

IOWA DEPARTMENT OF NATURAL RESOURCES

Amendment Number 3 to
CONTRACT NUMBER 10ESDAQBMSTEI-001

Between

IOWA DEPARTMENT OF NATURAL RESOURCES
And
enfoTech & Consulting, Inc.

This Contract Amendment was approved by the Environmental Protection Commission on November 17, 2020.

IN WITNESS THEREOF, the parties hereto have executed this Contract Amendment on the day and year last specified below.

DEPARTMENT OF NATURAL RESOURCES

By: Kayla Lyon Date: 11/20/2020
Kayla Lyon, Director

CONTRACTOR

By: Tony C. Jeng Date: 11/18/2020
Tony C. Jeng, Executive Vice President

This Contract Amendment shall not begin until it has been either (1) signed by both parties or (2) the Contract Amendment start date has occurred, whichever is later.

For DNR use only:

- The DNR Contract Manager should retain a signed copy of the Contract in the project file and send a hardcopy with the 1st invoice to Budget & Finance.
- Please email a copy of the signed Contract Amendment to Anne Preziosi at Anne.Preziosi@dnr.iowa.gov.

This Contract Amendment is entered is between the Iowa Department of Natural Resources (DNR) and enfoTech & Consulting, Inc. (Contractor). The parties agree as follows:

Section 1 Statement of Purpose

- 1.1 Purpose.** The purpose of the Contract Amendment is to extend the System Maintenance and Support Services performed by the Contractor for four additional years. Additional money will be paid by DNR for this expansion.

Section 2 Duration of Contract Amendment

- 2.1 Term of Contract Amendment.** The term of this Contract Amendment shall be from December 1, 2020, through October 31, 2024, unless terminated earlier in accordance with the Termination section of the Original Contract. However, this Contract Amendment shall not begin until it has been signed by both parties.

DNR shall have the sole option to amend this Contract to add up to no more than six years total from the beginning date of the Original Contract.

- 2.2 Approval of Contract Amendment.** If the amount of compensation to be paid by DNR according to the terms of the Original Contract together with this Contract Amendment is greater than \$25,000.00 and the Contract was never approved by the Environmental Protection Commission (Commission); or if this Contract Amendment increases the value of the Contract by more than \$25,000.00 or by more than 10% of the previous Contract approved by the Commission, whichever is greater, then performance shall not commence unless by December 1, 2020, this Contract Amendment has been approved by the Commission.

Section 3 Contract Amendment Statement of Work

- 3.1 Statement of Work.** As part of this Contract Amendment, Contractor shall perform the following Tasks by the Task Milestone Dates set out below. For the term of this Contract Amendment, Contractor shall grant to DNR a perpetual, irrevocable, non-exclusive and non-transferable license to use Contractor's Software and related documentation provided to DNR hereunder; Contractor shall place the source code for updates that are released during the term of this Contract Amendment into escrow in accordance with the provisions of Section 13 of the Original Contract; and Contractor shall provide Software patches and/or upgrades for immediate production issues.

Deliverable	Task Milestone Date	Amount of compensation allotted to Task	Invoice Due No Later Than
Amendment Tasks 1a-e: Annual System Maintenance & Support Services Year 1 Description: Service shall include: Task 1a: Bimonthly calls Task 1b: Email and phone support Task 1c: Respond to PTWS service requests Task 1d: Fix Bugs Task 1e: Perform minor enhancements up to 10 hours per month.	This Task shall be completed on an ongoing basis from December 5, 2020 – December 4, 2021.	Not to exceed \$13,200	April 4, 2021
		Not to exceed \$13,200	August 4, 2021
		Not to exceed \$13,200	December 4, 2021
Amendment Tasks 2a-e: Annual System Maintenance & Support Services Year 2 Description: Service shall include: Task 2a: Monthly calls Task 2b: Email and phone support Task 2c: Respond to PTWS service requests Task 2d: Fix Bugs Task 2e: Perform minor enhancements up to 10 hours per month.	This Task shall be completed on an ongoing basis from December 5, 2021 – December 4, 2022.	Not to exceed \$13,200	April 4, 2022
		Not to exceed \$13,200	August 4, 2022
		Not to exceed \$13,200	December 4, 2022

Amendment Tasks 3a-c: Annual System Maintenance & Support Services Year 3 Description: Service shall include: Task 3a: Email and phone support Task 3b: Respond to PTWS service requests Task 3c: Fix Bugs	This Task shall be completed on an ongoing basis from December 5, 2022 – December 4, 2023.	Not to exceed \$6,600	April 4, 2023
		Not to exceed \$6,600	August 4, 2023
		Not to exceed \$6,600	December 4, 2023
Amendment Tasks 4a -c: Annual System Maintenance & Support Services Year 4 Description: Service shall include: Task 4a: Email and phone support Task 4b: Respond to PTWS service requests Task 4c: Fix Bugs	This Task shall be completed on an ongoing basis from December 5, 2023 – October 31, 2024.	Not to exceed \$6,050	April 4, 2024
		Not to exceed \$6,050	August 4, 2024
		Not to exceed \$6,050	October 31, 2024

Section 4 COMPENSATION

4.1 Source of Funding. The source of funding for this Contract Amendment is the Air Contaminant Fund (Iowa Code 455B.133B), the Air Quality Fund (Iowa Code 455B.133C), and state and federal funds.

4.2 Not-to-exceed total amount of contract. Payment for work performed by the Contractor according to the terms of this Contract Amendment, shall not exceed \$117,150.00.

Amount of Original Contract	\$727,988.00
Amount of Previous Amendments, if Any	\$ 13,200.00
Amount of Current Amendment	\$ 117,150.00
Total	\$858,338.00

An original invoice shall be submitted to DNR in accordance with Section 3 of this Contract Amendment, if applicable, or Section 7.4 of the Original Contract. All other provisions of Section 7.4 of the Original Contract shall remain in full force.

Section 5 EFFECT OF AMENDMENT ON ORIGINAL AGREEMENT PROVISIONS

All provisions of the Original Contract shall remain in full force and effect unless specifically changed by this Contract Amendment.