

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Information Technology

AGENDA DATE: March 24, 2009

CONTACT PERSON/PHONE: Gerald Gordier (541-4288)

DISTRICT(S) AFFECTED: Terrence Freiburg, Purchasing Manager, 541-4313
Citywide

SUBJECT:

Request that the Purchasing Manager, Financial Services, Purchasing Division be authorized to issue a Purchase Order to KRONOS Incorporated, the sole source provider for the KRONOS 4500 Terminals and Workfoce Central software and its maintenance.

BACKGROUND / DISCUSSION:

KRONOS is the timekeeping system used throughout the City for recording and tracking employee time and attendance. It interacts with the PeopleSoft Human Resources & Financial Mangement system to ensure accurate and comprehensive timekeeping. This equipment and software is only sold and supported through the KRONOS' organization, hence the sole source authorization.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

Yes, this contract was initially approved by City Council on February 17, 2004. .

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

Funds are available in FY09 General Fund - Information Services Account: 39010351-01101-502202

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

N/A

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD:  _____
(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

FINANCIAL SERVICES, PURCHASING DIVISION

DATE: March 11, 2009

TO: Municipal Clerk

FROM: Terrence Freiburg
Purchasing Manager

Ray Heredia
Procurement Analyst

Please place the following item on the Regular Agenda for the Council Meeting of MARCH 24, 2009.

Item should read as follows: Request that the Purchasing Manager, Financial Services, Purchasing Division, be authorized to issue a Purchase Order to KRONOS Incorporated, the sole source supporter for the KRONOS Workforce Central Software. Annual estimated amount \$206,384.01. Total estimated three year amount, \$619.152.03 with the stipulation that the vendor provides an updated sole source letter and affidavit each year. Reference No. 2007-232 Approved by Council June 3, 2008.

Award amount is \$619.152.03

Funds available in: 39010351-502202-01101 Information Services, Data Processing Service Contracts, Operating account.

Information Services

SPECIAL INSTRUCTIONS:

Municipal Clerk's Use

ITEM NO. _____



**FINANCIAL SERVICES
PURCHASING DIVISION**

SOLE SOURCE AFFIDAVIT

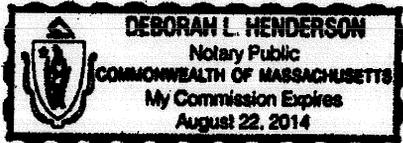
THIS IS AN OFFICIAL PURCHASING DOCUMENT - RETAIN WITH PURCHASE ORDER FILE

Before me, the undersigned official, on this day, personally appeared Alyce Moore, a person known to me to be the person whose signature appears below, whom after being duly sworn upon his/her oath deposed and said:

- 1 My name is Alyce Moore I am over the age of 18, have never been convicted of a crime and am competent to make this affidavit.
- 2 I am an authorized representative of the following company or firm: Kronos Incorporated
- 3 The above named company or firm is the sole source for the following item(s), product(s) or service(s):
Sales and Support for Kronos Equipment and Software
- 4 Competition in providing the above named item(s) product(s), service(s) is precluded by the existence of a patent, copyright, secret process or monopoly as stated under Section 252 022, Subchapter A of the Local Governmental Code 7A or as provided for under 7B-F of the same section. Also, attached hereto is a sole source letter, which sets forth the reasons why this Vendor is a sole source provider (dated and signed).
- 5 There is/are no other like item(s) or product(s) available for purchase that would serve the same purpose or function.
- 6 Note: This Vendor understands that by providing false information on this Sole Source Affidavit, it may be considered a non-responsible Vendor on this and future purchases and may result in discontinuation of any/all business with the City of El Paso.

Alyce Moore
Signature

SUBSCRIBED AND SWORN to before me on this 17th day of March, 2009.



Deborah L. Henderson
NOTARY PUBLIC
Deborah L. Henderson
PRINTED NAME
August 22, 2014
MY COMMISSION EXPIRES

COMPANY NAME: Kronos Incorporated

ADDRESS, CITY, STATE & ZIP CODE 297 Billerica Road, Chelmsford, MA 01824

PHONE: 978-250-9800 FAX NUMBER: 978-367-5900

CONTACT NAME AND TITLE: Wes Windham

WEB ADDRESS: www.kronos.com EMAIL: _____

FEDERAL TAX ID NUMBER: 04-2640942 TEXAS SALES TAX NUMBER: 1-04-2640942-0



Law Department
297 Billerica Road
Chelmsford, Massachusetts 01824

(978) 250-9800
Fax (978) 256-3222
www.kronos.com

March 11, 2009

Ms. Terry Freiburg
City of El Paso
Purchasing Division, Financial Services
#2 Civic Center Plaza
El Paso, TX 79901

Dear Ms. Freiburg:

This letter is to confirm that Kronos® 4500 terminals and Workforce Central software are sold and serviced only through Kronos' global support organization and Kronos' district offices or authorized dealers. Although other products may serve the same general purpose or function as the Kronos products, maintenance support for the Kronos products must be obtained from Kronos due to the proprietary nature of the Kronos products and the fact that spare parts for the Kronos equipment may only ultimately be obtained from Kronos.

Kronos' authorized dealers for the El Paso, Texas area are the Kronos regional offices located at:

600 East Las Colinas Blvd.
Suite 1700
Irving, TX 75039
(972) 717-2975 Fax: (972) 830-1750

1225 North Loop West
Suite 700
Houston, TX 77008
(713) 880-1225 Fax: (713) 802-0804

111 Congress Avenue,
Suite 408
Austin, TX 78701
(512) 231-0471 Fax: (512) 231-0680

Please call me if I can be of any further assistance in this matter.

Very truly yours,

A handwritten signature in black ink that reads "Alyce Moore".

Alyce Moore
Vice President, General Counsel

**MOTION
JUNE 3, 2008**

Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager, Financial Services - Purchasing Division, to issue a purchase order to KRONOS Incorporated, the sole source maintenance supporter for the KRONOS 4500 Terminals and Workforce Central Software.

Department:	Information Technology
Account No.:	39010351 – 502202 – 01101
Funding Source:	Information Services, Data Processing Service Contracts, Operating Account
Total Estimated Award:	\$196,728.50
Reference No.:	2007-232

Additionally, request authorization for City staff to negotiate, City Attorney's Office to review, and the City Manager be authorized to execute any related contract documents and agreements necessary to effectuate this contract.

Richarda Duffy Momsen, City Clerk