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

DEPARTMENT: **INFORMATION TECHNOLOGY**

AGENDA DATE: **August 17, 2010**

CONTACT PERSON NAME/PHONE: **ART ARMAS 541-4288/TERRENCE FREIBURG 541-4188**

DISTRICT(S) AFFECTED: **ALL**

SUBJECT:

Request that the Purchasing Manager, Financial Services, Purchasing Division, be authorized to issue a Purchase Order to SirsiDynix Corporation, the sole source provider of maintenance for Horizon Automated Library Software and other SirsiDynix software in the estimated annual amount of $57,038.73.

BACKGROUND / DISCUSSION:

The El Paso library system has been using this application for several years and this is a continuation of maintenance of the SirsiDynix Horizon Software for another fiscal year. This maintenance contract includes both hardware and software maintenance.

PRIOR COUNCIL ACTION:
Has the Council previously considered this item or a closely related one?

Yes, this is presented each year for the continuation of the software maintenance.

AMOUNT AND SOURCE OF FUNDING:

Amount $57,038.73; 2010 IT General Fund, 39010351-502202-01101-39001

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

PROJECT FORM

PROJECT: SirsiDynix Horizon Library Software DATE: August 9, 2010

REFERENCE NO: 2010-272 DEPARTMENT: Information Technology

BUDGET NO: 39010351-502202-01101-39001

FUNDING SOURCE: Information Technology General Fund

REPRESENTATIVE DISTRICT(S): All

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RECOMMENDATION: Vendor: SirsiDynix Corporation, Provo, Utah
Amount: $57,038.73

Request that the Purchasing Manager, Financial Services, Purchasing Division be authorized to issue purchase orders to SirsiDynix Corporation, the sole source provider of maintenance for Horizon Automated Library Software and other SirsiDynix software in the estimated annual amount of $57,038.73.

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COUNCIL APPROVED ☑ REJECTED ☐ MUNICIPAL CLERK _____

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APPROVED: COUNCIL MEETING DATE: August 17, 2010

Terrence Freiburg
Purchasing Manager,
Information Technology

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 JOHN GARDINER, 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 JOHN GARDINER. 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: Sirsi Corporation, dba SirsiDynix.

3. The above named company or firm is the sole source for Horizon ILS and Telephone Messaging 3.0.

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.**

Signature

SUBSCRIBED AND SWORN to before me on this 30 day of July, 2010.

CHANTEL RHODES
Notary Public
State of Utah
COMMISSION # 583007
My Commission Expires Jun. 29, 2014

NOTARY PUBLIC

Chantel Rhodes
PRINTED NAME

MY COMMISSION EXPIRES

COMPANY NAME: Sirsi Corporation dba SirsiDynix

ADDRESS, CITY, STATE & ZIP CODE 400 W. Dynix Dr., Provo, UT 84604

PHONE: 801-223-5200 FAX NUMBER: 801-223-5561

CONTACT NAME AND TITLE: Chantel Rhodes, Paralegal

WEB ADDRESS: www.SirsiDynix.com EMAIL: paralegal@sirsidynix.com

FEDERAL TAX ID NUMBER: 63-1233771 TEXAS SALES TAX NUMBER:

SirsiDynix®

30 July 2010

Nora Rayas
El Paso Public Library
501 North Oregon
El Paso, TX 79901

Re: Sole Source for Horizon ILS and Telephone Messaging 3.0 (TM3)

Dear Ms. Rayas:

This letter is to confirm that Sirsi Corporation d/b/a SirsiDynix ("SirsiDynix") is the developer and/or sole source provider for all SirsiDynix software and specialized services. The SirsiDynix Horizon collection management system ("HORIZON") product was developed at private expense by SirsiDynix. The HORIZON system is a proprietary software product that is only available from SirsiDynix and SirsiDynix retains the exclusive trademark, copyright, trade secret and/or patent rights to the HORIZON software. The HORIZON software is provided only to those users that have signed a licensing agreement, therein agreeing to protect the confidentiality of the proprietary information and trade secrets of SirsiDynix's HORIZON software. SirsiDynix has sole knowledge of the development of the software and certain configuration requirements that are exclusive to the HORIZON software. Consequently, only SirsiDynix is able to sell and maintain the software as well as continue to make further enhancements in the HORIZON software.

Telephone Messaging 3.0 (TM3) was co-developed with Talking Tech to work directly with the Horizon ILS and the product can be sold only through SirsiDynix.

SirsiDynix is the library automation vendor for the Library pursuant to an agreement that has been signed by both parties. As such, SirsiDynix provides maintenance and support for the complete system for the library. As software is added to the system, SirsiDynix requires that the library software and specialized services be purchased directly from SirsiDynix in order to ensure continued support and compatibility of the new software with the existing system.

Please let me know if I can provide any additional information or answer any questions for you.

Sincerely,

Kari Baardson

Kari Baardson
Associate Corporate Counsel