

ORDINANCE NUMBER O- 21250 (NEW SERIES)

DATE OF FINAL PASSAGE OCT 23 2020

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING EXECUTION OF THE THIRD AMENDMENT TO THE AGREEMENT WITH SAP PUBLIC SERVICES, INC. FOR SOFTWARE LICENSING, MAINTENANCE, SUPPORT AND TECHNICAL ADVISORY SERVICES RELATED TO THE SAP SYSTEMS OF THE CITY OF SAN DIEGO.

WHEREAS, on June 13, 2007, San Diego Data Processing Corporation (SDDPC) and SAP Public Services, Inc. (SAP) entered into an Agreement to provide software licenses, and related maintenance, support and technical advisory services for the SAP suite of programs used by the City for its SAP system (Agreement); and

WHEREAS, pursuant to a separate assignment agreement effective as of January 1, 2012, SDDPC assigned its rights and obligations under the Agreement to the City, and SAP consented to such assignment; and

WHEREAS, Amendment No. 1 to the Agreement was approved by Council Resolution R-307801 and made effective on December 2, 2012; and

WHEREAS, Amendment No. 2 to the Agreement was approved by Council Ordinance O-20578 and made effective on December 10, 2015; and

WHEREAS, the proposed Third Amendment to the Agreement is required to extend the term of the Agreement, provide a not-to-exceed amount for the extension term, and otherwise modify the Agreement as provided for in the Third Amendment; and

WHEREAS, under Charter section 99, no contract, agreement or obligation extending for a period of more than five years may be authorized except by Ordinance approved by a two-thirds majority vote of the City Council; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That the Mayor or his designee is hereby authorized to execute, for and on behalf of the City, the Third Amendment to the Agreement with SAP Public Services, Inc. for software licensing, maintenance, support and technical advisory services for the purpose of extending the term of the Agreement for an additional five years, providing a not-to-exceed amount of \$30,492,113 for the extension term, and otherwise modifying the Agreement pursuant to the terms and conditions contained in the Third Amendment to the Agreement on file with the Office of the City Clerk as Document No. OO- 21250.

Section 2. That the Chief Financial Officer is authorized to expend funds in an amount not to exceed a total of \$30,492,113 for the remaining term of the Agreement, as amended, contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year and contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Section 3. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/Steven R. Lastomirsky  
Steven R. Lastomirsky  
Deputy City Attorney

SRL:jvg  
09/02/20  
Or.Dept: Department of Information Technology  
Doc. No.: 2468262

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of 10/20/2020.

ELIZABETH S. MALAND  
City Clerk

By /s/ Connie Patterson  
Deputy City Clerk

Approved: 10/23/20  
(date)

  
KEVIN L. FAULCONER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on OCT 20 2020, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 23 2020

AUTHENTICATED BY:

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By Cennie Patterson, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

OCT 06 2020, and on OCT 23 2020.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By Cennie Patterson, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>21250</u>