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191805

Emergency Ordinance

*Amend contract with Smarsh Inc. to increase the not to exceed value by \$450,000 (amend Contract 30005648)

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. The use of cell phones and text messaging has become a ubiquitous form of communication. In order to conduct business efficiently and to reach and be accessible to as many community members as possible, cell phone usage and text messaging at the City of Portland has become a standard method of communication.
2. The City is committed to maintaining compliance with its public records, e-discovery and archiving requirements.
3. To maintain that compliance, the City executed Contract 30005648 with Smarsh, Inc., for a hosted social media, text messaging, and web records search and archiving system in December 2016.
4. Because of the increased use of cell phones, the not-to-exceed value in the current contract with Smarsh will be exhausted before the contract expires in December 2025. The City seeks to increase the contract value accordingly.

NOW, THEREFORE, the Council directs:

- A. The Chief Procurement Office is authorized to execute an amendment to Contract 30005648 to increase its not to exceed value by \$450,000, provided the amendment has been approved as to form by the City Attorney.

Section 2. The Council declares an emergency exists because the number of cell phones which need archiving has steadily increased since the pandemic and the current contract does not have sufficient funds to pay for the increased use after June 2024; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Introduced by

[Mayor Ted Wheeler](#)

Bureau

[City Attorney](#)

Contact

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Requested Agenda Type

Consent

Date and Time Information

Requested Council Date

July 3, 2024

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council
July 3, 2024

Auditor of the City of Portland
Simone Rede

Impact Statement

Purpose of Proposed Legislation and Background Information

This legislation adds \$450,000 to an existing contract with Smarsh, Inc., to archive text messages so that there is sufficient funding to complete the contract term, which ends on December 31, 2025.

The City is committed to maintaining compliance with its public records, e-discovery and archiving requirements. To maintain that compliance, the City executed Contract 30005648 with Smarsh, Inc., for a hosted social media, text messaging, and web records search and archiving system in December 2016.

The use of cell phones and text messaging has become a ubiquitous form of communication. In order to conduct business efficiently and to reach and be accessible to as many community members as possible, cell phone usage and text messaging at the City of Portland has become a standard method of communication numerous cell phones, and other technology for its outreach to citizens.

Because of the increased use of cell phones, the amounts not-to-exceed value in the current contract with Smarsh will be exhausted before the contract expires in December 2025. The City seeks to extend its contract for the Smarsh software through June 30, 2029, and increase the contract value accordingly.

Financial and Budgetary Impacts

Each Bureau that uses Cell phone services is billed a pro-rata share of the archiving costs for Smarsh which includes a share of the platform costs and a monthly fee for each archived phone.

Community Impacts and Community Involvement

This legislation seeks to add funds to an existing vendor contract and has no direct impact on the community. It does seek to continue the City's efforts to meet its duty to transparency and obligations under public records and other laws.

100% Renewable Goal

Not applicable.

Budget Office Financial Impact Analysis

This ordinance increases the value of an existing contract with Smarsh, Inc. to \$450,000 for services to archive text messages. Costs for this increase will be shared by bureaus as part of a pro-rata share of the archiving costs. They will be absorbed within existing budgets.

Document History

Item 611 Consent Agenda in [July 3, 2024 Council Agenda](https://www.portland.gov/council/agenda/2024/7/3) (<https://www.portland.gov/council/agenda/2024/7/3>)

City Council

Passed

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Mayor Ted Wheeler Absent