

Agenda Item No: CA-d
Meeting Date: July 12, 2021

Subject: RESOLUTION 21-48 APPROVING AN UPDATE TO THE CLEARGOV SERVICE AGREEMENT.

Presenter(s): Kelly Stroh, Director of Finance

Background: Two years ago, the City moved to ClearGov as the budget building tool used to promote a more transparent and user friendly budgeting platform. The system initially started out as a budget builder with the Operational Budgeting module and then staff added on the Digital Budget Book module so that readers could easily access the budget on the City's website.

ClearGov has added new modules to the suite of products offering a more robust budgeting platform offer greater control, forecasting, planning, and transparency to the budgeting process. The three new tools to the product suite include the following:

Capital Budgeting - Automates the way to collect data, create the plan, and communicate the capital improvement plan to Council and the public. It is designed to overcome the limitation of using Excel and addresses specific needs of the CIP process. This module is ready to access immediately upon approval.

Personnel Budgeting – Out of everything in the budget process, this is by far the most time consuming and tedious aspect. The new module will transform the process by removing error prone spreadsheets and seamlessly dropping final numbers into the budget book. The platform is built to specifically help manage position request, vacancies, salaries, and what-if scenarios. The solution plans for the future of the workforce, considering every layer of costs.

Transparency – This module efficiently tells the City's financial story in a way that makes sense to everyone by turning fiscal data into a compelling infographic-based website. This new level of transparency helps eliminate common data requests, misinformation and mistrust by better informing citizens and building confidence in local government.

ClearGov has offered these products to the City in combination at a highly discounted rate than the stand-alone cost of each module.

The 2021 year prorated cost of each of the new modules is based on the delivery of each module to the City. In this case, Capital Budgeting will be prorated for 6 months and the Personnel Budgeting and Transparency modules will be delivered on October 1 when they are released. The additional cost for 2021 will be \$2,243.75.

The pricing has been discounted for a period of three years starting with 2022 (which includes a \$2,662.50 pro-rata credit for pre-paid Operational Budgeting and Digital Budget Book subscriptions paid in 2021) at \$14,100; an \$11,000 (%44) discount from the cost of each individual module. After that, the annual subscription fee will increase 3% per annum beginning in 2025. The City is under no obligation and the contract is subject to yearly appropriation by Council. To receive this discount, the service order was signed before June 30 but includes a cancellation option if Council does not approve the agreement.

Recommended Action: Staff recommends approval of Resolution 21-48 approving an update to the ClearGov service agreement.

RESOLUTION NO. 21-48

A RESOLUTION APPROVING A SERVICE AGREEMENT WITH CLEARGOV

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DACONO, COLORADO:

Section 1. The proposed Service Agreement for ClearGov (the “Service Agreement”) is hereby approved in essentially the same form as the copy of such Service Agreement accompanying this resolution.

Section 2. The Mayor is hereby authorized to execute agreements, in substantially the same form of the Service Agreement, with vendors who provide similar products; the Mayor is further authorized to negotiate and approve on behalf of the City such revisions to such agreements as the Mayor determines are necessary or desirable for the protection of the City, so long as the essential terms and conditions of the Service Agreement are not altered.

INTRODUCED, READ, and ADOPTED this 12th day of July, 2021.

CITY OF DACONO, COLORADO

Joe Baker, Mayor

ATTEST:

Valerie Taylor, City Clerk



2 Mill & Main; Suite 630; Maynard, MA 01754

Service Order

Created by	Ryan Wilson
Contact Phone	(901) 937-9735
Contact Email	rwilson@cleargov.com

Order Date	Jun 2, 2021
Order valid if signed by	Jun 30, 2021

Customer Information			
Customer	City of Dacono	Contact	Kelly Stroh
Address	512 Cherry Street	Title	Finance Director
City, St, Zip	Dacono, CO 80514	Email	kstroh@cityofdacono.com
Phone	303-833-2317	Billing Contact	
		Title	
		Email	
		PO # (If any)	

To be clear, you will be billed as follows...		
Billing Date(s)	Amount(s)	Notes
Jul 1, 2021	\$ 1,437.50	6-month Pro Rata Subscription (CB Only)
Oct 1, 2021	\$ 806.25	3-month Pro Rata Subscription (PB + TR)
Jan 1, 2022	\$ 14,100.00	Annual Subscription Fee
Jan 1, 2022	\$ (2,662.50)	Pro-rata credit for pre-paid OB & DBB subscriptions
Jan 1, 2023	\$ 14,100.00	Annual Subscription Fee
Jan 1, 2024	\$ 14,100.00	Annual Subscription Fee

Additional subscription years and/or renewals will be billed annually in accordance with pricing and terms set forth herein.

