

1 [Agreement Amendment - Retroactive - AT&T Corporation - Telecommunications Services -
2 Total Not to Exceed \$140,695,756]

3 **Resolution retroactively authorizing the Department of Technology to enter into the**
4 **Fifth Amendment of an Agreement between the City and County of San Francisco and**
5 **AT&T Corporation, to extend the term of the agreement by one year for a total term of**
6 **February 26, 2010, through December 31, 2021, and to increase the not to exceed**
7 **amount of the agreement by \$18,266,199 for a total amount of \$140,695,756 pursuant to**
8 **Charter, Section 9.118.**

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10 WHEREAS, The Department of Technology (“Department”) procures
11 telecommunications services for the City and County of San Francisco (“City”) from AT&T
12 Corporation (“AT&T”) under an agreement that incorporates terms and conditions of the
13 State of California’s CALNET3 agreement (“Agreement”); and

14 WHEREAS, Under the Agreement, the City is able to purchase telecommunications
15 services from AT&T using the best pricing available to public entities; the Agreement also
16 allows non-profit agencies in San Francisco to purchase services directly from AT&T at the
17 same preferred pricing; and

18 WHEREAS, By Ordinance No. 98-10, the Board approved the Agreement for a term
19 of four and one-half years, beginning on March 1, 2010, with a not to exceed amount of
20 \$75,000,000 which is on file with the Clerk of the Board of Supervisors in File No. 201179;

21 WHEREAS, By Ordinance No. 39-15, the Board approved a Second Amendment to the
22 Agreement to, among other things, extend the term of the Agreement to December 31, 2015, and
23 increase the not to exceed amount to \$97,953,700 which is on file with the Clerk of the Board
24 of Supervisors in File No. 201179; and

1 WHEREAS, By Ordinance No. 26-16, the Board approved a Third Amendment to the
2 Agreement to, among other things, extend the term of the Agreement to December 31, 2019,
3 with an option to extend the term to December 31, 2020, and increase the not to exceed
4 amount to \$122,429,557 which is on file with the Clerk of the Board of Supervisors in File No.
5 201179; and

6 WHEREAS, On November 1, 2019, the Department and AT&T entered into a Fourth
7 Amendment to the Agreement in which the City exercised the option to extend the term to
8 December 31, 2020, which is on file with the Clerk of the Board of Supervisors in File No.
9 201179; and

10 WHEREAS, The Department has evaluated the telecommunications needs of City
11 departments through December 31, 2021, and determined that the City's spending under the
12 Agreement will increase by \$18,266,199; and

13 WHEREAS, The Department and AT&T have negotiated a Fifth Amendment to the
14 Agreement, which would extend the term of the Agreement through December 31, 2021, and
15 increase the not to exceed amount of the Agreement to \$140,695,756; and

16 WHEREAS, Section 9.118 of the San Francisco Charter requires approval by the Board
17 of Supervisors for contracts in excess of ten years or requiring expenditures above
18 \$10,000,000; Section 9.118 also requires Board of Supervisors approval for modifications to
19 such agreements that exceed \$500,000; now, therefore, be it

20 RESOLVED, That the Board of Supervisors retroactively approves the Fifth Amendment
21 to the Agreement to extend the term of the Agreement to December 31, 2021 and to increase
22 the not-to-exceed amount to \$140,695,756; a copy of the Fifth Amendment to the Agreement
23 is on file with the Clerk of the Board of Supervisors in File No. 201179; and, be it

1 FURTHER RESOLVED, That within 30 days of the Fifth Amendment to the
2 Agreement being fully executed by the parties the Department of Technology shall provide
3 it to the Clerk of the Board for inclusion in the official file.

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