GM12.2

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STAFF REPORT ACTION REQUIRED

Provision of SAP Ariba - Proprietary Software as a Service from SAP Canada for Supply Chain Management Transformation

Date:	April 25, 2016		
То:	Government Management Committee		
From:	Deputy City Manager & Chief Financial Officer Director, Purchasing and Materials Management Division		
Wards:	All		
Reference Number:	P·\2016\Internal Services\nmmd\gm16003nmmd (AFS22450)		

SUMMARY

The purpose of this report is to seek City Council authority for the Chief Information Officer and the Treasurer to negotiate and enter into an agreement with SAP Canada for use of SAP Canada's SAP Ariba Software as a Service solution for the City's Supply Chain Management Transformation Project.

SAP Ariba is an end-to-end integrated solution for purchasing, materials management and account payable functions. Through the following modules, SAP Ariba will provide the following functionality:

- SAP Ariba Sourcing- This module of Ariba will integrate with the materials management and purchasing modules of SAP. This will allow the City to create and post RFx documents, receive RFx responses, evaluate and score the responses and communicate with suppliers all within an online environment.
- SAP Ariba Contract Management- This module will enable the ability to convert the winning bid/proposal directly into contracts, the ability to track and monitor contract usage, the ability for vendors to directly interface with accounts payable to allow payment of all invoices electronically and provide reporting capabilities.
- SAP Ariba Online Catalog- This feature will integrate with the warehouse management module of SAP. It will allow City staff to request items from the city managed

warehouses via an online portal that will have the items as part of an online catalog. It will also enable the ability to punch-out to vendor catalogs, to allow direct ordering from vendors that have contracts with the City.

- SAP Ariba Spend Analysis- The spend analysis module of Ariba will allow the City to conduct a categorised spend analysis. The reporting is available in the form of dashboards and will allow the City to leverage spend data as part of strategic sourcing initiatives and to rationalize the supply base.
- SAP Ariba Vendor Performance Management- This Ariba module will require suppliers to register themselves as prospective vendors for the City. The City would be able to manage supplier profiles and report on their performance based on various criteria as established by the City.

Implementing SAP Ariba will modernize the City's procurement process and PMMD, leading to efficiency in PMMD's processes by introducing automation and elimination of manual tasks such as receiving physical bids, handling bids and entering data into various databases, increasing the number of compliant bids, improving the ability to analyze data in the procurement process, improving the capture of early payment discounts, and laying the technological ground work to help move to shared services with the City Agencies.

Preliminary benefits from implementing the Supply Chain Management Transformation Project are as follows:

Benefit	Amount			
Cost Savings - Industry analysis suggests allowing for	Approximately \$36 million – based			
electronic bid and proposal submissions increases the	on a conservative estimate of 2% of			
number of compliant bids and allows better management	\$1.8 billion.			
of spend leading to potential savings of 2% to 6% per \$1				
billion in spend. The City's average over last 5 years is				
approximately \$1.8 billion.				
Cost Savings - Increased ability to capture early discounts	Approximately \$200,000 to			
on invoice payments, estimated to increase by 15 to 25%.	\$300,000			
Service Efficiencies - Increased efficiencies for PMMD	Approximately 126 hours per			
staff by reducing administrative and manual effort and	Buyer FTE or equivalent to 2.6			
replacing with more value added activity, allowing staff to	Buyers FTEs or approximately			
focus on more value-added activities in the procurement	\$230,000, based on 37 buyers.			
process. This is not a reduction in staff.				
Cost Recovery - An annual credit from SAP with respect	Approximately \$499,586 per year			
to past maintenance costs	for the next five years (\$2,497,930)			

The cost savings suggested by the industry are expected, however the ability to track this type of savings will be extremely difficult to determine. It is also anticipated that there will be further process efficiencies in PMMD and in City Divisions and other cost savings that are not captured in the above but will materialize as the Project is implemented. As part of the Project, staff will continue to review and validate the benefits as identified, where possible.

RECOMMENDATIONS

The Deputy City Manager & Chief Financial Officer, and the Director, Purchasing and Materials Management Division recommend that:

 City Council authorize the Chief Information Officer, Information & Technology, and the Treasurer to negotiate and execute a five year contract with SAP Canada for the use of SAP Ariba in the amount of \$11,220,210 net of HST (\$11,417,686 net of HST recoveries), including a credit of \$2,497,930 over five years for a total cost of \$8,919,756 net of HST recoveries, based on terms and conditions set out in Appendix A, and on other terms and conditions satisfactory to the Chief Information Officer, Information & Technology, and the Treasurer, and in a form satisfactory to the City Solicitor.

Financial Impact

The total estimated value of the contract identified in this report is \$11,417,686 net of HST recoveries is reduced by the credit from SAP Canada in the amount of \$2,497,930 over five years, reducing the total cost of the contract to \$8,919,756 net of HST recoveries.

Funding for the SAP portion of this transformation project in the amount of \$2,858,024 (net after SAP credit) is included in the 2016 Capital Budget for Financial Services (Purchasing and Materials Management Division). Further, a council approved commitment of \$229,190 in 2017 and \$127,772 in 2018 is included in the Financial Services 2017 – 2025 Capital Plan for SAP only related costs.

This contract will result in annual operating impact of \$1,426,192 (net after credit) beginning from 2017 through 2020 for hardware and maintenance, software license and subscription support. The required funding will be reviewed and considered during the 2017 Operating Budget process in the Information & Technology and Treasurer's Operating (Purchasing and Materials Management Division) Budgets.

Table 1	2016	2017	2018	2019	2020	Total
Capital Budget (WBS No. CFS044)	\$3,357,610	\$229,190	\$127,772	0	0	\$3,714,572
Operating Budget (Cost Centre		\$1,025,770	¢1 025 779	\$1,025,770	¢1 025 779	¢7 702 114
Total	\$3,357,610	\$1,925,779 \$2,154,969	\$1,925,778 \$2,053,550	\$1,925,779 \$1,925,779	\$1,925,778 \$1,925,778	\$7,703,114 \$11,417,686
SAP Canada Credit	(\$499,586)	(\$499,586)	(\$499,586)	(\$499,586)	(\$499,586)	(\$2,497,930)
Grand Total Cost	\$2,858,024	\$1,655,383	\$1,553,964	\$1,426,193	\$1,426,192	\$8,919,756

Table 1 below illustrates the capital cash flow funding requirements and operating impacts for future years.

The Deputy City Manager & Chief Financial Officer has reviewed this report and agree with the financial impact information.

DECISION HISTORY

The City of Toronto has a long history with implementing SAP. City Council approved the original SAP Implementation back in 1998: http://www.toronto.ca/legdocs/1998/agendas/council/cc/cc980729/cs10rpt/cl001.htm http://www.toronto.ca/legdocs/minutes/council/cc980729.htm

The Auditor General performed an audit in 2003 on SAP Financial and Human Resources/Payroll Information Systems – Post Implementation Review which included amongst other things a recommendation for the Chief Administrative Officer to develop an SAP First Policy.

http://www.toronto.ca/audit/2003/sap_final_apr4_2003.pdf

In 2004, City Council adopted staff's SAP First Policy in the report entitled "Moving Forward with SAP":

http://www.toronto.ca/legdocs/2004/agendas/council/cc040518/admcl012b.pdf http://www.toronto.ca/legdocs/2004/agendas/council/cc040518/cofa.pdf

In 2009, City Council adopted GM23.13, "Sole Source SAP Licence Framework" which adopted a Strategic Investment Framework for SAP software licenses. The license framework was based on an envelope approach which proposed a flexible acquisition model that allows software to be staged in when needed for critical projects over the next 3 years. As part of this acquisition, the City purchased SAP Procurement for Public Sector Licences (SAP-PPS). http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-21085.pdf

In 2014, City Council adopted EX32.3, "Results of the Shared Services Study – City Agencies" which, in part, directed City Staff to work on "rationalizing information technology applications" which is consistent with the SAP First Policy to leverage existing technology to the extent possible before adding new software applications.

http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.EX32.3

ISSUE BACKGROUND

The City has been using SAP since 1998 for the City's financial and human resources system's needs and as an enterprise-wide system has expanded the use of SAP to meet other functionality. In 2003, the Auditor General released a report on the progress of the SAP Implementation and urged better management of the product and licenses and to consider an "SAP First" policy for the City's software future needs.

The idea behind the "SAP first" philosophy is that software needs should be evaluated against the capability of the City's SAP software that it already owns before other software solutions are sought.

In 2004, Council adopted a report called "Moving Forward with SAP". This report reinforced SAP as the City's platform of choice by following the "SAP first" approach to management systems. It provided the strategic direction for the City to establish an SAP governance model and an SAP Competency Centre.

e-Procurement/Supply Chain Management Transformation

e-Procurement is a collective term for a range of technologies that can be used to automate the internal and external processes associated with sourcing, ordering, commissioning, receipting and making payments for the whole spectrum of an organization's procurement activities. The range of technologies includes, but is not limited to, elements such as competitive call document, advertising and distribution, electronic bid receipt, contract evaluation and award, ordering and payment of goods and services, vendor registration and management, and contract/ service management.

In 2011, the e-Procurement project was formally initiated and work commenced on developing enterprise architecture documents needed to further guide the process through the scoping and planning phase. On completion of the initial review and approval of the Business Architecture Report by PMMD in July 2012, work commenced on a Request for Proposal (RFP) to procure consulting services for the planning and scoping phase of the project. In 2014, PMMD, Accounting Services and I&T retained PricewaterhouseCoopers LLP (PwC) to conduct a functional assessment/fit-gap analysis of the SAP-PPS licences as it compared to PMMD's existing processes. PwC was also asked to provide:

- 1. An architectural roadmap;
- 2. An implementation strategy and roadmap; and
- 3. A benefit analysis.

PwC's recommendation was to leverage the existing SAP-PPS licences to implement an end-toend Supply Chain Management Solution as the SAP-PPS licences covered the majority of the processes in the procurement process. PwC did compare the SAP-PPS solution against other comparable solutions on the marketplace and concluded that while other solutions had some advantages, there was no dramatic advantage to choose another solution over SAP-PPS given that the City already owned SAP-PPS licenses and the need to integrate the solution with the existing SAP Enterprise Central Component (SAP-ECC).

City staff reviewed PwC's recommendations to implement SAP-PPS and concluded that the overall cost to implement an on-site solution using SAP-PPS was too cost prohibitive as the original estimates ranged from \$27 million to \$30 million. Staff then turned to find alternative solutions that could meet the City's desire for an end-to-end solution but at a lower cost. This turned the focus to cloud solutions.

In 2015, the project was formally renamed the Supply Chain Management Transformation Project to recognize the importance of the Project for the City as an end-to-end Procure to Pay Project that required business transformation and change management. The Supply Chain Management Transformation Project aligns with a number of City of Toronto Strategic Actions including:

- Action #19 Improve Customer Service
- Action #20 Enhance Performance Measurement
- Action #21 Improve Organizational Excellence
- Action #22 Implement Shared Services
- Action #24 Improve Service and Financial Planning

COMMENTS

<u>SAP Ariba</u>

The main task in 2015, was to build a business case for an alternative approach to implement Supply Chain Management. Over the course of 2015, staff reviewed a number of potential cloud solutions at a high level. Staff concluded that SAP's Ariba cloud solution would meet the City's needs for an end-to-end supply chain management solution as compared to the other solutions that were considered and with a lower implementation cost as compared to the SAP-PPS on-site solution. The other solutions were often components of an end-to-end solution that would need to be built upon with additional modules and would need to be integrated with the City's SAP-ECC. Since SAP Ariba is an SAP product, integration into SAP-ECC would be easier than integrating another product.

SAP Ariba is also a leading product in Gartner's 2015 Magic Quadrant for Strategic Sourcing.



SAP Ariba is offered through a publicly hosted cloud Software as a Service (SaaS) modelled solution that will provide the following high level functionality to the City of Toronto:

- SAP Ariba Sourcing- This module of Ariba will integrate with the materials management and purchasing modules of SAP. It will also integrate with SAP Financials. This will allow the City to post RFx documents, receive RFx responses, evaluate and score the responses, communicate with suppliers, award contracts and update financials. It is expected to provide an online environment for the RFx process:
 - to develop RFx documents;
 - to post RFx documents for all vendors to access;
 - to allow vendors to log into a portal with a profile (including demographical information that can support supplier diversity), and to give them the option to be notified of opportunities of interest
 - to allow vendors to submit bids and proposals electronically which can reduce the amount of errors leading to bidders/proponents being declared non-compliant (i.e. to avoid missing documents, answering all questions etc.);
 - o to allow City staff to evaluate online and in a controlled environment; and
 - to allow for a library of RFx templates and contract legal terms.
- SAP Ariba Contract Management- This will draw upon the procurement module of SAP. The contract management option allows to manage all contracts in a contract repository and track the contract through a predefined lifecycle. Various checks can be initiated triggered at different stages of the contract lifecycle. This ensures that the contracts are managed efficiently. It is expected to provide an online environment for Contract Management including:
 - Being able to convert bids/proponents with the winning bidder/proponent directly into contracts;
 - Being able to track and monitor contract usage;
 - Allowing vendors to directly interface with accounts payable to pay all invoices electronically
 - Provide reporting on the above noted components
- SAP Ariba Online Catalog- This feature will integrate with the warehouse management module of SAP. It will allow users to request items from the city managed warehouses via an online portal that will have the items as part of a catalog. The catalog may also display the current availability in stock of the material. It is expected to:
 - Improve the use of SAP's warehouse management module to enhance the tracking of inventory goods
 - Provide an online-catalogue for City Corporate Stores and Divisional Stores
 - Provide the platform to allow for vendor based catalogues that can be accessed under contract
 - Provide reporting and metrics
- SAP Ariba Spend Analysis- Currently the city does not have a dedicated tool to conduct a spend analysis on the city's spend on procurement of goods and services. The spend analysis module of Ariba will allow the city to conduct a categorised spend analysis. The

reporting is available in the form of dashboards which are relatively easy to read and comprehend. This module will most likely integrate/ draw upon the SAP finance modules. It is expected to:

- Provide spend analysis reporting capabilities which will allow us to leverage spend data as part of strategic sourcing initiatives.
- Utilize web-based reporting and dashboards to track key spend and savings metrics
- Leverage spend analysis to rationalize the supply base.
- SAP Ariba Vendor Performance Management- This Ariba module will allow suppliers to register themselves as prospective vendors for the City. The City would be able to manage supplier profiles and report on their performance based on various criteria. This module also allows the City to communicate with suppliers to resolve disputes etc. The Ariba vendor performance management module may feed information into the vendor master records in SAP ERP. It is expected to:
 - Provide online tools to track vendor performance based on criteria established by the City of Toronto
 - View up to date supplier profiles
 - Manage and monitor supplier performance
 - Assist with assessment of compliance and supply management
 - Identify and evaluate new sources of supply
 - o Assist with onboarding of new vendors

SAP Ariba is a public cloud solution, which will host a City owned private instance and will host data of the City's in the United States. Cloud data will be stored in San Jose, California with realtime back-up occurring in Sterling, Virginia. In using SAP Ariba, the types of data that will be stored in the US include the City's procurement documents, bid and proposal responses from bidders and proponents, vendor registration information and contract information.

Based on the ability for SAP Ariba to encrypt data at an industry standard of 128 bit when transmitting information and 256 bit when data resides with our private realm, the risk of exposing data to non-authorized individuals and process, is decreased dramatically. It is important to note, that a Master Record will always be retained through our in-house SAP ERP platform and will always be accessible for backup and audit purposes. In situations where additional transactional based audits are required, SAP Ariba has confirmed that data extracts and tools are available for download.

City Clerk's Office staff participated in the review of the proposed terms of service with staff from PMMD, I&T, and Legal Services. This review, assessed the City's obligations for managing information in a cloud computing environment. Ontario's Information and Privacy Commissioner has concluded that maintaining information outside of Ontario does not contravene the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). However, it does not exempt the City from its obligations regarding access and privacy under the Act. The review also considered the storage, transmission, security, and accessibility of City information residing outside of Ontario; the risks of a privacy breach and records retention and destruction requirements. Staff believe it will be possible to negotiate contractual terms, and adopt a method of implementation of the SAP Ariba solution which will satisfactorily address the risks and compliance requirements for the management of City Records. One measure being proposed is that the City will maintain the final records within the City's on-premise SAP Enterprise Central Component (SAP-ECC).

SAP Ariba is used by over 1.5 million businesses globally. The Ariba network will allow the City's call documents to be viewed and accessed by thousands of potential vendors at no cost. However, vendors may pay a subscription cost to SAP Ariba depending on the vendor's use of the SAP network.

As a public cloud solution hosted outside of Canada, City staff, based on an internally developed Cloud Based Framework is recommending to negotiate a contract with SAP Canada based on the terms and conditions set out in Appendix A. Staff believe that these terms will protect the City's interests. Given the integration between SAP Ariba and the City's existing installation of SAP-ECC, leveraging SAP Ariba is consistent with the City's SAP First Policy as it would continue to leverage our investment with SAP. In addition, leveraging SAP Ariba is consistent with Council's direction to I&T to rationalize the City's software applications to ensure we leverage our existing software as opposed to increasing the software inventory.

