

CITY OF MERCED - Contract Summary & Routing Cover Sheet

Report Date: 2/11/2020

Contract Name: SMARSH, INC. 2020-01-31

Contract No.: 301174

Contract Obligation: \$24,219.10
Vendor/Person Name: SMARSH, INC.
Contract Status: Information-Only
Responsible Dept.: (0403) Information Technology
City Dept. Contact: J. R. Wright (x6959)

Project No.:

Services PO #:

Finance PO #: 137336

Key Dates: Effective: 4/1/2020 Expires: 3/31/2021 Retain Until: 1/1/2041
Council Meeting: 3/2/2020 **Recorded:** **Doc. No.:**

Contract Categories: Information-Only Agreement
Servicing/Maintenance Agreement (C.8.0)

Key Elements:

Key Element Name	Eff./Exp. Date	Short Text	\$ Value
\$ Original Value			\$24,219.10

Description/Comments

APN:

Service Agreement to Provide a Searchable Archiving Platform for Mobile Text Messages and Social Media Accounts for Records Compliance Purposes (12-month term, with automatic renewals each year for one-year terms each).

"Information-Only" Agreement for 3/2/2020.

Routing Information

Received by Clerk:	1/31/2020
Signed by Attorney:	1/30/2020
Finance Contract No.:	301174
Submitted to Finance:	1/31/2020
Forwarded to City Mgr.:	2/25/20
Attested to by Clerk:	2/26/20
Approved by Council:	

2nd Submittal

2nd Submittal

Signed by Mayor:

Date E-Mailed or Mailed: 2/26/20

E-Mail Address: Rachael.Lam@smarsh.com

FINANCE DEPARTMENT

When processed by your department, please return to the City Clerk's Office.

--Thank you!

Please sign and return to Kirk Greene, Ext. 6202, in the City Clerk's Office.

City of Merced
Contract/Agreement Transmittal Form

*Please Note: The City Clerk's Office will keep **one original** for the City's files.
All other originals will be returned to the department, unless specific instructions for distribution are attached.*

Date Submitted: 01/31/2020

Council Approval Needed? Yes ☐ No ☒

Department: Information Technology

Council Meeting Date: 3/2/20 ("INFO.-only")

Contact Name/Ext.: JR Wright / 6959

(If Council approval is required, please
attach a copy of your Admin. Report.)

Department Head Signature: _____

Contract Information (If expediting needed, please provide a brief explanation below as to why.)

SPECIAL HANDLING: CONFIDENTIAL ☐ RUSH ☐ OTHER ☐ DATE NEEDED BY: _____

Reason: _____

☒ New Contract

☐ Modification - Amendment #: _____ Change Order #: _____ **Original** Contract Date: _____

Purpose of Contract: Text Message and Social Media Archiving

Contract Effective Date: 03/31/2020

Contract Expiration Date: 03/31/2021

Contractor/Vendor Information

Name: Smarsh

Business License #: _____

E-Mail: rachel.lam@smarsh.com

Misc. Receivable Acct. #: 17974

Budget Information

Funds Available in Budget? (Select one)

☒ Yes - Account #: 672-0405-512.22-00

☐ No - Attach a copy of Budget Transfer Form or the Administrative Report appropriating funds

☐ Does not require funds

Amount of Contract: \$ 24,219.10

Amount of Amendment: \$ _____

Required Attachments (as applicable) (If available, please include when submitting contract paperwork.)

