

0150-10296-0001

TRANSMITTAL

DATE
08/25/21
COUNCIL FILE NO.

TO
Martin L. Adams, General Manager
Los Angeles Department of Water and Power

FROM
The Mayor

COUNCIL DISTRICT
All

**AMENDMENT NO.5 (AGREEMENT NO. 47080-2) FOR PROPRIETARY COMPUTER
SOFTWARE MAINTENANCE, SUPPORT, AND CHANGE SERVICES FOR THE ELECTRONIC-
REQUEST-SOLICITATION PROCURE SYSTEM WITH OGMA CONSULTING CORPORATION**

Approved and transmitted for further processing including Council consideration.
See the City Administrative Officer report attached.



MAYOR

(Rich Llewellyn for)

MWS:IR:10210150

REPORT FROM

OFFICE OF THE CITY ADMINISTRATIVE OFFICER

Date: July 7, 2021

CAO File No. 0150-10296-0001

Council File No.

Council District:

To: The Mayor

From: Matthew W. Szabo, City Administrative Officer



Reference: Communication from the Department of Water and Power dated May 5, 2021; referred by the Mayor for report on June 9, 2021

Subject: **AMENDMENT NO. 5 (AGREEMENT NO. 47080-2) BETWEEN OGMA CONSULTING CORPORATION AND THE LOS ANGELES DEPARTMENT OF WATER AND POWER FOR PROPRIETARY COMPUTER SOFTWARE, MAINTENANCE SUPPORT AND CHANGE SERVICES FOR THE ELECTRONIC-REQUEST-PROCURE SYSTEM**

RECOMMENDATION

That the Mayor:

1. Approve the proposed Resolution authorizing Amendment No. 5 to Agreement 47080-2 with OGMA Consulting Corporation for ongoing proprietary software maintenance, support services, and advanced support and software change service to extend the contract term for four years, and increase the contract by \$2,818,120 resulting in a total amount not to exceed \$9,491,633; and,
2. Authorize the Chief Accounting Employee of the LADWP, upon proper certification, to direct and draw demands on the Power Revenue Fund, in accordance with the terms of the Agreement;
3. Return the proposed Resolution to the Department for further processing, including City Council consideration.

SUMMARY

The Los Angeles Department of Water and Power (LADWP) requests authority to execute Amendment No. 5 with OGMA Consulting Corporation (OGMA) to provide proprietary software maintenance, support services, and advanced support and software change services to sustain the current Electronic Request-Solicit-Procure (eRSP) system, while LADWP continues its implementation of a new cloud based procurement system referred to as the Enterprise Resource Planning (ERP) solicitation management solution. The current contract expires on November 30, 2021, and this amendment will support ongoing continuation and integration services necessary to retire the existing system and convert the appropriate data elements into the ERP system as

necessary. Approval of this amendment will extend the contract term for four years, for a total contract term of fourteen years, and increases the contract by \$2,818,120 from \$6,673,513 million to an amount not to exceed \$9,491,633.

The Office of the City Attorney has reviewed and approved the Agreement and proposed Resolution as to form and legality. Lastly, City Council approval is required pursuant to Charter Section 373 for contracts longer than three years.

Background

LADWP's initiative to replace the current eRSP system with a new cloud based procurement system entitled ERP will modernize technology, and functionality to improve overall business reporting, workflow and operations for human resources, procurement, financial management, payroll and IT services. OGMA is the manufacturer of the current proprietary eRSP system, and has been under contract with LADWP since 2011. Since that time, four amendments have increased time and funding to provide ongoing and additional services as needed. LADWP reports, the ERP implementation plan is comprised of three Phases with full implementation to be completed by June 2024.

Proposed Amendment

Under this Amendment, an extension of four years is provided from December 1, 2021 to November 30, 2025, and increased funding of \$2.8 million to support current and transitional services. The scope of work includes the following; software maintenance and support for the current system; advanced support and software change services to meet ongoing needs; temporary integration services, and services to assist LADWP with fully retiring the current system and replacement with the proposed Ivalua system. In addition, the City of Los Angeles Business Assistance Virtual Network (BAVAN) interface with eRSP will be retired and replaced with an Ivalua interface to the new Los Angeles Procurement Opportunity Portal (LAPOP). It should be noted that LADWP has added an Early Termination clause in the Amendment which requires OGMA to refund LADWP on a prorated basis for unused fees for Routine Maintenance and Support Services, should they conclude all of the services prior to the expiration date.

