TO: Mayor and City Council

FROM: Pamela Sloan, Director of Community Services

SUBJECT: AGREEMENT WITH TUTOR.COM IN THE AMOUNT OF $70,000 FOR THE OUT OF SCHOOL ONLINE HOMEWORK HELP PROGRAM

RECOMMENDATION

Adopt a resolution authorizing the City Manager to enter into an agreement with Tutor.com in the amount of $70,000 to provide the Out Of School Online Homework Help Program Library. The resolution further authorizes the City Manager to accept an award from the California State Library through the Library Services and Technology Act in the amount of $45,611 to be used as a partial payment toward the subscription. The City Manager is further authorized to take all other actions appropriate to carry out the intent and purpose of the resolution.

Summary

The cost of the Out-of-School-Time Online Homework Help Program from Tutor.com for 2008-2009 is $70,000. The California State Library is continuing to share a portion of the cost of the subscription to the Out-of-School-Time Online Homework Help Program for libraries that wish to participate in the program. The California State Library awarded the Library a grant amount of $45,611 to be used as a partial payment for the subscription. The letter from California State Librarian Susan Hildreth is attached. The Library is required to pay the remaining cost of $24,389. Council is requested to authorize the City Manager to accept the award and pay the $24,389 out of the Library’s Neighborhood Services: Library Materials Account 041-3521-580.30-55.

DISCUSSION

Background

Out-of-School-Time Homework Help is an online homework assistance service provided by Tutor.com. This program, which began in partnership with the Metropolitan Cooperative Library System (MCLS) in 2001, enables grade K-12 and college introduction students to access one-on-one tutoring in English or Spanish, 24 hours a day, seven days a week. Tutoring assistance is available in the subjects of mathematics, social studies, science and English. The service is offered in all library building sites and remotely from home.

In 2006, the Library applied for and received a grant for the Live Homework Help program (now known as Out-of-School-Time Homework Help) from the California State Library in the amount of $86,661. This was part of a four-year grant for 2006-07, 2007-08, 2008-09 and 2009-2010.
AGREEMENT WITH TUTOR.COM IN THE AMOUNT OF $70,000 FOR THE OUT OF SCHOOL ONLINE HOMEWORK HELP PROGRAM

The grant was accepted by the Stockton City Council on September 19, 2006, Resolution # 06-0474.

Present Situation

The Library provides the grant administration for 16 homework centers in the City of Stockton. Library materials are provided to assist students with their homework. Math tutoring is offered at the Troke Branch Library. While other homework assistance sites exist in other communities, many students are not able to get to them or there are none in their particular area. The Out-of-School-Time Homework Help program expands the availability of the Library to serve students. Adult learners who are working toward their GED or college introduction courses will also be able to use the program.

The experienced tutors complete thousands of one-to-one sessions each month. The tutors are certified teachers, college professors, professional tutors, graduate school students and undergraduates from top universities. There are currently fifteen hundred tutors employed in the program.

FINANCIAL SUMMARY

The cost of the Out-of-School-Time Online Homework Help Program from Tutor.com for 2008-2009 is seventy thousand dollars ($70,000). $45,611 has been paid by a grant from the Library Services and Technology Act (LSTA) directly to the vendor. The remaining $24,389 will be paid from the Library’s Neighborhood Services: Library Materials Account 041-3521-580.

Respectfully submitted,

APPROVED BY

KEN YAMASHITA
PAMELA SLOAN
DIRECTOR OF COMMUNITY SERVICES

J. GORDON PALMER, JR.
CITY MANAGER

PS:GB:kas

::ODMA\GRPWISE\COS.LIB.LIB_Library:49239.1
Tutor.com Master Service Agreement Renewal

THIS RENEWAL AGREEMENT (the “Renewal”), is made and entered into as of 7/1/2008 by and between Tutor.com, Inc. (“Tutor.com”) with its principal offices at 40 Fulton St, New York, NY 10038, and Stockton-San Joaquin County Public Library (the “Library”) with its principal offices at 605 N. El Dorado St., Stockton, CA 95202 (collectively, the “Parties”).

