



**Purchasing Service Agreement
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 29
AGENDA DATE: Thu 09/01/2005
PAGE: 1 of 2**

SUBJECT: Authorize negotiation and execution of a 24-month service agreement with PUBLIC ACCESS COMMUNITY TELEVISION, Austin, TX for public access television and media management services in an amount not to exceed \$1,235,000, with two 24-month extension options in an amount not to exceed \$1,235,000 per extension option, for a total agreement amount not to exceed \$3,705,000.

AMOUNT & SOURCE OF FUNDING: Funding in the amount of \$51,458 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Finance and Administrative Services Department. Funding for the remaining 23 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.

REQUESTING Purchasing
DEPARTMENT:for Financial and
Administrative Services;
Financial and
Administrative Services -
Telecommunications and
Regulatory Affairs;

**DIRECTOR'S
AUTHORIZATION:** Vickie Schubert

FOR MORE INFORMATION CONTACT: Rosemary Ledesma, Supervising Sr. Buyer/974-2011

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: Recommended by the Telecommunications Commission

PURCHASING: Best evaluated proposal of three proposals received.

MBE / WBE: This contract will be awarded in compliance with Chapter 2-9 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.

This contract is for professional management services of the City of Austin's public access television channels, studio facilities, and programming and video production equipment. Under the 1984 Cable Act, cable operators are required to dedicate video channels to or for "access" by parties other than the cable operator for providing video programming over the cable system. Public access is valuable in that it functions as a speaker's soap box and promotes sharing of cultural information and entertainment about and within the community. Low-cost video production training is made available to Austin residents and to non-profit organizations. It also provides an independent local alternative to mass media. As a result, locally produced programming has been available to Austin cable subscribers for over 30 years, fulfilling the 1984 Cable Act's intent to achieve diversity in programming.

The current public access television management contract expires on September 30, 2005. Therefore, a Request for Proposal solicitation was issued on April 25, 2005 seeking proposals from chartered not-for-profit 501(c)(3) organizations qualified and experienced in the management of the public access channels (currently cablecast as channels 10, 11, and 16), and the studio facilities and equipment. Proposals were



**Purchasing Service Agreement
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 29
AGENDA DATE: Thu 09/01/2005
PAGE: 2 of 2**

due on June 17, 2005 and three proposals were received.

The evaluation committee consisted of operations and finance professionals knowledgeable of this industry. The committee recommended Public Access Community Television (PACT) as the best proposer based on: proposed project concept and solutions, program implementation, demonstrated applicable experience and performance capabilities, organizational structure, management assurance of service delivery, efficient use of resources and cost.

The purpose of public access, as envisioned by federal law, is to provide an open forum for citizens to express their ideas. As in previous years, the public access management contract creates an arm's length relationship with the City. The City is not responsible for the content of any programming on the public access channels. This responsibility lies with each producer. Under the contract, the PACT Board of Directors has the duty to make and enforce rules against illegal speech.

The management and operation of the public access channels is funded by access payments from Grande Communications and Time Warner Cable to the City's Cable Access Fund 711. In addition to the \$617,500 of City funds per fiscal year requested in this RCA, PACT has proposed to generate annual revenues for the program by collecting producer and production service fees, grants and donations, sales, sponsorships, training workshops, etc.

MBE/WBE Solicited: 0/0

MBE/WBE Bid: 0/0

PROPOSAL ANALYSIS
(RFP # RL05300040)

- a. Adequate competition.
- b. Sixteen proposals were issued. There are no known MBEs/WBEs for this service. Three solicitations were received.
- c. The proposed cost represents no increase to the City for this program.

APPROVAL JUSTIFICATION

- a. Best proposal received.
- b. The Telecommunications and Regulatory Affairs division of the Finance and Administrative Services Department concurs with the recommended award.
- c. Advertised in the Austin American-Statesman and Internet.