LADWP reports that funding is provided for this Amendment as part of the 2021-22 Adopted Budget and subsequent funding will be provided in outlying years within the Power Revenue Fund.

FISCAL IMPACT STATEMENT

There is no General Fund impact. Approval of the proposed Resolution authorizes additional expenditures up to \$2.8 million and impacts the LADWP Power Revenue Fund. The proposed action complies with the LADWP Financial Policies in that funding is available to support this purpose.

MWS:IR:10210150

Attachments



BUILDING A STRONGER L.A.

Eric Garcetti, Mayor

Board of Commissioners
Cynthia McClain-Hill, President
Susana Reyes, Vice President
Jill Banks Barad
Mia Lehrer
Nicole Neeman Brady
Yvette L. Furr, Acting Secretary

Martin L. Adams, General Manager and Chief Engineer

May 5, 2021

The Honorable Eric Garcetti
Mayor, City of Los Angeles
Room 303, City Hall
STOP: 370

Attention: Ms. Heleen Ramirez, Legislative Coordinator

Dear Mayor Garcetti:

Subject: Amendment No. 5 to Agreement No. 47080-2 for Proprietary Computer Software Maintenance, Support, and Change Services for the Electronic-Request-Solicit-Procure System with OGMA Consulting Corporation

In accordance with Executive Directive No. 4, enclosed is a copy of a Board Letter and supporting documents recommending approval and transmittal to the Los Angeles City Council of Amendment No. 5 to Agreement No. 47080-2 between the Los Angeles Department of Water and Power and OGMA Consulting Corporation.

It is respectfully requested that your review be completed as soon as possible. Once the required City Administrative Officer report has been received, the matter will be scheduled for action by the Los Angeles Board of Water and Power Commissioners and forwarded to the Los Angeles City Council for final consideration.

Please contact Ms. Winifred J. Yancy, Director of Legislative and Intergovernmental Affairs, at (213) 367-0025 upon completion of the review, if the review will take longer than 30 days, or if there are any questions regarding this item.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Martin L. Adams', with a long horizontal line extending to the right.

Martin L. Adams
General Manager and Chief Engineer

AH:mdb

Enclosure(s)

c/enc: Ms. Liz Crosson, Office of the Mayor
Dr. Frederick H. Pickel, Office of Public Accountability
Board of Water and Power Commissioners
Ms. Winifred J. Yancy



Los Angeles
Department of
Water & Power

RESOLUTION NO. _____

BOARD LETTER APPROVAL

RICHARD F. HARASICK
Senior Assistant General Manager
Water System

MARTIN L. ADAMS
General Manager and Chief Engineer

DATE: May 5, 2021

SUBJECT: Amendment No. 5 to Agreement No. 47080-2 for Proprietary Computer Software Maintenance, Support, and Change Services for the Electronic Request-Solicit-Procure System With OGMA Consulting Corporation

SUMMARY

The proposed Amendment No. 5 (Amendment) to Agreement No. 47080-2 (Agreement) with OGMA Consulting Corporation (OGMA) is to increase the not-to-exceed amount by \$2,818,120 (budgeted) from \$6,673,513 to \$9,491,633 and extend the Agreement term by four years to November 30, 2025, for a total term of fourteen years. All other terms and conditions of the Agreement will remain unchanged.

The Amendment is necessary to temporarily integrate LADWP's Electronic Request-Solicit-Procure (eRSP) system with the Ivalua, Inc. (Ivalua) Enterprise Resource Planning (ERP) solicitation management solution (under Agreement No. 47654-1) as part of ERP Phase I. This Amendment will provide ongoing routine maintenance and support, advanced support, and software change services from OGMA sustaining the eRSP system while LADWP works on ERP Phase II (human resources and payroll) and Phase III (financial management and procurement). In addition, OGMA will provide the necessary services to assist LADWP in retiring the eRSP system and converting the appropriate data elements into the Ivalua ERP Phase III procurement system, ensuring long-term procurement data analytics capabilities, and maintaining the necessary LADWP historical procurement records.

City Council approval is required pursuant to Los Angeles City Charter Section 373.

