

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Lona Beach, CA 90802-4664

1 SECOND AMENDMENT TO CONTRACT NO. 34024

2 **34024**

3 THIS SECOND AMENDMENT TO CONTRACT NO. 34024 is entered, in
4 duplicate, as of April 23, 2018, for reference purposes only, pursuant to a minute order
5 adopted by the City Council of the City of Long Beach at its meeting held on September 5,
6 2017, by and between CARDON SOLUTIONS, LLC, a Florida limited liability company
7 ("Contractor"), with a place of business at 304 Indian Trace, Suite 526, Weston, Florida
8 33326, and the CITY OF LONG BEACH ("City"), a municipal corporation.

9 WHEREAS, City and Contractor (the "Parties") entered into Contract No.
10 34024 whereby Contractor agreed to provide technical and functional maintenance support
11 and development services for the City's suite of Financial Accounting Management
12 Information Systems (FAMIS) and Simpler Suite (EZ FAMIS) reporting; and

13 WHEREAS, the Parties entered into a First Amendment to Contract No.
14 34024 to extend the term and increase the not-to-exceed amount; and

15 WHEREAS, the Parties desire to amend certain provisions and extend the
16 term one (1) additional one-year period;

17 NOW, THEREFORE, in consideration of the mutual terms, covenants, and
18 conditions herein contained, the Parties agree as follows:

19 1. Section 3 of Contract No. 34024 is hereby amended to read as follows:

20 "3. The term of this Contract shall commence on October 1, 2015, and
21 shall terminate at midnight on September 30, 2019 unless sooner terminated as provided
22 herein. The City may terminate this Contract by giving thirty (30) days prior notice of
23 termination to Contractor."

24 2. Section 6 is added to Contract No. 34024 to read as follows:

25 "6. Ownership of Data. All materials, information and data prepared,
26 developed or assembled by Contractor or furnished to Contractor in connection with this
27 Agreement, including but not limited to documents, estimates, calculations, studies, maps,
28 graphs, charts, computer disks, computer source documentation, samples, models,

1 reports, summaries, drawings, designs, notes, plans, information, material and
2 memorandum ("Data") shall be the exclusive property of City. Data shall be given to City,
3 and City shall have the unrestricted right to use and disclose the Data in any manner and
4 for any purpose without payment of further compensation to Contractor. Copies of Data
5 may be retained by Contractor but Contractor warrants that Data shall not be made
6 available to any person or entity for use without the prior approval of City. This warranty
7 shall survive termination of this Agreement for five (5) years."

8 3. Section 7 is added to Contract No. 34024 to read as follows:

9 "7. Confidentiality. Contractor shall keep all Data confidential and shall
10 not disclose the Data or use the Data directly or indirectly, other than in the course of
11 performing its services, during the term of this Agreement and for five (5) years following
12 expiration or termination of this Agreement. In addition, Contractor shall keep confidential
13 all information, whether written, oral or visual, obtained by any means whatsoever in the
14 course of performing its services for the same period of time. Contractor shall not disclose
15 any or all of the Data to any third party, or use it for Contractor's own benefit or the benefit
16 of others except for the purpose of this Agreement."

17 4. Except as expressly modified herein, all of the terms and conditions
18 contained in Contract No. 34024 are ratified and confirmed and shall remain in full force
19 and effect.

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IN WITNESS WHEREOF, the parties hereto have caused these presents to be duly executed with all the formalities required by law on the respective dates set forth opposite their signatures.

CARDON SOLUTIONS, LLC, a Florida limited liability company

April 30, 2018

By [Signature]
Name Donna Wukasch
Title Manager

May 1, 2018

By [Signature]
Name CARIN JENNEY
Title MANAGER

Tom Modica
Assistant City Manager
"Contractor"

EXECUTED PURSUANT
TO SECTION 301 OF CITY OF LONG BEACH, a municipal
THE CITY CHARTER corporation

May 10, 2018

By [Signature]
City Manager

"City"

This Second Amendment to Contract No. 34024 is approved as to form on

May 2, 2018.

CHARLES PARKIN, City Attorney

By [Signature]
Deputy



PROPOSAL

for the City of Long Beach

August 7, 2014

PROPOSAL

Proposal

Simpler Systems and Cardon Solutions, LLC (Cardon) propose to provide the following:

- (1) Provide access to Simpler Reporting to an unlimited number of City users, and provide maintenance services for Simpler Reporting.
- (2) Develop enhancements to Simpler Reporting (e.g. dashboard, ERP conversion analysis, etc.) as directed by City staff.
- (3) Implement additional subject areas as directed by City staff.
- (4) Provide additional technical services as directed by City staff.
- (5) Provide business process or other analysis as directed by City staff.

City Responsibilities

Our proposal assumes that the City will provide the following on this project:

- A designated project manager that will be the primary point of contact, and who will have the authority to make decisions regarding all aspects of the project
- Sufficient server hardware and Microsoft Windows and SQL Server licenses.

Company

Simpler Systems is a developer and publisher of high performance software that is easy to use. We have diverse skill sets in a variety of markets. We incorporated in 1998 with the vision of creating simple and elegant technology for business problems. We have implemented many applications for local governments, K-12 schools, and higher education. Our systems are simple to use, easy to implement and scale to any size organization. Our Simpler Reporting combines financial experience with extensive software engineering in the interest of elegant, simple, and powerful software.

Executive Team

Rick Schaffer, President and Chief Technology Officer

Rick is widely recognized as a leading architect and software engineer. He has been a developer of enterprise software for over 20 years. Rick has designed and implemented web-based and client/server systems for financial accounting, budgeting, and payroll departments. He has led a variety of projects for both commercial clientele and government agencies. Rick is known for his ability to understand and solve business process problems with simple yet powerful applications. Rick earned a bachelor's degree in Business Economics at the University of California, Santa Barbara and attended Rensselaer Polytechnic Institute.

Brian Fahnestock, Vice President, Business Development

Brian has been an executive in several large organizations, and brings extensive skills in project management, sales, and marketing. Prior to joining Simpler Systems, Brian was the Chief Business Officer and Vice President of Santa Barbara City College. Brian received a bachelor's degree from the University of Illinois and earned a master's degree at the Navy Postgraduate School in Monterey, California. Brian is also a member of the Board of Directors for the Santa Barbara Metropolitan Transit District.

Barry Taugher, Vice President, Partners

Barry has over 20 years in information technology. He has a broad background in marketing, software development, channel management, and business development. He has been successful at all levels of the industry, from start-ups to the Fortune 200. Mr. Taugher was most recently Vice President of National Marketing for Novacoast, an IT professional services firm, where he directed expansion from a regional firm to the delivery of professional services nationally. Barry has a bachelor's degree in Political Science from the University of California, Santa Barbara.