

RESOLUTION NO. 2021-094

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, APPROVING AN AMENDMENT TO A SOFTWARE AS A SERVICE AGREEMENT BETWEEN TYLER TECHNOLOGIES, INC. AND THE CITY OF HIALEAH DATED JUNE 19, 2018, APPROVED BY HIALEAH, FLA. RESOLUTION 2018-046 (MAY 24, 2018) TO PROVIDE ADDITIONAL PRODUCTS AND SERVICES FOR THE PURPOSE OF STREAMLINING THE INTAKE REVIEW AND APPROVAL OF BUSINESS TAX RECEIPT APPLICATIONS IN FURTHERANCE OF THE CITY'S OBLIGATION UNDER THE CONSENT AGREEMENT DATED JANUARY 30, 2020 WITH MIAMI-DADE COUNTY DERM IN AN AMOUNT NOT TO EXCEED \$197,940.00 FOR THE SERVICES ADDED AND AN ADDITIONAL YEARLY FEE OF \$56,520.00, SUBJECT TO APPROPRIATION; AND FURTHER AUTHORIZING THE MAYOR AND THE CITY CLERK, AS ATTESTING WITNESS, ON BEHALF OF THE CITY TO EXECUTE THE AMENDMENT, IN SUBSTANTIAL CONFORMITY WITH THE AMENDMENT ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "1"; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to City of Hialeah Code Section 2-818, if advantageous to the City, the City may utilize bids that have been awarded or under contract by other governmental agencies, in which case competitive bidding will not be required; and

WHEREAS, the Village of Wellington issued a Request for Proposals No. 001-17/DZ Enterprise Resource Planning System on March 13, 2017 ("the RFP"), for the acquisition of a solution product to replace the Village's core functionality software, expand modules, and improve system interfaces integration among other services, and after evaluating the responders' qualifications and competitive proposals, awarded the contract to Tyler Technologies, Inc.; and

WHEREAS, the City utilized the Village of Wellington's competitively procured contract with Tyler Technologies, Inc. to purchase the products and services described in the Software as a Service Agreement dated June 19, 2018 approved by Hialeah, Fla. Resolution 2018-046 (May 24, 2018) to streamline the intake, review and approval of building permits; and

WHEREAS, the City now wishes to add additional services and products to streamline the intake, review and approval of applications for business tax receipts in furtherance of the City's obligations under the Consent Agreement with Miami-Dade County DERM dated January 30, 2020; and

WHEREAS, Tyler Technologies, Inc. has made representations to the City, and the City has reasonably relied on Tyler Technologies, Inc.'s representations about its experience, equipment, manpower, capacity, permits and licenses to perform all services required under the Agreement; and

WHEREAS, it is in the best interest of the City to enter into a Software as a Service Agreement with Tyler Technologies, Inc. to acquire the technology needed for a complete and efficient modernization of the Business Tax Division's intake and business flows system, currently a paper-based home-grown system, which will introduce a new level of flexibility, integration,

productivity and efficiency in the daily functioning of the Division, benefiting the community as a whole.

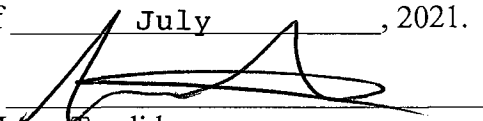
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The foregoing facts and recitations contained in the preamble to this resolution are hereby incorporated and adopted by reference as if fully set forth herein.

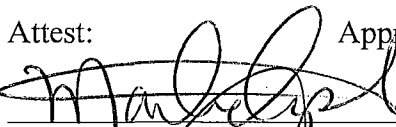
Section 2: The Amendment to the Software as a Service Agreement between Tyler Technologies, Inc. and the City of Hialeah dated June 19, 2018 approved by Hialeah, Fla. Resolution 2018-046 (May 24, 2018) to add additional products and services in an amount not to exceed \$197,940.00, and additional yearly recurring fees in the amount of \$56,520.00, subject to appropriations is hereby approved; and the Mayor and the City Clerk, as attesting witness, on behalf of the City are hereby authorized to execute the Amendment in substantial conformity with the form attached hereto and made a part hereof as "Exhibit 1".

Section 3: This resolution shall become effective when approved by majority vote of the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED AND ADOPTED this 13 day of July, 2021.