RECOMMENDATION

It is recommended that the Board of Water and Power Commissioners (Board) adopt the attached Resolution authorizing approval of the Amendment to the Agreement with OGMA.

ALTERNATIVES CONSIDERED

There is no viable alternative to be considered for this Amendment. The eRSP system is an implementation of the Opportunities & Purchasing Exchange Network (O&PEN) System, a proprietary and complex software application developed by OGMA that has been heavily configured to adapt to LADWP's present state procurement process. The eRSP system is tightly integrated with other supply chain related systems such as the Maximo receiving and inventory system, the City of Los Angeles Business Assistance Virtual Network (LABAVN), and the legacy back-end mainframe purchasing system which supports the Accounts Payable FileNet 3-Way Match invoice processing system. The ability to purchase, receive, and pay for the materials and services necessary to maintain LADWP business operations will be negatively impacted without the required services from OGMA.

FINANCIAL INFORMATION

The Amendment will extend the Agreement term by four years to November 30, 2025, and increase the not-to-exceed amount by \$2,818,120 (budgeted) from \$6,673,513 to \$9,491,633.

The table below indicates the breakdown of the costs over the proposed 14-year term:

Contract/Agreement/Amendment	Maximum Expenditure Increase	Amendment No. 5 Increase	Amended Maximum Expenditure
Original Contract No. 49024-2 (4 months 13 days)	\$150,000	---	\$150,000
Amendment No.1 to Contract No. 49024-2 (extend term by 2 years, 8 months, and renumber to Agreement No. 47080-2)	\$1,198,903	---	\$1,348,903
Amendment No. 2 to Agreement No. 47080-2 (No extension to term)	\$442,500	---	\$1,791,403
Amendment No. 3 to Agreement No. 47080-2 (extend term by 5 years)	\$3,694,410	---	\$5,485,813
Amendment No. 4 to Agreement No. 47080-2 (extend term by 2 years)	\$1,187,700	---	\$6,673,513
Proposed Amendment No. 5 to Agreement No. 47080-2 (extend term by 4 years)	---	\$2,818,120	\$9,491,633
Agreement Total	---	---	\$9,491,633

BACKGROUND

In 2007, LADWP established Agreement No. 47693-8 with Sierra Systems as the system integrator for the design, development, and implementation of a web-based procurement system. OGMA, the manufacturer of the proprietary O&PEN software application upon which the eRSP system is based, was Sierra Systems' software subcontractor.

September 2008, Sierra Systems and OGMA implemented the first phase of the eRSP system supporting low dollar value one-time purchases.

April 2011, the second and final phase of the eRSP system was implemented supporting blanket authorities, contracts, and agreements. Within these two phases, nearly all of LADWP's purchases of materials and services are supported by electronic procurement functionality consisting of requisitioning, bid/proposal advertisement, online bid/proposal submission, bid/proposal evaluation, purchase authority awarding, contract and sub-purchase authority release management, and contract renewal.

October 17, 2011, Sierra Systems declined to enter into a maintenance and support agreement with LADWP. As a result, LADWP obtained interim off-site routine maintenance and support services directly from OGMA, utilizing LADWP's software commodities contract for a term expiring on April 13, 2012. LADWP then entered into Purchase Order (PO) No. 49024-2 with OGMA for advanced support and software change services in the amount of \$150,000 effective December 1, 2011, for a term expiring on April 13, 2012.

March 20, 2012, Resolution No. 012 197 authorized Amendment No. 1 to extend the term of the PO to three years to November 30, 2014, increase the PO limit by \$1,198,903 to \$1,348,903, expand the scope of work to include routine maintenance and support services, and renumber the PO to Agreement No. 47080-2. As part of Amendment No. 1, OGMA completed a significant portion of the work to integrate the eRSP system with Power and Water Systems' consolidated Maximo re-implementation which included replacing the legacy mainframe receiving and inventory systems.

December 3, 2013, Resolution No. 014 102 authorized Amendment No. 2 to increase the Agreement limit by \$442,500 to \$1,791,403 in order to accommodate an expansion in scope and complexity of the business requirements associated with the Maximo receiving and inventory system integration. There was no change to the term of the Agreement.

