

Council Meeting of
December 18, 2012

Honorable Mayor and Members
Of the City Council
City Hall
Torrance, California

Members of the Council:

**SUBJECT: Recommendation to Approve an Amendment to Agreement (C2005-182) with Bank of America, extending the term of the agreement for Banking Services through June 30, 2013.
Expenditure: \$20,000**

RECOMMENDATION

The City Treasurer recommends that Your Honorable Body approve an amendment extending Agreement (C2005-182) with Bank of America for banking services through June 30, 2013.

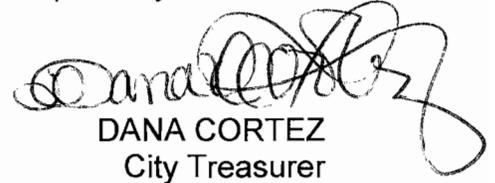
FUNDING

Funding is available in the FY 2012-13 City Treasurer's Operating Budget

BACKGROUND and ANALYSIS

In August 2012 the City Treasurer's had completed an extensive banking rate analysis with Bank of America that reviewed similar size cities, with similar services and volumes, which concluded with a new agreement featuring a 12% - 15% reduction in several of the main areas of service that the city employs. When the new contract was circulated for review, it was discovered that a prior term extension to the current contract committed to conducting a formal Request For Proposal (RFP) and thus the new contract could not be presented. Thus, the City Treasurer is requesting that Council approve an extension to this contract in order to complete the formal RFP as previously committed.

Respectfully submitted,



DANA CORTEZ
City Treasurer

NOTED:



LeRoy J. Jackson
City Manager

Attachment:

A) Second Amendment to Agreement (C2005-182)

SECOND AMENDMENT TO AGREEMENT (C2005-182)

This Second Amendment to Agreement C2005-182 is made and entered into as of December 18, 2012, by and between the CITY OF TORRANCE ("CITY"), a municipal corporation, acting by and through the City Treasurer, and BANK OF AMERICA, N.A., a National Association with its principal offices in Charlotte, North Carolina ("BANK").

RECITALS:

- A. CITY and BANK entered into an Agreement for Banking Services as of September 1, 2005, whereby BANK agreed to provide any or all of the services requested by the CITY in a Request for Proposals (the "RFP") or proposed by the BANK in its Proposal in response to the RFP.
- B. The Original Agreement was from September 1, 2005 through September 1, 2010.
- C. A First Amendment to the Agreement was entered into as of September 28, 2010, for the period September 1, 2010 through September 1, 2012.
- D. The parties now wish to amend the Agreement to extend the term through June 30, 2013.

AGREEMENT:

- 1. ARTICLE 1, entitled "TERM" is amended to read in its entirety as follows:

"The term of the Original Agreement shall commence upon the date that the City affixes its authorized signature to this Agreement, and shall continue for a period of five (5) years thereafter, unless otherwise terminated earlier in accordance with the provisions of the Original Agreement. This Amendment extends the term of the Original Agreement, as previously amended, from September 1, 2012 through June 30, 2013."

- 2. In all other respects, the Agreement is ratified and reaffirmed and remains in full force and effect.

CITY OF TORRANCE,
a municipal corporation

BANK OF AMERICA, NA,
a National Association with its principal
offices in Charlotte, North Carolina

Frank Scotto
Mayor

Lou Mastro
Senior Vice-President and
Senior Client Manager

ATTEST:

Sue Herbers
City Clerk

APPROVED AS TO FORM:

JOHN L. FELLOWS III
City Attorney

By _____
Deputy City Attorney