Original Master Service Agreement. The Parties entered into a certain Master Service Agreement as of 7/1/2007 (the “Original Agreement”) which sets forth the terms for the delivery by Tutor.com and the purchase by the Library of the web-based communication services as set forth in the then current service order (each a “Service Order” and collectively, the “Service Orders”).

Renewal Term. The Parties hereby agree to extend the Term of the Original Agreement for a period of twelve months (the “Renewal Term”), such Renewal Term beginning the day after the last day of the Term of the Original Agreement. The Service Order attached hereto as Exhibit A shall set forth the services purchased by the Library and provided by Tutor.com during the Renewal Term pursuant to the terms of the Original Agreement. Capitalized terms not otherwise defined in this Renewal shall have the meaning ascribed to them in the Original Agreement, and for purposes of the Parties’ understanding, the “Agreement” between the Parties shall consist of the terms and conditions set forth in this Renewal, the Original Agreement, the Service Orders, and any other agreements attached hereto or subsequently signed by both of the Parties and that reference the Original Agreement.

Counterparts. This Renewal may be executed in one or more counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument; however, this Renewal will be of no force or effect until executed by both Parties.

IN WITNESS WHEREOF, the Parties hereto have caused this Renewal to be duly executed as of the date first set forth above.

On behalf of Tutor.com:

[Signature]

Kevin Donalds
Chief Financial Officer
Tutor.com, Inc.

Date

11-7-08

On behalf of the Library:

[Signature]

Natalie R. Rencher
Director of Library Services
Stockton-San Joaquin County Public Library

Date

11-14-08

On behalf of the City of Stockton:

[Signature]

J. Gordon Palmer, Jr.
City Manager
City of Stockton

Date

Standard MSA Renewal For Libraries - 10/07

165
**EXHIBIT A**

**SERVICE ORDER OF MASTER SERVICE AGREEMENT**

This order for the online tutoring services set forth herein constitutes a Service Order of the Master Service Agreement dated 7/1/2008, between Tutor.com, Inc. ("Tutor.com") and Stockton-San Joaquin County Public Library (the "Library").

<table>
<thead>
<tr>
<th>Library PRIMARY CONTACT Information</th>
<th>Tutor.com PRIMARY CONTACT Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name: Natalie Rencher</td>
<td>Name: Will Martin</td>
</tr>
<tr>
<td>Library: Stockton-San Joaquin County Public Library</td>
<td>Address: 40 Fulton Street</td>
</tr>
<tr>
<td>Address: 605 N. El Dorado Street</td>
<td>Address: 4th Floor</td>
</tr>
<tr>
<td>City, St, Zip: Stockton, CA 95202</td>
<td>City, St, Zip: New York, NY 10038</td>
</tr>
<tr>
<td>Telephone: (209) 937-8365</td>
<td>Telephone: (209) 534-5094</td>
</tr>
<tr>
<td>Fax:</td>
<td>Fax: (646) 607-5230</td>
</tr>
<tr>
<td>Email: <a href="mailto:natalie.rencher@ci.stockton.ca.us">natalie.rencher@ci.stockton.ca.us</a></td>
<td>Email: <a href="mailto:wmartin@tutor.com">wmartin@tutor.com</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Library BILLING CONTACT Information</th>
<th>Tutor.com BILLING CONTACT Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name: Natalie Rencher</td>
<td>Name: Cesar Flores</td>
</tr>
<tr>
<td>Library: Stockton-San Joaquin County Public Library</td>
<td>Address: 40 Fulton Street</td>
</tr>
<tr>
<td>Address: 605 N. El Dorado Street</td>
<td>Address: 4th Floor</td>
</tr>
<tr>
<td>City, St, Zip: Stockton, CA 95202</td>
<td>City, St, Zip: New York, NY 10038</td>
</tr>
<tr>
<td>Telephone: (209) 937-8365</td>
<td>Telephone: 212-528-3101 x239</td>
</tr>
<tr>
<td>Fax:</td>
<td>Fax: 646-607-5855</td>
</tr>
<tr>
<td>Email: <a href="mailto:natalie.rencher@ci.stockton.ca.us">natalie.rencher@ci.stockton.ca.us</a></td>
<td>Email: <a href="mailto:cflores@tutor.com">cflores@tutor.com</a></td>
</tr>
</tbody>
</table>

Ordered Services and Fees. Tutor.com agrees to provide the Library with the following Services and the Library agrees to pay Tutor.com the fees set forth below.

"Live Homework Help" Students access a Live Homework Help Web site after authenticating into the Library’s system, select the subject in which they need tutoring (math, science, social sciences, English), indicate their grade level (4-12), and then are connected immediately to a qualified tutor. Learning takes place in Tutor.com’s proprietary, Web-based, Online Classroom.

<table>
<thead>
<tr>
<th>Live Homework Help with Library and Remote Home Access</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Hours: Sunday-Saturday 1pm-10pm PST</td>
<td></td>
</tr>
<tr>
<td>All</td>
<td>7/1/2008 6/30/2009</td>
</tr>
<tr>
<td></td>
<td>$70,000.00</td>
</tr>
<tr>
<td>Live Homework Help en Español</td>
<td></td>
</tr>
<tr>
<td>Hours: Sunday-Saturday 1pm-10pm PST</td>
<td></td>
</tr>
<tr>
<td>All</td>
<td>7/1/2008 6/30/2009</td>
</tr>
<tr>
<td>*CSI, 1.LSTA grant paid by MCLS-See billings terms below</td>
<td>Included</td>
</tr>
<tr>
<td>Total Due by Stockton-San Joaquin County Public Library</td>
<td>$45,611.00</td>
</tr>
</tbody>
</table>

*Billing Terms: Tutor.com invoice to be paid by Exhibit A above in the amount of $24,389.00. MCLS will be billed on behalf of Stockton-San Joaquin County Public Library for the total of $45,611.00. MCLS is responsible for paying Tutor.com within 25 days of LSTA funds being distributed by the CA State Library.
September 4, 2008

Natalie R. Rencher, Director of Library Services
Stockton-San Joaquin County Public Library
605 N. El Dorado Street
Stockton, CA 95202-1999

Dear Ms. Rencher:

I am pleased that your library will continue to participate in the Out-of-School-Time Online Homework Help program. Our plan to sustain existing sites by sharing the cost of online homework help subscriptions has allowed us to expand the program to more libraries throughout the state. I am glad that your library has decided to continue to participate in this program and applaud your efforts to identify permanent funding streams and/or partnerships to support this program in the future.

The full cost for your library to subscribe to online homework help in 2008/09 is $70,000. The State Library will use Library Services and Technology Act (LSTA) funds to support $45,611 of the cost of this year's subscription fee. The library is responsible for paying the balance. Since this is your final year in the program, please be aware that your library will be expected to pay 100 percent of the cost in 2009/10 should you decide to continue online homework help after the grant cycle ends. The State Library's contribution may change depending on the availability of LSTA funds that can be allocated for this targeted grant program in 2008/09.

As per your request, your library's portion of this program's LSTA award is being distributed directly to the Metropolitan Cooperative Library System, our partner in this project. They are the contractor with the Out-of-School-Time Online Homework Help vendors and will facilitate the LSTA portion of the online homework help payments.

The Library Development Services Staff is ready to assist you in making your project a success. Please understand that no grant payments can be processed until the governor signs the State budget. State processing of grant payments can require 6-8 weeks before you receive your check.

Best wishes for a successful project year.