February 3, 2015, Resolution No. 015 145 authorized Amendment No. 3 to increase the Agreement amount by \$3,694,410 to \$5,485,813 and increase the term by five years for a total of eight years ending on November 30, 2019. Through Amendment No. 3, LADWP was able to complete the integration to the Maximo receiving and inventory system, expand data validation for the integration to Maximo after the initial implementation, implement an interface to LABAVN, implement a contract management

dashboard for contract administrators, and obtain five years of ongoing routine maintenance and support, advanced support, and software change services for the eRSP system.

November 19, 2019, Resolution No. 020 103 authorized Amendment No. 4 to increase the Agreement amount by \$1,187,700 to \$6,673,513 and increase the term by two years for a total of ten years ending on November 30, 2021. The intention of Amendment No. 4 was to provide the Department the time necessary to complete the solicitation, evaluation, and award process for the ERP software and system integrators and establish the ERP project roadmap that would include the replacement of the eRSP system. With this information, LADWP would have the insights necessary to pursue the fifth and final amendment with OGMA for the eRSP system until it was replaced as part of the overall ERP supply chain management solution.

This Amendment will ensure that LADWP has the software maintenance and support services from OGMA that are necessary to sustain the eRSP system as LADWP works on ERP implementation. At the conclusion of Phase III, the Ivalua ERP procurement system will result in the retirement of the eRSP system.

OGMA has performed satisfactorily under the current Agreement.

In accordance with the Mayor's Executive Directive No. 4, the City Administrative Officer's Report has been requested.

ENVIRONMENTAL DETERMINATION

Determined item is exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15060(c)(3). In accordance with this section, an activity is not subject to CEQA if it does not meet the definition of a project. Section 15378(b)(4) states that government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment do not meet that definition. Therefore, the approval of the Amendment to the Agreement to extend ongoing OGMA routine maintenance, support, and software change services is not an action subject to CEQA.

CITY ATTORNEY

The Office of the City Attorney reviewed and approved the Amendment and Resolution as to form and legality.

ATTACHMENTS

- Procurement Summary
- Resolution
- Amendment

PROCUREMENT SUMMARY

1.	Recommended Vendor(s): OGMA Consulting Corporation
2.	Procurement Type: Sole Source
3.	Procurement Details: A. Contract Status: Amendment to existing Agreement B. Bid Advertisement Date: N/A C. Pre-Bid Conference Date: N/A D. Bid/Proposal Due Date: N/A E. Number of Downloads of Solicitation: N/A F. Number of Bids/Proposals Received: N/A G. Protest Received: No
4.	Buyer Assigned: Mitchell Cabrera
5.	Contract Administrator: Andrew Herd
6.	LADWP System/Division: Joint/ITSD
7.	Contact Person for Item: Andrew Herd, Information Systems Manager

A. Evaluation Rating Summary of Proposals

Not applicable to the Amendment.

B. Evaluation of Proposal

Not applicable to the Amendment.

C. Procurement History

Service/Item History – Number of Times Item or Service has been Procured					
Contract/ PO No.	Contractor	Term of Contract	Start Date	Ending Date	Contract Amount
Amendment No. 4 to Agreement No. 47080-2	OGMA Consulting Corporation	<u>Amend No. 4</u> -Add 2 years -Add \$1,187,700	-	11/30/2021	\$6,673,513
Amendment No. 3 to Agreement No. 47080-2	OGMA Consulting Corporation	<u>Amend No. 3</u> -Add 5 years -Add \$4,694,410	-	11/30/2019	\$5,485,813
Amendment No. 2 to Agreement No. 47080-2	OGMA Consulting Corporation	<u>Amend. No. 2</u> -Add \$442,500	-	11/30/2014	\$1,791,403
Amendment No. 1 to Contract No. 49024-2 (Agreement No. 47080-2)	OGMA Consulting Corporation	<u>Amend. No. 1</u> -Add 3 years -Add \$1,198,903	-	11/30/2014	\$1,348,903
49024-2	Sierra Systems Inc.	4 months, 13 days	12/1/2011	4/13/2012	\$150,000

