

PUBLIC WORKS & UTILITIES COMMITTEE

12-0043R

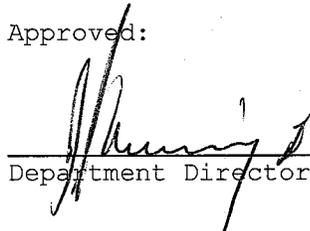
RESOLUTION AUTHORIZING THIRD AMENDMENT TO CITY CONTRACT NO. 21070, WITH INFOR GLOBAL SOLUTIONS (MICHIGAN), INC., EXTENDING THE TERM OF THE AGREEMENT AND INCREASING THE AMOUNT PAYABLE BY \$130,000.

CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorized to enter into the third 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 extend the term of the agreement to December 31, 2014, increasing the amount of the contract by the amount not to exceed \$130,000, payable as follows:

- (a) \$32,500 from Water Fund 510, 500 (Public Works & Utilities, 1915 (Utility General Expense), 5201 (Computer Supplies/Software));
- (b) \$32,500 from Gas Fund 520, 500 (Public Works & Utilities, 1915 (Utility General Expense), 5201 (Computer Supplies/Software));
- (c) \$32,500 from Sewer Fund 530, 500 (Public Works & Utilities, 1915 (Utility General Expense), 5201 (Computer Supplies/Software));
- (d) \$32,500 from Stormwater Fund 535, 500 (Public Works & Utilities), 1915 (Utility General Expense), 5201 (Computer Supplies/Software).

Approved:



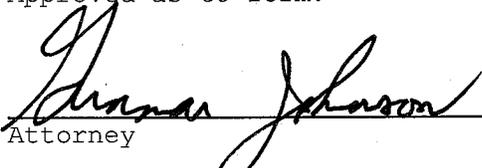
Department Director

Approved for presentation to council:



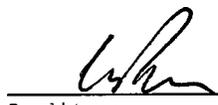
Chief Administrative Officer

Approved as to form:



Attorney

Approved:



Auditor

STATEMENT OF PURPOSE: The purpose of this resolution is to authorize a third amendment to the city's agreement with Infor Global Solutions (Michigan), Inc. to extend the term of the Agreement to December 31, 2014. The city uses the computerized asset maintenance and management system (software) in connection with the city's wastewater collection and transmission system and desires to continue to use the software. This resolution will allow the city to use the Software and receive support of the software through 2014.

Requisition No 12-0001

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

THIS THIRD AMENDMENT TO AGREEMENT, effective as of the date of attestation by the City Clerk ("Effective Date"), 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., a 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, and was further amended pursuant to the Second Amendment to the Agreement approved pursuant to City Council Resolution No. 11-0033, which Agreement, First Amendment, and Second Amendment are herein after jointly referred to as the "Agreement", for the licensing, installation and use of Consultant's Computerized Maintenance Management System ("CMMS") Application Software as is provided for in said Agreement; and

WHEREAS, City desires to extend the term of the Agreement.

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 Paragraph D by deleting the stricken dollar amounts and by substituting the underlined dollar figures as follows:

- D. ~~Four Hundred Fifty-one Thousand Fifty-one and 49/100s Dollars (\$451,051.49)~~
Five Hundred Eighty-one Thousand Fifty-one and 49/100s Dollars (\$581,051.49)
and further by providing that the additional ~~Ninety-eight Thousand Twenty-seven and 22/100s Dollars (\$98,027.22)~~ One Hundred Thirty Thousand and no/100s Dollars (\$130,000.00) so authorized shall be for annual Support Fees payable from the following accounts:

Fund 510 - 500 - 1915 - 5201	\$24,506.81 <u>\$32,500.00</u>
Fund 520 - 500 - 1915 - 5201	\$24,506.81 <u>\$32,500.00</u>
Fund 530 - 500 - 1915 - 5201	\$24,506.80 <u>\$32,500.00</u>
Fund 535 - 500 - 1915 - 5201	\$24,506.80 <u>\$32,500.00</u>

ARTICLE II

Article III of the Agreement is hereby amended to extend the term of Support under the Agreement through December 31, 2014 unless otherwise terminated as provided for herein.

ARTICLE III

The continuation of this Agreement beyond December 30 of any year is contingent upon continued City Council appropriation of funds for the purpose of this Agreement. If these funds are not appropriated, the City will submit notice to Consultant at least thirty (30) days prior to December 30 of that year and the Agreement will terminate on the December 30 of that year. The City will not be assessed any penalty because of the decision of the City Council not to appropriate funds.

ARTICLE IV

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

SIGNATURES APPEAR ON THE FOLLOWING PAGE

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

CITY OF DULUTH, a municipal corporation

INFOR GLOBAL SERVICES, INC., a Michigan corporation

By: _____
Mayor

By: _____
Its: _____

ATTEST:

City Clerk
Date: _____

Approved as to form:

City Attorney

Countersigned:

City Auditor