

PUBLIC WORKS AND UTILITIES COMMITTEE

11-0033R

RESOLUTION AUTHORIZING SECOND AMENDMENT TO CITY CONTRACT NO. 21,070, WITH INFOR GLOBAL SOLUTIONS (MICHIGAN), INC. ADDING 15 ADDITIONAL EAM USER LICENSES AND REDUCING MAINTENANCE INFLATION COSTS, AND INCREASING THE AMOUNT PAYABLE BY \$98,027.23.

CITY PROPOSAL:

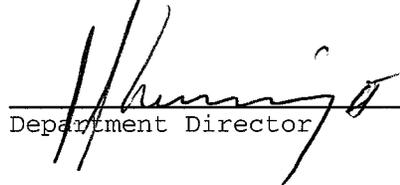
RESOLVED, that the proper city officials are hereby authorized to enter into the second amendment to city contract no. 21070, substantially in the form of that on file in the office of the city clerk as Public Document No. _____, with Infor Global Solutions (Michigan), Inc. to purchase an additional 15 EAM user licenses, with maintenance, decreasing the annual escalation percentage applicable to maintenance from 6% to 3% for three years and increasing the amount of the contract by the amount of not to exceed \$98,027.23, which shall be payable from the following funds in the following amounts:

510 - 500 - 1915 - 5201 \$24,506.81

520 - 500 - 1915 - 5201 \$24,506.81

530 - 500 - 1915 - 5201 \$24,506.81

Approved:



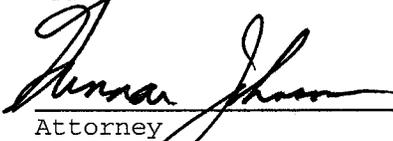
Department Director

Approved for presentation to council:



Chief Administrative Officer

Approved as to form:



Attorney

Approved:



Auditor

PW&U/AFY REA:dma 01/12/2011

STATEMENT OF PURPOSE: The purpose of this resolution is to authorize a second amendment to the City's agreement with Infor Global Solutions (Michigan), Inc., to purchase an additional 15 licenses to use the EAM system developed for the City and to pay for maintenance at a rate normally charged for the use and maintenance of 8 such licenses. The City uses the computerized asset maintenance and management system in connection with the City's wastewater collection and transmission system and has need of the additional licenses in order to meet its management needs. This resolution will allow us to acquire those licenses at a little more than one-half the normal cost. In addition, Infor has agreed to reduce by one-half, from 6% to 3%, the inflation rate applied to annual maintenance as provided for in the contract.

The funds for the additional licenses were included in the 2011 budget.

REVISED
AGREEMENT
11-0033R

**SECOND AMENDMENT TO
AGREEMENT FOR PROFESSIONAL SERVICES
CMMS SOFTWARE
LICENSE, INSTALLATION AND SERVICE
INFOR GLOBAL SOLUTIONS, INC.**

THIS SECOND AMENDMENT TO AGREEMENT, entered into this ___ day of ___
___, 2011, by and between the CITY OF DULUTH, a municipal corporation under laws of
the State of Minnesota, hereinafter referred to as "City", and INFOR GLOBAL SOLUTIONS
(MICHIGAN), INC., an Michigan corporation, hereinafter referred to as "Consultant".

WHEREAS, on February 22nd, 2010, City and Consultant entered into an Agreement
bearing City Contract No. 21070, which agreement was amended pursuant to the First
Amendment to Agreement approved pursuant to City Council Resolution No. 10-0551,
which agreement and First Amendment are herein after jointly referred to as the
"Agreement", for the licencing, installation and use of Consultant's Computerized
Maintenance Management System ("CMMS") Application Software as is provided for in
said Agreement; and

WHEREAS, City is desirous of obtaining Fifteen (15) additional INFASE licenses and
maintenance therefore at costs as hereinafter set forth and the parties have further agreed
to modify the minimum maintenance inflation factor.

NOW, THEREFORE, in consideration of the mutual covenants and conditions
hereinafter contained, the parties hereto agree as follows:

ARTICLE I

Article II of the Agreement is hereby amended by modifying Paragraphs A (b), A (c) and
D by deleting the stricken dollar amounts and by substituting the underlined dollar figures
as follows:

- A. A(b) ~~\$99,563.30~~ \$180,992.38
- B. A (c) ~~\$19,912.72~~ \$34,983.06.
- C. D. ~~Three Hundred Fifty three Thousand, Six Hundred Twenty-five and 90/100s
Dollars (\$353,625.96)~~ Four Hundred Fifty-one Thousand Fifty-one and 49/100s
Dollars (\$451,051.49) and further by providing that the additional ~~Seventy-five~~

~~Thousand Dollars (\$75,000)~~ Ninety-eight Thousand Twenty-seven and 22/100s Dollars (\$98,027.22) so authorized shall be payable from the following accounts:

Fund 510 - 500 - 1915 - 5201	\$18,750 <u>\$24,506.81</u>
Fund 520 - 500 - 1915 - 5201	\$18,750 <u>\$24,506.81</u>
Fund 530 - 500 - 1915 - 5201	\$18,750 <u>\$24,506.80</u>
Fund 535 - 500 - 1915 - 5201	\$18,750 <u>\$24,506.80</u>

ARTICLE II

The "Order Form" attached to the Agreement is hereby modified by amending "I. Component Systems-1. Part # INFASE" to increase the number of Concurrent Users from "10" to "25".

ARTICLE III

The "Order Form" attached to the Agreement is hereby modified as follows:

- A. Amending "II. Support Services" increasing the "Annual Support Fee" from \$19,912.38 to \$37,995.50.
- B. Amending the "Annual Escalation Percentage Cap from 6% to 3% as of the effective date of this Amendment applicable to all INFASE licenses.
- C. Amending the "Initial Term of Support" end date as it pertains to the 15 additional licenses added pursuant to this Amendment to "1/12/12"
- D. Amending "Fees for Initial Term of Support" by added \$16,598.15 to the amount provided for in the Agreement.
- E. Amending "Total Amount Due" by adding an additional \$98,027.23 to the amount provided for in the Agreement

ARTICLE IV

Nothing in this Second Amendment shall be deemed to have modified or extended Consultant's time for performance of its obligations under the Agreement as they pertain

to the installation of the Ten (10) licenses purchased by City under the Agreement and implementation of all work related thereto."

ARTICLE V

In all other respects, the Agreement, together with all of its terms, covenants and conditions, is hereby affirmed in its entirety.

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and date first above shown.

CITY OF DULUTH, a Minnesota
municipal corporation

INFOR GLOBAL SERVICES, INC., a
Michigan Corporation

By: _____
Its Mayor

By: _____

Attest:

City Clerk

Its _____

Approved:

Countersigned:

Assistant City Attorney

City Auditor