Vendor Experience – Number of Contracts Vendor had with LADWP During the Past 10 Years					
Contract/PO No.	Contract Description	Term of Contract	Start Date	Ending Date	Contract Amount
Amendment No. 4 to Agreement No. 47080-2	Proprietary computer software maintenance, on- and off-site support, and change services	<u>Amend No. 4</u> -Add 2 years -Add \$1,187,700	-	11/30/2021	\$6,673,513
Amendment No. 3 to Agreement No. 47080-2	Proprietary computer software maintenance, on- and off-site support, and change services	<u>Amend No. 3</u> -Add 5 years -Add \$4,694,410	-	11/30/2019	\$5,485,813
Amendment No. 2 to Agreement No. 47080-2	Proprietary computer software maintenance, on- and off-site support, and change services	<u>Amend. No. 2</u> -Add \$442,500	-	11/30/2014	\$1,791,403
Amendment No. 1 to Contract No. 49024-2 (Agreement No. 47080-2)	Proprietary computer software maintenance, on- and off-site support, and change services	<u>Amend. No. 1</u> -Add 3 years -Add \$1,198,903	-	11/30/2014	\$1,348,903
49024-2	Proprietary computer software advanced on-site support and change services	4 months, 13 days	12/1/2011	4/13/2012	\$150,000

D. Local Business Preference Program (LBPP)

Not applicable to the Amendment.

E. Additional Outreach Efforts Taken

Not applicable to the Amendment.

F. Small Business Enterprises (SBE)/Disabled Veterans Business Enterprises (DVBE)/Minority Business Enterprises (MBE)/Women Business Enterprises (WBE)/Other Business Enterprises (OBE) Subcontracting Participation

Not applicable to the Amendment as this is a sole source contract.

Resolution No. _____

WHEREAS, OGMA Consulting Corporation (OGMA), the manufacturer of the proprietary software application upon which the Los Angeles Department of Water and Power's (LADWP) Electronic Request-Solicit-Procure (eRSP) system is based, assumed sole responsibility for providing the offsite routine maintenance and support services for the eRSP system from the original system integrator, Sierra Systems Inc., effective October 17, 2011; and was compensated for said services utilizing LADWP's software commodities contract for a term expiring on April 13, 2012; and

WHEREAS, OGMA was later awarded Purchase Order (PO) No. 49024-2 by the General Manager of LADWP on December 1, 2011, for a term expiring on April 13, 2012, for an amount not to exceed \$150,000 to provide onsite advanced support and offsite software change services for the eRSP system; and

WHEREAS, Amendment No. 1 to PO No. 49024-2 was awarded by the Board of Water and Power Commissioners (Board) on March 20, 2012, to increase the PO amount by \$1,198,903 to \$1,348,903, extend the term through November 30, 2014, expand the scope of work to include routine maintenance and support services, and renumber the PO to Agreement No. 47080-2 (Agreement); and

WHEREAS, Amendment No. 2 to the Agreement was awarded by the Board on December 3, 2013, to increase the Agreement amount by \$442,500 to \$1,791,403 for unanticipated costs associated with the design, development, and implementation of some strategic initiatives such as the integration between the eRSP system and the Maximo receiving and inventory system; and

WHEREAS, Amendment No. 3 to the Agreement was awarded by the Board on February 3, 2015, to increase the Agreement amount by \$3,694,410 to \$5,485,813 and extend the term by five years to November 30, 2019, to continue the routine maintenance and support, advanced support, and software change services; and

WHEREAS, Amendment No. 4 to the Agreement was awarded by the Board on November 19, 2019, to increase the Agreement amount by \$1,187,700 to \$6,673,513 and extend the term by two years to November 30, 2021, to continue the routine maintenance and support, advanced support, and software change services while LADWP completed the solicitation, evaluation, and award process for the Enterprise Resource Planning (ERP) project and establish the ERP project roadmap that would include the replacement of the eRSP system; and

WHEREAS, LADWP has determined that it is necessary for OGMA to continue providing ongoing routine maintenance and support, advanced support, and software change services to sustain the eRSP system while LADWP undertakes the ERP project that will eventually replace the eRSP system; and

WHEREAS, LADWP has determined that it is necessary for OGMA to assist LADWP with retiring the eRSP system, converting the appropriate data elements into the ERP procurement system, ensuring long-term procurement data analytics capabilities, and maintaining the necessary LADWP historical procurement records; and

WHEREAS, LADWP has determined that it is necessary to increase the Agreement amount by \$2,818,120 to \$9,491,633 and extend the term by 4 years from December 1, 2021 to November 30, 2025, for a total of 14 years which exceeds the total contract time period set by ordinance, and in accordance with the City Charter Section 373, City Council approval is required.

