

Mayor and Council Communication

DATE: 08/23/22

M&C FILE NUMBER: M&C 22-0603

LOG NAME: 04T-MOBILE BROADBAND ACCESS SERVICES AND HARDWARE

SUBJECT

(ALL) Authorize the Execution of Purchase Agreement with T-Mobile USA, Inc. for Broadband Access Services and Hardware Using a Cooperative Contract in an Annual Amount of \$130,000.00 to Purchase Mobile Wi-Fi Hotspots and Additional Service Lines

RECOMMENDATION:

It is recommended that the City Council authorize execution of a Purchase Agreement with T-Mobile USA, Inc. for broadband access services and hardware using a General Services Administration Schedule cooperative contract in an annual amount of \$130,000.00 to purchase mobile Wi-Fi hotspots and additional service lines.

DISCUSSION:

Currently the Fort Worth Public Library has 343 mobile wi-fi or “hotspot” devices for use by adult and youth patrons. These devices allow Fort Worth citizens to access the internet from their own devices.

Initially, Sprint Solutions, Inc. provided the mobile wi-fi devices and broadband access service for the Fort Worth Public Library. T-Mobile USA, Inc. acquired Sprint Solutions, Inc. and is in the process of transitioning Sprint Solutions, Inc. (Sprint) devices and services to T-Mobile USA, Inc. (T-Mobile).

T-Mobile lines of service will also be used by the Police Department for certain Police cameras. Currently Police uses two lines but will be expanding up to 50 over the next few years.

This Mayor and Council Communication (M&C) seeks authorization to execute a purchase agreement with T-Mobile using pricing under the T-Mobile General Services Administration GSA Schedule 47QTCA22D008N in the amount of \$130,000.00.

PRICE ANALYSIS – The General Services Administration (GSA) cooperative contracts offer discounted pricing. Staff reviewed the pricing and found it to be fair and reasonable. T-Mobile’s GSA Schedule 47QTCA22D008N offers the City 18 percent discounted pricing.

COOPERATIVE PURCHASE – State law provides that a local government purchasing an item under a Cooperative Purchasing Agreement satisfies state law requiring that the local government seek competitive bids for purchase of the item. The General Services Administration contracts have been competitively bid to increase and simplify the purchasing power of government entities.

BUSINESS EQUITY – An M/WBE goal is not assigned when purchasing from an approved purchasing cooperative or public entity.

SUCCESSOR CONTRACTS - To facilitate planning and budgeting, Staff would prefer to have annual agreements that align with the Fiscal Year. However, the GSA agreements are out of alignment with the City's Fiscal Year and the current term will expire on May 18, 2023. In order for these agreements to align with the City's Fiscal Year, adoption of this Mayor and Council Communication technically authorizes (i) a series of Purchase Agreements, each of which will align to a term of the GSA agreement to ensure legal authority exists for the contract, and (ii) an annual spend amount, future years of which would be subject to City Council appropriation. In the event that a Cooperative Agreement is not renewed, Staff would cease purchasing at the end of the last Purchase Agreement coinciding with the valid Cooperative Agreement. If the City Council were to not appropriate funds for a future year, Staff would stop making purchases when the last appropriation expires, regardless of whether the then-current Purchase Agreement has expired.

The City will initially use GSA Schedule 47QTCA22D008N to make purchases authorized by this M&C. As noted, 47QTCA22D008N expires on May 18, 2023. If 47QTCA22D008N is extended, this M&C authorizes the City to purchase similar equipment and services under the extended contract. If 47QTCA22D008N is not extended, but GSA executes a new cooperative contract with T-Mobile USA, Inc. with substantially similar terms as 47QTCA22D008N, this M&C authorizes the City to purchase the equipment and supplies under the new GSA contract.

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 TERMS – Upon City Council’s approval, a purchase agreement will be executed with T-Mobile and expire May 18, 2023 with options to renew.

RENEWAL OPTIONS – The agreement may be renewed for up to four (4) one year terms at the City’s option, in accordance with GSA 47QTCA22D008N. If 47QTCA22D008N is not extended but GSA executes a new cooperative contract with T-Mobile with substantially similar terms as 47QTCA22D008N, this M&C authorizes the City to purchase equipment and services under the new GSA contract. This action does not require specific City Council approval provided that the City Council has appropriated sufficient funds to satisfy the City’s obligations during the renewal term.

Funding is budgeted in the Library Department's General Fund and the Police Department's Crime Control and Prevention District Fund.

A Form 1295 is not required because: This contract will be with a publicly-traded business entity or a wholly-owned subsidiary of a publicly-traded business entity: T-Mobile USA, Inc.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that upon approval of the recommendations, funds are available in the current operating budget, as appropriated, of the General Fund and Crime Control and Prevention District Fund. Prior to an expenditure being incurred, the Library Department and Police Department have the responsibility to validate the availability of funds.

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