

AGENDA REQUEST FORM
THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

Meeting Date 12/15/09	Open Agenda Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Time Certain Request Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Agenda Item Number E-5
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TITLE:
First Amendment to Agreement between The School Board of Broward County, Florida and Follett Software Company for Destiny Resource Management Solution for Library and Textbook Management.

REQUESTED ACTION:
 Approve the First Amendment to Agreement between The School Board of Broward County, Florida (SBBC) and Follett Software Company for Destiny Resource Management Solution for Library and Textbook Management.

SUMMARY EXPLANATION AND BACKGROUND:
 On July 21, 2009, SBBC entered into an agreement with Follett Software Company to provide Destiny Resource Management Solutions for a centralized library and textbook management system.

This First Amendment to the Agreement between SBBC and Follett Software Company whereas, both parties mutually agree that Section 3.04 Termination, of the Agreement, be deleted and replaced with 3.04 "Funding-Out" Termination - Cancellation which reads: Florida Statutes prohibit School Boards from creating obligations on anticipation of budgeted revenues from one fiscal year to another without year-to-year extension provisions in the agreements.

It is necessary that fiscal funding out provisions be included in all contracts in which the terms are for periods of longer than one year. Therefore, the following funding out provisions are an integral part of this Agreement, and must be agreed to by Follett:

- The School Board may, during the Agreement period, terminate or discontinue the items or services covered in this Agreement at the end of the School Board's then current fiscal year upon 30 days prior written notice to the awardee(s).

Such prior written notice will state:

- a. That the lack of appropriated funds is the reason for termination, and
- b. Agreement not to replace the items or services being terminated with items or services with functions similar to those performed by the items or services covered in this Agreement from another vendor in the succeeding funding period.

This written notification will thereafter release the School Board of all further obligations in any way related to such items or services covered herein, except the obligation to pay any remaining unpaid balance for items and services delivered before the time of termination.

The Agreement(s) have been approved as to form and legal content by the School Board Attorney.

SCHOOL BOARD GOALS:

- ☒ • Goal One: Raise achievement of all students to ensure graduation from high school and readiness for post-secondary education.
- ☐ • Goal Two: Improve the health and wellness of students and personnel.
- ☒ • Goal Three: Provide a safe and secure physical and technological environment for all students and employees.
- ☒ • Goal Four: Promote innovation which focuses on best practices and quality efforts that improve our best-in-class position.
- ☐ • Goal Five: Recruit, develop, retain, and recognize high performing and diverse faculty and personnel.
- ☐ • Goal Six: Build strong partnerships with family, business, community and government at the classroom, school, area, and district level.
- ☐ • Goal Seven: Ensure district's leadership as an environmental steward through innovative ecology and energy conservation programs.

FINANCIAL IMPACT:

There is no change to the financial impact of the First Amendment to the Agreement.

EXHIBITS: (List)

1. First Amendment to Agreement

BOARD ACTION:

APPROVED

SOURCE OF ADDITIONAL INFORMATION:

Jeffrey S. Moquin 754-321-2650
 Donnie Carter 754-321-2610

(For Official School Board Records' Office Only)

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

Donnie Carter, Chief Operations Officer

Office of the Chief Operations Officer

Approved in Open Board Meeting on:

DEC 15 2009

By:

Jennifer Gattler

School Board Chair