NOW, THEREFORE, BE IT RESOLVED that Amendment No. 5 (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 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 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

Acting Board Secretary

APPROVED AS TO FORM AND LEGALITY
MICHAEL N. FEUER, CITY ATTORNEY

APR 29 2021

BY _____
TIMOTHY J. CHUNG *for Mark Rausch*
DEPUTY CITY ATTORNEY

**AMENDMENT NO. 5 TO AGREEMENT NO. 47080-2
BETWEEN
THE LOS ANGELES DEPARTMENT OF WATER AND POWER
AND
OGMA CONSULTING CORPORATION**

THIS AMENDMENT NO. 5 (Amendment) to Agreement No. 47080-2 is made and entered into by and between the City of Los Angeles acting by and through the Los Angeles Department of Water and Power (LADWP), a municipal corporation, and OGMA Consulting Corporation (Contractor), who are referred to under this Amendment as "Party" and collectively as the "Parties".

WHEREAS, Contractor is the manufacturer of the proprietary software application upon which the LADWPs Electronic Request-Solicit-Procure (eRSP) system is based, assumed sole responsibility for providing the offsite routine maintenance and support services for the eRSP system from the original system integrator, Sierra Systems Inc., effective October 17, 2011; and was compensated for said services utilizing LADWP's software commodities contract for a term expiring on April 13, 2012; and

WHEREAS, Contractor was later awarded Purchase Order No. 49024-2 (PO) by the General Manager of LADWP on December 1, 2011, for a term expiring on April 13, 2012, for an amount not to exceed \$150,000 to provide onsite advanced support and offsite software change services for the eRSP system; and

WHEREAS, Amendment No. 1 to the PO was awarded by the Board of Water and Power Commissioners (Board) on March 20, 2012, to increase the PO amount by \$1,198,903 to \$1,348,903, extend the term through November 30, 2014, expand the scope of work to include routine maintenance and support services, and renumber the PO to Agreement No. 47080-2 (Agreement); and

WHEREAS, Amendment No. 2 to Agreement No. 47080-2 was awarded by the Board on December 3, 2013, to increase the Agreement amount by \$442,500 to \$1,791,403 for unanticipated costs associated with the design, development, and implementation of some strategic initiatives such as the integration between the eRSP system and the Maximo receiving and inventory system; and

WHEREAS, Amendment No. 3 to Agreement No. 47080-2 was awarded by the Board on February 3, 2015, to increase the Agreement amount by \$3,694,410 to \$5,485,813 and extend the term by five years to November 30, 2019, to continue the routine maintenance and support, advanced support, and software change services; and

WHEREAS, Amendment No. 4 to the Agreement was awarded by the Board on November 19, 2019 to increase the Agreement amount by \$1,187,700 to \$6,673,513 and extend the term by two years to November 30, 2021 to continue the routine maintenance and support, advanced support, and software change services while LADWP completed the solicitation, evaluation, and award process for the Enterprise

Resource Planning (ERP) project and establish the ERP project roadmap that would include the replacement of the eRSP system; and

WHEREAS, LADWP has determined that it is necessary for the Contractor to continue providing ongoing routine maintenance and support, advanced support, and software change services to sustain the eRSP system while LADWP undertakes the ERP project that will eventually replace the eRSP system; and

WHEREAS, LADWP has determined that it is necessary for the Contractor to assist LADWP with retiring the eRSP system, converting the appropriate data elements into the ERP procurement system, ensuring long-term procurement data analytics capabilities, and maintaining the necessary LADWP historical procurement records; and

WHEREAS, LADWP has determined it is necessary to increase the Agreement amount by \$2,818,120 to \$9,491,633 and extend the term by 4 years from December 1, 2021 to November 30, 2025, for a total of 14 years.

