

CITY OF LONG BEACH

OFFICE OF THE CITY CLERK

333 West Ocean Boulevard • Long Beach, California 90802 • (562) 570-6101 • FAX (562) 570-6789

February 5, 2019

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION

Authorize the City Manager to execute a Post Commitment Addendum to Agreement Number 29956 with Hart InterCivic Inc. of Austin, Texas, for licensing and technical support for the Ballot Now voting system, to increase the amount by \$104,659 and extend the term to January 2020.

DISCUSSION

On January 9, 2007, the City Council unanimously approved (Uranga/Schipske) acquisition of the Ballot Now voting system from Hart InterCivic Inc. On January 19, 2016, the City Council authorized a Second Addendum to Agreement No. 29956 in the amount of \$301,902, for a fixed amount for the following three years. City Council approval is now being requested for the Post Commitment Renewal of the Addendum to the Warranty, Support and Licensing Agreement, so that the annual license and support fee is set at a fixed amount of \$104,659, for one year.

Pursuant to the California Elections Code, all voting systems used in California must maintain operational certification in accordance with applicable laws and regulations as administered by the Secretary of State. The annual license and support fee ensures that the City's voting system complies with this mandate.


FISCAL IMPACT

The FY 19 cost for annual software license and support fees will be \$104,659 for one year. Sufficient funds are budgeted in the General Fund (GF) in the City Clerk Department (CC) to support this expense.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,


Monique De La Garza
City Clerk



**RENEWAL OF THE ADDENDUM TO THE HART
WARRANTY, SUPPORT, AND LICENSE AGREEMENT**

WHEREAS, Hart InterCivic and City of Long Beach, CA (“Client”) entered into an Addendum to the Warranty, Support, and License Agreement on or about June 23, 2010 and

WHEREAS, the second term commitment in the Addendum was defined as three (3) years, and post-second term was defined thusly:

“**Post-Commitment.** After the Initial Term Commitment Period and, if elected by Hart and Client pursuant to Section 3 above, the Second Term Commitment Period, the Agreement may be renewed for subsequent one (1) year renewal terms at Client’s discretion pursuant to the renewal provisions set forth in the Agreement. For each such one (1) year period, the Annual Fee may be increased in Hart’s discretion subject to any maximum increase limits set forth in the Agreement.”

And **WHEREAS** Client now wishes to extend the Addendum into a third term of 02/2019 to 01/2020 at the rate of \$104,659.00 per year with current equipment and software licenses (additional equipment and licenses will increase the rate but will also lock in to this agreement),

THEREFORE, Client’s signature below signifies a commitment to a third term under the same conditions as the second term in the Addendum and the understanding that **any unused portion of this commitment may be transferred to any future voting system (e.g., Verity) offered by Hart InterCivic during this third term. Also, a Verity agreement signed during the term of this Addendum will include an additional two (2) years of no-increase license & support.**

Agreed and Accepted:

| | | | |
|---------------------|--------|--------|------|
| Customer Name: | | | |
| Billing Address: | City: | State: | Zip: |
| Primary Phone | Email: | | |
| Signature: X | | | |
| Printed Name: | Title: | | |

Each person signing this Agreement represents and warrants that he or she is duly authorized and has legal capacity to execute and deliver this Agreement. Each party represents and warrants to the other that the execution and delivery of the Agreement and the performance of such party’s obligations hereunder have been duly authorized and that the Agreement is a valid and legal agreement binding on such party and enforceable in accordance with its terms.

Execute and email to plichtenheld@hartic.com or fax to 512.252.6905