

**CITY OF GAUTIER
MEMORANDUM**

To: Samantha Abell, City Manager
From: Cindy Steen, Purchasing Agent
Through: Cindy Russell, City Clerk
Date: December 8, 2015
Subject: Amendment to existing services agreement with Ad2 Inc.

REQUEST:

Authorization is requested by Ad2 Inc. to increase the hosting service fees for Shepard State Park from the monthly charge of \$31.50 (thirty one dollars and fifty cents) to a monthly charge of \$36.50(thirty six dollars and fifty cents) which is an increase of \$5.00(five dollars). The vendor is aware that the City plans to bring this service in house in the near future.

This revised agreement has been approved for legal sufficiency.

RECOMMENDATION:

The City desires a 60- day notice of termination clause. However, the agreement provided allows for a one- year agreement with no terms for termination.

Based on the information provided, the Council may:

1. Approve the increase per the agreement; or
2. Approve the agreement with changes for Ad2 Inc.'s approval; or
3. Disapprove the increase per the agreement

ATTACHMENT(S):

Agreement form Ad2 Inc.
Correspondences



Shepard State Park
Reservations Site Hosting Services

Job# 29-594-1115

November 4, 2015

Host Server: Ad2, Inc. VPS
SSL Certificate: \$65/year
Hosting: \$36.50/month
Domain Registrations: \$50/year
Shopping Cart: \$115/month up to 3,000 reservations/year
\$230/month up to 6,000 reservations/year

Editing, maintenance or updates of site will be billed at \$105.00/hour plus costs of any subscriptions, photography or services added.

This Agreement is for a one year term from the date herein.

Approved by _____ Date _____
Authorized Signature Date

Authorized Signer's Printed Name Title

City of Gautier, P O Box 670, Gautier, MS 39553

This is an estimate based on current information. Hosting fees listed above provide up to 10GB. Monthly charges will be billed the 15th of each month, annual fees will be billed at time of renewal and are due upon receipt. *Additional fees, such as financial processing fees, are in addition to fees listed herein. Finance charges of 1.5% will be applied to any/all past due balances. Your signature indicates authorization of the assessment of late charges on any past due amounts and agree to pay any collection expenses incurred by Ad2, Inc. on your account (which includes but is not limited to collections, legal fees, etc.)

Cc: Kimberlie Ritter

Recognized by the Ms. Dept. of Economic Development
as a Woman Owned Business

Cindy Steen

From: Cindy Steen <csteen@gautier-ms.gov>
Sent: Wednesday, December 09, 2015 9:16 AM
To: Mollie@ad2inc.net
Cc: crussell@gautier-ms.gov
Subject: Revision of Service Agreement

Mollie,

I have spoken to our Attorney and he would like to add the following language to the service agreement:

The City of Gautier reserves the right to terminate this agreement at its convenience upon 10 days written notice to AD2.

If you can revise and sent back to me then I can get it on Tuesday's agenda to approve.

Thanks,

Cindy Steen
Purchasing Agent
City of Gautier
228-497-8000 EXT. 304

Cindy Steen

From: Josh Danos <jdanos@bordisdanos.com>
Sent: Wednesday, December 09, 2015 9:08 AM
To: csteen@gautier-ms.gov
Cc: tthigpen@gautier-ms.gov; crussell@gautier-ms.gov
Subject: RE: Shepard Sate Park Hosting Services AD2

I think there needs to be a term addressing duration or when we can terminate the agreement.

Joshua W. Danos
Bordis & Danos, PLLC
1215 Government St.
Ocean Springs, MS 39564
Telephone: (228) 215-1367
Fax: (228) 215-1358
jdanos@bordisdanos.com

From: Cindy Steen [<mailto:csteen@gautier-ms.gov>]
Sent: Wednesday, December 09, 2015 8:46 AM
To: Josh Danos
Cc: tthigpen@gautier-ms.gov; crussell@gautier-ms.gov
Subject: Shepard Sate Park Hosting Services AD2
Importance: High

Please review for legal sufficiency.

Thanks,
Steen

Cindy Steen

From: Cindy Steen <csteen@gautier-ms.gov>
Sent: Wednesday, December 09, 2015 8:46 AM
To: jdanos@bordisdanos.com
Cc: 'tthigpen@gautier-ms.gov'; crussell@gautier-ms.gov
Subject: Shepard Sate Park Hosting Services AD2
Attachments: Shepard State Park Hosting Services AD2.pdf

Importance: High

Please review for legal sufficiency.

Thanks,
Steen

Cindy Russell

From: Mollie Hillburn <mollie@ad2inc.net>
Sent: Thursday, December 03, 2015 5:03 PM
To: crussell@gautier-ms.gov; Rachel Honea; Kimberlie Ritter
Subject: Re: Shepard State Park Website

Cindy,

Ad2 has continued to host Shepard State Park's website, provide the additional security and the cart and software for the reservations at a loss for the last couple of years. We requested an increase at the first of this year as reflected in the invoices. I was told to send a revised agreement, which I did. The city has taken no action and continues to ignore the increased price. I will reinstate the reservation account through December 2015, however, without the signed agreement and payment of actual invoice amount the account will be suspended, until this has been rectified,

Thank you

Mollie Hillburn

Ad2, Inc.

Celebrating 15 years of excellence in marketing!

P O Box 969
Gautier MS 39553
70470 Ph: 228.822.9890
Fx: 228.522.1800

P O Box 336
Mandeville, LA
Ph: 504-908-2721
Fx: 985-778-0163

www.ad2inc.net

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On Thu, Dec 3, 2015 at 4:41 PM, Cindy Russell <crussell@gautier-ms.gov> wrote:

Mollie,

Rachel asked me to contact you about Shepard State Park website. The site is down and not working. If you could contact her with an update, I would appreciate it. Hope you have a wonderful weekend.

Thanks

Cindy

Cynthia "Cindy" Russell

City of Gautier

City Clerk

3330 Hwy 90

Gautier, Ms. 39553

(228) 497-8000 ext 302

Cindy Russell

From: Mollie Hillburn <mollie@ad2inc.net>
Sent: Wednesday, November 04, 2015 4:33 PM
To: crussell@gautier-ms.gov; csteen; Kimberlie Ritter
Subject: SSP Hosting
Attachments: 29-594-1115-hosting.pdf

Please have the appropriate person(s) sign off on the attached revised hosting contract. Thank you

Mollie Hillburn

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Thursday 4:25 PM

Shepard computer is offline again ..

Sent you an email

Oh dear . So Shepard reservation site was disconnected due to none payment ?

Yep

Oh sorry to hear all this . I am off tomorrow but Cindy Russel will talk to Sementhe about this

Oh sorry to hear all this . I am off tomorrow but Cindy Russel will talk to Samantha about this tomorrow . I desperately need the site turned back on now please .

Thursday 8:20 PM

Did someone contact you ? Or what can I do ??

Friday 9:08 AM

I said I would have it reactivated. I meant it.

Did someone contact you ? Or what can I do ??

Friday 9:08 AM

I said I would have it reactivated. I meant it.

Thanks Molly

Friday 11:47 AM

Yes ma'am

Friday 1:32 PM

Molly do you know when it will be working again ?

Cindy Steen

From: Samantha Abell <sabell@gautier-ms.gov>
Sent: Monday, December 07, 2015 9:08 PM
To: Cindy Russell; Josh Danos; Rachel Honea; <tmontgomery@gautier-ms.gov>; Cindy Steen
Cc: Chassity Bilbo
Subject: Fwd: website maintenance agreement

Sent from my iPhone

Begin forwarded message:

From: "Mollie Hillburn" <mollie@ad2inc.net>
Date: December 7, 2015 at 8:36:18 PM CST
To: <sabell@gautier-ms.gov>
Subject: RE: website maintenance agreement
Reply-To: <Mollie@ad2inc.net>

Not quite, but the site is up and active.



Mollie Hillburn, Ad2 Inc.

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From: Samantha Abell [<mailto:sabell@gautier-ms.gov>]
Sent: Monday, December 7, 2015 5:17 PM
To: mollie@ad2inc.net
Subject: website maintenance agreement
Importance: High

Mollie,

I'd like to make sure that I understand the present circumstances correctly. Please let me know if I'm incorrect in any of the following:

- Gautier has an agreement with Ad2Inc to maintain the Shepard State Park website. Gautier pays monthly for these services.
- Ad2Inc sent an invoice with an increase of approximately \$6.
- Gautier rejected the invoice and required written notice of increase, per the approved agreement.
- Ad2Inc sent notice of increase on or around November 4th.
- The week before last, you and I met and I shared that the city plans to bring website maintenance in-house in the near future, but that the city would not make any changes without at least 60 days notice to Ad2Inc, once we're ready.
- Last Friday, Ad2Inc disabled the Shepard State Park utility, preventing any online reservations from guests.
- Cindy Russell, Rachel Honea and I have reached out to Ad2Inc and have been informed that the service would be re-instated.
- In my text with Ad2Inc, I stated that the revised agreement would be on the next council agenda. Gautier continues to pay for services under the existing agreement, which has not been terminated by either party.
- To date, the service had not been enabled, and guests cannot reserve spots at Shepard Park. Ad2Inc is no longer responding to emails or texts from the city.

I appreciate your comments and thoughts. I hope this can be resolved.

Thank you.

Samantha D. Abell
City Manager
City of Gautier, MS
(o) 228.497.8000 | www.gautier-ms.gov

Cindy Steen

From: Cindy Russell <crussell@gautier-ms.gov>
Sent: Wednesday, December 09, 2015 8:29 AM
To: csteen@gautier-ms.gov
Subject: FW: website maintenance agreement

fyi

From: Samantha Abell [mailto:sabell@gautier-ms.gov]
Sent: Tuesday, December 08, 2015 5:54 PM
To: Cindy Russell <crussell@gautier-ms.gov>
Subject: Fwd: website maintenance agreement

Cindy,
I believe Cindy Steen reviewed the revised agreement with the city attorney, who had a couple requests for changes. Mollie is out of town. Please coordinate with Kim.

Thanks.

Sent from my iPhone

Begin forwarded message:

From: "Mollie Hillburn" <mollie@ad2inc.net>
Date: December 8, 2015 at 4:20:13 PM CST
To: "Samantha Abell" <sabell@gautier-ms.gov>
Cc: <kim@ad2inc.net>
Subject: RE: website maintenance agreement
Reply-To: <Mollie@ad2inc.net>

I don't have my files or notes with me so it would not do much good for us to speak on the phone. I am sure we will be able to catch up before you have to prepare for the council meeting on the 15th. If you have any other questions, do not hesitate to contact me.
Thank you



Mollie Hillburn, Ad2 Inc.

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From: Samantha Abell [<mailto:sabell@gautier-ms.gov>]
Sent: Tuesday, December 8, 2015 4:03 PM
To: <Mollie@ad2inc.net> <Mollie@ad2inc.net>
Cc: <kim@ad2inc.net> <kim@ad2inc.net>
Subject: Re: website maintenance agreement

Mollie,
Let's discuss by phone. I know it's a busy time of year. Let me know a time convenient for you, sooner the better.
Thanks.

Sent from my iPhone

On Dec 8, 2015, at 2:57 PM, Mollie Hillburn <mollie@ad2inc.net> wrote:

Samantha,
There are inaccuracies in your email that I would be happy to clarify. If you would like to get together again to discuss I am happy to do so when I am back in town.
As I advised last night your site is up and running, along with the ability to accept bookings online and onsite.
Thank you



Mollie Hillburn, Ad2 Inc.

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