NOW THEREFORE, BE IT RESOLVED that, the Parties hereby agree to amend Agreement No. 47080-2 as follows:

1. Section 12, Paragraph a) Total Compensation will now read:

“The total compensation that can be paid to the Contractor by LADWP for the complete and satisfactory performance of the Services under this Agreement shall not exceed Nine Million Four Hundred Ninety-One Thousand Six Hundred Thirty-Three Dollars (\$9,491,633). Expenditures of these funds will be managed pursuant to **EXHIBIT A - STATEMENT OF WORK.**”

2. Section 13, Paragraph a) Term will now read:

“The term of this Agreement (“Term”) commenced on December 1, 2011, the effective date of Purchase Order 49024-2 (now Agreement No. 47080-2), and shall terminate on November 30, 2025, inclusive, upon the Effective Date of the Amendment as specified in **SUBSECTION 1 (Q) (“DEFINITIONS - EFFECTIVE DATE”)** of this Agreement, unless terminated earlier, subject to the termination provisions herein. Performance shall not begin until the Contractor has obtained approval of insurance.”

3. Section 24, Paragraph f), Notices will now read:

“All notices or reports permitted or required under this Agreement shall be in writing and shall be delivered by personal delivery or by certified or registered mail, return receipt requested, and shall be deemed given upon personal delivery or five days after deposit in the mail. Any such notice or report directed to LADWP shall be delivered to:

Mr. Andrew Herd
Contract Administrator
221 North Figueroa Street, 15th Floor
Los Angeles, California 90012

With a Copy To:

Chief Assistant City Attorney
221 North Figueroa Street, 10th Floor
Los Angeles, California 90012

Any such notice or report directed to the Contractor shall be delivered to:

Mr. Terence Curtis
President
OGMA Consulting Corp.
Suite 14 – 3318 Oak Street
Victoria, BC V8X 1R1

Either Party, by written notice, may designate different or additional person(s) or different addresses.”

4. Items 4.1.11 thru 4.1.14 are added to Exhibit A – Statement of Work sub-Section 4.1 Annual Routine Maintenance and Routine Support Periods as follows:
 - 4.1.11 **Period Eleven** shall be invoiced with a coverage date beginning immediately after 12:00 A.M. on December 1, 2021 and ending on November 30, 2022, inclusive, for a total coverage period of 365 calendar days.
 - 4.1.12 **Period Twelve** shall be invoiced with a coverage date beginning immediately after 12:00 A.M. on December 1, 2022 and ending on November 30, 2023, inclusive, for a total coverage period of 365 calendar days
 - 4.1.13 **Period Thirteen** shall be invoiced with a coverage date beginning immediately after 12:00 A.M. on December 1, 2023 and ending on November 30, 2024, inclusive, for a total coverage period of 366 calendar days.
 - 4.1.14 **Period Fourteen** shall be invoiced with a coverage date beginning immediately after 12:00 A.M. on December 1, 2024 and ending on November 30, 2025, inclusive, for a total coverage period of 365 calendar days.

5. Exhibit A – Statement of Work, sub-Section 4.5 Refund for Early Termination will now read:

“If this Agreement is terminated before November 30, 2025 in accordance with **SECTION 13 (“TERM AND TERMINATION”)**, any unused fees for Routine Maintenance and Routine Support Services, prorated for the unused portion of the annual period in calendar days, shall be promptly refunded to LADWP.”

6. The table listing the contractor’s key personnel in Exhibit A – Attachment 2, List of Contractor Key Personnel, Section 1.0 OGMA Consulting Corp. Key Personnel, will now read:

Name	Role	Location
Terence Curtis	Project Mngr. / Senior Procurement Specialist	Canada
Nathan Dick	System Designer / Developer	Canada
Alan Curtis	System Designer / Developer	Canada
Janice Gerbrandt	System Designer / Developer	Canada
Alexis Bruner	System Designer / Developer	Canada
Stanley Rozendal	System Designer / Developer	Canada
Michael Gruber	System Designer / Developer	Canada
Celia Cheatley	System Designer / Developer	Canada
Ian de Hoog	System Designer / Developer	Canada

7. The table listing the subcontractor’s key personnel in Exhibit A – Attachment 2, List of Contractor Key Personnel, Section 2.0 Authorized Subcontractor Key Personnel, will now read:

Subcontractor	Name	Role	Location
Vistec Consulting, Inc.	Nelson Chui	Expert Configuration Analyst	Los Angeles
RGB Projects, Inc.	Tom DeLuca	Accounts Payable System Integration Analyst	Los Angeles
	Chuck Todd		Los Angeles

