



CITY COUNCIL STAFF REPORT

From: City Manager

Report Type: CONSENT

Lead Department: Public Works

Meeting Date: January 23, 2023

TITLE

Approval of a General Services Agreement with Linko Technology, Inc. (Contract C23185605) in the Amount of \$219,447 Over a Seven-Year Term for Pretreatment Program Software

RECOMMENDATION

Staff recommends that Council approve and authorize the City Manager or their designee to execute the attached general services contract with Linko Technology, Inc. in an amount not to exceed \$219,447 for a seven-year software subscription to manage the Regional Water Quality Control Plant's Pretreatment Program data. The contract amount includes \$199,497 for basic services and \$19,950 for related, additional but unforeseen work that may develop during the contract (additional services).

BACKGROUND

The Regional Water Quality Control Plant (RWQCP) is required to have a Pretreatment Program that controls and monitors industrial discharges to the RWQCP per its National Pollutant Discharge Elimination System (NPDES) Permit and as specified in the federal Pretreatment Regulations (Title 40 of the Code of Federal Regulations, Part 403). The City of Palo Alto Public Works Pretreatment Program permits, inspects, and conducts monitoring (i.e., sampling of discharge) on the industrial waste activities of industries and commercial dischargers located in the East Palo Alto Sanitary District, Los Altos, Los Altos Hills, Palo Alto, and Stanford University. While Mountain View permits and inspects industrial waste activities in their jurisdiction, the City of Palo Alto Public Works Pretreatment Program conducts monitoring of those facilities. These regulated businesses include, but are not limited to, research and development facilities, metal finishers, photographic processors, dentists, vehicle service facilities, and machine shops. The Pretreatment Program utilizes a software database to effectively manage thousands of data points collected annually on the permitting and monitoring requirements for what is currently 111 facilities.

Prior to 2019, staff utilized a custom-made software created and managed by Computing Solutions Group for more than 20 years. In 2019, Pretreatment Program Management recognized

the need to update the software and identified the custom-made software as a vulnerability for this highly regulated Program. As such, the Pretreatment Program Management at that time went through a request for proposals (RFP) to find a product that met Program needs while also providing a larger support system for troubleshooting and maintaining data. After extensive review of the proposals and the software capabilities, LinkoCTS (a commercial off-the-shelf software) was confirmed as the best fit and was selected to manage the Pretreatment Program data. The City then entered into Professional Services Agreement No. S19174949 with Linko Technology, Inc. for transition over to the new software and three years of software hosting and support.¹

After contracting in 2019, City staff spent over five months on-boarding in order to migrate existing data from the previous database, set up and confirm user accounts, and conduct initial training. After formal on-boarding with Linko Technology, Inc. staff, City Pretreatment Program staff spent an additional year on in-house training and developing Standard Operating Procedures tailored to LinkoCTS to ensure optimal use for City-specific processes. This software has since become an integral part of the Pretreatment Program's effort to manage the large amount of data generated from monitoring events, industrial permits, and various reporting processes to ensure compliance with federal Pretreatment regulations. The current agreement with Linko Technologies, Inc. expired October 28, 2022, and staff is seeking a new agreement with Linko Technology, Inc to continue use of this software and support (Attachment A).

ANALYSIS

Linko Technology, Inc. is the sole developer and producer of this proprietary software. Linko Technology, Inc., is the only organization authorized to provide Linko Software, implementation services, training, or support of the LinkoCTS software. Staff is satisfied with this new software and recommends continuing on this platform. As such, staff did not conduct a solicitation and instead received an exemption from solicitation approval, per Palo Alto Municipal Code 2.30.360 (b)(2), which allows an exemption when “due to circumstances beyond the control of the city, the time necessary to use the competitive solicitation process, procedures and requirements would result in a substantial economic loss to the city or the substantial interference with a required city operation”.

TIMELINE

There are no service impacts anticipated with renewing the LinkoCTS subscription and support service. The Consultant is expected to provide hosting and support of the software for seven

¹ [Contract No. S19174949 with Linko Technology, Inc.](https://www.cityofpaloalto.org/files/assets/public/public-works/water-quality-control-plant/files-for-staff-reports/contract-s19174949-linko-technology.pdf), 2019

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years. Work is expected to begin in February 2023 and conclude in February 2030. Software services and troubleshooting support will seamlessly continue with this new agreement.

FISCAL/RESOURCE IMPACT

The Linko Technology, Inc. contract amount is not to exceed \$219,447 at the end of the seven-year term, which includes \$199,497 for basic services and \$19,950 for related, additional but unforeseen work that may develop during the contract. Funding of \$20,343 for this agreement is available in the Fiscal Year 2023 Adopted Budget in the Wastewater Treatment Fund. Funding for future years of the contract will be subject to Council appropriation as part of the annual budget process.

POLICY IMPLICATIONS

This project is in conformance with the City of Palo Alto Comprehensive Plan and does not represent any changes to existing City policies.

STAKEHOLDER ENGAGEMENT

Use of the Pretreatment Program software does not involve public meetings or other stakeholder engagement; primary users of the software are City staff.

ENVIRONMENTAL REVIEW

Council action on this item is not a project as defined by the California Environmental Quality Act (CEQA) because the award of a contract for Pretreatment Program software hosting and support services is a continuing administrative or maintenance activity. CEQA Guidelines section 15378(b)(2).

ATTACHMENTS

Attachment A: Linko Technology, Inc. Contract, C23185605

APPROVED BY:

Brad Eggleston, Director Public Works/City Engineer

Report #: {{item.custom_tracking_number}}