

THIRD AMENDMENT TO EBSCO PUBLISHING LICENSE AGREEMENT

This Third Amendment is entered into by and between the City of San Antonio, a Texas Municipal Corporation, (hereinafter referred to as “City”) pursuant to Ordinance Number 2019-____-____-_____, and EBSCO Industries, Inc. (hereinafter referred to as “Licensor” or “EBSCO”), both of which may be referred to herein collectively as the “Parties”.

The Parties hereto severally and collectively agree, and by the execution hereof are bound, to the mutual obligations herein contained and to the performance and accomplishment of the tasks hereinafter described.

WHEREAS, in 2008, the City entered into a license agreement (“Original License Agreement”) on behalf of the San Antonio Public Library (“Library”) for access to EBSCO’s databases and services for Library patrons; and

WHEREAS, pursuant to an amendment authorized by Ordinance No. 2014-06-19-0448, a Master Agreement was created, under which additional products can be added to or deleted from the Master Agreement in a simplified manner; and

WHEREAS, the term of the Master Agreement, as renewed, ends on June 30, 2019; and

WHEREAS, the Parties agree that the Original License Agreement should be amended to allow three additional renewal periods of one year each and the Master Agreement should be revised to extend the term to June 30, 2022; and

WHEREAS, it is in the best interest of the City that an amendment of the Original License Agreement and Master Agreement now be executed;

NOW THEREFORE, in consideration of the mutual covenants, terms, conditions, privileges and obligations herein contained, the Parties agree to amend the Master Agreement, as follows:

I. AMENDMENTS

1.1 TERM. The Original License Agreement is hereby amended to add three additional one-year renewal periods, upon the same terms and conditions, as follows:

July 1, 2019 through June 30, 2020;

July 1, 2020 through June 30, 2021; and

July 1, 2021 through June 30, 2022.

1.2 TERM OF MASTER AGREEMENT. The term of the Master Agreement is hereby revised as follows:

Term of Master Agreement. This Master Agreement may be renewed for one-year periods beginning on July 1, 2011 and ending on June 30, 2022, unless earlier terminated or extended as provided for herein.

Renewals shall be in writing and signed by the parties. City's Director of Finance, or his designee, shall have authority to execute renewals on behalf of City without further action by the San Antonio City Council, subject to and contingent upon appropriation of funds therefor.

Notwithstanding the renewal periods provided herein, this Master Agreement shall continue in force for so long as City is within the term of at least one EBSCO product, as listed on an Order Form executed by the Parties. However, no new Order Forms may be executed beyond June 30, 2022.

II. PROVISIONS TO REMAIN IN EFFECT

All other terms, conditions, covenants and provisions of the Original License Agreement, as previously amended, are hereby continued and shall remain in effect in their original form, except for the provisions modified herein.

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

LICENSOR
EBSCO Industries, Inc.

(Signature)



(Signature)

Printed
Name: _____
Title: _____
Date: _____

Printed
Name: Alex Saltzman
Title: Senior VP, Inside Sales
Date: 1/17/2019

Approved as to Form:

Assistant City Attorney