



Board Report

File #: A 16-345, **Version:** 1

- a. Approve and authorize the Interim 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 \$65,000.00, for the term of October 31, 2016 to October 30, 2017;
- b. Accept non-standard language as recommended by the Interim Director of the Information Technology Department; and
- c. Authorize the Interim Director of the Information Technology Department to sign up to two (2) amendments to this Agreement, subject to County Counsel review, which extend services by one (1) year each, where any increased costs do not exceed 10% of the original contract amount (\$6,500), per amendment, and do not significantly alter the terms of the Agreement, including non-standard terms approved by the Board.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Approve and authorize the Interim 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 \$65,000.00, for the term of October 31, 2016 to October 30, 2017;
- b. Accept non-standard language as recommended by the Interim Director of the Information Technology Department; and
- c. Authorize the Interim Director of the Information Technology Department to sign up to two (2) amendments to this Agreement, subject to County Counsel review, which extend services by one (1) year each, where any increased costs do not exceed 10% of the original contract amount (\$6,500), per amendment, and do not significantly alter the terms of the Agreement, including non-standard terms approved by the Board.

SUMMARY/DISCUSSION

The Information Technology Department is creating a master agreement with ESRI Inc., 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.

The County has used ESRI licenses for over fifteen years. These licenses allow 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 product to track crime statistics. Currently twelve County Departments and independent agencies make use of fourteen different ESRI licenses.

ESRI Inc. will only agree to provide support and maintenance of ESRI products pursuant to its own contract documents. 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.

The total yearly amount for support and maintenance of the licenses currently utilized by County Departments and independent agencies is currently \$59,851.88. The Board is asked to authorize expenditures up to \$65,000 pursuant to the ESRI master agreement so that additional licenses may be purchased if necessary to meet unforeseen County needs.

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. Risk does not approve non-standard indemnification and insurance provisions.

FINANCING:

The funds for payment of the costs of the Information Technology Department’s use of this Agreement have been included in the FY 16-17 Approved Budget for the Information Technology, ITD 1930, Unit 8436, Appropriations Unit INF 002. Each of the other Department’s using ESRI’s licenses will create their own purchase order request and pay for their use of their licenses.

Prepared by: Elizabeth Crooke, Management Analyst III, 755-5108

Approved by:

Eric Chatham, Interim Director of Information Technology, 759-6920

Attachments: ESRI Inc. Agreement

Attachments are on file with the Clerk of the Board