

AN ORDINANCE

97493

SELECTING THE MERCURY INTERACTIVE CORPORATION TO PROVIDE THE CITY OF SAN ANTONIO WITH APPLICATION TESTING SOFTWARE IN AN AMOUNT OF \$259,070.00 FOR THE ACQUISITION OF PROPRIETARY SOFTWARE LICENSES; PROVIDING FOR THE TRAINING OF PROJECT PERSONNEL IN AN AMOUNT OF \$36,000.00; PROVIDING FOR ANNUAL SERVICE AND MAINTENANCE FOR FIVE YEARS AT AN INITIAL AMOUNT OF \$37,010.00 AND \$62,920.00 FOR EACH YEAR THEREAFTER; AUTHORIZING THE EXECUTION OF THE CONTRACT AND ASSOCIATED DOCUMENTS, AND DELEGATING THE AUTHORITY TO APPROVE AN OPTION IN THE AMOUNT OF \$22,000.00 FOR PROFESSIONAL SERVICES AS MAY BE REQUIRED BY THE DIRECTOR OF INFORMATION TECHNOLOGY SERVICES; APPROPRIATING AND ENCUMBERING FUNDS IN THE AMOUNT OF \$354,080.00; PROVIDING FOR PAYMENT; AND AUTHORIZING THE EXECUTION OF THE CONTRACT AND ASSOCIATED DOCUMENTS FOR A TOTAL CONTRACT VALUE NOT TO EXCEED \$605,760.00.

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WHEREAS, it is necessary for the City to acquire software for testing capacities of hardware and network infrastructure to mitigate risk in connection with the Enterprise Resource Management (ERM) Project; and

WHEREAS, Mercury Interactive Corporation has submitted a proposal to provide Application testing software licenses, training of project personnel, annual service and maintenance, and optional professional services to the City of San Antonio for the amount of \$354,080.00; and

WHEREAS, this Ordinance is consistent with previous City Council actions to facilitate the implementation of an Enterprise Resource Management System; **NOW THEREFORE**,

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

SECTION 1. The proposal of Mercury Interactive Corporation to provide Application testing software licenses, training of project personnel, annual service and maintenance, and optional professional services to the City of San Antonio for the amount of \$354,080.00 is hereby accepted. The City Manager or a designee, is hereby authorized, for 45 days following the effective date of this Ordinance, to execute any and all legal documents, deemed necessary by the City Attorney's Office, to facilitate the acceptance of said Proposal on substantially the same terms and conditions as set forth in the attached "Mercury Interactive Corporation U. S. Master Purchase Agreement", its schedules and addenda.

SECTION 2. The amount of \$259,070.00 is appropriated in fund 40-018005, Enterprise Resource Management System-Phase III, in index code 767640, entitled Proprietary Software Licenses, and is authorized to be encumbered and made payable to Mercury Interactive Corporation for proprietary software licenses in connection with the Enterprise Resource

Management System-Phase III Project, contingent upon the future sale of Certificates of Obligation.

SECTION 3. The amount of \$36,000.00 is appropriated in fund 40-018005, Enterprise Resource Management System-Phase III, in index code 767657, entitled Training, and is authorized to be encumbered and made payable to Mercury Interactive Corporation for training in connection with the Enterprise Resource Management System-Phase III Project, contingent upon the future sale of Certificates of Obligation.

SECTION 4. The amount of \$22,000.00 is appropriated in fund 40-018005, Enterprise Resource Management System-Phase III, in index code 767665, entitled Professional Services, and is authorized to be encumbered and made payable to Mercury Interactive Corporation for professional services in connection with the Enterprise Resource Management System-Phase III Project, contingent upon the future sale of Certificates of Obligation.

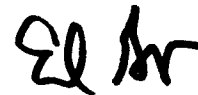
SECTION 5. The amount of \$37,010.00 is appropriated in fund 40-018005, Enterprise Resource Management System-Phase III, in index code 767673, entitled Maintenance & Support, and is authorized to be encumbered and made payable to Mercury Interactive Corporation for maintenance and support services in connection with the Enterprise Resource Management System-Phase III Project, contingent upon the future sale of Certificates of Obligation.

SECTION 6. This Ordinance is also a declaration of the City's official intent to reimburse itself from the proceeds derived from the sale of Certificates of Obligation for any authorized expenditures previously incurred from lawfully available funds of the City.

SECTION 7. The Director of Information Services Department is hereby authorized to exercise the options provided in the agreement for certain professional services in an amount not to exceed \$22,000.00.

SECTION 8. This Ordinance shall become effective on the 27th day of April, 2003.

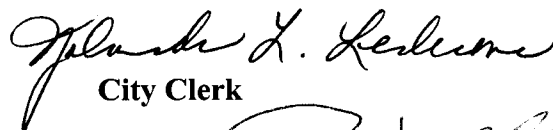
PASSED AND APPROVED this 17th day of April, 2003.



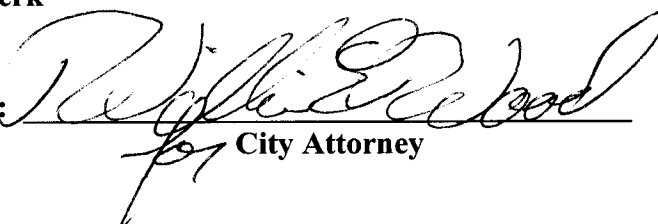
M A Y O R

EDWARD D. GARZA

ATTEST:


City Clerk

APPROVED AS TO FORM:


for City Attorney