

City of Fort Worth, Texas

Mayor and Council Communication

DATE: 04/23/24 M&C FILE NUMBER: M&C 24-0367

LOG NAME: 84OVERDRIVE INCREASE AMENDMENT 2024

SUBJECT

(ALL) Authorize Amendment to Sole Source Agreement with OverDrive, Inc. to Increase the Annual Amount by \$1,400,000.00 for a New Annual Spend Amount Up to \$3,400,000.00 for Electronic Books, Audiobooks, Magazines, Video, and Related Services for the Library Department

RECOMMENDATION:

It is recommended that the City Council authorize an amendment to the sole source agreement with OverDrive, Inc., to increase the annual amount by \$1,400,000.00 for a new annual spend amount up to \$3,400,000.00 for the purchase of electronic books, audiobooks, magazines, video and related services for the Library Department.

DISCUSSION:

The purpose of this Mayor and Council Communication (M&C) is to authorize an amendment to the sole source agreement with OverDrive, Inc. to increase the annual amount by \$1,400,000.00 for a new annual spend amount up to \$3,400,000.00. On May 10, 2022, M&C 22-0362 was approved to increase the annual spend amount by \$350,000.00 in response to increased demand and anticipated need for more downloadable digital library materials. In Fiscal Year (FY) 2023, Fort Worth residents borrowed 1,396,921 e-books, e-audiobooks, and streaming videos. This represents an unprecedented increase of 14% from the previous year. Electronic materials comprised 40% of total FY2023 material circulation. Consequently, the current authorized amount for this contract has been depleted faster than anticipated and an increase in spending authority is needed for the Library to keep pace with the increased customer demand for these materials.

Because OverDrive, Inc. is the only e-book vendor that provides the popular Kindle format to libraries, as well as access to other popular titles and series, it is a sole source vendor pursuant to Texas Government Code 252.022(7). A procurement from a vendor that is subject to section 252.022(7) of the Local Government Code is exempt from competitive bidding.

PRICE ANALYSIS - The anticipated annual spend for these services are projected to increase based on customer use each year. The annual spending authority requested through this M&C is expected to be sufficient to address increased demand through the end of the current contract in 2024. Actual spending will be made in accordance with the annual budget. No guarantee was made that a specific amount of these products or services would be purchased. The Library Department certifies that the prices are fair and reasonable.

Funding is budgeted in the Library Books and Materials account within the General Fund for the Library Department.

M/WBE OFFICE - OverDrive, Inc. is the documented sole source vendor for these services. A waiver of the goal for MBE/SBE subcontracting requirements was requested by the Department and approved by the Business Equity Division, in accordance with the BDE Ordinance, because the MBE/SBE is based on the sole-source information provided to the Business Equity Division by the managing Department's project manager.

ADMINISTRATIVE CHANGE ORDER - An administrative change order or increase may be made by the City Manager up to the amount allowed by relevant law and the Fort Worth City Code and does not require specific City Council approval as long as sufficient funds have been appropriated.

AGREEMENT TERM - Upon City Council's approval, this amendment will be effective immediately and apply to annual renewals of the agreement.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that funds are available in the current operating budget, as previously appropriated, in the General Fund to support the approval of the above recommendation and authorization of the amendment. Prior to any expenditure being incurred, the Fort Worth Public Library Department has the responsibility to validate the availability of funds.

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