

A G R E E M E N T

This Agreement is entered into on April ___, 1980 by the City of Portland, a municipal corporation existing under the laws of the State of Oregon, acting by its Cable Communications Office (City), Room 312, City Hall, 1220 S.W. Fifth, Portland, Oregon 97204, and Telecommunications Management Corp., a California corporation (TMC), 6380 Wilshire Boulevard, Los Angeles, California 90048.

W I T N E S S E T H:

RECITALS:

1. Through its professional, technical and expert service contracts procedure, the City has selected TMC to provide services in evaluating applicants for the cable television franchise to be granted by the City of Portland, and the parties desire to enter into an agreement for such services on the terms and conditions set forth below.

IN CONSIDERATION of the mutual promises contained in this Agreement, and of the sums to be paid by the City to TMC as specified in this Agreement, it is agreed:

1. TMC shall perform the following services and provide the following written reports:
 - a. Perform an independent review and preliminary written evaluation of all franchise applicant proposals beginning April 30, 1980. During this period, TMC's representatives will also be available to the City Cable Office, the Task Force and the City Commissioners' offices for advice and assistance.
 - b. Spend 3 to 5 days in Portland to assist the Task Force in developing final recommendations. Prepare final written evaluations.
 - c. Spend 1 to 4 days in Portland for City Council hearings following the Mayor's and Task Force recommendations.
 - d. Assist in final franchise negotiations between City and designated franchisee, possibly spending 1 to 2 days in Portland.

- e. Be available throughout the process to advise the Task Force, Cable Office and Commissioners' offices by telephone or letter.
- 2. TMC shall commence performance of its services under this Agreement immediately and its services shall continue until the City grants a cable communication franchise.
- 3. As compensation for TMC's services under this Agreement, the City shall pay TMC the sum of \$4,800 plus travel expenses at cost, plus the following amounts dependent upon the number of applications evaluated:
 - a. One to two applications, \$2,500 per application.
 - b. Three to five applications, \$2,200 per application.
 - c. Six or more applications, \$1,900 per application.

The specified compensation shall be paid as follows:

On or before July 31, 1980, the sum of \$4,800.

At the completion of TMC's services, all remaining balance.

TMC shall submit reasonably detailed statements of the actual costs it incurs in performing this Agreement, which shall be paid within 30 days after the statements are submitted.

- 4. The City shall have the right to terminate the Agreement upon giving TMC ten days written notice of its intention to terminate. Upon the giving of such notice, this Agreement shall terminate on the date specified in the notice. Thereafter, the City shall pay TMC for all services performed and expenses incurred to the date specified in the notice, and the product of all services shall be the property of the City.
- 5. In performing this Agreement, TMC shall comply with all laws and regulations of the United States of America and of the State of Oregon and the charter, codes and ordinances of the City of Portland applicable to contracts with public bodies.

6. TMC shall not assign this Agreement nor its interest in it to any other party.

EXECUTED IN QUADRUPLICATE on April ___, 1980.

TELECOMMUNICATIONS MANAGEMENT CORP.

By _____

CITY OF PORTLAND, OREGON, by and through
its CABLE COMMUNICATIONS OFFICE

By _____
Mayor

By _____
City Auditor

ORDINANCE No. 149523

An Ordinance authorizing the Mayor and City Auditor to sign an Agreement with Telecommunications Management Corp., a California corporation (TMC) for professional, technical and expert services in evaluating applicants for the cable communication franchise to be granted by the City of Portland, authorizing the drawing and delivery of warrants and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. The Cable Communications Office requires professional, technical and expert services in evaluating applicants for the cable communication franchise to be granted by the City.
2. Through its professional, technical and expert service contracts procedure, the City has selected TMC to provide services in evaluating the applicants for the cable communication franchise to be granted by the City.

NOW, THEREFORE, the Council directs:

- a. The Mayor and Auditor are hereby authorized to execute an Agreement with TMC for professional, technical and expert service in the form of which a copy is attached to the original of this Ordinance only.
- b. The Mayor and Auditor are hereby authorized to draw and deliver warrants, chargeable to the 1980-81 Budget; general fund, Office of Cable Communications, AU #30000013, Object Code #210, when demand is presented, approved by the proper authorities.

Section 2. The Council declares:

An emergency exists because a delay in proceeding with the execution of this Agreement may result in additional expense and will unnecessarily deprive the City of the benefits of completion of the contract at an early date; therefore, this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, **APR 30 1980**

Mayor McCready
TRWilliams:mc
April 24, 1980

William D. Schwab
PRESIDENT OF THE COUNCIL AND ACTING
Mayor of the City of Portland

Attest:

George E. Johnson
Auditor of the City of Portland

Calendar No. **1473-1**

ORDINANCE No. 149523

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THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Ivancie		
Jordan		
Lindberg		
Schwab		
McCready		

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

INTRODUCED BY

Mayor McCready

NOTED BY THE COMMISSIONER

Affairs

Finance and Administration *Mc*

Safety

Utilities

Works

BUREAU APPROVAL

Bureau:

Prepared By:

Date:

Thomas R. Williams 4/24/80

Budget Impact Review:

☐ Completed ☐ Not required

Bureau Head:

NOTED BY

City Attorney *DRW*

City Auditor *[Signature]*

City Engineer

Filed APR 25 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By *[Signature]*

Deputy