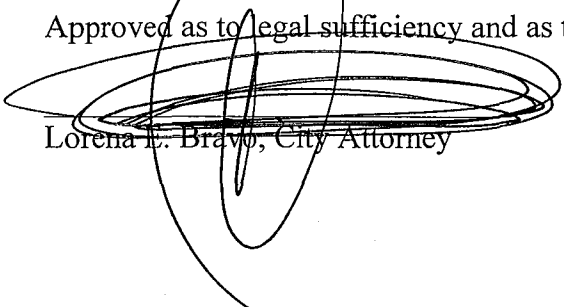

Jesus Tundidor
Council President

Attest: Approved on this 22 day of July, 2021.


Marbelys Fajó, City Clerk


Mayor Carlos Hernandez

Approved as to legal sufficiency and as to form:


Lorena E. Bravo, City Attorney

Resolution was adopted by 4-0-3 vote with Councilmembers, Cue-Fuente, Garcia-Roves, Tundidor, and Zogby voting "Yes" and with Council Vice President Perez, Council Member De la Rosa and Council Member Hernandez absent.



AMENDMENT

This amendment ("Amendment") is effective as of the date of signature of the last party to sign as indicated below ("Amendment Effective Date"), by and between Tyler Technologies, Inc. with offices at One Tyler Drive, Yarmouth, Maine 04096 ("Tyler") and the City of Hialeah, Florida, with offices at 501 Palm Avenue, Hialeah, Florida 33010 ("Client").

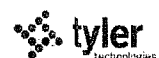
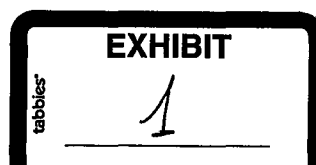
WHEREAS, Tyler and the Client are parties to an agreement dated June 19, 2018 ("Agreement"); and

WHEREAS, Tyler and Client desire to amend the terms of the Agreement as provided herein.

NOW THEREFORE, in consideration of the mutual promises hereinafter contained, Tyler and the Client agree as follows:

1. The items set forth in the sales quotation attached as Exhibit 1 to this Amendment (the "Amendment Investment Summary") are hereby added to the Agreement as of the first day of the first month following the Amendment Effective Date and, notwithstanding anything to the contrary in Exhibit 1, ending coterminous with the SaaS Term as defined in the Agreement.
2. Payment of fees and costs for the items in Exhibit 1 shall conform to the following terms:
 - a. The annual SaaS fees payable under the Agreement shall be increased in the amount of \$56,520, for the Tyler Software added herein. The first year's annual SaaS Fees shall be invoiced on the first day of the first month following the Amendment Effective Date, prorated for the time period commencing on such date and ending concurrently with the Client's annual SaaS Term under the Agreement. Subsequent SaaS Fees shall be invoiced in accord with the terms of the Agreement.
 - b. Services added to the Agreement pursuant to this Amendment shall be invoiced in accordance with the milestone payment schedule forth below:

Completion of Stage 1: Initiate and Plan	\$19,794.00
Completion of Stage 2: Assess & Define	\$59,382.00
Completion of Stage 3: Prepare Solution	\$79,176.00
Completion of Stage 4: Production Readiness	\$19,794.00



Completion of Stage 5: Production	\$19,794.00
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- c. Training services are invoiced as delivered, at the rates set forth in the Amendment Investment Summary.
 - d. Travel expenses shall be invoiced as incurred, in accordance with our then-current Business Travel Policy.
3. The services set forth in Exhibit 1 shall be provided in accordance with the Statement of Work attached hereto as Exhibit 2 ("Amendment Statement of Work").
 4. This Amendment shall be governed by and construed in accordance with the terms and conditions of the Agreement.
 5. Except as expressly indicated in this Amendment, all other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the dates set forth below.

Tyler Technologies, Inc.

City of Hialeah, FL

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____



Exhibit 1
Amendment Investment Summary

The following Amendment Investment Summary details the software and services to be delivered by us to you under this Amendment. This Amendment Investment Summary is effective as of the Amendment Effective Date. Capitalized terms not otherwise defined will have the meaning assigned to such terms in the Agreement.

In the event a comment in the following sales quotation conflicts with a provision of this Amendment, the provision in this Amendment shall control.

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