

## A G E N D A



## Recommendation for Council Action (Purchasing)

Austin City Council

Item ID:

6984

Agenda Number

23.

Meeting Date:

June 9, 2011

Department:

Purchasing

## Subject

Authorize award, negotiation, and execution of a 24-month requirements services contract with PUBLIC ACCESS COMMUNITY TELEVISION, Austin, TX, or one of the other qualified offerors to RFP No. JSD0104, to provide public access television and community media management services in an estimated amount not to exceed \$900,000, with two 12-month extension options in an estimated amount not to exceed \$450,000 per extension option, for a total estimated contract amount not to exceed \$1,800,000.

## Amount and Source of Funding

Funding in the amount of \$450,000 is proposed in the Fiscal Year 2011-2012 Operating Budget of the Finance and Administrative Services Department. Funding for the remaining 12-months of the original contract period and extension options is contingent upon available funding in future budgets.

## Fiscal Note

There is no unanticipated fiscal impact. A fiscal note is not required.

Purchasing Language:

Best evaluated proposal of two proposals received.

Prior Council Action:

For More Information:

Jeff Dilbert, Buyer II, 974-2651

Boards and  
Commission Action:

Recommended by the Austin Community Technology & Communications Commission.  
Recommended by the City Council Committee for Emerging Technology and  
Telecommunications on May 31, 2011.

MBE / WBE:

This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

Related Items:

## Additional Backup Information

This contract is related to the development and production of programming for public access television and community media. This includes, but is not limited to, managing the City's public access tv video production facilities and equipment and providing personnel necessary to provide training programs and to encourage and coordinate involvement of local individuals, organizations and institutions in the development and production of community access programming.

Under the 1984 Cable Act, cable operators are required to set aside video channel "access" for parties other than the cable operators to provide locally originated video programming over their cable systems. Neither the City, nor the cable company(s), nor the access manager has the authority to control the content of programming placed on the public access channel(s) so long as such programming is lawful.

The City of Austin currently has seven (7) active PEG access channels, of which the Austin City Council has allocated three (3) for Public Access. Educational and government access channels provide educational and governmental institutions the ability to bring the classroom and government directly into the viewer's home. Public access television channels are a form of mass media where ordinary people and community based organizations can create content and exchange information and ideas that would otherwise not be commercially available.

The City encourages the integration of new media formats and concepts into access channel operations to promote community dialogue and communications diversity.

Over many years, public access television in Austin has provided a platform for the exchange of ideas, civic participation, culture and entertainment, as well as a center for education and training in the art and business of modern digital media.

This request allows for the development of an agreement with a qualified offeror that Council selects. If the City is unsuccessful in negotiating a satisfactory agreement with the selected offeror, negotiations will cease with that provider. Staff will return to Council so that Council may select another qualified offeror and authorize contract negotiations with this provider.

MBE/WBE solicited: 147 /149

MBE/WBE bid: 0 / 0

### **PROPOSAL ANALYSIS**

- a. Adequate competition.
- b. 2501 notices were issued, including 147 MBEs and 149 WBEs. Two proposals were received, none of which were MBE/WBE firms.
- c. The previous contract was awarded September 1, 2005 with annual funding of \$617,500. Prior to 2005, the Public Access channels were operated under an agreement between the City and Austin Community Television, Inc., a non-profit entity, for more than 20 years. The annual contract funding was \$617,500. Operating funds were provided by the cable operators under the terms of the local franchise with the City. ACTV raised additional funds through producer fees and training and workshop fees. The City is undergoing a transition from local to state-issued video franchising authority. In 2005, the Texas state legislature enacted SB5, a comprehensive state franchising law. While the law preserves the City's authority to require operators to provide access channels and PEG support fees, these fees may be used only for PEG capital costs. The law includes no provision for the support of day-to-day operating costs for the channels. As a result, funding for PEG channel capital expenses will increase substantially under the new state franchising laws. Therefore, the proposed cost cannot be compared to the previous contract. The Federal Community Access Preservation Act was recently introduced which removes the distinction between "capital" and "operating" in PEG support fees. If passed, the City could use funding for the access TV contract.

### **APPROVAL JUSTIFICATION**

- a. Best evaluated proposal of two received. Public Access Community Television, Inc., is the current provider of this service.
- b. The Purchasing Office concurs with the Telecommunications and Regulatory Affairs Departments recommended award.
- c. Advertised in the Austin American Statesman and on the Internet.