

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

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

7  
8 WHEREAS, In March 2011, the City and software developer Northpointe, Inc.,  
9 ("Northpointe") entered into a Software License and Services Agreement ("Prime Contract  
10 Agreement"), under which Northpointe agreed to develop and deliver a Case Management  
11 System ("CMS") to the City for use by the Adult Probation Department ("APD"); and

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

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

- 16 (a) The parties will amend the Prime Contract Agreement to delete the CMS,  
17 including all related terms and work, in its entirety, from the Prime Contract  
18 Agreement;
- 19 (b) The parties will amend the Prime Contract Agreement to add delivery by  
20 Northpointe to the City of Alternative Deliverables, valued at \$1,232,101, and to  
21 extend the term by five years from the effective date of the Amendment;
- 22 (c) Northpointe and its CMS Subcontractor will provide an express written waiver  
23 and release of all claims against the City; and
- 24 (d) Northpointe and its CMS Subcontractor will provide written authorization for the  
25 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.

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APPROVED:

DENNIS J. HERRERA  
City Attorney



ELAINE O'NEIL  
Deputy City Attorney  
Construction and Public Contracting Team  
Leader

RECOMMENDED:

SAN FRANCISCO ADULT PROBATION  
DEPARTMENT



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

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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

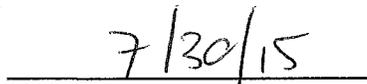
Excused: 1 - Campos

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