

## Council Meeting Staff Report

August 28, 2018

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<b>Agenda No.:</b>	A.
<b>Indexes (Council Goals):</b>	2018 Council Goal – Quality Governance – Operational Excellence – Maintain Quality Essential Services and Supporting Infrastructure Including Updated Enterprise Software and Permitting
<b>Presenters:</b>	Tim Glasco; Bob Westervelt
<b>Legislative File:</b>	AGR0589-18

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### Title

Request for Consent to Assignment of Agreement for Services Agreement AGR17-01 Changing the Assignment from Diversified Data Processing & Consulting Inc. (DivDat) to Diamond Marketing Solutions Group, Inc.

### Recommended Action

**I move that Council approve the Consent to Assignment of Agreement for Services Agreement AGR17-01, changing the assignment from Diversified Data Processing & Consulting Inc. (DivDat) to Diamond Marketing Solutions Group, Inc.**

### Utilities Manager Recommendation

The Utilities Manager recommends that Council approve the motion as presented.

### Board, Commission or Committee Recommendation

The Board of Public Utilities recommends approval of the motion as presented.

### Body

Los Alamos Department of Public Utilities entered into Services Agreement AGR17-01 on February 1, 2017, with Diversified Data Processing & Consulting Inc (DivDat) to laser print, insert and mail monthly utility statements and past due notices to DPU customers; print and insert utility bill stuffers; generate electronic bill presentations (e-billing); and integrate utility data with the Los Alamos DPU App . The term of the agreement is from March 1, 2017 through February 28, 2021.

In accordance with Section O of Services Agreement AGR17-01, DPU received a July 17, 2018 letter from DivDat (Attachment A). Specifically, section O states that the “Contractor may not assign this Agreement or any privileges or obligations herein without the prior written consent of the County.” The July 17<sup>th</sup> letter informs DPU that on June 26, 2018, DivDat entered into an Asset Purchase Agreement with Diamond Marketing Solutions Group, Inc. DivDat further requests the irrevocable consent from Los Alamos County for DivDat to assign its rights and obligations and the delegation of all of its performance under Services Agreement AGR17-01 to Diamond. Upon Los Alamos County’s consent and the closing of the Asset Purchase Agreement, anticipated to occur during the third quarter, Diamond would be bound by all of the terms of Services Agreement AGR17-01.

### Alternatives

Should Council determine not to approve the Consent to Assignment of Services Agreement AGR17-01, DPU will need to issue a new request for proposals and award a new contract for bill printing services.

### Fiscal and Staff Impact

Approving the Assignment of Services Agreement AGR17-01 should have no fiscal impact and no impact on staff.

### Attachments

A - Request for Consent to Assignment of Agreement and AGR17-01

