

AN ORDINANCE **2016-04-28-0296**

AUTHORIZING AN AMENDMENT TO THE MAGNA EQUIPMENT SERVICE AGREEMENT WITH ROCHE DIAGNOSTICS CORPORATION EXTENDING THE TERM FOR AN ADDITIONAL THREE YEAR PERIOD FOR AN ANNUAL COST OF \$12,150.00.

* * * * *

WHEREAS, the City of San Antonio (the City) and Roche Diagnostics Corporation (Roche) entered into an agreement entitled "RFO 6100000466 - Annual Contract For Magna Service Agreement" (Original Contract), under which the Parties set forth their agreement for Roche to provide unlimited on site emergency service, technical support and preventive maintenance for the City's MagNa Pure Compact instrument, serial number MPCB0945; and

WHEREAS, the Original Contract provided for a term beginning July 31, 2011 and ending July 30, 2012; and

WHEREAS, the parties amended the Original Contract to add the Magna Pure Lc Instrument, Serial Number: LC2C00000314 to the service agreement and extended the term for the period beginning July 31, 2012 and ending July 30, 2015;

WHEREAS, the parties entered into a second amendment to the Original Contract to extend the term through April 30, 2016; and

WHEREAS, the parties now wish to extend the contract for an additional three year period; and

WHEREAS, the Texas Local Government Code indicates that competitive bidding is not required under section 252.022(a)(7)(A) which provides for any items that are available only from a sole source of supply; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

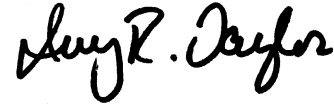
SECTION 1. The City Manager, her designee, or the Director of the Finance Department, or the Director's designee are hereby authorized to renew the contract with Roche Diagnostics Corporation to provide service and support for the City's Magna Pure Compact and Magna Pure LC equipment for the period beginning May 1, 2016 and ending April 30, 2019, under the same terms and conditions, at an annual cost of \$12,150. A copy of the Renewal and Extension Agreement is attached hereto and incorporated herein as Exhibit I.

SECTION 2. The amounts will be encumbered upon issuance of a purchase order, and payment is authorized to Roche Diagnostics Corporation. All expenditures will be in accordance with the Fiscal Year 2016 and subsequent budgets that fall within the term period of this contract approved by City Council.

LOC
4/28/16
Item No. 8

SECTION 3. This ordinance is effective immediately upon passage by eight affirmative votes; otherwise it is effective on the tenth day after passage hereof.

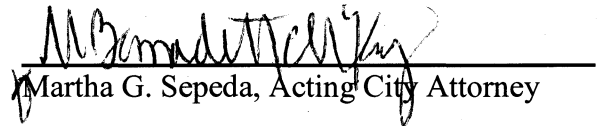
PASSED and APPROVED this 28th day of April, 2016.



M A Y O R
Ivy R. Taylor

ATTEST:

APPROVED AS TO FORM:


Leticia M. Vacek, City Clerk
Martha G. Sepeda, Acting City Attorney

Agenda Item:	8 (in consent vote: 5, 6, 7, 8, 9, 10, 11, 12, 13, 14A, 14B, 15, 18)						
Date:	04/28/2016						
Time:	10:28:39 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing an amendment to the Magna equipment service agreement with Roche Diagnostics Corporation extending the term for an additional three year period for an annual cost of \$12,150.00. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Treviño	District 1		x				
Alan Warrick	District 2		x				
Rebecca Viagran	District 3		x				x
Rey Saldaña	District 4	x					
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x			x	
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				

**THIRD AMENDMENT TO
RFO 610000466
ANNUAL CONTRACT FOR MAGNA SERVICE AGREEMENT**

STATE OF TEXAS §

COUNTY OF BEXAR §

This third amendment to RFO 610000466 - Annual Contract For Magna Service Agreement is entered into by and between the City of San Antonio ("City"), a home rule municipal corporation, and Roche Diagnostics Corporation ("Roche"), referred to collectively herein as the "Parties", pursuant to Ordinance No. 2016 - ___ - ___ - ____.

