

MEMORANDUM

Date: January 17, 2020
To: Sunni LeBeouf, City Attorney
From: Alexa L.R. Strong, Assistant City Attorney
Re: Approval of Amendment No. One to the Agreement for Professional Services between the City of New Orleans by and through the New Orleans Aviation Board and Norstan Communications, Inc. d/b/a Black Box Network Services

120-186

Pursuant to City Charter Sections 4-401(5) and 6-308(1), this will request the City Attorney's approval and the Mayor's execution of the attached proposed Amendment No. One to the Agreement for Professional Services between the City of New Orleans (the "City") by and through the New Orleans Aviation Board ("NOAB") and Norstan Communications, Inc. d/b/a Black Box Network Services ("Consultant").

Originating Department: NOAB.

Procurement: RFP # 8910-02344, issued March 16, 2018.

Amendment: This is the first amendment.

Description of Services: Providing shared tenant services, including network access and data services, voice services, cabling services, internet protocol television, closed circuit television shared camera surveillance connectivity, access control system connectivity, Wi-Fi cabling service, and key management.

Purpose: To exercise the first of four one-year renewal periods, and to add additional funding to the contract.

Term: November 1, 2019 through October 31, 2020 (three one-year renewal periods remain).

Amount: \$925,658.80 (NTE \$1,150,597.80)
(Additional amounts may be paid for services provided to tenants through contracts executed between the NOAB and tenants for such services.)

Supporting Documents: Staff Analysis, Board Excerpt, Original Agreement, DBE Review, Proof of Good Standing, Proof of Insurance, Ownership Interest Affidavit. And Proof of Signatory Authority.

Tax clearance forms not available at this time due to data breach.

I have reviewed the Agreement and its supporting documents. It is correct as to form and legality. Please advise if you have any questions or need additional information.

ALRS

K20-186

**AMENDMENT NO. ONE
TO THE
AGREEMENT FOR PROFESSIONAL SERVICES
BETWEEN
THE CITY OF NEW ORLEANS
BY AND THROUGH
THE NEW ORLEANS AVIATION BOARD
AND
NORSTAN COMMUNICATIONS, INC. D/B/A BLACK BOX NETWORK SERVICES**

THIS AMENDMENT is entered into by and between the City of New Orleans, represented by LaToya Cantrell, Mayor (the "City"), by and through the New Orleans Aviation Board, represented by its Michael G. Bagneris, Chairman, (the "Board") (the City and the Board are collectively referred to as "Airport"), and Norstan Communications, Inc. d/b/a Black Box Network Services, represented by Jim Cassibo, Vice President of Finance (the "Contractor"). The Airport and the Contractor are sometimes collectively referred to as the "Parties." The Amendment is effective as of November 1, 2019 (the "Effective Date").

RECITALS

WHEREAS, on November 1, 2018, the Airport and the Contractor entered into a professional services agreement for the provision of shared tenant services (the "Agreement");

WHEREAS, the Airport and the Contractor, each having the authority to do so, desire to enter into this Amendment to exercise the first of four one-year renewal periods and to add funds necessary to cover direct costs to the Airport for infrastructure, moves, additions, and alterations as well as Contractor's management fees for servicing all shared infrastructure; and

WHEREAS, the Board approved this Amendment at its meeting held on November 21, 2019.

NOW THEREFORE, for good and valuable consideration, the Airport and the Contractor amend the Agreement as follows:

1. **Extension.** In accordance with Article V of the Agreement, the term is extended by one year, from the Effective Date through October 31, 2020.
2. **Compensation.** The maximum amount payable for the services to be provided under this Agreement is increased by \$925,658.80 to a total amount not to exceed \$1,150,597.80.
3. **Deletion.** The following provisions in the Agreement shall be deleted in their entirety:
 - a. Article II(A)(7); and
 - b. Article IV(A)(4).
4. **Convicted Felon Statement.** The Contractor swears that it complies with City Code § 2-8(c). No Contractor principal, member, or officer has, within the preceding five years, been convicted of, or pled guilty to, a felony under state or federal statutes for embezzlement, theft of public funds, bribery, or falsification or destruction of public records.
5. **Non-Solicitation Statement.** The Contractor swears that it has not employed or retained any company or person, other than a bona fide employee working solely for it, to solicit or secure this Amendment. The Contractor has not paid or agreed to pay any person, other than a bona fide employee working for it, any fee, commission, percentage, gift, or any other consideration contingent upon or resulting from this Amendment.

6. **Prior Terms Binding.** Except as otherwise provided by this Amendment, the terms and conditions of the Agreement remain in full force and effect.
7. **Counterparts.** This Amendment may be executed in one or more counterparts, each of which shall be deemed to be an original copy of this Amendment, but all of which, when taken together, shall constitute one and the same agreement.
8. **Electronic Signature and Delivery.** The Parties agree that a manually signed copy of this Amendment and any other document(s) attached to this Amendment delivered by facsimile, email or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original signed copy of this Amendment. No legally binding obligation shall be created with respect to a party until such party has delivered or caused to be delivered a manually signed copy of this Amendment.

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[SIGNATURES CONTAINED ON NEXT PAGE]

IN WITNESS WHEREOF, the Airport and the Contractor, through their duly authorized representatives, execute this Agreement.

CITY OF NEW ORLEANS

BY: 
LATOYA CANTRELL, MAYOR

Executed on this 13 of March, 2011

FORM AND LEGALITY APPROVED:
Law Department

By: 

Printed Name: Tracy Tyler



[BOARD SIGNATURES CONTAINED ON NEXT PAGE]

Approved by resolution of the New Orleans Aviation Board dated November 21, 2019 and directing the Chairman and Director of Aviation to execute the same:

NEW ORLEANS AVIATION BOARD

By: Michael Bagnier 1/22/2020 Date
Hon. Michael G. Bagnier, Chairman
New Orleans Aviation Board

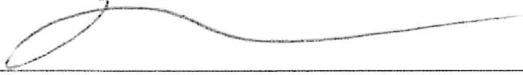
By: K. Dolliole 1-21-2020 Date
Kevin Dolliole, Director of Aviation
New Orleans Aviation Board

Reviewed as to form and legality:

By: Michele Allen-Hart 1/21/2020 Date
Michele Allen-Hart
General Counsel and Deputy Director of Legal Affairs
New Orleans Aviation Board

[CONTRACTOR SIGNATURE CONTAINED ON NEXT PAGE]

**NORSTAN COMMUNICATIONS, INC. D/B/A BLACK BOX NETWORK
SERVICES**

BY: 
JIM CASSIBO, VICE PRESIDENT OF FINANCE

41-1231011
FEDERAL TAX I.D. NO.