

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL,
SIGNED ORDINANCE ADOPTED BY THE CITY COUNCIL.**

ORDINANCE

**EXTENDING THE CONTRACT WITH OPEN LMS, LLC,
TO PROVIDE HOSTING SERVICES FOR A LEARNING
MANAGEMENT SYSTEM FOR AN ADDITIONAL SIX-
MONTH PERIOD FOR \$33,171.09 WITH FOUR
ADDITIONAL, SIX-MONTH RENEWAL OPTIONS FOR
AN ESTIMATED TOTAL COST OF \$172,624.00
INCLUDING ALL RENEWALS. FUNDING FOR THE
EXTENSION, IN THE AMOUNT OF \$33,171.00 IS
AVAILABLE FROM THE GENERAL FUND FY 2025
ADOPTED BUDGET. FUNDING FOR FUTURE YEARS IS
CONTINGENT ON CITY COUNCIL APPROVAL OF THE
ANNUAL BUDGET.**

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WHEREAS, the City of San Antonio ("City") and eThink Education, LLC ("eThink"), entered into a contract to provide hosting services for a learning management system pursuant to Ordinance 2018-08-30-0656, which as renewed and extended by Ordinance 2023-09-14-0623 and by Change Order 2, terminates on March 31, 2025 (the "Contract"); and

WHEREAS, on February 27, 2024, the Secretary of State of the state of Delaware certified that eThink filed a certificate of amendment changing its name to "Open LMS LLC" ("Open LMS"); and

WHEREAS, the Texas Local Government Code indicates that competitive bidding is not required under section 252.022(a)(7)(A), which provides for any items that are available only from a sole source of supply; and

WHEREAS, approval of this ordinance authorizes an amendment extending the Contract for additional six-month period for \$33,171.09, which may be further renewed by City for up to four, additional six-month periods under the same terms and conditions, except price which may be escalated by 2% each renewal period; and

WHEREAS, all expenditures will be in accordance with the applicable fiscal year's budget approved by City Council; **NOW THEREFORE:**

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

SECTION 1. Change Order 3 between the City and Open LMS LLC, for continued hosting services for the learning management system extending the Contract for additional six-month period for \$33,171.09, which may be further renewed by City for up to four, additional six-

month periods under the same terms and conditions, except price which may be escalated by 2% each renewal period is hereby approved (the "Change Order"). A copy of the Change Order is attached hereto as **Exhibit I**. The Deputy Chief Financial Officer or designee is hereby authorized to execute the Change Order on behalf of the City of San Antonio.

SECTION 2. Funding for this ordinance in the amount of \$33,171.00 is available in Fund 11001000, Cost Center 1006010001 and General Ledger 5201040 as part of the Fiscal Year 2025 Adopted Budget approved by City Council.

SECTION 3. Additional funding is contingent upon City Council approval of the Fiscal Year 2026 and subsequent budgets that fall within the term of the contract.

SECTION 4. Payment in the amount of \$172,624.00 is authorized to Open LMS, LLC, and should be encumbered with a purchase order.

SECTION 5. The financial allocations in this ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer may, subject to concurrence by the City Manager or designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this ordinance.

SECTION 6. This ordinance is effective immediately upon passage by eight or more affirmative votes; otherwise, it is effective on the tenth day after passage.

PASSED and APPROVED this ___ day of ___, 2024.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney