



## Board Report

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**File #: A 19-404, Version: 1**

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- a. Approve and authorize the Director of the Information Technology Department to execute Amendment No. 3 to the 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 \$59,798.08, for the retroactive term of October 30, 2019 to October 30, 2020 for a total contract not to exceed \$237,140.07;
- b. Authorize the Director of the Information Technology Department to execute service renewals and such documents as are necessary to implement extension of the agreement;
- c. Accept non-standard language as recommended by Director of the Information Technology Department; and
- d. Authorize the Director of the Information Technology Department to sign up to three (3) renewals 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 of the cost of Amendment No. 3 (\$5,979), 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 Director of the Information Technology Department to execute Amendment No. 3 to the 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 \$59,798.08, for the retroactive term of October 30, 2019 to October 30, 2020 for a total contract not to exceed \$237,140.07;
- b. Authorize the Director of the Information Technology Department to execute service renewals and such documents as are necessary to implement extension of the agreement;
- c. Accept non-standard language as recommended by Director of the Information Technology Department; and
- d. Authorize the Director of the Information Technology Department to sign up to three (3) renewals 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 of the cost of Amendment No. 3 (\$5,979), per amendment, and do not significantly alter the terms of the Agreement, including non-standard terms approved by the Board.

### SUMMARY:

The Information Technology Department 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 2018, as approved by the Board, the contract was amended for a second time to extend these services for an additional year.

Proposed is an amendment to the ESRI, Inc., Agreement that continues licenses renewals through October 2020.

### 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 product to track crime statistics.

Amendment No. 3 provides renewal services for an additional year.

The non-standard provisions in the Master Agreement with ESRI Inc., previously approved by the Board are not changed by proposed Amendment No. 3. The Director of the Information Technology Department recommends that the Board approve Amendment No. 3 to extend the term date and increase the total contract amount.

There is no change to these provisions by extending the term of the Agreement and adding additional funds.

**OTHER AGENCY INVOLVEMENT:**

County Counsel has reviewed the ESRI, Inc., 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. These provisions were approved by the Board as part of the Original Agreement, Amendment No.1 and Amendment No. 2.

**FINANCING:**

The funds for payment of the costs of the Information Technology Department's use of this Agreement have been included in the FY 19-20 Adopted Budget for the Information Technology, ITD 1930, Budget Unit 8433, Appropriations Unit INF002. 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.

**BOARD OF SUPERVISORS STRATEGIC INITIATIVES:**

The services provided pursuant to this amendment to the ESRI, Inc., provides the County with critical location intelligence tools. As described in the Discussion above, these tools are 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, 759-6957

Approved by:

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Date:  
Eric A. Chatham, Director of Information Technology, 759-6923

Attachments: Amendment No. 3; Amendment No. 2, Amendment No. 1; Agreement.

Attachments are on file with the Clerk of the Board