

7/15/2019

**80-R-19**

**A RESOLUTION**

**Authorizing the City Manager to Execute an Amendment to the Contract for the City's Cashiering System to Change the Vendor and Add a Monthly Minimum Payment**

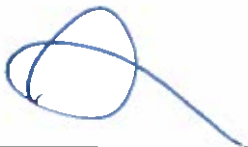
NOW BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, THAT:

**SECTION 1:** The City Manager is hereby authorized to execute an Amendment with Alacriti, Inc., attached hereto as Exhibit 1, the terms are incorporated herein by reference.

**SECTION 2:** The City Manager is hereby authorized and directed to negotiate any additional conditions of the First Amendment to the Contract as he may determine to be in the best interests of the City and in a form acceptable to the Corporation Counsel.

**SECTION 3:** That this Resolution 80-R-19 shall be in full force and effect from and after the date of its passage and approval in the manner provided by law.

Attest:



Devon Reid, City Clerk

Adopted: July 22, 2019

  
Stephen H. Hagerly, Mayor

Approved to form:

  
Michelle L. Masoncup, Corporation Counsel

**EXHIBIT 1**  
**CONTRACT AMENDMENT**

## FIRST AMENDMENT TO THE CONTRACT

**THIS FIRST AMENDMENT TO THE CONTRACT** (the "Assignment") is entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2019 ("Effective Date"), by and between Alacriti, Inc. ("Alacriti") and City of Evanston ("City").

### RECITALS

In accordance with that certain Services Agreement between Municipal Code Corporation, Inc. (d/b/a "MuniCode") and the City of Evanston dated November 28, 2017 ("Contract"), the parties agreed to enter into a contract for MuniCode to provide a cashiering system called "OrbiPay" to the City of Evanston for an initial 3-year term and 2 1-year extensions; and

Alacriti, Inc., Assignor, is the software developer of the OrbiPay system, and Assignor has agreed to take an assignment of the City of Evanston contract from MuniCode; and

The City of Evanston and Alacriti desire to formalize the change in vendor and also add a monthly minimum payment to the contract (\$5,000),

### AGREEMENT

In consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

**1. Full Force and Effect.** The Parties acknowledge and agree that this Amendment shall supercede, control and be deemed to modify the terms of the Agreement. In the event of any conflict between the terms and conditions of this Amendment and the terms of the Agreement, the parties unconditionally agree that the terms and conditions of this Amendment shall supercede, prevail and dictate. Any term or condition of the Agreement not addressed within this Amendment remain in full force and effect. The above-referenced recitals are incorporated herein.

**2. Amendments.**

**A. Contract Party.** As of the Effective Date, MuniCode transferred and assigned its right and interest in the Contract to Alacriti pursuant to which Alacriti will operate and maintain OrbiPay. Alacriti hereby accepts the assignment of the Contract and agrees to perform all of MuniCode's obligations, covenants and agreements in the Contract from and after the Effective Date.

**B. Client Transaction Processing Fees and Ongoing Costs.**

## Fees Paid By You

| <b>Processing Fees</b>                                  |                          | <b>Fee</b> |
|---|--------------------------|------------|
| Pricing Structure                                       | Interchange Pass Through |            |
| Transaction Fee   | \$0.50                   |            |
| Chargeback Fee  | \$25.00                  |            |
| ACH Non-Convenience Fee Settlement (Payments & Refunds) | \$0.50                   |            |
| ACH Returns   | \$5.00                   |            |
| <b>Other Transaction Processing</b>                     |                          | <b>Fee</b> |
| OrbiPay IVR Transaction Surcharge                       | \$0.30                   |            |
| <b>One Time &amp; Ongoing Fees</b>                      |                          | <b>Fee</b> |
| Setup of Chatbot Channels                               | <del>\$0.00</del>        |            |
| <b>Monthly Subscription Fees</b>                        |                          | <b>Fee</b> |
| Chatbot Channels  | <del>\$0.00</del>        |            |
| Monthly Minimum   | \$5,000.00               |            |
| <b>Other Per Instance Fees</b>                          |                          | <b>Fee</b> |
| OrbiPay IVR Toll Free Calls                             | \$0.04                   |            |
| Text Notifications (2500 included each month)           | \$0.04                   |            |
| OrbiPay Hosted Bill Images                              | \$0.04                   |            |
| <b>Custom Support &amp; Development Fees</b>            |                          | <b>Fee</b> |
| Custom Support or Development                           | \$175/Hour               |            |
| Custom Code Maintenance Fee                             | 1.75%/Month              |            |

4. **Further Assurances.** The parties agree to take all further actions and execute, acknowledge and deliver all further documents that are reasonably necessary or useful in carrying out the purposes hereof.

5. **Counterparts; Facsimiles.** This Amendment may be signed in any number of counterparts, each of which when executed and delivered, shall be an original but all such counterparts shall constitute one and the same instrument. As used herein, "counterparts" shall include copies of this Assignment signed and delivered by facsimile transmission or electronic mail. Signatures hereon exchanged via facsimile transmission or electronic mail shall have the same force and effect as an original signature.

6. **Governing Law.** This Assignment shall be governed by the internal laws of the State of Illinois, without regard to principles of conflict of law.

IN WITNESS WHEREOF, the parties have executed this Assignment as of the Effective Date.

ALACRITI, INC.

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

CITY OF EVANSTON

By: Stephen H. Hegerity

Name: Stephen H. Hegerity

Title: President

Approved as to form.  
*Michelle L. Masoncup*  
Michelle L. Masoncup  
Corporation Counsel

**EXHIBIT A**

**PROFESSIONAL SERVICES AGREEMENT**



# **ORBIPAY PAYMENT PORTAL PROPOSAL**

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## **for the City of Evanston IL**

# **municode**

**CONNECTING YOU & YOUR COMMUNITY**

**Website Design  
Codification Services  
Online Payments**



**Woody Estep**

**Client Services Consultant  
westep@municode.com  
850.576.3172 ext. 1410  
Cell: 850.545.9345**

## GENERAL PLATFORM FEATURES

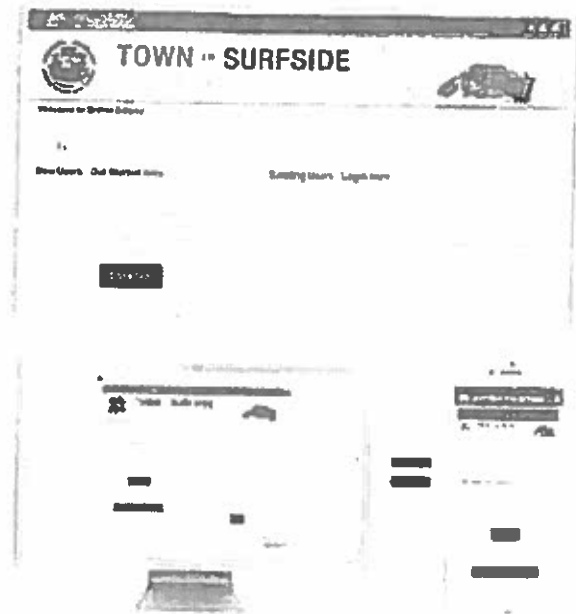
Orbipay is a true cloud-based, out-of-the-box, and configurable SAAS application. The Orbipay Platform is a highly flexible and comprehensive electronic bill presentment and payment solution that allows you to collect and process payments from multiple types and channels – quickly and efficiently. Once deployed within your organization, you will be able to accept payment via the web, IVR phone system, mobile connection, MoneyGram walk-in locations, or through your own customer service agents.

### Branding Customization

Website branding, content, and features can be customized to suit your business requirements. The Customer Interface allows you, the client, complete control over the color scheme (accents, buttons, module frames, text, hyperlinks, etc.). Including uploading a customized banner to promote the look and feel of your branding. Additionally, all text can be customized with Municipality-specific verbiage as needed.

### Mobile Optimization

Access is also supported from different devices, using Responsive Web Design (RWD). This technology recognizes the size of the screen on the device and renders the page correctly for that screen by altering the position of text labels, shortening text, and so on – as shown below. No exclusive or additional mobile app is needed with this design technology.

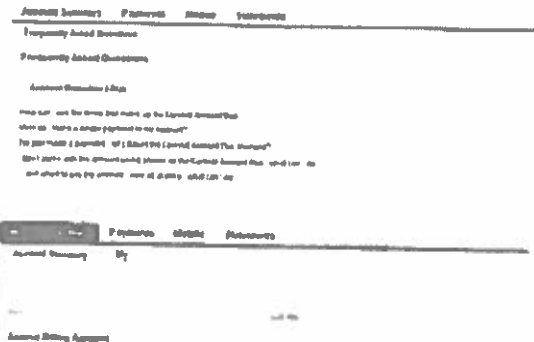


### Enrollment & Customer Authentication

Residents enroll through the home page of the platform. A welcome page explaining the benefits of enrolling for the Web Portal can be configured to appear. The standard enrollment process requires them to authenticate themselves. The default authentication is to ask for the Account Number and a secondary authentication credential (i.e.: billing zip code, last four digits of SSN, or Enrollment Authentication Code). Upon enrollment, residents are prompted to enter in their email address for paperless billing. Your residents can easily choose to receive a paper bill, an electronic bill, or both by simply checking a box. You could even make electric billing mandatory. Most importantly, you have complete flexibility to configure according to your paperless billing strategy and can easily change the rules as your strategy and goals change.

### Frequently Asked Questions

In addition, to enhance the customer experience, you can add a frequently asked questions page that is reached through a link at the bottom of each page.



### Linking Accounts

If your customers have multiple accounts with you, they can easily link them together for the highest level of convenience. Details of the account(s) linked to the customer's profile are displayed, and if there is more than one option to unlink an account. If the customer wants to link a further account, they can click the "Link Additional Accounts" button.



Recognized as a GovTech Top 100 Innovators in 2016, 2017

**municode**  
CONNECTING YOU & YOUR CITIZENS



## Mobile

Mobile has evolved from a simple extension of your website. It's now the preferred connectivity method for many users. Each person has his or her own mobile device preferences. The Orbipay platform offers a mobile solutions that makes managing and paying bills from a smartphone quick and easy:

- **SMS-Mobile Web Payment:** The system will send a text to the phone containing a short form URL that will link to a mobile browser web page for the customer to authorize the payment.
- **SMS-Phone Payment:** The system will send a text to the phone containing a phone number to call back which will access the IVR to authorize the payment.
- **Voice Call-Phone Payment:** The IVR will place a voice call and request authorization for the payment.



## FaceBook Messenger

We live in a world where people text emojis to order pizza and use virtual assistants to hail cabs. Consumers expect real-time, personalized, and context-aware interactions that connect them to relevant products and services within their preferred digital environments. Orbipay can be set up to utilize ChatBot IA technology "Ella" to make payments and answer questions about their bills FaceBook Messenger.