Implementing SAP Ariba will modernize the City's procurement process and PMMD, leading to efficiency in PMMD's processes by introducing automation and elimination of manual tasks such as receiving physical bids, handling bids and entering data into various databases, increasing the number of compliant bids, improving the ability to analyze data in the procurement process, improving the capture of early payment discounts, and laying the technological ground work to help move to shared services with the City Agencies.

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process				
Cost Recovery - An annual credit from SAP with respect	Approximately \$499, 586 per year			
to past maintenance costs	for the next five years (\$2,497,930)			

Preliminary benefits from implementing the Supply Chain Management Transformation Project are as follows:

The cost savings suggested by the industry are expected, however the ability to track this type of savings will be extremely difficult to determine. It is anticipated that there will be further process efficiencies in PMMD and in City Divisions and other cost savings that are not captured in the above but will materialize as the project is implemented. As part of the Project, staff will continue to review and validate the benefits as identified, where possible.

The Fair Wage Office has reported that the recommended firm has indicated that it has reviewed and understands the Fair Wage Policy and Labour Trades requirements and has agreed to comply fully.

CONTACT

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SIGNATURE

Roberto Rossini, Deputy City Manager & Chief Financial Officer Michael Pacholok, Director Purchasing and Materials Management Division

ATTACHMENTS

Appendix A – Terms and Conditions with SAP Canada for use of SAP Ariba

Appendix A – Terms and Conditions with SAP Canada for use of SAP Ariba

The following are terms and conditions that will be negotiated with SAP Canada (the "Vendor") for the use of SAP Ariba, and for the groundwork for future cloud services agreements with SAP Canada.

Framework

• The agreement will be structured as a master service cloud agreement ("MSCA") in which common terms and conditions for multiple SAP cloud offerings will be done in the main agreement, with specific terms and conditions related to specific SAP services, such as Ariba, contained within a specific scope of work schedule ("SOW") to the MSCA.

Term of Agreement

• 5 years from contract execution.

Subscription costs

• Annual subscription costs during the life of the contract will be \$1,892,471. If the contract is renewed, subject to staff reporting back to Council for approval, CPI will be applied to the subscription costs.

Credit

• The Vendor will provide a credit of \$2,497,930 over five years based on the maintenance that has been paid by the City during the past five years for Supply Change Management module.

Data location

- Main data location in San Jose, California, USA
- Backup data location in Sterling, Virginia, USA.

Professional Services

• Provided by SAP to implement SAP Ariba with City staff resources – approximately \$1.5m.

Risk Allocation

- Indemnification Based on the existing 1998 agreement between the City and The Vendor where as it relates to SAP Ariba:
 - the vendor agrees to defend, indemnify and hold the City harmless for damages that arise from: (i) the vendor's infringement of intellectual property rights to an aggregate amount of \$50 million dollars, (ii) the vendor's negligence or wilful misconduct resulting in death, personal injury or damage to property, and (iii) vendor's breach of confidentiality.
 - The City agrees to defend, indemnify and hold the vendor harmless from damages that arise from: the City's negligence or wilful misconduct resulting in death, personal injury or damage to property, and (iii) the City's breach of confidentiality.

- Limitation of Liability The limitation of liability under the MSCA is capped at fees paid for the 36 months preceding the date that the cause of action arose as it relates to SAP Ariba.
 - The Vendor's indemnification obligations fall outside of the limitation of liability clause under the MSCA; while the City's indemnification obligations are subject to the limitation of liability clause.
 - Neither party will be liable to the other party for indirect, third party, special, incidental or consequential costs.
- Insurance
 - The City and the Vendor will negotiate appropriate insurance coverage for the use of SAP Ariba, including but not limited to the following:
 - Commercial General Liability
 - Professional liability/errors and omissions
 - Technology professional liability.

Termination and Suspension

- Each party retains a right to terminate for breach up thirty (30) days written notice provided the breach is not remedied within the 30 day notice period.
- The City may terminate the applicable SOW upon ninety (90) days written notice to The Vendor of a change in the laws and regulations governing the City's operations and where City has been directed by law or regulation to cease use of the Services.
- Further, the City may terminate the MSCA where the vendor fails to meet service levels in any 3 consecutive month period and may terminate a SOW immediately where The Vendor fails to meet a service level in any 3 months within a 12 month period.
- In addition, the City may terminate or suspend some or all of the services provided under the MSCA immediately without liability, cost or penalty where the vendor fails to remedy deficiencies noted in any annual audit in a timely manner.
- The Vendor may, in its reasonable determination, deactivate user's user name(s) and password(s) and/or temporarily suspend access to the Cloud Service or a portion thereof, if and to the extent The Vendor can substantiate that the continued use of the Cloud Service by a user may result in harm to the Cloud Service (including the security of the systems used to provide the Cloud Service) or other SAP customers, or the rights of third parties, upon prior written notice to the City. The Vendor shall limit the temporary suspension in time and scope as reasonably required.

