

AN ORDINANCE 2013-05-16-0329

AUTHORIZING AN AMENDMENT TO A LICENSE AGREEMENT WITH INFOGROUP, INC. FOR THE REFERENCE USA DATABASE TO PROVIDE FOR THREE ADDITIONAL ONE YEAR RENEWAL PERIODS AT AN ESTIMATED COST OF \$49,500.00 PER YEAR.

* * * * *

WHEREAS, City and Infogroup, Inc., entered into an agreement entitled "License Agreement" (hereafter "Original Contract") pursuant to Ordinance No. 2006-05-18-0582, under which the Parties set forth their agreement regarding access to information contained in databases provided by infoUSA, and

WHEREAS, the Original Contract provided for a term beginning May 16, 2006 and ending May 16, 2007, with 3 one year renewal options; and

WHEREAS, the Parties later amended the Original Contract to provide for 3 additional renewal periods, pursuant to Ordinance No 2010-04-08-0284; and

WHEREAS, the Parties now wish to amend the agreement to provide for 3 additional one year renewal periods; and

WHEREAS, all expenditures will be in accordance with the applicable fiscal year's budget approved by City Council; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Manager, her designee, or the Director of Finance, or his designee is hereby authorized to execute an amendment to the license agreement with Infogroup, Inc., in the form attached hereto and incorporated herein as **Exhibit I**. The Director of Finance, or his designee, may execute all renewal documents authorized by this ordinance without further action by the San Antonio City Council, subject to the appropriation of funds for required expenditures.

SECTION 2. The amount will be encumbered upon issuance of a purchase order, and payment is authorized to Infogroup, Inc. All current fiscal year expenditures will be in accordance with the Fiscal Year 2013 budget approved by City Council, and future fiscal year expenditures are contingent upon future City Council budget approvals.

SECTION 3. This ordinance is effective immediately upon passage by eight affirmative votes; otherwise it is effective on the tenth day after passage hereof.

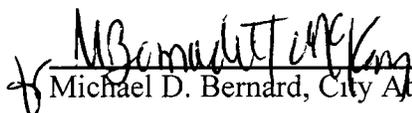
PASSED and APPROVED this 16th day of May, 2013.


M A Y O R
Julián Castro

ATTEST:


Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:


Michael D. Bernard, City Attorney



Request for
**COUNCIL
ACTION**

City of San Antonio



Agenda Voting Results - 5

Name:	5, 6, 7, 8, 9, 11, 12, 13, 14, 15						
Date:	05/16/2013						
Time:	10:05:50 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing the following contracts establishing unit prices for goods and services for an estimated annual cost of \$49,500.00: (A) Infogroup, Inc. for Reference USA Database amendment. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor	x					
Diego Bernal	District 1		x				
Ivy R. Taylor	District 2		x				
Leticia Ozuna	District 3		x				
Rey Saldaña	District 4		x				
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				x
W. Reed Williams	District 8		x			x	
Elisa Chan	District 9		x				
Carlton Soules	District 10		x				

SECOND AMENDMENT TO LICENSE AGREEMENT

STATE OF TEXAS §

COUNTY OF BEXAR §

This second amendment to the License Agreement is entered into by and between the City of San Antonio ("City"), a home rule municipal corporation, pursuant to Ordinance No 2013-__-__, and Infogroup, Inc., f/k/a infoUSA Marketing, Inc., referred to collectively herein as the "Parties"

WHEREAS, City and Infogroup, Inc., entered into an agreement entitled "License Agreement" (hereafter "Original Contract") pursuant to Ordinance No. 2006-05-18-0582, under which the Parties set forth their agreement regarding access to information contained in databases provided by infoUSA; and

WHEREAS, the Original Contract provided for a term beginning May 16, 2006 and ending May 16, 2007, with 3 one year renewal options; and

WHEREAS, the Parties later amended the Original Contract to provide for 3 additional renewal periods, pursuant to Ordinance No. 2010-04-08-0284; and

WHEREAS, the Parties now wish to amend the agreement to provide for 3 more one year renewal periods;

NOW, IN ACCORDANCE THEREWITH, the Parties agree as follows:

I. AMENDMENTS

Section 1 of the Original Contract is hereby amended to read as follows:

1.1 The term of this Agreement shall begin on the Effective Date and shall extend for 1 year (the "Initial Term"), unless extended or earlier terminated in accordance with the Agreement. This Agreement may be renewed by mutual consent of the parties for up to 9 successive, 1 year terms (each, a "Renewal Term"), on the same terms and conditions as provided herein. Any renewals shall be in writing, and signed by the parties. The department director over City's Purchasing Division, or the director's designee, shall have the authority to execute renewals on behalf of the City, subject to appropriation of funds therefore. If all renewals are exercised, this agreement shall terminate on May 16, 2016, unless amended hereafter.

1.2 The department director over City's Purchasing Division, or the director's designee, shall have authority to execute amendments to this agreement, including amendments to the term hereof, without additional approval of the San Antonio City

Council, subject to and contingent upon, appropriation of funds for any continuation hereof

II. PROVISIONS REMAIN IN EFFECT

All other terms, conditions, covenants and provisions of the Original Contract approved by Ordinance No. 2006-05-18-0582, and amended by Ordinance No. 2010-04-08-0284, not specifically mentioned herein and revised by this document, are hereby retained in their entirety, unchanged, and shall remain in full force in effect for the duration of said Original Contract, and any renewals thereof.

III. ENTIRE AGREEMENT

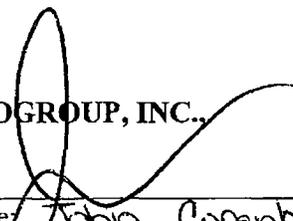
This agreement, as amended, embodies the complete agreement of the parties hereto with regard to the subject matter contained herein, superseding all oral or written previous and contemporary agreements between the parties relating to matters herein.

Executed by the Parties on the dates shown below.

CITY OF SAN ANTONIO

INFOGROUP, INC.

Name: _____
Title: _____
Date: _____

Name:  _____
Title: SVP
Date: 3/5/13

Approved as to Form:

Assistant City Attorney