

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

DEPARTMENT: Libraries

AGENDA DATE: 04/26/11

CONTACT PERSON NAME AND PHONE NUMBER: Dionne Mack-Harvin – Library Director, (915) 543-5413
Bruce D. Collins – Purchasing Manager, (915) 541-4313

DISTRICT(S) AFFECTED: All

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? **OR AUTHORIZE** the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue purchase orders to OverDrive, Inc. for outsourced software and website services. The Library will use the license to deploy software products, technology and services including those licensed to OverDrive by Microsoft® Corporation, Adobe® Systems Inc. or other vendors of Digital Rights Management (DRM) Technologies. The value of the contract is estimated to be \$30,000 annual; (3-year estimated total of \$90,000, with automatic renewal for successive terms of two twenty-four month terms).

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

The Library intends on utilizing the outsourced software and website services of OverDrive, a provider of digital book technology and services including those related to the management and copyright protection of content in eBook, audio book, and multimedia in digital formats.

PRIOR COUNCIL ACTION:

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

No

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?

Department: Library

Amount: \$90,000 (3-year estimated at \$30,000/year)

Funds Available: Dept # 53010202 – Acct # 503103 – Fund # 01101 – Grant # N/A

Funds Source: Book Budget

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

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

DEPARTMENT HEAD:

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager



**FINANCIAL SERVICES
PURCHASING DIVISION**

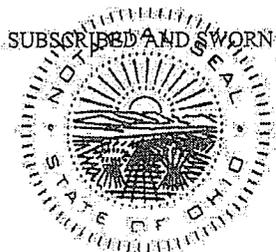
SOLE SOURCE AFFIDAVIT

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

Before me, the undersigned official, on this day, personally appeared Claudia Weissman, 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 Claudia Weissman. 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: Over Drive, Inc.
3. The above named company or firm is the sole source for the following item(s), product(s) or service(s):
Through a combination of our patents, copyrights, and secret processes, OverDrive is able to provide an exclusive combination of services and other digital content materials that enable libraries to lend popular audiobooks, eBooks, music, downloaded video and other digital content via the library's website.
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.

Claudia Weissman
Signature



SUBSCRIBED AND SWORN to before me on this 9th day of March, 2011.
ANTHONY J. MAZZOLINI
Attorney At Law
NOTARY PUBLIC
STATE OF OHIO
My Commission Has
No Expiration Date
Section 147.03 O.R.C.

Anthony J. Mazzolini
NOTARY PUBLIC
Anthony J. Mazzolini
PRINTED NAME
No expiration
MY COMMISSION EXPIRES

COMPANY NAME: Over Drive, Inc.
ADDRESS, CITY, STATE & ZIP CODE: 8555 Sweet Valley Drive, Suite N, Cleveland, OH 44125
PHONE: 216-573-6886 FAX NUMBER: 216-573-6888
CONTACT NAME AND TITLE: Michael Kerkes, Contracts & Licensing Attorney
WEB ADDRESS: www.overdrive.com EMAIL: mkerkes@gnail.com
FEDERAL TAX ID NUMBER: 34-1522786 TEXAS SALES TAX NUMBER: _____

OverDrive®

leading digital media services

Valley Tech Center ▪ Suite N ▪ 8555 Sweet Valley Drive ▪ Cleveland, OH 44125 ▪
216.573.6886 ▪ www.overdrive.com

March 9, 2011

Bruce D. Collins
City of El Paso, Purchasing Manager
2 Civic Center Plaza
El Paso, TX 79901

RE: OverDrive as a sole source provider

Dear Mr. Collins:

OverDrive provides a series of services and digital content materials that enable public libraries to lend download popular audiobooks, eBooks, music, download video and other digital content via the library's website.

Uniquely available only from OverDrive as a sole source provider, we offer a system that combines:

- A customized website service for download digital materials integrated with the library's ILS system for real-time patron authentication
- Control for the library to set digital book lending policies and manage access and usage of materials
- Download eBooks capable of operating on portable PDA devices such as Blackberrys and Smartphones, as the exclusive provider of Mobipocket eBooks to libraries
- OverDrive Media Console for Windows and MACs, a single integrated desktop client software application for use of download audiobooks, music and video
- Download audiobooks and music with accessibility features for the blind and visually impaired
- Download audiobooks and music divided in parts, some with permissions for patrons to burn to standard CD
- OverDrive MP3 Audiobooks compatible with MAC/OS, iPods and other Apple devices
- Digital audio and eBook materials from Brilliance Audio, Hachette, HarperCollins, Weston Woods, Phoenix Audio and other publishers only available from OverDrive
- Download video materials including documentaries, travelogues, feature films and concerts for use with the same integrated desktop client that supports audiobook and music titles

As a result of the combination of the above referenced items as well as OverDrive's patents, copyrights and secret processes, OverDrive is the only vendor to offer these services and materials and we have enjoyed adoption and success as the sole source supplier of the foregoing to many leading public libraries around the world. Please do not hesitate to contact me for further information.

Very truly yours,



Steve Potash, CEO
OverDrive, Inc.
spotash@overdrive.com
(216) 573-6886 ext. 201