

A RESOLUTION AUTHORIZING RENEWAL OF MICROSOFT ENTERPRISE AGREEMENT FOR THE PURCHASE AND USE OF MICROSOFT PRODUCTS, SOFTWARE, AND SERVICES

NO. 2023-047

WHEREAS, the City of Commerce City (“City”) previously executed an Enterprise Agreement with Microsoft Corporation (“Microsoft”) for the purchase and use of Microsoft products, software and services, including Office365 Email, SharePoint, OneDrive for Business, Teams, Windows computer upgrades, and server software upgrades (“Services”);

WHEREAS, the City’s current Enterprise Agreement is set to expire on June 30, 2023, and staff has recommended that the City execute a new 3 year Enterprise Agreement with Microsoft to enable the City to continue using Microsoft products, software, and services without disruption;

WHEREAS, after determining this procurement is in the City’s best interest and the Services to be provided cannot be otherwise acquired through competitive solicitation, the City Manager has approved of the procurement pursuant to the City’s Procurement Policy;

WHEREAS, the cost to the City of the purchase will exceed \$250,000.00 and, pursuant to the City’s procurement policies and the City Manager’s commitment to the City Council, the City Council must approve any procurement in excess of \$250,000.00; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

Section 1. Findings. The recitals to this resolution are incorporated as findings of the City Council. This resolution is found to be necessary for the preservation of the public health, safety, and welfare and in the public interest.

Section 2. Award of Contract. The award of the contract for the Services to Microsoft is hereby approved subject to successful finalization of an appropriate contract on terms acceptable to the City Manager. This resolution shall not be deemed to grant any rights or interest in the award of a contract to Microsoft. All rights and interests shall be defined exclusively by the terms and conditions set forth in the written contract.

Section 3. Authorization to Negotiate. The City Manager is hereby authorized to negotiate and finalize the details of a contract with Microsoft, including final pricing and payment terms, consistent with the Services Agreement with Microsoft.

Section 4. Execution and Attestation. Upon successful finalization of the contract and approval as to form by the City Attorney, the City Manager is hereby authorized to execute, and the City Clerk to attest, the contract on behalf of the City.

RESOLVED AND PASSED THIS 15TH DAY OF MAY 2023.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk