

## SOFTWARE LICENSE & SERVICE AGREEMENT AMENDMENT

Amendment #3 PCCD-ESI-2012-02-10-C-1 to AGREEMENT #PCCD-ESI-2009-11-04-C-1  
2/10/2012

### Background:

The original Software License and Service Agreement contract between Peralta Community College District and Education Systems, Inc. (EMAS Pro) Agreement # PCCD-ESI-2009-11-04-C-1 [Agreement] covered usage licenses and services purchased under the Agreement which were effective as of September 30, 2009 and remaining in effect until September 29, 2012 with capabilities specifically for the Financial Aid Award Years 2010-2011 and 2011-2012 (Initial Term).

The Agreement provides that after the Initial Term, the Service Contract will "automatically renew" for an additional year at the then-current Service Fees.

In lieu of charging the then-current fees, the Amendment #2 # PCCD-ESI-2011-08-05-C-2 to the Agreement, executed on September 13, 2011, renewed without additional charge or fees the EMAS Financial Aid Pro SAFE System Mainframe Usage License specifically for the Financial Aid 2012-2013 Award Year. Amendment #2 remains in effect until September 29, 2013 (1<sup>st</sup> Renewal Term).

### Amendment #3 (2<sup>nd</sup> Renewal Term)

This Amendment #3 extends SAFE Financial Aid mainframe-based software usage license coverage to PCCD for the Financial Aid Award Year 2013-2014 starting July 1, 2012 with software maintenance & support through September 30, 2014.

Any optionally requested training or custom programming services fees are additional to the software license fee. This amendment requires the 2013-2014 Award Year cycle software preparation from the Federal changes to begin July 2012. Renewal Fee and Payment schedule are as shown below. The invoice is payable net 30 days.

<u>EMAS Financial Aid Pro (SAFE System mainframe-based) Software Usage License &amp; Maintenance &amp; Support Summary of Services &amp; Fees:</u>	<u>Award Yr 2013-2014</u>	<u>Payable</u>
	\$165,000	October 1, 2012

Peralta Community College District and Education Systems, Inc. EMAS Pro mutually acknowledge that other than this Amendment #3, there remain no further other services or software product deliveries required under the Agreement PCCD-ESI-2009-11-04-C-1 and/or as amended.

Amendment #3 will be valid if mutually executed prior to February 29, 2012.

Should the Peralta District subsequently determine the SAFE System software with maintenance & support is required for the subsequent Financial Aid Award Year 2014-2015, notification to EMAS Pro and mutual contract amendment by the Peralta District with EMAS Pro is to occur before January 2013.

IN WITNESS WHEREOF, the parties have accepted, agreed to, & executed this Amendment #3.

Peralta Community College District

Education Systems, Inc. dba EMAS Pro

INSTITUTION

ESI

February 10, 2012

\_\_\_\_\_  
Signature & Date

\_\_\_\_\_  
Signature & Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

Andrew M Nassir, President – Executive Director

\_\_\_\_\_  
Printed Name

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Title