

ORDINANCE 2020-12-17-0935

APPROVING A PROFESSIONAL SERVICES CONTRACT WITH DEAF LINK, INC., FOR THE AMERICAN SIGN LANGUAGE ALERT SYSTEM FOR THE CITY OF SAN ANTONIO. THE ESTIMATED COST IS NOT TO EXCEED \$78,164.00 ANNUALLY, FOR YEARS 1 THROUGH 3, WITH THE OPTION TO RENEW FOR TWO, ADDITIONAL ONE-YEAR PERIODS IN AN AMOUNT NOT TO EXCEED \$82,072.00 PER YEAR.

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WHEREAS, the City of San Antonio is committed to engaging all residents with disabilities and breaking down communications barriers facing this population to ensure participation in City government and City-related business, and to ensure receipt of City emergency information; and

WHEREAS, approval of this ordinance will provide the City capability to send accessible alerts in response to all Emergency Alert System (EAS) event codes for warnings, watches, and emergencies, Civil Emergency Messages (CEM), terrorism events, Amber alerts, and National Weather Service watches and warnings; and

WHEREAS, alerts will be created in American Sign Language (ASL) video, voice, and text in broadcast quality formats for accessibility on all web and video enabled cell phones, computers, tablets, and refresh braille readers; and

WHEREAS, all expenditures will be in accordance with the applicable fiscal year's budget approved by City Council; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The extension and amendment to the professional services agreement for the American Sign Language Emergency Alert System Program with Deaf Link, Inc., for an estimated cost not to exceed \$78,164.00 annually, for years 1 through 3, with the option to renew for two, additional one-year periods in an annual amount not the exceed \$82,072.00 is hereby approved, subject to and contingent upon the deposit of all required bonds, performance deposits, insurance certificates and endorsements. The City Manager, or designee, or the Fire Chief of the San Antonio Fire Department are hereby authorized to execute the contract which is attached hereto and incorporated herein for all purposes as **Exhibit I**.


SECTION 2. Funding in the amount of \$78,164.00 for this ordinance is available in Fund 11001000, Cost Center 2015060001 and General Ledger 5201040 as part of the Fiscal Year 2021 Adopted Budget approved by City Council. All expenditures will be in accordance with the Fiscal Year 2021 budget, and such other appropriations necessary to fund the contract through its term as evidenced by subsequent ordinances.

SECTION 3. Payment in the amount up to \$78,164.00 is authorized to Deaf Link, Inc., and should be encumbered with a purchase order on an as needed basis.

SECTION 4. The financial allocations in this ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer may, subject to concurrence by the City Manager or designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this ordinance.

SECTION 5. This ordinance is effective immediately upon passage by eight or more affirmative votes; otherwise, it is effective on the tenth day after passage.

PASSED AND APPROVED this 17th day of December, 2020.




M A Y O R
Ron Nirenberg

ATTEST:



Tina J. Flores, City Clerk

APPROVED AS TO FORM:



Andrew Segovia, City Attorney



City of San Antonio

City Council

December 17, 2020

Item: 25

Enactment Number:

File Number: 20-6977

2020-12-17-0935

Ordinance approving a professional services contract with Deaf Link, Inc., for the American Sign Language Alert System for the City of San Antonio. The estimated cost is not to exceed \$78,164.00 annually, for years 1 thru 3, with the option to renew for two, additional one-year periods in an amount not the exceed \$82,072.00 per year. [María Villagómez, Deputy City Manager; Charles N. Hood, Fire Chief]

Councilmember John Courage made a motion to approve. Councilmember Manny Pelaez seconded the motion. The motion passed by the following vote:

Aye: 11 Nirenberg, Treviño, Andrews-Sullivan, Viagran, Rocha Garcia, Gonzales, Cabello Havrda, Sandoval, Pelaez, Courage and Perry

LC
12/17/20
Item No. 25

Exhibit I

**EXTENSION AND AMENDMENT TO
PROFESSIONAL SERVICES AGREEMENT FOR
AMERICAN SIGN LANGUAGE EMERGENCY ALERT SYSTEM PROGRAM**

This Extension and Amendment is entered into by and between the City of San Antonio, a Texas Municipal Corporation, (hereinafter referred to as “City”) acting by and through Charles N. Hood, Fire Chief, and Deaf Link, Inc., by and through Danny D. Heller, President (hereinafter referred to as “Consultant”). City and Consultant may be referred to herein collectively as the “Parties”.

