

Cay Henshaw

174070

AMENDMENT NUMBER FOUR

THIS AMENDMENT, made and entered into this ____ day of _____, 1999 between Stoner Associates, Inc., a Pennsylvania corporation with its principal office at Carlisle, Pennsylvania ("Licensor"), and The City of Portland, a municipal corporation of the state of Oregon with offices at 2010 N. Interstate Avenue, Portland, OR 97227 ("Licensee").

WHEREAS, the parties have entered into a Software License Agreement dated January 12, 1995, wherein the Licensor agreed to license the Licensed Service known as the Stoner Workstation Service (SWS) and Sul-System Management Module (SMM) in accordance with the terms and conditions of the Agreement; and

WHEREAS, the parties desire to amend the Agreement as hereinafter set forth;

NOW, THEREFORE, the parties agree as follows:

1. The SCHEDULE D, dated December 31, 1997, is replaced with SCHEDULE E to extend the Maintenance & Support term for LICENSED SOFTWARE #1 and #2 for an additional five (5) years (through February 5, 2005), and to provide pricing for additional copies of LICENSED SOFTWARE #1 and #2.

All other conditions of said Agreement shall remain in full force and effect and be binding on both parties.

THE CITY OF PORTLAND

STONER ASSOCIATES, INC.

BY: _____

(Authorized Signature)

TITLE: City Auditor

DATE: _____

BY: *JR/Koon*

(Authorized Signature)

TITLE: President

DATE: 11/29/99

BY: _____

(Authorized Signature)

TITLE: Commissioner of Public Works

DATE: _____

TEC
11.29.99

APPROVED AS TO FORM:
APPROVED AS TO FORM

Jeffrey L. Rogers

CITY ATTORNEY

SCHEDULE E

LICENSEE

City of Portland, Oregon
 Bureau of Water Works
 2010 N. Interstate Avenue
 Portland, OR 97227

Licensee is tax exempt?

: Yes No

(If yes, please attach appropriate certificate
 or tax exempt number) #93 730012K

LICENSED SERVICE #1

Service(s) : SynerGEE® Water
 Number of Original Copies : Up to Six (6)
 Recorded Form : Object Code
 Distribution Media : CD ROM
 Back-Up Copies Allowed : Two (2) per Original Copy

License

Term

: Permanent (99 years)

Fee

: (Already Paid)

(Additional copies available at \$850 per copy through
 the M&S effective dates.)

Maintenance & Support

Term

: Additional Five (5) years

Effective Date

: February 5, 2000 - February 5, 2005

Fee

: \$13,125 each year

(Additional copies increase M&S fee by \$125 per copy)

LICENSED SERVICE #2

Service(s) : Sub-System Management Module (SMM)
 Number of Original Copies : Up to Six (6)
 Recorded Form : Object Code
 Distribution Media : CD-ROM
 Back-Up Copies Allowed : Two (2) per Original Copy

License

Term

: Permanent (99 years)

Fee

: (Already Paid)

(Additional copies available at \$325 per copy through
 the M&S effective dates.)

Maintenance & Support

Term

: Additional Five (5) years

Effective Date

: February 5, 2000 - February 5, 2005

Fee

: Included in Licensed Service #1 M&S Fee

(Additional copies increase M&S fee by \$50 per copy)

COMPUTER SYSTEM(S) AND INSTALLATION SITE(S)

CPU Manufacturer	: INTEL Pentium or higher or 100% compatible processor
Operating System	: Windows *95 or Windows NT*
Simultaneous Use Maximum	: One (1) per original copy
Installation Site:	
	: (1) City of Portland Oregon Bureau of Water Works 2010 N. Interstate Avenue Portland, OR 97227
	: (2) City of Portland, OR Bureau of Water Works 1120 S.W. Fifth Ave. Portland, OR 97204
	: (3) City of Portland, OR Bureau of Water Works 1001 SW Fifth Avenue, Suite 450 Portland, OR 97204

MAINTENANCE SERVICES

Error Correction	: Yes
Updates	: Yes

SUPPORT SERVICES

Installation Training	: No	Days: Previously Provided
Regular Training	: Yes	
Number of attendees permitted each year	: Two (2)	
Telephone Consultation	: Yes	
On-Site Assistance	: Yes, as negotiated	
Enhancements	: Yes	

NOTICES**Licensee**

City of Portland, Oregon
Bureau of Water Works
2010 N Interstate Ave.
Portland, OR 97204

Licensor

Stoner Associates, Inc.
1170 Harrisburg Pike
P.O. Box 86
Carlisle, PA 17013
Attn: President

LICENSEE CONTACT INFORMATION**Coordinator**

Title	: Rod Allen
Direct Phone	: Project Manager
Facsimile	: 503.823.1564
Address (if different)	: 503.823.4861
	:

Data Processing

Title
Direct Phone
Facsimile
Address (if different)

: Karen Hume
: Network Administrator
: 503.823.7469
: 503.823.6133
: 1120 S.W. fifth Ave., 6th Floor
: Portland, OR 97204

Billing

Title
Direct Phone
Facsimile
Invoice Copies
Address (if different)

: Same as Coordinator
:
:
:
: One (1)
:

This SCHEDULE is an attached SCHEDULE to the SOFTWARE LICENSE AGREEMENT between Licensee and Stoner Associates, Inc.

