Agenda Item Form

Agenda Date: APR 6, 2004

Districts Affected: All
Dept. Head/Contact Information: Byron E. Johnson

Type of Agenda Item:

- ☐ Resolution
- ☐ Tax Installment Agreements
- ☐ RFP/ BID/ Best Value Procurement
- ☐ Application for Facility Use
- ☐ Interlocal Agreements
- ☒ Other Sole Source
- ☐ Staffing Table Changes
- ☐ Tax Refunds
- ☐ Budget Transfer
- ☐ Bldg. Permits/Inspection
- ☐ Contract/Lease Agreement
- ☐ Board Appointments
- ☐ Donations
- ☐ Item Placed by Citizen
- ☐ Introduction of Ordinance
- ☐ Grant Application

Funding Source:

- ☐ General Fund
- ☐ Grant (duration of funds: _____ Months)
- ☒ Other Source: Library Yr.02 Issue CP

Legal:

☐ Legal Review Required Attorney Assigned (please scroll down): None ☐ Approved ☐ Denied

Timeline Priority: ☒ High ☐ Medium ☐ Low # of days:_____

Why is this item necessary:
On-site support & maintenance of Live Homework Help Software

Explain Costs, including ongoing maintenance and operating expenditures, or Cost Savings:

Statutory or Citizen Concerns:

Departmental Concerns:

*

CITY CLERK DEPARTMENT
2004 APR 1 PM 2 22

DATE: March 30, 2004

TO: Municipal Clerk

FROM: Byron E. Johnson, C.P.M.
Director of Purchasing x 4313

THRU: Aurora Wells
Clerk-Typist II ext. 4038

Please place the following item on the **CONSENT** agenda for the Council Meeting of **APRIL 6, 2004.**

Item should read as follows:

Request that the Director of Purchasing be authorized to issue a Purchase Order to Tutor Com, Inc. in the amount of $34,400.00. Tutor Com, Inc. is the sole provider of Live Homework Help in the State of Texas. Tutor Com, Inc. will provide on-site support, maintenance and assistance in the implementation of Live Homework Help. Contract 2003-100.

Additionally, it is requested that Mayor be authorized to sign any additional documents, contract, and/or agreements.

Department:	El Paso Public Library
Funds available:	31130563-60005-508039-PPW0056003YR2
	Library Book & Materials Yr. 2 Issue CP
Total Amount:	$34,400.00

Contact person: Ray Heredia, Procurement Analyst at 541-4316.

****

AGENDA FOR: **April 6, 2004**

****

PURCHASING DEPARTMENT

DATE: MARCH 26, 2004

TO: City Clerk

FROM: Byron E. Johnson — Ray Heredia

PURCHASING DEPARTMENT — 4308/4316

Please place the following item on the Consent Agenda for the Council Meeting of **April 6, 2004**.

Item should read as follows: Request that the Director of Purchasing be authorized to issue a Purchase Order to Tutor Com, Inc. in the amount of $34,400.00. Tutor Com, Inc. is the sole provider of Live Homework Help in the State of Texas. Tutor Com, Inc. will provide on-site support, maintenance and assistance in the implementation of Live Homework Help. Contract 2003-100

Additionally, it is requested that Mayor be authorized to sign any additional documents, contract, and/or agreements.

Award amount is $34,400.00
Funds available in: 31130563-60005-508039, PPW0056003YR2
Library Book & Materials Yr.2 Issue CP

Department: El Paso Public Library

SPECIAL INSTRUCTIONS: _____

City Clerk's Use ITEM NO._____

Tutor.com Inc.

This order for the online tutoring services set forth herein constitutes an addendum to the Service Order to the Master Services Agreement[1] between Tutor.com ("Tutor.com") and () (the "Customer").

Customer Contact Information	Tutor.com Contact Information
Name: Carol A. Brey	Name: Cliff Wilson
Customer: El Paso Public Library	
Address: 501 North Oregon Street	Address: 40 Fulton Street
City, St, Zip: El Paso, Texas	City, St, Zip New York, NY 10038
Telephone: 915/543.5417	Telephone: 212/528.3101
Fax: 915/543.5410	Fax: 720/294.1236
Email: sanchezgc@ci.el-paso.tx.us	Email: cwilson@tutor.com

Ordered Services and Fees. Tutor.com agrees to provide the Client with the following Services, which are detailed in the attached Master Services document. The Customer agrees to pay Tutor.com the fees set forth below for the Ordered Service.

Customer Location/ Description of Services	#Branches	Price per Branch	Start Date	End Date	Fees
HWH Product	11		May 1, 2004	April 30, 2005	$34,400
HWH en Espanol	11				Included
Remote Access	11				Included
Total					**$34,400**

On behalf of the Customer:
(Billing Contact)

_____
Name

_____
Title

_____
Date

On behalf of Tutor.com:

_____
Name

_____
Title

_____
Date

Note: This agreement is subject to the overall terms and conditions as documented in the Master Services Agreement between Tutor.com and the Customer. Customer reference in prior agreements refers to any and all institutions entering into an agreement with Tutor.com.

[1]In the event of a conflict among the Master Service Agreement, the Service Order(s), and any terms and conditions contained in any purchase order issued by the Customer, the order of priority for purposes of interpretation shall be the Master Services Agreement and then this Service Order. Any terms and condition contained in a purchase order issued by the Customer shall not be controlling.

#351706 v3

tutor.com
Learning & Information Solutions

March 3, 2004

Ms. Carol A. Brey
Library Director
El Paso Public Library
510 North Oregon Street
El Paso, Texas 79901

Dear Ms. Sanchez:

Further to your inquiry of this date, I am writing to clarify and confirm the following points:

1) Tutor.com, Inc., a Delaware Corporation, is the sole owner of the intellectual property, which comprises the Tutor.com Live Homework Help Product Suite and Tutor.com Virtual Reference Services Software and Services, otherwise referred to as LHWH and VRS Solutions. Certain components our business solutions are owned and licensed to Tutor.com for resale or sublicensing by their respective owners.

2) Tutor.com is the sole entity authorized to sell, license or otherwise provide the Live Homework Help and VRS Solutions and attendant support services to purchasers, licensees or users operating within the United States and abroad.

Thank you for your interest. Please let us know how we can be of further assistance in your evaluations.

Sincerely yours,

Tutor.com, Inc.
40 Fulton St
New York, NY 10038