The Parties hereto severally and collectively agree, and by the execution hereof are bound, to the mutual obligations herein contained and to the performance and accomplishment of the tasks hereinafter described.

WHEREAS, the City entered into an agreement with Consultant for Professional Services pursuant to an Agreement (hereinafter referred to as “the Agreement”) that commenced on October 1, 2018 and terminated on September 30, 2020; and

WHEREAS, the Parties agree that the Agreement should be revised to extend the term to September 30, 2023, and increase the compensation to an amount not to exceed \$398,636, contingent upon the San Antonio City Council’s approval of this amendment; and

WHEREAS, the Parties agree that the City shall have the option to renew and extend the term of the Agreement for two (2), additional one-year periods, and each renewal shall be in writing and signed by the Director without further action by City Council; and

WHEREAS, it is in the best interest of the City that an extension and amendment of the Agreement now be executed; **NOW THEREFORE:**

City and Consultant agree to amend the Agreement as follows:

**ARTICLE I
PURPOSE AND EFFECTIVE DATE**

1.01 The purpose of this Extension and Amendment is to amend the said Professional Services Agreement to extend the term and increase the amount of compensation to be paid by City for said services. This amendment shall be effective upon execution.

**ARTICLE II
AMENDMENTS**

2.01 Temporary Contract. This amendment is intended to be a temporary contract to provide services until the City can present this amendment to the City Council for approval. The total expenditure under this amendment shall not exceed \$50,000. Therefore, this contract shall begin October 1, 2020 and shall terminate when the total expenditure reaches \$50,000, or upon written notice from City, whichever shall occur sooner. Should City Council approve this amendment, this section shall automatically be revised to read as stated in Section 2.02.

2.02 Upon approval of City Council, Article II, “Term”, is amended to reflect the revision of Sections 2.1 and 2.2 to extend the term and add renewal options as set out below:

- 2.1 Unless sooner terminated in accordance with the provisions of this Agreement, the term of this Agreement shall commence upon execution by the Parties and terminate on September 30, 2023 (Base Term).
- 2.2 At City's option, this Agreement may be renewed under the same terms and conditions for two, additional one-year periods. Renewals shall be in writing and signed by Director, without further action by the San Antonio City Council, subject to and contingent upon appropriation of funding therefor (Renewal Years).
- 2.02 Article IV, "Compensation to Consultant," is hereby amended to reflect the revision of Section 4.1 to increase the total compensation to be paid to Consultant by City as follows:

4.1 In consideration of Consultant's performance in a satisfactory and efficient manner, as determined solely by the Director, of all services and activities set forth in this Agreement, City agrees to pay Consultant an amount not to exceed \$398,636 as total compensation to be paid to Consultant as follows:

4.1.1 City shall pay \$78,164 annually for the base term. Base years 1 thru 3 shall be paid monthly for 11 months at \$6,513.67 and 1 month at \$6,513.63;

4.1.2 City shall pay \$82,072 annually for each renewal year. Renewal years 4 thru 5 shall be paid monthly for 11 months at \$6,839.33 and 1 month at \$6,839.37;

2.03 Article IV, "Compensation to Consultant," is hereby amended to add the following new Section 4.1.4 to add an hourly programming rate for AHAS platform and workflow changes requested by City:

4.1.4 Hourly Rate for Enhancements. "Enhancements" mean changes to AHAS that add functionality at City's request that was not in the original specifications or minimum functional requirements of the Agreement. Enhancements done by Consultant will be completed on a time and materials basis. City shall pay Consultant at the rate of **\$150 per hour** for Enhancements requested by City. Should City request Enhancements, Consultant will provide a deliverables-based statement of work with a stated maximum cost, based upon the hourly rate and the projected number of hours it will take to complete the work, quoted as a "not to exceed" fee.

ARTICLE III

TERMS AND CONDITIONS

3.01 All other terms, conditions, covenants and provisions of the Agreement are hereby continued and shall remain in effect in their original form, except for the provisions modified by this Extension and Amendment.

EXECUTED and AGREED to as of the dates indicated below. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

CITY OF SAN ANTONIO

DEAF LINK, INC.

(Signature)

(Signature)



Printed Name: Charles N. Hood
Title: Fire Chief
Date: _____

Printed Name: Danny D. Heller
Title: President
Date: 11/10/2020

Approved as to Form:

Assistant City Attorney