ACCEPTED:

ACCEPTED:

THE CITY OF PORTLAND

STONER ASSOCIATES, INC.

BY: _____
(Authorized Signature)

BY: JK/Koon
(Authorized Signature)

TITLE: City Auditor

TITLE: President

DATE: _____

DATE: 11/29/99

BY: _____
(Authorized Signature)

EC
11-29-99

TITLE: Commissioner of Public Works

DATE: _____

APPROVED AS TO FORM:

APPROVED AS TO FORM

Jeffrey L. Rogers

CITY ATTORNEY

ORDINANCE NO. **174070**

✕ Increase and extend contract with Stoner Associates, Inc., for hydraulic network analysis software and support.
(Ordinance; amend Contract No. 50428)

The City of Portland ordains:

Section 1. The Council finds:

1. Ordinance 168306, passed by Council November 23, 1994, authorized Contract No. 50428 with Stoner Associates, Inc. to provide five licensed copies of network analysis software and three years of software maintenance and support for the Bureau of Water Works for a total contract amount of \$91,250.
2. Contract Amendment Number One, authorized by Ordinance 169224 on August 23, 1995, provided for an additional copy of the base software for an additional \$5,000. Contract Amendment Number Two, authorized by the Bureau of Water Works Chief Engineer on July 29, 1996, provided for an additional copy of an add-on module for an additional \$5,000. Contract Amendment Number Three, authorized by Ordinance 171811 on December 26, 1997, provided for an additional two years of software maintenance and support for \$26,250. This two-year term will end February 5, 2000. Total contract cost through Amendment Number Three is \$127,500.
3. Continued maintenance and support is needed to obtain software upgrades as they become available, to continue using telephone and electronic user support, and to stay up-to-date with changing hardware and operating systems. Additional licenses will be needed as use of the software becomes more widespread in the Bureau of Water Works.
4. It is therefore appropriate to extend this contract for a period not to exceed an additional five (5) years as provided by City Charter §2-105(a)(3).
5. Sufficient funds are available in the Bureau of Water Works' Base Budget.

NOW, THEREFORE, The Council directs:

- a. That the Commissioner of Public Works and Auditor are authorized to renew and extend Contract No. 50428 with Stoner Associates, Inc. for a period of five (5) years, substantially in conformance with Amendment Number Four (attached to the original only) and by this reference made a part thereof, for an additional cost of up to \$65,625 (total contract amount \$193,125).
- b. The Director of the Water Bureau's Water Resources Management Group is authorized to execute future contract amendments to increase the cost of the contract up to an additional \$20,500 (total contract amount of up to \$213,625).
- c. The Commissioner of Public Works and Auditor are authorized to draw and deliver warrants payable to Stoner Associates, Inc., chargeable to Center 18061225, Account 524000 when demand is presented and approved by the proper authorities.

Section 2. The Council declares that an emergency exists because a delay could interrupt maintenance and support of the Water Bureau's hydraulic network analysis software; therefore, this Ordinance shall be in force and effect from and after its passage by Council.

Passed by the Council,

Commissioner Sten
MFR: RLA: rla
CENTER 18061225

JAN 12 2000

GARY BLACKMER
Auditor of the City of Portland

By
Britta Olson Deputy

Agenda No.

41

ORDINANCE NO.

174070

Title

✂ Increase and extend contract with Stoner Associates, Inc., for hydraulic network analysis software and support. (Ordinance; amend Contract No. 50428)

INTRODUCED BY	DATE FILED: JAN 07 2000	
Commissioner Sten	Gary Blackmer Auditor of the City of Portland	
NOTED BY COMMISSIONER	By: <u>Clay Kershner</u> Deputy	
Affairs		
Finance and Administration		
Safety		
Utilities <u>AS, MR</u>		
Works Commissioner Sten		
BUREAU APPROVAL		For Meeting of: _____
Bureau: Water Works	ACTION TAKEN:	
Prepared by		Date
Rod Allen		Dec 21, 1999
Budget Impact Review:		
Completed <input type="checkbox"/> Not Required <input type="checkbox"/>		
Bureau Head: <u>MR</u> Michael F. Rosenberger, Administrator		

AGENDA	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
Consent <input checked="" type="checkbox"/> Regular			YEAS	NAYS
NOTED BY	Francesconi	Francesconi	}	
City Attorney	Hales	Hales		
City Auditor	Saltzman	Saltzman		
City Engineer	Sten	Sten		
	Katz	Katz		