☐ Certificate of Insurance

☐ Labor & Material Bond

☐ Warranty Bond

☐ W-9 (or substitution)

☐ Faithful Performance Bond

☐ Administrative Report

CITY CLERK DEPARTMENT TO COMPLETE

- ✓ Enter into database(s)
- ✓ Contract cover sheet with contract # for Finance
- ✓ Finance Dept. signature and funds verification
- ✓ Council approval verification (if applicable)
- ✓ City Manager or designee signature
- ✓ Clerk's attestation with City seal
- ✓ Image contract and file original
- ✓ E-mail to Contractor/Vendor

CONTRACTING DEPARTMENT TO COMPLETE

- ✓ W-9 and/or insurance certificate(s)
- ✓ Applicable bonds/insurance carrier ratings
- ✓ Contractor/Vendor signature(s)
- ✓ Attorney's Office review/approval as to form
- ✓ Mail/deliver original to Contractor/Vendor

SUBMITTING DEPARTMENT TO COMPLETE ALL INFORMATION

Order Form (#Q049462)(Service Account Number: 40967)

Client Information

Company	Name	City of Merced, CA		
	Address	678 WEST 18TH STREET	City	Merced
	State	CA	Zip	95340
Primary Contact (Authorized User)	Name	Jamie Wright	Title	IT Manager
	Phone	209-385-6959	Email	wrightj@cityofmerced.org
Technical Contact	Name	Michelle Alcantara	Title	Systems Technician
	Phone	(209) 388-8511	Email	alcantaram@cityofmerced.org
Billing Contact	Name	Jamie Wright	Title	IT Manager
	Phone	209-385-6959	Email	wrightj@cityofmerced.org
	Address	678 W 18th St	City	Merced
	State	CA	Zip	95340-4708
Quote Date		11/22/2019 15:14:03	Quote Expiration	03/31/2020
Smarsh Sales Executive		Rachael Lam	Term of Agreement	12 Months
Activation Date		Upon Grant of Access to Service	Historical Import Billing	In Arrears
			Setup Fee Billing	Upon Contract Execution

Services and Fees

	Rate per Quantity	Minimum Quantity	Minimum
Professional Archive - SMG 200 - Annual	\$680.64	1	\$680.64
Professional Archive - SMG 200 Capture & Archive - Annual	\$82.81	220	\$18218.46
Professional Archive - SMG 200 Premium Adj - Annual	\$28.00	190	\$5320.00
Professional Archive-Extended Retention Fee (Per GB)-Annual	\$2.50	0	\$0.00
Recurring Subtotal			\$24,219.10
One-Time Subtotal			\$ 0.00

Notes If Client uses more Connections than it has licensed, Smarsh will bill for that use at \$140.00 per connection.case #01666823

Terms & Conditions

On the date following the execution of this Order Form, Smarsh will provide Client with access to the applicable Service ("Activation Date"). Service Descriptions are available at www.smarsh.com/legal. The Services are subject to Smarsh Service Agreement-General Terms located here: www.smarsh.com/legal/ServiceAgreement. The Services purchased by Client are also subject to the following Service Specific Terms: Professional Cloud Service Specific Terms available at: <https://www.smarsh.com/legal/SSTProfessionalCloud>.

The Smarsh Service Agreement – General Terms, the Service Specific Terms, and this Order Form are, collectively, the "Agreement." The Services will auto-renew pursuant to the terms of the Agreement.

For AT&T Mobility subscribers, your signature below represents your acceptance of the AT&T Wireless Terms and Conditions available at www.smarsh.com/legal/ATT as they apply to AT&T messages that are archived by Smarsh.

"Plan Fees" are the Fees charged for access to the Connected Archive. "Capture & Archive Fees" are the Fees that are charged for capture and archive of a bundle of Connections within the Connected Archive Service. "Capture Fees" are the per-Connection Fees that are charged for the capture of Connections by the Connected Capture Service. "Professional Services Fees" are the Fees that charged for hourly, monthly, or flat rate professional services. The Platform Fees, the Capture & Archive Fees, and the Capture Fees, as applicable, are invoiced on a monthly or annual basis, as specified in this Order Form. Client agrees that the Recurring Subtotal above is Client's minimum commitment during the Term of the Agreement. Smarsh will invoice Client for any usage over the minimum commitment at the Overage rate indicated in this Order Form.

