

AN ORDINANCE 100839

AUTHORIZING THE ASSIGNMENT OF A PROFESSIONAL SERVICES AGREEMENT WITH PUBLIC ENTERPRISE GROUP, INC., TO ACTIVE NETWORK, INC., AND AUTHORIZING ANY REMAINING PAYMENTS TO BE MADE TO ACTIVE NETWORK, INC., UPON ACCEPTANCE BY THE CITY OF CERTAIN DELIVERABLES AS OUTLINED IN THE PROFESSIONAL SERVICES AGREEMENT.

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WHEREAS, on February 10, 2005, the City Council, by passage of Ordinance No. 100413, authorized a Professional Services Agreement with Public Enterprise Group, Inc. ("PEG") for the development of a comprehensive and integrated Municipal Marketing Partnership Program that is intended to generate cash, goods and services for the City over a specified amount of time; and

WHEREAS, in April 2005, City staff was notified that PEG had been acquired as a wholly owned subsidiary of the Active Network, Inc ("Active"), which is a leading provider of application and marketing services for community service organizations worldwide and parent company of top-ranked promotions agency, Active Marketing Group; and

WHEREAS, Active delivers services to the largest customer base in its market, including local governments, non-profit and educational organizations, consumer product corporations and national sports associations throughout the United States, Canada, Australia and New Zealand; and

WHEREAS, all PEG personnel currently assigned to the project will remain on the project, with the exception of accounting functions, which will be consolidated to Active; and

WHEREAS, additionally, the terms of the Professional Services Agreement shall remain in full force and effect and it is anticipated that the results of the Development Phase, which is currently underway, will be presented to City Council as part of the Fiscal Year 2005/2006 budget process; **NOW THEREFORE:**

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

LB
05/12/05
Item #20

SECTION 1. The assignment of a Professional Services Agreement with Public Enterprise Group, Inc., to Active Network, Inc., is hereby authorized and approved.

SECTION 2. Any remaining payments are hereby authorized to be made to Active Network, Inc., upon acceptance by the City of certain deliverables as outlined in the professional services agreement.

SECTION 3. The Interim City Manager or his designee is authorized, for a sixty (60)-day period following the effective date of this Ordinance, to execute an Assignment of the Professional Services Agreement. Said Assignment, previously executed by both PEG and Active, is attached hereto and incorporated herein as Attachment I.

SECTION 4. This Ordinance shall be effective on and after the tenth day after passage hereof.

PASSED AND APPROVED this 12th day of May, 2005.



M A Y O R

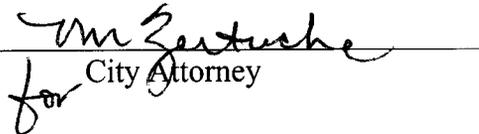
EDWARD D. GARZA

ATTEST:



City Clerk

APPROVED AS TO FORM:



for City Attorney