SOFTWARE SUPPORT AGREEMENT

by and between

CUYAHOGA COUNTY, OHIO

and

OARNET / OHIO STATE UNIVERSITY

THIS AGREEMENT (the "Contract") is made and entered into on this _____ day of _____, 2013 by and between Cuyahoga County, Ohio ("the County") on behalf of the Department of Information Technology and OARnet/Ohio State University ("OARnet"), an Ohio public institution of higher education organized under Ohio Revised Code Chapter 3354, with an address of Kinnear Road, Suite 130, Columbus, OH 43212.. (the "Provider")

WHEREAS, the County has a present need for maintenance and support of its VMWare Software License; and

WHEREAS, OARnet offers to sell under government to government purchase maintenance and support services for VMWare Software License are available under ORC 307.86 (Competitive bidding required-exceptions.); and

WHEREAS, the County desires to avail itself of such services at the Cuyahoga County Department of Information Technology and OARnet/OSU is willing to provide such service to the County all upon the terms and conditions set forth herein, and

NOW, THEREFORE, in consideration of mutual promises contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, OARnet/OSU and the County agree as follows:

ARTICLE I – AGREEMENT AND TERM

1.1   Scope of Agreement. During the term of this Contract, OARnet shall provide to the County under this Maintenance and Support Agreement the coverage outlined in Quotes # 6246 & 6047 attached hereto and incorporated by reference herein as Schedule A insofar as the terms of Schedule A concur with this agreement. In the event that a discrepancy exists between the terms of Schedule A and this agreement, the terms of this agreement will be controlling and binding.

1.2   Term. The term of this Contract shall commence as of January 11, 2013; and, unless earlier terminated in accordance with the provisions of this Contract, shall continue in effect for one year from the date of commencement (1/11/13 – 1/10/14). This contract shall be in an amount not to exceed **Ten Thousand Eight Hundred Seventy-Six Dollars and Sixty Nine Cents ($10,876.69).**

ARTICLE II - SCOPE OF WORK

2.1. Rendering of Services. OARnet hereby agrees to render the services outlined in Schedule A attached hereto and incorporated by reference herein at a total price which shall in no event exceed the amount of not to exceed **Ten Thousand Eight Hundred Seventy-Six Dollars and Sixty Nine Cents ($10,876.69).**

ARTICLE III – PAYMENT AND INVOICING

3.1 Payment. During the term of this contract, the County shall pay the costs associated with the maintenance and support agreement yearly upon receipt of said invoice from OARnet and approval of the County Executive.

3.2. Invoicing. OARnet shall invoice the County annually for the maintenance and support agreement upon execution of this agreement. OARnet shall submit original invoice(s) to the following address:

Cuyahoga County Department of Information Technology
Business Department
1255 Euclid Avenue, 4th floor
Cleveland, Ohio 44115

ARTICLE IV - INDEMINITIES AND LIABILITIES

NA - Government to Government Agreement

ARTICLE V - DISPUTE RESOLUTION AND TERMINATION

NA - Government to Government Agreement

ARTICLE VI – ADHERENCE TO ELECTRONIC SIGNATURE POLICY OF COUNTY

NA - Government to Government Agreement

THIS AGREEMENT shall be subject to interpretation under the laws of the State of Ohio, and is subject to the review of the County Prosecutor's Office as to legal form and correctness.

IN WITNESS WHEREOF, THE County and OARnet have each caused this Contract to be signed and delivered by its duly authorized representative as of the date first written.

OARnet/Ohio State University

Geoffrey S. Chatas, Sr. Vice President For
Business & Finance, and CFO
The Ohio State University

3-8-13

Cuyahoga County, Ohio

Edward FitzGerald, County Executive

BY:
Edward FitzGerald, County Executive
2013-04-10 15:41:50

Schedule A

OARnet
1224 Kinnear Road
Columbus, Ohio 43212
Phone: 614.292.7203

Price Quotation for VMware Renewal - State of Ohio

Name: Cuyahoga County Regional Information System (CRIS)
Quote #: 0240-3-5047
Date: 1/10/2013

CODE	Product	SnS End Date	Quantity	SnS Term	SnS Fee	Total
86	View Premier 10-Pack Starter Kit (Qty "1" = One 10-pack)	1/10/2013	3	1	$406.33	$1,218.99
IG	vSphere Enterprise Plus (per CPU)	1/10/2013	17	1	$568.10	$9,657.70
	SnS term covered by renewal: 1/11/2013 - 1/10/2014					
						Total Cost:	$10,876.69

*Please note! The maintenance for your VMware product(s) have been quoted as a "1" year term and noted in the SnS term column. The date listed under SnS End Date indicates the maintenance expiration date of the quoted order. If multiple years are preferred please change the "1" to the # of years desired. Partial years will not be accepted under any circumstances.