



Legislation Text

File #: RES 23-1704, **Version:** 1

Authorizing the Department of Public Works to accept the terms and conditions for use of Quest Software & its affiliates software and/or software apps (TOAD for Oracle Base Addition Software).

WHEREAS, the Department of Public Works has been using Quest Software & its affiliates Software and/or Software Apps (TOAD for Oracle Base Addition Software) to conduct City business; and

WHEREAS, Public Works has determined that various department business requirements make it desirable to continue to use Quest Software & its affiliates Software and/or Software Apps (TOAD for Oracle Base Addition Software) in order to conduct City business; and

WHEREAS, Quest Software & its affiliates Terms & Conditions and/or License Agreement require that to the extent allowed by applicable law, business users and organizations will indemnify Quest Software and its directors, officers, employees, and contractors for any third-party legal proceedings (including actions by government authorities) arising out of or relating to their unlawful use of the services or violation of these terms or service-specific additional terms. This indemnity covers any liability or expense arising from claims, losses, damages, judgments, fines, litigation costs, and legal fees; and

WHEREAS, the City Council finds that the expenditure of funds in the form of a promise of indemnification has a public purpose as it allows the Department to obtain the optimal Software and/or Software Apps (TOAD for Oracle Base Addition Software); now, therefore, be it

RESOLVED, that the Department of Public Works is authorized to accept the Terms of Use of their Quest Software & its affiliates Software and/or Software Apps (TOAD for Oracle Base Addition Software) which include promise of indemnification.