



Legislation Details (With Text)

File #: 21-1050 **Version:** 1

Type: Resolution **Status:** Adopted

File created: 9/3/2021 **In control:** Finance & Governance Committee

On agenda: 9/27/2021 **Final action:** 9/27/2021

Title: A resolution approving a proposed Third Amendment to Master Subscription and Professional Services Agreement between the City and County of Denver and Exterro, Inc. to extend the term, increase the maximum contract amount and add new exhibits to the agreement for the e-discovery application.
Amends a contract with Exterro, Inc. by adding \$1,348,459.35 for a new total of \$3,328,877.19 and three years for a new end date of 10-31-24 for the City Attorney’s Office use of the Exterro Fusion software platform for legal holds, data preservation, and electronic discovery (TECHS-202159893). The last regularly scheduled Council meeting within the 30-day review period is on 10-31-21. The Committee approved filing this item at its meeting on 9-14-21.

Sponsors:

Indexes: Zach Rothmier

Code sections:

Attachments: 1. RR21 1050 TS Exterro, 2. 21-1050 Filed Resolution_ExterroInc_202159893-03, 3. 21-1050 3rdAmendAgr_ExterroInc_202159893-03, 4. 21-1050 Filed Resolution_ExterroInc, 5. 21-1050 - signed

Date	Ver.	Action By	Action	Result
9/27/2021	1	Council President	signed	
9/27/2021	1	City Council	adopted	Pass
9/14/2021	1	Finance & Governance Committee	approved by consent	Pass

Contract Request Template (Contracts; IGAs; Leases)

Date Submitted: 9-3-21

Requesting Agency: Technology Services
Division:

Subject Matter Expert Name:

Name: Joe Saporito
Email: joseph.saporito@denvergov.org

Item Title & Description:

*(Do not delete the following instructions)
These appear on the Council meeting agenda. Initially, the requesting agency will enter a 2-3 sentence description. Upon bill filling, the City Attorney’s Office should enter the title above the description (the title should be in **bold** font).*

*Both the title and description must be entered between the red "title" and "body" below. Do **not** at any time delete the red "title" or "body" markers from this template.*

A resolution approving a proposed Third Amendment to Master Subscription and Professional Services Agreement between the City and County of Denver and Exterro, Inc. to extend the term, increase the maximum contract amount and add new exhibits to the agreement for the e-discovery application.

Amends a contract with Exterro, Inc. by adding \$1,348,459.35 for a new total of \$3,328,877.19 and three years for a new end date of 10-31-24 for the City Attorney's Office use of the Exterro Fusion software platform for legal holds, data preservation, and electronic discovery (TECHS-202159893). The last regularly scheduled Council meeting within the 30-day review period is on 10-31-21. The Committee approved filing this item at its meeting on 9-14-21.

Affected Council District(s) or citywide? Citywide

Contract Control Number: TECHS-202159893

Vendor/Contractor Name (including any "DBA"): Exterro, Inc.

Type and Scope of services to be performed:

The City Attorney's Office (CAO) currently uses the Exterro Fusion software platform for legal holds, data preservation, and electronic discovery ("eDiscovery.") This contract amendment will allow for the continual use of this platform with vendor support, including continued software maintenance and professional services.

The Exterro platform is critical to the City Attorney's Office, as every case filed against or by the City imposes legal obligations to identify, preserve, and eventually disclose potentially relevant information to outside parties in the discovery phase of a lawsuit. The failure to preserve and produce relevant information can lead to costly court-imposed sanctions against the City and/or its employees. In short, the CAO could not meet its discovery obligations without eDiscovery software.

As part of the City's use of the Exterro software, the City pays an annual fee for software support and maintenance. Software maintenance and support services include remote troubleshooting and support provided via the telephone and online channels, as well as installation assistance and basic usability assistance. Software support services may also include new product installation services, installation of product updates, migrations for major releases of software and other types of proactive or reactive on-site services, future minor versions or future major releases of software. These support services are employed to ensure the application is functioning at its maximum capacity.

This contract amendment also includes additional active legal holds, increased cloud storage capacity, the EDDM and in-place preservation (IPP) connectors for Teams, Data Source Discovery, and O365 Explorer. As will be explained in more detail below, these additional products and capacity are necessary due to the ever-increasing volume of electronic data being created by the City, and the City's shift to Microsoft's O365 cloud-based applications.

Location (if applicable):

WBE/MBE/DBE goals that were applied, if applicable (construction, design, Airport concession contracts):

Are WBE/MBE/DBE goals met (if applicable)?

Is the contract new/a renewal/extension or amendment?

Was this contractor selected by competitive process or sole source?

Competitive process

For New contracts

Term of initial contract:

Options for Renewal:

How many renewals (i.e. up to 2 renewals)?

Term of any renewals (i.e. 1 year each):

Cost of initial contract term:

Cost of any renewals:

Total contract value council is approving if all renewals exercised:

For Amendments/Renewals Extensions:

Is this a change to cost/pricing; length of term; terms unrelated to time or price (List all that apply)?

If length changing

What was the length of the term of the original contract?

11/1/2015 - 10/31/2021

What is the length of the extension/renewal?

3 years

What is the revised total term of the contract?

11/1/2015 - 10/31/2024

If cost changing

What was the original value of the entire contract prior to this proposed change?

\$1,980,417.84

What is the value of the proposed change?

\$1,348,459.35

What is the new/revised total value including change?

\$3,328,877.19

If terms changing

Describe the change and the reason for it (i.e. compliance with state law, different way of doing business etc.)