Yours truly,

[Signature]

Susan Hildreth
State Librarian of California

Enclosures

cc: Cindy Mediavilla
    Susan Johnston
THE BASICS – YOUR LSTA GRANT AWARD

The following provides all of the basic information about your grant and managing your grant.

<table>
<thead>
<tr>
<th>Award #:</th>
<th>40-7105</th>
</tr>
</thead>
<tbody>
<tr>
<td>IMLS #:</td>
<td>00-08-0005-08</td>
</tr>
<tr>
<td>Library:</td>
<td>Stockton-San Joaquin County Public Library</td>
</tr>
<tr>
<td>Project Title:</td>
<td>Out of School Time Online Homework Help</td>
</tr>
<tr>
<td>Award Amount:</td>
<td>$45,611</td>
</tr>
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</table>

2008/09 LSTA APPROVED BUDGET

<table>
<thead>
<tr>
<th>Salaries and Benefits</th>
<th>-0-</th>
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<tbody>
<tr>
<td>Library Materials</td>
<td>-0-</td>
</tr>
<tr>
<td>Operating Expenses</td>
<td>45,611</td>
</tr>
<tr>
<td>Equipment</td>
<td>-0-</td>
</tr>
<tr>
<td>Award Amount</td>
<td>45,611</td>
</tr>
<tr>
<td>Indirect Cost (UP TO 10%)</td>
<td>-0-</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$45,611</td>
</tr>
</tbody>
</table>

Start Date: September 4, 2008
End Date: June 30, 2009

REPORTING

Participating libraries are required to submit a 6-month progress report to the primary consultant for this project, along with a final narrative report, which is due within 30 days after the close of the project, by July 30, 2009. All required reporting materials are located on the California State Library’s website at http://www.library.ca.gov/grants/lsta/ost.html. The 6-Month Narrative Report (LSTA Form 7 OST) and the Final Narrative Report (LSTA Form 9 OST), along with instructions for completing each report, are on the State Library’s web page under the heading “LSTA Reporting and Control Documents.”

CONTACT

We want your project to be successful. The following staff person will be your contact for your project. Please work with this consultant in implementing your project.

<table>
<thead>
<tr>
<th>Primary Contact:</th>
<th>Cindy Mediavilla</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phone Number:</td>
<td>(310) 915-8588</td>
</tr>
<tr>
<td>Email Address:</td>
<td><a href="mailto:cmediavilla@library.ca.gov">cmediavilla@library.ca.gov</a></td>
</tr>
</tbody>
</table>

Doc.#12851
Resolution No. __________

STOCKTON CITY COUNCIL

RESOLUTION ACCEPTING THE LIVE HOMEWORK HELP GRANT AWARD FROM THE CALIFORNIA STATE LIBRARY

The Library applied for and received an award of the Live Homework Help program from the California State Library in the amount of $45,611 to offset the full cost of the program in the amount of $70,000; and

The Library Services and Technology Act ("LSTA") has provided funding in the amount of $45,611, with the remaining $24,389 to be paid from the Neighborhood Services: Library Materials Account No. 041-3521-580.30.55; now therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

1. That the award of the Live Homework Help program from the California State Library in the amount of $45,611 from the Library Services and Technology Act (LSTA) funds is hereby accepted.

2. That the Library may continue its subscription to Live Homework Help for 2008-2009.

3. That the City Manager is hereby authorized and directed to pay the sum of $24,389, which represents the Library's portion of the funds necessary for the program from Neighborhood Services Library Materials Account No. 041-3521-580.30.55.

4. That the City Manager is authorized to take such other actions as are appropriate to carry out the intent of this Resolution.

PASSED, APPROVED, and ADOPTED ________________

ANN JOHNSTON
Mayor of the City of Stockton

ATTEST:

KATHERINE GONG MEISSNER
City Clerk of the City of Stockton

::ODMA/GRPWISE/CQS_LIB/Library-95306.1

City Atty:
Review
Date   February 10, 2009