

AN ORDINANCE **99616**

ACCEPTING THE LOW RESPONSIVE BID SUBMITTED BY STORAGE TECHNOLOGY CORPORATION UTILIZING THE TEXAS DEPARTMENT OF INFORMATION RESOURCES "GODIRECT" PROGRAM TO PROVIDE THE CITY OF SAN ANTONIO INFORMATION TECHNOLOGY SERVICES DEPARTMENT WITH STORAGETEK BACKUP AND AUTHORIZING THE EXECUTION OF A LEASE PURCHASE AGREEMENT WITH KEY MUNICIPAL FINANCE FOR A TERM OF SIXTY (60) MONTHS, FOR A TOTAL AMOUNT OF \$541,315.76.

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

SECTION 1. Ordinance number 98072, passed and approved on August 28, 2003, is hereby amended by the addition of Exhibit A "Addendum to Master Tax-Exempt Lease/Purchase Agreement," attached hereto and incorporated by reference to this Ordinance for all purposes.

SECTION 2. The Mayor, City Manager, Director of Finance, Director of Purchasing & General Services, City Attorney, and the City Clerk or City Clerk (each an "Authorized Representative") acting on behalf of the City, are hereby authorized to negotiate, enter into, execute, and deliver the "Addendum to Master Tax-Exempt Lease/Purchase Agreement" in substantially the form set forth in Exhibit A hereto, which document is available for public inspection at the office of the City Clerk. Each Authorized Representative acting on behalf of the City is hereby authorized to negotiate, enter into, execute, and deliver such other documents and certificates relating to the "Addendum to Master Tax-Exempt Lease/Purchase Agreement" as the Authorized Representative deems necessary and appropriate. All other related contracts, certificates, and agreements necessary and incidental to the "Addendum to Master Tax-Exempt Lease/Purchase Agreement" are hereby authorized.

SECTION 3. The City's obligations under the "Addendum to Master Tax-Exempt Lease/Purchase Agreement" shall be subject to annual appropriation or renewal by the Council as set forth in the "Addendum to Master Tax-Exempt Lease/Purchase Agreement" and the City's obligations under the "Addendum to Master Tax-Exempt Lease/Purchase Agreement" shall not constitute a general obligation of the City or indebtedness under the Constitution or laws of the State.

SECTION 4. The Authorized Representative is authorized for 30 business days to negotiate and execute the "Addendum to Master Tax-Exempt Lease/Purchase Agreement". If the Equipment Lease is not negotiated and executed within 30 business days from the date hereof, or if the parties cannot agree to the terms in substantially the form of the "Addendum to Master Tax-Exempt Lease/Purchase Agreement" attached hereto as Exhibit A, then there shall be no authority to execute the "Addendum to Master Tax-Exempt Lease/Purchase Agreement" unless there is subsequent Council approval of the "Addendum to Master Tax-Exempt Lease/Purchase Agreement".

SECTION 5. The offer of Storage Technology Corporation to provide the City of San Antonio Information Technology Service Department with a network data storage device, under the State of Texas Department of Information Resources "GoDirect" program, with Key Municipal

Finance acting as Lessor, and to provide maintenance and supplies at a cost of \$541,315.76 over a time period of 60 months, is hereby accepted, contingent upon Key Municipal Finance acting as Lessor as described herein. A copy of the Texas Department of Information Resources "GoDirect" Storage Technology Corporation is attached hereto and incorporated herein as Exhibit B.

SECTION 6. Funds in the amount of \$541,315.76 are authorized to be encumbered in Fund 74-000000 (Information Services Fund) in Index Code 511386 entitled "Maintenance and Repair Machinery and Equipment" and are made payable to Storage Technology Corporation.

SECTION 7. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance

SECTION 8. The City's Director of Finance is hereby authorized to record and account for the lease in accordance with Generally Accepted Accounting Principles (GAAP).

SECTION 9. This ordinance shall take effect on September 5, 2004.

PASSED AND APPROVED this 26th day of August, 2004.



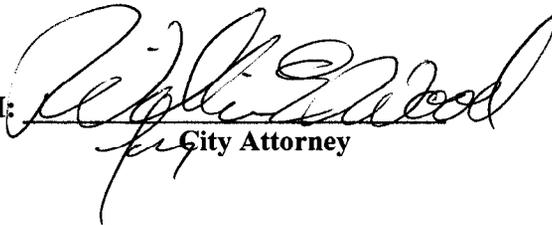
M A Y O R
EDWARD D. GARZA

Attest:



City Clerk

APPROVED AS TO FORM:


City Attorney