

[Settlement of Unlitigated Claim - Northpointe, Inc. - City to Receive \$1,232,101 in Services]

Resolution approving settlement of the unlitigated claim in favor of the City and County of San Francisco against Northpointe, Inc., for delivery of approximately \$1,232,101 in deliverables under the parties' existing Software License and Services Agreement, and an amendment and extension of that agreement.

WHEREAS, In March 2011, the City and software developer Northpointe, Inc., ("Northpointe") entered into a Software License and Services Agreement ("Prime Contract Agreement"), under which Northpointe agreed to develop and deliver a Case Management System ("CMS") to the City for use by the Adult Probation Department ("APD"); and

WHEREAS, Between March 2011 and June 2015, Northpointe attempted, but failed to deliver a CMS to the City; and

WHEREAS, Northpointe has agreed to the settlement of this matter, on the following terms:

- (a) The parties will amend the Prime Contract Agreement to delete the CMS, including all related terms and work, in its entirety, from the Prime Contract Agreement;
- (b) The parties will amend the Prime Contract Agreement to add delivery by Northpointe to the City of Alternative Deliverables, valued at \$1,232,101, and to extend the term by five years from the effective date of the Amendment;
- (c) Northpointe and its CMS Subcontractor will provide an express written waiver and release of all claims against the City; and
- (d) Northpointe and its CMS Subcontractor will provide written authorization for the City to copy, use, grant access to, and/or share with any future City CMS vendor

1 any and all CMS screenshots, requirements, and/or requirements-related
2 documents developed to date; and

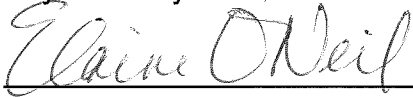
3 WHEREAS, Northpointe and the City agree that each should bear its own costs and
4 fees; and

5 WHEREAS, APD recommends the settlement; now, therefore, be it

6 RESOLVED, That pursuant to Administrative Code, Section 10.24, the Board of
7 Supervisors hereby authorizes the City Attorney to settle and compromise the claim by the
8 City against Northpointe, Inc., as described herein.

1 APPROVED:

2 DENNIS J. HERRERA
3 City Attorney

4 

5 ELAINE O'NEIL
6 Deputy City Attorney
7 Construction and Public Contracting Team
8 Leader

RECOMMENDED:

SAN FRANCISCO ADULT PROBATION
DEPARTMENT



KAREN L. FLETCHER
Chief Adult Probation Officer
CITY AND COUNTY OF SAN FRANCISCO

9 n:\constr\li2015\151339\01021677.docx



City and County of San Francisco
Tails
Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 150636

Date Passed: July 21, 2015

Resolution approving settlement of the unlitigated claim in favor of the City and County of San Francisco against Northpointe, Inc., for delivery of approximately \$1,232,101 in deliverables under the parties' existing Software License and Services Agreement, and an amendment and extension of that agreement.

July 09, 2015 Government Audit and Oversight Committee - RECOMMENDED..

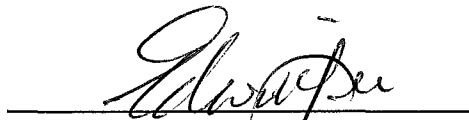
July 21, 2015 Board of Supervisors - ADOPTED

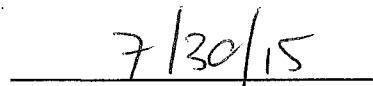
Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener
and Yee
Excused: 1 - Campos

File No. 150636

I hereby certify that the foregoing
Resolution was ADOPTED on 7/21/2015 by
the Board of Supervisors of the City and
County of San Francisco.


Angela Calvillo
Clerk of the Board


Mayor


Date Approved