

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: July 15, 2013
	Agenda Item No. 38 Roll Call No. <u>13-1113</u> Communication No. <u>13-347</u> Submitted by: John Newman, CIO, Information Technology Department

AGENDA HEADING:

Requesting approval to accept the Microsoft Antitrust Settlement benefit in the amount of \$130,886 and release Microsoft from any further claims associated with the lawsuit.

SYNOPSIS:

Recommend approval of acceptance of the Microsoft Antitrust Settlement benefit in the amount of \$130,886 which releases Microsoft from liability from any further claims associated with the lawsuit. The court-appointed Claims Administrator in the class action brought in Iowa District Court has determined that the City’s award will be \$130,866. The award amount is based on a specified dollar amount for qualifying Microsoft products purchased by each claimant. In order to receive this benefit, the City must submit the settlement voucher along with proof of purchase of qualifying products.

FISCAL IMPACT:

Amount: \$130,866 (revenue)

Funding Source: FY2013/2014 Operating Budget, Information Technology, Enterprise Application Development, Contractual Services, GE001, IFT010300, Page 141; and State of Iowa, Microsoft Class Action Settlement

ADDITIONAL INFORMATION:

An antitrust class action lawsuit was brought in Iowa District Court against Microsoft about certain Microsoft software acquired by consumers, businesses, and Iowa state and local government entities for use in Iowa. A settlement was reached in August 2007.

All Iowa state and local governments who, from July 1, 2002 through June 30, 2006, indirectly purchased (i.e., purchased from someone other than Microsoft) a license for Microsoft Operating System software and/or Microsoft Applications software for use in Iowa and who did not purchase it for resale are entitled to claim settlement benefits.

The Information Technology Department has submitted a claim and can provide proof of qualifying Microsoft purchases from May 18, 1994 through June 30, 2006. Based on that claim, the court-appointed Claims Administrator has determined that the City’s award will be \$130,866. Upon acceptance of the Microsoft – Iowa Settlement Voucher the City irrevocably waives and releases Microsoft from liability for all claims identified in the Settlement Agreement.

The deadline to submit qualifying desktop computer equipment and software invoices is August 15, 2013. Upon approval of this agenda item invoices will be sent to Claims Administrator, Microsoft-Iowa Settlement, PO Box 1528, Minneapolis, MN 55440-1528.

PREVIOUS COUNCIL ACTION(S): NONE

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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