



## Legislation Details (With Board Report)

**File #:** A 20-118      **Name:** ESRI Agreement

**Type:** BoS Agreement      **Status:** Passed - Information Technology Department

**File created:** 5/4/2020      **In control:** Board of Supervisors

**On agenda:** 5/19/2020      **Final action:** 5/19/2020

**Title:** a. Approve and authorize the Director of the Information Technology Department to execute a non-standard agreement with Environmental Systems Research Institute, Inc., (ESRI Inc.) for continuance of, and support and maintenance of, County ESRI licenses, required for the County’s GIS system, in an amount not to exceed \$772,600 for the term of July 1, 2020 to June 30, 2023; and  
b. Authorize the Director of the Information Technology Department to execute service renewals and such documents as are necessary to implement the agreement;  
c. Accept non-standard language as recommended by the Director of the Information Technology Department.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Board Report, 2. ESRI Agreement, 3. Item No. 42 Completed Board Order

Date	Ver.	Action By	Action	Result
5/19/2020	1	Board of Supervisors		

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b. Authorize the Director of the Information Technology Department to execute service renewals and such documents as are necessary to implement the agreement;  
c. Accept non-standard language as recommended by the Director of the Information Technology Department.

**RECOMMENDATION:**

It is recommended that the Board of Supervisors:

a. Approve and authorize the Director of the Information Technology Department to execute a non-standard agreement with Environmental Systems Research Institute, Inc., (ESRI Inc.) for continuance of, and support and maintenance of, County ESRI licenses, required for the County’s GIS system, in an amount not to exceed \$772,600 for the term of July 1, 2020 to June 30, 2023; and  
b. Authorize the Director of the Information Technology Department to execute service renewals and such documents as are necessary to implement the agreement;  
c. Accept non-standard language as recommended by the Director of the Information Technology Department.

**SUMMARY:**

The Information Technology Department (ITD) entered a master agreement with ESRI Inc. in 2016 to support the needs of several County Departments that use various ESRI products, including GIS products for County desktops, GIS products for County servers, and County access to GIS online data. In September 2019, ITD

requested and was authorized sole source authorization from the Contracts/Purchasing Officer to continue services with ESRI Inc.'s proprietary software system. The proposed agreement allows the County to continue uninterrupted service through 2023.

DISCUSSION:

The County has an annual Geographic Information System (GIS) software licenses with ESRI Inc. This software captures, stores and analyzes geographic data, allowing numerous County Departments to access location intelligence to manage their resources in serving the public. For example, the Recorder-County Clerk's Office uses ESRI-licensed products to verify property and parcel information for taxation; the Agricultural Commissioners Department uses their ESRI-licensed products to track pest migration; the Monterey County Sheriff's Office uses their ESRI-licensed products to track crime statistics.

Currently, 54 business units across ten County Departments and agencies utilize 120 software licenses to develop and maintain GIS data for their day-to-day operations and serve the data to County residents and visitors as maps, location services, and open data. The demand for additional licenses has grown and continues to grow, as County departments leverage the enhanced mobile and web features of ESRI applications to streamline data collection and improve business workflows. This agreement will meet that demand with uncapped software licenses, additional enterprise server capabilities, and training and consulting services.

The proposed agreement, using ESRI Inc.'s contract language, does contain provisions that are not standard to the County, but are standard in the software support and maintenance industry.

In the opinion of Information Technology Department staff, the non-standard Agreement with ESRI Inc. poses minimal risk to the County and acceptance of these terms by the Board is recommended.

OTHER AGENCY INVOLVEMENT:

County Counsel has reviewed the ESRI agreement and cannot approve due to the following nonstandard terms: limitations and disclaimers on warranty of ESRI products; provision of specified ESRI products on an "as is" basis; limitations on County remedies in the event of ESRI product defects; limitations on the type of damages and the amount of damages County can seek from ESRI; absence of standard indemnification and insurance provisions; binding arbitration requirements.

FINANCING:

The funds for payment of the costs of the Information Technology Department's use of this Agreement have been included in the FY 2020-2021 Approved Budget for the Information Technology, ITD 1930, Unit 8433, Appropriations Unit INF002. Should funding be reduced and/or terminated, the County may terminate this agreement by giving thirty (30) days' written notice of such action to the Contractor. Transactions relating to future fiscal years will be included in each respective Recommended Budget.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The services provided pursuant to this amendment to the ESRI Inc. provide the County with critical location intelligence tools used in every area engaged in the County's strategic initiatives.

- X Economic Development
- X Administration
- X Health & Human Services
- X Infrastructure
- X Public Safety

Prepared by: Sandra Shaffer, Management Analyst III, 759-3985

Approved by:

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Eric A. Chatham, Director of Information Technology, 759-6920

Attachments:  
ESRI Inc. Agreement

Attachments are on file with the Clerk of the Board