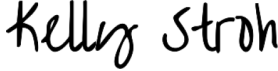
ClearGov will provide your Services according to this schedule...			
Period	Start Date	End Date	Description
Setup	Jul 1, 2021	Jul 1, 2021	ClearGov Setup Services
Pro-Rata	Jul 1, 2021	Dec 31, 2021	ClearGov Subscription Services (CB Only)
Pro-Rata	Oct 1, 2022	Dec 31, 2021	ClearGov Subscription Services (PB & TR)
Initial	Jan 1, 2022	Dec 31, 2024	ClearGov Subscription Services


The Services you will receive and the Fees for those Services are...		
Set up Services	Tier/Rate	Service Fees
ClearGov Setup: Includes activation, onboarding and training for ClearGov solutions.	Tier 1	\$ 6,000.00
ClearGov Setup Bundle Discount: Discount for bundled solutions.	Tier 1	\$ (6,000.00)
Total ClearGov Setup Service Fee - Billed ONE-TIME		\$ -
Subscription Services	Tier	Service Fees
ClearGov Operational Budgeting - Civic Edition	Tier 1	\$ 3,500.00
ClearGov Personnel Budgeting - Civic Edition	Tier 1	\$ 8,300.00
ClearGov Capital Budgeting - Civic Edition	Tier 1	\$ 4,700.00
ClearGov Digital Budget Book - Civic Edition	Tier 1	\$ 4,500.00
ClearGov Transparency - Civic Edition	Tier 1	\$ 4,100.00
ClearGov Budget Cycle Management Bundle Discount: Discount for bundled solutions.	Tier 1	\$ (11,000.00)
Total ClearGov Subscription Service Fee - Billed ANNUALLY IN ADVANCE		\$ 14,100.00

Billing Terms and Conditions		
Valid Until	Jun 30, 2021	Pricing set forth herein is valid only if ClearGov Service Order is executed on or before this date.
Payment	Net 30	All invoices are due Net 30 days from the date of invoice.
Rate Increase	3% per annum	After the Initial Service Period, the Annual Subscription Service Fee shall automatically increase by this amount.

General Terms & Conditions

Original Service Order	As January 1, 2022, this ClearGov Service Order shall supercede both of the ClearGov Service Orders with Order Dates of March 6, 2019 and January 23, 2020, (the " Original Service Orders "). The Original Service Orders shall be null and void as of January 1, 2022.
Cancellation Option	This ClearGov Service Order is subject to the approval of the Dacono City Council (the "Board") as set forth herein. In the event that the Board does not approve this Service Order at its July 2021 meeting, Customer shall have the option to terminate this Service Order immediately by providing written notice. In the event that Customer exercises this option, Customer shall have no payment obligation under this Service Order.
Customer Satisfaction Guarantee	During the first thirty (30) days of the Service, Customer shall have the option to terminate the Service, by providing written notice. In the event that Customer exercises this customer satisfaction guarantee option, such termination shall become effective immediately and Customer shall be eligible for a full refund of the applicable Service Fees.
Financial Data Onboarding and Deliverables	Subject to Customer's approval, ClearGov will format, onboard and categorize Customer's revenue and expense data based on files provided by Customer (the " Deliverables "). ClearGov will make commercially reasonable efforts to complete the onboarding process in a timely fashion, provided that Customer submits the Deliverables and responds to review and approval requests by ClearGov in a similarly timely fashion. Any delay by Customer in meeting these deliverable requirements may result in a delayed data onboarding process. Any such delay shall not affect or change the Service Period(s) as set forth in this Service Order. Customer shall be solely responsible for inputting applicable text narrative, custom graphics, performance metrics, capital requests and personnel data and other such information for budget books, projects, dashboards, etc.
Taxes	The Service Fees and Billing amounts set forth above in this ClearGov Service Order DO NOT include applicable taxes. In accordance with the laws of the applicable state, in the event that sales, use or other taxes apply to this transaction, ClearGov shall include such taxes on applicable invoices and Customer is solely responsible for such taxes, unless documentation is provided to ClearGov demonstrating Customer's exemption from such taxes.
Term & Termination	Subject to the termination rights and obligations set forth in the ClearGov Service Agreement, this ClearGov Service Order commences upon the Order Date set forth herein and shall continue until the completion of the Service Period(s) for the Service(s) set forth herein. Each Service shall commence upon the Start Date set forth herein and shall continue until the completion of the applicable Service Period.
Auto-Renewal	After the Initial Period, the Service Period for any ClearGov Annual Subscription Services shall automatically renew for successive annual periods (each an " Annual Term "), unless either Party provides written notice of its desire not to renew at least sixty (60) days prior to the end of the then current Annual Term.
Agreement	This ClearGov Service Order shall become binding upon execution by both Parties. The signature herein affirms your commitment to pay for the Service(s) ordered in accordance with the terms set forth in this ClearGov Service Order and also acknowledges that you have read and agree to the terms and conditions set forth in the ClearGov Service Agreement found at the following URL: http://www.ClearGov.com/terms-and-conditions . This Service Order incorporates by reference the terms of such ClearGov Service Agreement.







Customer	
Signature	
Name	Kelly Stroh
Title	Finance Director

ClearGov, Inc.	
Signature	
Name	Bryan A. Burdick
Title	President

Please e-mail signed Service Order to Orders@ClearGov.com or Fax to (774) 759-3045

TITLE	Updated ClearGov Service Order w/ Opt-out Clause
FILE NAME	Dacono Quote - Client #2 (PR) (1).pdf
DOCUMENT ID	5f6185ef72d584923c9a4cc4a3c3e15d1c0d1142
AUDIT TRAIL DATE FORMAT	MM / DD / YYYY
STATUS	● Completed

Document History

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