WHEREAS, City and Roche entered into an agreement entitled "RFO 610000466 - Annual Contract For Magna Service Agreement" (hereafter "Original Contract"), under which the Parties set forth their agreement for Roche to provide unlimited on site emergency service, technical support and preventive maintenance for City's MagNa Pure Compact instrument, serial number MPCB0945; and

WHEREAS, the Original Contract provided for a term beginning July 31, 2011 and ending July 30, 2012; and

WHEREAS, the parties amended the Original Contract to add the Magna Pure Lc Instrument, Serial Number: LC2C00000314 to the service agreement and extended the term for the period beginning July 31, 2012 through July 30, 2015;

WHEREAS, the parties entered into a second amendment to the Original Contract to extend the term through April 30, 2016; and

WHEREAS, the parties now wish to extend the contract for an additional three year period; and

WHEREAS, this amendment requires the approval of the San Antonio City Council to become effective;

NOW, IN ACCORDANCE THEREWITH, the Parties agree as follows:

I. AMENDMENTS

Contract Term. The Original Contract, as previously amended, is hereby extended for a period beginning May 1, 2016 and ending April 30, 2019, under the same terms and conditions, including price, as provided in the Original Contract, as previously amended.

Roche shall invoice City annually, 60 days prior to the start of each one year billing cycle, with the exception of the 2016-2017 billing cycle. Roche shall invoice City upon receipt of City's purchase order for the 2016-2017 billing cycle, which City shall issue promptly after obtaining City Council approval for this amendment.

II. PROVISIONS REMAIN IN EFFECT

All other terms, conditions, covenants and provisions of the Original Contract, as previously amended, not specifically mentioned herein and revised by this document, are hereby retained in their entirety, unchanged, and shall remain in full force and effect for the duration of said Original Contract, as amended, and any renewals thereof.

III. ENTIRE AGREEMENT

This agreement, as amended, embodies the complete agreement of the parties hereto with regard to the subject matter contained herein, superseding all oral or written previous and contemporary agreements between the parties relating to matters herein.

EXECUTED and AGREED to as of the dates indicated below.

City of San Antonio

Roche Diagnostics Corporation

(Signature)

(Signature)

Printed Name: _____
Title: _____
Date: _____

Printed Name: _____
Title: **Kathy Brittingham-Walker**
Date: **Manager, Customer Contracting Center**

Handwritten initials

Approved as to Form:

Assistant City Attorney

Changes to this Agreement after Roche Diagnostics Corporation signature are void.

Roche Diagnostics Corporation Amendment

Original Agreement #:41113687
 Schedule #:

Original Agreement or Schedule start date:7/31/2015
 Original Agreement or Schedule expiration date:4/30/2016

This amendment ("Amendment") amends an existing agreement ("Original Agreement") or schedule ("Schedule") as listed above between Roche Diagnostics Corporation ("RDC, RD, or Roche") and the customer indicated below ("Customer, You, or Your") and is intended by the parties to modify the existing terms and conditions as specifically set forth in this Amendment. The Original Agreement and Schedule shall collectively be referred to herein as "Agreement". All other terms and conditions contained in the Original Agreement or Schedule will remain in full force and effect.

Customer Information:

Customer Number	<u>56021585</u>
Customer Name	<u>CITY OF SAN ANTONIO</u>
Street Address	<u>2509 KENNEDY CIR BLDG 125 B LEVEL</u>
City, State, Zip	<u>SAN ANTONIO, TX, 78235-5116</u>
Instrument Model	<u>MAGNA PURE LC INSTRUMENT</u>
Serial Number	<u>LC2C00000314</u>
Service Type	<u>CLASSIC</u>

(Check this Box if the Agreement is only going to be extended for a specific period of time).