If not priced above, data import and conversion Fees and storage Fees for data from Connected Capture or other capture mechanisms are as follows:

Data Imports	\$10/GB
Import Data Conversion fees	\$3/GB
External Capture Data Storage – Annual	\$2.50/GB

Smarsh self-certifies to the EU-U.S. Privacy-Shield. We provide information about our GDPR compliance at www.smarsh.com/legal/GDPR, and a list of Smarsh sub-processors is available at www.smarsh.com/legal/subprocessors.

By

Name:

[Signature]
STEVE CAMPBELL

Title:

CITY MANAGER

Date:

2/25/20

APPROVED AS TO FORM:

[Signature]
SCHUYLER A. CAMPBELL
Deputy City Attorney

Date

1/30/20

ATTEST:
CITY CLERK

BY

[Signature]
Assistant/Deputy City Clerk



SMARSH, INC.

Account Number: 072-0405-512-22-00

Amount: \$24,219.10

VERIFIED

BY: 
Finance Officer

FINANCE ENTRY	
Contract No:	<u>301174</u>
Vendor Number:	<u>17974</u>
P.O. Number:	<u>107336</u>
Funds Available:	<u>yes. 215/2020</u>
01/31/20	

Exhibit 1 – Table of Contracts

3/2/2020 City Council Meeting

Page 1 of 2

Department/Division	Vendor	Purpose/Location	Amount
1102 – Public Works - Admin.	J & B Fencing, Inc.	East 16th Street Bridge - Replace 72 LF of 6" x 6" pressure-treated post railing (to be painted white). (Statement of Services, PO #137463.)	\$ 1,600.00
0403 – Information Technology	Shift Key Solutions, Inc.	Statement of Work (SOW) Agreement to Conduct Twenty Instructor Lead, Hands-On Workshop Sessions (up to two hours per session) providing Microsoft <i>Office 365</i> Training for a maximum of ten City staff attendees.	\$ 5,000.00
1102 – Public Works - Admin.	Andres Rodriguez-Soto (DBA: AC Industries, Inc.)	Repairs to existing block wall damaged in a vehicle accident (south Canal Street to south “M” Street). (Statement of Services, PO #137458.)	\$ 8,896.00
1107 – Public Works - Sewers	R & R Construction Co.	Remove two existing catch basins on the NE and NW corners of Stretch Road and Green Street and replace with an S-3 Type C catch basin, including a 2' sump below invert. (Statement of Services, PO #137375.)	\$10,800.00
1107 – Public Works - Sewers	R & R Construction Co.	Remove and replace corrugated metal storm drain, crossing from NE to NW corners of 22nd and "I" Streets; remove and replace two catch basins on NE and NW sides of 22nd Street. (Statement of Services, PO #137376.)	\$11,800.00
1104 – Public Works - Streets	Kleinfelder, Inc.	"M" St. Roadway Improvements (from Childs Ave. to 8th St.), Project No. 120048 - Perform soil compaction testing for trenches and roadway; testing for lead of existing traffic striping that will be removed. (Statement of Services, PO #137415.)	\$12,000.00
0901 – Fire	Station Automation, Inc.	Pricing Proposal and Software Licensing/Service Agreement for <i>PSTrax</i> , an automated system for operational management and inspection (five-year term).	\$12,437.00
0403 – Information Technology	SMARSH, Inc.	Service Agreement to Provide a Searchable Archiving Platform for Mobile Text Messages and Social Media Accounts for Records Compliance Purposes (12-mo. term).	\$24,219.10

Copies of all of the contracts listed above are available in the City Clerk's Office.

Exhibit 1 – Table of Contracts (Continued)

3/2/2020 City Council Meeting

Page 2 of 2

Department/Division	Vendor	Purpose/Location	Amount
1120 – Public Works - Parks	Bret Briggs Construction	Merced Open Air Theater (Applegate Park) - Remove and replace sheetrock in both rooms and finish paint; replace four 36" steel commercial doors, frames, and hardware; repair areas of damaged or cracked stucco; remove and replace 12" column caps (16 total). (Statement of Services, PO #137274.)	\$37,440.75

Copies of all of the contracts listed above are available in the City Clerk's Office.