Transitioning

• Upon termination of the MSCA the City will have 180 days to extract data; further, the SOW shall set out a detailed transition plan to ensure a seamless transition.

Subcontracting

• The City and the Vendor will negotiate appropriate notification and approval for the use of subcontracting considering the use of a SaaS solution for SAP Ariba, the use of professional services and the use of subcontractors in other cloud based applications as required for the MSCA.

Audit

• The MSCA shall include an audit right in favour of the City, a right to access annual SOC 2 audit reports and an unfettered right in favour of the Auditor General to access to all records that pertain to the services to be provided under the MSCA.

Compliance with Applicable Laws

- The Vendor agrees to comply with the laws of Ontario and Canada and the laws of the location of the data centres in the US. In the event of a conflict, the laws of Ontario shall govern.
- The Vendor will comply with applicable laws. Where the Vendor seeks to add locations where it would provide services as a data processor, the Vendor will comply with applicable laws to the extent such laws apply to a data processor; and the City and Vendor may negotiate appropriate terms of a Data Processing Agreement that would form part of the MSCA.

Extraterritorial Measures

- The data will be stored in San Jose, California with data back up in Sterling, Virginia. SAP will be required to provide prior written notice if the main data location or the back-up location is moved within continental US or to Canada. Any proposal to move the data location to any another location, require the City's approval as to appropriate terms, as part of the contract negotiation; or the City's prior written consent or the City's right to terminate the SOW.
- Notwithstanding the above, a party cannot contract out of a statutory obligation such that if data is stored outside of jurisdiction, SAP may be required to release the data to a foreign authority and may be prohibited from notifying the City of such disclosure. Further such disclosure would not constitute a breach under the MSCA and the City would not be entitled to terminate based on the disclosure.

Record Retention

• The MSCA includes the following clauses to ensure compliance with the City's record retention requirements: (i) export functionality enabling the City to extract data in both human and machine readable format, (ii) defined scheduling for data back up to ensure preservation of data, (iii) defined recovery provisions with a minimum requirement in accordance with the Vendor's current disaster recovery plan (DRP) and business continuity plan.

Data Ownership.

- The City shall retain ownership in both the Use Data and Service Data (both defined below) granting the Vendor a limited license to use the Use Data and Service Data in the performance of its obligations under the MSCA.
- Use Data is defined as: (i) any data placed in the custody or control of the vendor by the City or its users; (ii) any data created by the City or its users using the cloud-based Services; and (iii) any data derived from the data described in (i) or (ii).

• Service Data is defined as any data collected by or on behalf of vendor relating to the operation of the cloud-based Services to support or document the City's use of the cloud-based Services.

Network and Facilities Security

- Ariba Services are provisioned through a third party data centre in San Jose, California that is SSAE 16 SOC-1 Type II compliant.
- The City intends to negotiate industry standard provisions as it relates to security of facilities and liens, charges and encumbrances on facilities.

Data Security

• When the Use Data is: (i) being transmitted for any purpose, the vendor will secure the Use Data using no less than 128 bit secured socket layering encryption or through establishing a virtual private network with the City; and (ii) at rest on any device being used to provide the Services, vendor will secure the Use Data using no less than 256 bit secured socket layering encryption.

Service Level Commitment – Availability

• The Ariba service shall be accessible 99.5% of the time excluding scheduled maintenance ("Service Availability Warranty"). The SOW will include a detailed process for logging and tracking any outages with an agreed upon formula for calculating service credits.

Supplemental Documentation

- The City is prepared to negotiate the incorporation of numerous ancillary/supplemental SAP documentation into the Ariba SOW including: (i) Data Security Policy, (ii) Supplemental SAP Cloud terms, (iii) SAP Ariba Supplemental terms, (iv) Ariba Cloud Services While Paper, (v) Data Processing Agreement for SAP Cloud Services, (vi) Integrating Ariba Cloud Solutions with SAP ERP, (vii) Ariba DRP Plan; and (viii) Technical Infrastructure White Paper dated March, 2015.
- Further, the City is relying on SAP's statement set out in the City's Cloud Services Questionnaire as part of its decision making process and intends to incorporate the responses as part of the above noted Supplemental Documentation.