \$5000 per year; and for that flat fee, the
16 City will be able to obtain up to 65,534 host addresses directly from ARIN.

17 (10) DTIS has approved a maximum cost of \$100,000 for this service. [DTIS PLEASE
18 CONFIRM]. The approved maximum cost of \$100,000 will allow the City to register Internet
19 addresses for a maximum of 20 years at the current rate.

20 (11) Funds for this year's fee have been appropriated in the DTIS budget. If funds are
21 not appropriated or there is an unreasonable increase to the fee in future years, DTIS will give
22 notice of cancellation to ARIN.

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Name of Supervisor/Committee/Department

BOARD OF SUPERVISORS

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1 Section 2. The Acting Executive Director of the Department of Telecommunications
2 and Information Services is hereby authorized to execute the contract with ARIN. Copies of
3 the contract are on file with the Clerk of the Board of Supervisors in File No. _____.

4 Section 3. WAIVERS. For the purpose of this contract, the Board of Supervisors finds
5 that it is reasonable and in the public interest to grant the waivers specified below:

6 (1) The Board of Supervisors hereby waives the competitive procurement requirements
7 of the San Francisco Administrative Code Chapter 21 for this service.

8 (2) The Board of Supervisors hereby waives the requirement of San Francisco
9 Administrative Code Section 21.35 that every contract include a statement regarding liability
10 of claimants for submitting false claims to the City.

11 (3) The Board of Supervisors hereby waives the requirement of San Francisco
12 Administrative Code Section 21.19 that contracts not include an automatic renewal provision.

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APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
Margarita Gutierrez
Deputy City Attorney