

WHEREAS, on February 20, 2007, IBM Corporation (IBM) was awarded Agreement No. 47553-7 (Agreement) by the Board of Water and Power Commissioners (Board), and subsequently approved by Los Angeles City Council (City Council) on April 11, 2007, for furnishing and delivering software, licensing, software subscription and support, and monthly license charge software; and

WHEREAS, the Board authorized Amendments Nos. 1, 3, 4, and 5 to exercise four one-year options to the Agreement; and

WHEREAS, Amendment No. 2 to the Agreement was inadvertently skipped; and

WHEREAS, on November 15, 2011, Amendment No. 6 to the Agreement was adopted by the Board pursuant to Resolution No. 012 108, and subsequently approved by City Council on January 4, 2012, to increase the Agreement amount by \$19,006,630 from \$17,730,128 to \$36,736,758 and extend the term for an additional five years from October 31, 2011 through October 31, 2016; and

WHEREAS, on December 1, 2015, Amendment No. 7 to the Agreement was adopted by the Board, pursuant to Resolution No. 016 126, and subsequently approved by City Council on January 27, 2016, to extend the Agreement by two years and two months from October 31, 2016 through December 31, 2018, for an amount not-to-exceed \$52,209,464 to continue purchasing IBM software, licenses, subscriptions, and for support of existing software; and

WHEREAS, on April 2, 2019, Amendment No. 8 to the Agreement was adopted by the Board, pursuant to Resolution No. 019 167, dated April 2, 2019, and subsequently approved by City Council on May 14, 2019, to extend the Agreement by five years from January 1, 2019 through December 31, 2023, for an amount not to exceed \$79,428,464 to continue purchasing IBM software, licenses, subscriptions, and for support for existing software; and

WHEREAS, LADWP recommends approval of Amendment No. 9 (Amendment) to the Agreement due to ongoing needs to maintain critical legacy applications on the IBM mainframe, it is necessary to increase the Agreement amount by \$40,284,247 from \$79,428,464 to a new not-to-exceed amount of \$119,712,711; and

WHEREAS, LADWP has determined that it is necessary to increase the term of the Agreement by five years from January 1, 2024 through December 31, 2028, which exceeds the time period set by Ordinance, and in accordance with City Charter Section 373, City Council approval is required.

NOW, THEREFORE, BE IT RESOLVED that the Amendment to the Agreement, approved as to form and legality by the City Attorney and on file with the Secretary of the Board, is hereby approved.

BE IT FURTHER RESOLVED that pursuant to City Charter Section 1022, the Board finds that it is more feasible to have the work performed by an independent contractor.

BE IT FURTHER RESOLVED that the President or Vice President, or the General Manager, or such person as the General Manager shall designate in writing, and the Secretary, Assistant Secretary, or the Acting Secretary of the Board are hereby authorized and directed to execute said Amendment for and on behalf of LADWP upon approval by the City Council pursuant to City Charter Section 373.

BE IT FURTHER RESOLVED that the Chief Accounting Employee of LADWP, upon proper certification, is hereby authorized and directed to draw demands on the Power Revenue Fund in accordance with the terms of this Amendment to the Agreement and this Resolution.

I HEREBY CERTIFY that the foregoing is a full, true, and correct copy of the Resolution adopted by the Board of Water and Power Commissioners of the City of Los Angeles at its meeting held June 11, 2024



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Secretary

APPROVED AS TO FORM AND LEGALITY  
HYDEE FELDSTEIN SOTO, CITY ATTORNEY  
JULY 3, 2023

BY:



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BETHANY A. BURGESS  
DEPUTY CITY ATTORNEY