8. Exhibit A – Attachment 3, Fee Schedule, Section 1.0 Annual Fees for Routine Maintenance and Routine Support Services will now read:

“The Contractor agrees to continuously provide the Routine Maintenance and Routine Support Services as defined in **SUBSECTION 1 (NN) (“ROUTINE MAINTENANCE”)** and **SUBSECTION 1 (OO) (“ROUTINE SUPPORT”)**, respectively, and **EXHIBIT A - STATEMENT OF WORK SECTION 4.0**

(“ROUTINE MAINTENANCE AND ROUTINE SUPPORT SERVICES”),
 according to the minimum service level expectations set forth in **EXHIBIT F –**
ROUTINE MAINTENANCE AND ROUTINE SUPPORT for the following fixed
 costs throughout the Term of this Agreement.”

Annual Period	Coverage Dates	Calendar Days	Fixed Cost
1	Beginning at 12:00 A.M. on April 14, 2012 and ending on November 30, 2012, inclusive	231	\$115,060
2	Beginning at 12:00 A.M. on December 1, 2012 and ending on November 30, 2013, inclusive	365	\$187,320
3	Beginning at 12:00 A.M. on December 1, 2013 and ending on November 30, 2014, inclusive	365	\$176,400
4	Beginning at 12:00 A.M. on December 1, 2014 and ending on November 30, 2015, inclusive	365	\$199,000
5	Beginning at 12:00 A.M. on December 1, 2015 and ending on November 30, 2016, inclusive	366	\$209,000
6	Beginning at 12:00 A.M. on December 1, 2016 and ending on November 30, 2017, inclusive	365	\$218,000
7	Beginning at 12:00 A.M. on December 1, 2017 and ending on November 30, 2018, inclusive	365	\$228,000
8	Beginning at 12:00 A.M. on December 1, 2018 and ending on November 30, 2019, inclusive	365	\$239,000
9	Beginning at 12:00 A.M. on December 1, 2019 and ending on November 30, 2020, inclusive	366	\$291,000

10	Beginning at 12:00 A.M. on December 1, 2020 and ending on November 30, 2021, inclusive	365	\$320,550
11	Beginning at 12:00 A.M. on December 1, 2021 and ending on November 30, 2022, inclusive	365	\$290,000
12	Beginning at 12:00 A.M. on December 1, 2022 and ending on November 30, 2023, inclusive	365	\$309,000
13	Beginning at 12:00 A.M. on December 1, 2023 and ending on November 30, 2024, inclusive	366	\$325,000
14	Beginning at 12:00 A.M. on December 1, 2024 and ending on November 30, 2025, inclusive	365	\$340,000

9. Exhibit E, Invoice Criteria, sub-Section 1.10 will now read:

“Approval signature blocks for the LADWP and Contractor representatives identified in SUBSECTION 24(F) (“NOTICES”) of this Agreement (must be signed by the Contractor representative prior to submittal to LADWP).

Completed invoices shall be mailed to:

Andrew Herd
Contract Administrator
221 North Figueroa Street, 15th Floor
Los Angeles, California 90012

Alternately, completed invoices can be emailed to: Andrew.Herd@ladwp.com”

10. Except as herein amended above, all other terms and conditions of Agreement No. 47080-2, and all prior amendments, shall remain in full force and effect.
11. This Amendment No. 5 is executed in one original and one duplicate original, each of which is deemed to be an original. This Amendment includes seven pages.
12. Change the Contract Administrator in the eRSP system to: Andrew Herd.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment No. 5 to Agreement No. 47080-2 to be executed by their authorized representatives on the day and year written below.

DEPARTMENT OF WATER AND POWER
OF THE CITY OF LOS ANGELES BY
BOARD OF WATER AND POWER COMMISSIONERS

By: _____
MARTIN L. ADAMS
General Manager and Chief
Engineer

Date: _____

And: _____
YVETTE L. FURR
Acting Board Secretary

OGMA Consulting Corporation

By: _____

TERENCE CURTIS
President

Date: _____
April 30, 2021

APPROVED AS TO FORM AND LEGALITY
MICHAEL N. FEUER, CITY ATTORNEY

APR 22 2021
BY _____ 
TIMOTHY J. CHUNG
DEPUTY CITY ATTORNEY 