

Executive Summary

Topic: Applications2U/WCSD Data Center Contract Addendum

Board Meeting: October 10, 2016

Summary

A contract was signed with Applications2U in October of 2015 that laid out a timeline for data center project completion. The contract specifies that the vendor would be responsible for penalty payments in the event that they are unable to meet the July 15th deadline. The District had construction work and facility preparation work that prevented timely completion.

The District would like to amend section 5.4 on page 12 to add a new completion date to the existing contract.

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Section 5.4- Additional Provisions

"a) Applications2U agrees that time is of the essence for this contract, and that if it fails to achieve completion of any portion of the work by the established completion deadline of December 17, 2016 (as stated in Section VI of this contract), Applications2U shall pay to the customer, as liquidated damages and not as a penalty for such failure, the amount of \$500.00 for each and every calendar day beyond the identified date for completion. This provision shall not apply if the failure to meet an established deadline is caused by the actions or inactions of the customer or a Force Majeure Event. For purposes of this provision a Force Majeure Event shall mean acts of God and governments, fires, floods, wars, sabotage, accidents, loss or electricity or labor disputes or shortages."

The District would like to re-engage Applications2U and set forth a new project complete date of December 17, 2016.

Recommended Motion

That the Board of School Directors approves the Addendum to re-engage Applications2U to complete the Data Center Project with a new completion date of December 17, 2016.