The Agreement will be extended for 36 months from the expiration date listed above (the "Extension Period"). COMMENCEMENT DATE: **5/1/2016**
 Price for the Extension Period shall be: **\$25,350 (\$8,450 PER YEAR)**

Payment Method	Administrative Fee	Please Select One	Please Enter Price
❖ Annual payment in advance	No Additional Fee	<input type="checkbox"/>	\$
❖ Quarterly Payments	\$75 per Year	<input type="checkbox"/>	\$
❖ Monthly Payments	\$300 per Year	<input type="checkbox"/>	\$

Please Total your selections: \$ _____

Customer Changes to this Agreement after Roche Diagnostics Corporation signature are void.

AUTHORIZED ACCEPTANCE	
<p>CITY OF SAN ANTONIO:</p> <p>By signing this Amendment you warrant that you have the authority to execute this Amendment on behalf of Customer.</p> <p>By: _____ Date: _____ (Authorized Customer Signature)</p> <p>Printed Name: _____ Title: _____</p>	<p>ROCHE DIAGNOSTICS CORPORATION</p> <p>This Amendment is not binding on Roche until signed by an authorized representative of Roche in Indianapolis ("Effective Date")</p> <p>By: <u>Kathy Bringham-Walker</u> Date: <u>2/22/16</u> (Authorized Roche Signature) Customer Contracting Center (Date)</p> <p>Printed Name: _____ Title: _____</p>

This Section for Internal Use Only	
<p>Sales Deal Number: _____</p> <p>Date: _____</p>	<p>Prepared By: TERRY PRICE</p> <p>Title: 12/14/2015</p> <p>Date: SALES REPRESENTATIVE</p>

Roche Diagnostics Corporation Amendment

Original Agreement #: 41113688
 Schedule #:

Original Agreement or Schedule start date: 7/31/2015
 Original Agreement or Schedule expiration date: 4/30/2016

This amendment ("Amendment") amends an existing agreement ("Original Agreement") or schedule ("Schedule") as listed above between Roche Diagnostics Corporation ("RDC, RD, or Roche") and the customer indicated below ("Customer, You, or Your") and is intended by the parties to modify the existing terms and conditions as specifically set forth in this Amendment. The Original Agreement and Schedule shall collectively be referred to herein as "Agreement". All other terms and conditions contained in the Original Agreement or Schedule will remain in full force and effect.

Customer Information:

Customer Number	<u>55132682</u>
Customer Name	<u>CITY OF SAN ANTONIO</u>
Street Address	<u>332 W COMMERCE ST STE 201</u>
City, State, Zip	<u>SAN ANTONIO, TX 78205-2409</u>
Instrument Model	<u>MAGNA PURE COMPACT</u>
Serial Number	<u>MPCB0945</u>
Service Type	<u>CLASSIC</u>

(Check this Box if the Agreement is only going to be extended for a specific period of time).

The Agreement will be extended for **36** months from the expiration date listed above (the "Extension Period"). COMMENCEMENT DATE: **4/31/2016**
 Price for the Extension Period shall be: **\$11,100 (\$3,700 per year)**

Payment Method	Administrative Fee	Please Select One	Please Enter Price
❖ Annual payment in advance	No Additional Fee	<input type="checkbox"/>	\$
❖ Quarterly Payments	\$75 per Year	<input type="checkbox"/>	\$
❖ Monthly Payments	\$300 per Year	<input type="checkbox"/>	\$

Please Total your selections: \$

AUTHORIZED ACCEPTANCE	
<p>CITY OF SAN ANTONIO:</p> <p>By signing this Amendment you warrant that you have the authority to execute this Amendment on behalf of Customer.</p> <p>By: _____ Date: _____ (Authorized Customer Signature)</p> <p>Printed Name: _____ Title: _____</p>	<p>ROCHE DIAGNOSTICS CORPORATION</p> <p>This Amendment is not binding on Roche until signed by an authorized representative of Roche in Indianapolis ("<u>Effective Date</u>")</p> <p>By: _____ Date: _____ (Authorized Roche Signature) (Effective Date)</p> <p>Printed Name: _____ Title: _____</p>

This Section for Internal Use Only	
Sales Deal Number: Date:	Prepared By: TERRY PRICE Title: Service Sales Rep Date: 12/14/2015