

☒ APPROVED

With Comments
below Addressed

180421

AGREEMENT / CONTRACT REVIEW FORM

BOARD MEETING DATE:

WHEN BOARD APPROVAL IS REQUIRED DO NOT PLACE
ITEM ON AGENDA UNTIL REVIEW IS COMPLETED

Date Submitted: 4/2/2018

Contact Name (Person Overseeing the Contract): Michael McAuley

Telephone Number: 904-336-9603

School/Department Submitting Contract: ITS

Vendor Name: Performance Matters

Contract Title: Evaluation System

Contract Type: New ☐ Renewal ☐ Amendment ☒ Extension ☐

Date Original Contract Approved: 3/2/2015

Prior Year's Pricing: N/A

Contract Term: 1 Year

Renewal Option(s): Yearly Terms

Contract Cost: 186,833.08

Payment Schedule (Are the payments made monthly, when task is finished, etc): Yearly

Funding Source:

392-7408692-9040-31858-0000-000-8

Strategic Plan Tie-in Explanation: This product assists with achieving Goal 1: Develop Great Educators and Leaders and Goal, Strategy 1.1 Provide teachers and students with the tools and resources necessary to meet the demands of the Florida Standards and students' individual needs as well as Goal 4: Create effective data systems and train individuals to leverage information, Strategy 4.2: Facilitate and provide professional development to key staff on use of data.

Background/Discussion/Research/Alternatives: Completes the tie in for a single system approach.

CONTRACT REVIEW REQUIRED DOCUMENTS ATTACHED

If more space is needed, please attach Word document.

____ Completed Contract Review Form

____ Original Contract and all Terms & Conditions that apply with the Contract

____ SIGNED SBCC Addendum A *

*This Statement MUST BE written on Original Contract: The terms and conditions included in Addendum A shall be incorporate into this agreement. If there are any conflicts in the language provided in the agreement and that of Addendum A, then the language provided in Addendum A shall prevail.)

____ Certificate of Insurance (COI) that meet these requirements:

COI must list the School Board of Clay County as Additional Insured and as Certificate Holder. Insurer must be rated as A- or better.

General Liability = \$1,000,000 Each Occurrence & \$2,000,000 General Aggregate.

Auto Liability = \$1,000,000 Combined Single Limit (\$5,000,000 for Charter Buses).

Workers' Compensation = \$100,000 Minimum [If exempt from Workers' Compensation Insurance they must sign a SBCC Release and Hold Harmless Form. If they are not exempt, they must provide Workers' Compensation COI.

Approvals

Comments

Superintendent:	Approved	Denied	
Review Date:			
District's Attorney:	Approved	Denied	
Review Date:			
Information & Technology:	Approved	Denied	
Review Date:	JB		
Finance:	Approved	Denied	
Review Date:			
Insurance Certificate:	Approved	Denied	
Review Date:			
Purchasing:	Approved	Denied	
Review Date:			

Make sure you obtain PM's renewal
Notice per "Term" paragraph of original
contract. ★ SCR is a Stand alone Contract
even if Original Agreement
doesn't get Renewed per
Dagata on 5/1/2018

Term of SCR doesn't match Agreement
We don't usually auto Renew
Have issue with pricing Terms



Service Change Request ("SCR")

Performance Matters LLC ("PM") a Utah limited liability company, located at: 7730 South Union Park Avenue, Suite 500 Sandy, Utah 84047		Clay County School District ("Customer") located at: 814 Walnut Street Green Cove Springs, FL 32043	
SCR Effective Date	February 1, 2018	SCR Number	35135
PM contact:	Amy Wieland	Customer contact:	Steven Amburgey

Effective on the SCR Effective Date, this SCR is incorporated by this reference into the Subscription, Services and Hosting Agreement dated March 2, 2015 ("Agreement") by and between the parties and is governed by the terms and provisions of that Agreement. Except as amended or supplemented by this SCR, the terms and conditions of the Agreement remain in full force and effect.

1. The Payment Remittance Address is 8860 East Chaparral Road, Suite 100, Scottsdale, AZ 85250. All payments should be directed to Accounts Receivable at this address. Any billing questions may be sent via email to <accounting@performancematters.com>.

Description of SCR Change to Agreement:

Addition of Evaluation Choice for Certificated Users and Professional Development Management Choice for Certificated Users to Agreement. See below Table. Products on page 2.

Initial Subscription Term: May 5, 2018 – July 31, 2018 (3 months).

Performance Matters Solutions	Unit	Count	Unit Price	Special Clay County Price	Total (3 months)
Software License Package:					
- Evaluation Choice	Certificated Users	3,100	\$30.00	\$24.75	\$25,575.00
- Professional Development Choice	Certificated Users	3,100	\$20.00	\$19.00	\$19,633.33
Implementation: One Time Fee	District	1	\$2,500.00	Waived	\$0.00
Professional Development:					
- Online Help Center	Each	1	\$2,500.00	Waived	\$0.00
- Video Tutorial Library	Each	1	\$2,500.00	Waived	\$0.00
- Onsite Training Days	Per Day	2	\$2,400.00	Waived	\$0.00

Total \$66,166.67

*If purchased by 5/31/2018, an additional 32% license discount will apply \$(20,958.33)

Total If purchased by 5/31/2018 \$45,208.33

Year 2 Subscription Term: July 1, 2018 – June 30, 2019 Pricing:



Performance Matters Solutions	Unit	Count	Unit Price	Special Clay County Price	Total
Evaluation Choice License	Certificated Users	3,100	\$30.00	\$24.75	\$76,725.00
Professional Development Choice License	Certificated Users	3,100	\$20.00	\$19.00	\$58,900.00
Onsite Training Days	Per Day	3	\$2400	\$2000	\$6,000.00

\$141,625.00

Pricing Terms

- Pricing reflects current Performance Matters pricing. Pricing is valid until 5/31/2018.
- All Training Services must be completed within the first twelve months following the SCR effective date. Any Training Services detailed in the SCR that are not used during the first twelve months of the SCR effective date are forfeited by the Customer.

Accepted and Agreed as of SCR Effective Date.

Clay County School District	Performance Matters LLC
Signed:	Signed:
Name:	Name:
Title:	Title:
Date:	Date: