

**AMENDMENT NO. 6
TO THE AGREEMENT, DATED OCTOBER 10, 2014, BETWEEN
THE CITY OF MIAMI BEACH, FLORIDA AND TYLER TECHNOLOGIES, INC.
FOR THE IMPLEMENTATION OF THE MUNIS AND ENERGOV SYSTEMS**

This Amendment No. 6 ("Amendment") to the Agreement (defined below) is entered into this ____ day of _____, 2017 ("Effective Date"), by and between the City of Miami Beach, Florida, a municipal corporation organized and existing under the laws of the State of Florida, having its principal place of business at 1700 Convention Center Drive, Miami Beach, Florida 33139 ("City"), and Tyler Technologies, Inc., a Delaware corporation having its principal place of business at One Tyler Drive, Yarmouth, Maine 04096 ("Tyler").

This Amendment hereby amends the Agreement as follows:

RECITALS

WHEREAS, on October 10, 2014, the Mayor and City Commission approved an agreement with Tyler Technologies, Inc., to replace the City's current enterprise resource planning ("ERP") system, known as Eden, with the Munis system, and to replace the City's current permitting system, known as Permits Plus, with the EnerGov system (the "Agreement"); and

WHEREAS, the City has determined that the replacement of these systems is a key component of the Administration's goal of re-engineering core business process to maximize efficiencies and service to constituents, as well as improve internal controls; and

WHEREAS, the City Manager has appointed an ERP Steering Committee (the "Steering Committee") to receive status updates on the implementation process, mitigate any project risks, and evaluate any amendments or changes that may be requested by project stakeholders; and

WHEREAS, on September 2, 2015, the Mayor and City Commission adopted Resolution No. 2015-29110, which approved and authorized the City to execute Amendment No. 1 to the Agreement, to modify the "go-live" dates set forth in the Agreement; and

WHEREAS, on October 14, 2015, the Mayor and City Commission adopted Resolution No. 2015-29159, which approved and authorized the City to execute Amendment No. 2 to the Agreement, to amend the provisions regarding mobile software licenses, project management services, and the allowable hours for custom reports; and

WHEREAS, on February 10, 2016, the Mayor and City Commission adopted Resolution No. 2016-29283, which approved and authorized the City to execute Amendment No. 3 to the Agreement, to amend the provisions regarding reporting tools, end user training, and professional services to support the User Acceptance Testing phase; and

WHEREAS, on April 13, 2016, the Mayor and City Commission adopted Resolution No. 2016-29344, which approved and authorized the City to execute Amendment No. 4 to the Agreement, to modify the "go-live" dates set forth in the Agreement, and the provisions regarding professional services, and maximum number of hours for custom report development services; and

WHEREAS, on October 19, 2016, the Mayor and City Commission adopted Resolution No. 2016-29593, which approved and authorized the City to execute Amendment No. 5 to the Agreement, to reallocate unused data conversion funds in the project budget and scope towards Munis implementation funds; and

WHEREAS, on December 15, 2016, the Steering Committee determined that the quantity of project management services (for project implementation) to be provided by Tyler, as set forth in the Agreement, is insufficient to complete Phase 3 of the project (the Munis HR/Payroll implementation); and

WHEREAS, the City deems it necessary to amend the Agreement to increase the quantity of project management services.

NOW THEREFORE, in consideration of the mutual promises and conditions contained herein, and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the City and Tyler hereby agree to amend the Agreement as follows:

1. ABOVE RECITALS.

To the knowledge of each party hereto, the above recitals are true and correct and are incorporated as part of this Amendment.

2. MODIFICATIONS.

The Agreement, as modified by Amendment Nos. 1, 2, 3, 4 and 5 is further modified as follows:

a. Project Management

Exhibit A1 to the Agreement, entitled "Munis Investment Summary," is hereby amended as follows:

The line item for "Dedicated Full Time Project Manager (Monthly)," with 24 units, at a Unit Price of \$20,750.00, at an Extended Price of \$498,000.00, is hereby amended to provide for 27 units, at an Extended Price of \$560,250.00.

3. RATIFICATION.

Except as amended herein, all other terms and conditions of the Agreement shall remain unchanged and in full force and effect. In the event there is a conflict between the provisions of this Amendment and the Agreement, the provisions of this Amendment shall govern

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IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed by their appropriate officials, as of the date first entered above.

FOR THE CITY OF MIAMI BEACH, FLORIDA:

ATTEST:

By: _____
Rafael E. Granado
City Clerk

Philip Levine
Mayor

Date

Date

FOR TYLER TECHNOLOGIES, INC.:

ATTEST:

By: _____

Print Name/Title

Print Name/Title

Date

Date

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Rafael Granado 12-30-16

City Attorney Date

NK