

Date of Board Meeting: October 15, 2024

Subject: Modern Campus/DataBank Hosting Services

Recommendation: Approve Modern Campus to provide DataBank Hosting Services for the College's Website in the amount of \$15,750.

Background and Rationale:

Wharton County Junior College utilizes Modern Campus for the college's website Content Management System (licenses and services), which includes the following:

- | | |
|--|--------------------|
| • CMS Faculty (Employee) Directory – License Faculty (Employee) | \$1,575 |
| • CMS Support (SaaS) – CMS-Support SaaS | \$7,875 |
| • CMS-SaaS with Unlimited Users - Unlimited Users | \$28,615.88 |
| • CMS Integrated Calendar – Omni CMS Integrated Calendar License | \$3,675 |
| | Subtotal |
| | \$41,740.88 |
| • DataBank Hosting – Hosting Services Provided by DataBank | \$15,750 |
| | Total |
| | \$57,490.88 |

Purchase orders were generated and secured for the first four items listed above and invoices have been submitted for payment. The last item above for DataBank Hosting-Hosting Services will bring the total amount spent with Modern Campus to \$57,490.88. Board approval is therefore required for DataBank Hosting – Hosting Services in the amount of \$15,750. All services and licenses provided by Modern Campus listed are purchased under the authorization of Modern Campus being a sole source provider of the Content Management System (licenses and services) that supports the college's website.

Cost and Budgetary Support: \$15,750 – FY2025 Annual Operating Budget

Strategic Priority Alignment: Student Success Community Impact
 Resource Optimization Institutional Excellence

Resource Person(s): Zina Carter, Director of Marketing Communications and Advancement
 Eric Li, Webmaster

Signatures:

 Originator *[Signature]*

 Cabinet-Level Supervisor *[Signature]*

_____ *10/4/2024*
 Date
 _____ *10/4/2024*
 Date

President's Approval:

 President *[Signature]*

_____ *10-4-24*
 Date

SCHEDULE TO THE AGREEMENT

ORDER FORM No. 6

THIS ORDER FORM IS ENTERED INTO BETWEEN Modern Campus USA Inc. ("**Modern Campus**") and Wharton County Junior College ("**Customer**") on the Order Form Effective Date.

1. Agreement: This Order Form incorporates the terms and conditions of the Agreement dated June 29, 2020 and made between Modern Campus and Customer (the "**Agreement**"), as if such terms and conditions are reproduced herein. In the event of a conflict between this Order Form and the Agreement, this Order Form shall govern. Any capitalized term not defined herein shall have the meaning ascribed to them in the Agreement.
2. Description of Software/Services/Support:
 - (a) Software: The Software Licensed pursuant to this Order Form and the terms and conditions of the Agreement is for the Software listed below:
 - Hosting - DataBank
 - (b) Users: Unless otherwise stated on this Order Form, the Software License granted under this Order Form is a Subscription License for the user type and number of users and organizations as specified in the Agreement.
3. Term:
 - (a) License Start Date: The License shall commence on November 01, 2023.
 - (b) Initial Term: The initial term (the "Initial Term") of this Order Form shall commence on the License Start Date and continue for a period of 34 months, unless terminated earlier pursuant to the Agreement.
 - (c) Renewal Term: This Order Form shall automatically renew for successive periods of twelve (12) months (each a "Renewal Term") unless either Party notifies the other at least ninety (90) Business Days prior to the expiration of the Initial Term or the then Renewal Term of its desire not to renew this Order Form.
4. Fees for the use of the Software ("Subscription Fees"):
 - Hosting - DataBank: \$15,750.00Total Subscription Fees Year 1: \$15,750.00
The Subscription Fees shall be subject to a five percent (5%) increase per annum.
5. Payment Terms: All Subscription Fees are payable in advance, with payment due Net 30 days from Invoice Date. For all Service Fees, fifty percent (50%) is due at signing and fifty percent (50%) is due upon delivery. Unless otherwise stated, Subscription Fees are due annually. Late Payments will be subject to a late fee calculated at 1% per month. If payment

of Subscription Fees with annual recurring costs is not received prior to the start date of the Renewal Term, Modern Campus reserves the right to suspend access to the Software until payment is received.

Grand Total (Subscription, Service, and Support Fees) for Year One

Total Year One Subscription: \$15,750.00

Pro-Rated Fees for November 1, 2023 – August 31, 2024: \$13,125.00

Total Year 1 Fees: \$15,750.00

Total Year 2 Fees: \$16,537.50

6. Order Form Effective Date: The Order Form Effective Date shall be the last date of execution of this Order Form.

IN WITNESS WHEREOF, the Parties have executed this Order Form on the Order Form Effective Date.

MODERN CAMPUS USA, INC.

Per: _____

Name: _____

Title: _____

Date: _____

WHARTON COUNTY JUNIOR COLLEGE

Per: _____

Name: _____

Title: _____

Date: _____