



Board Agenda Item 50

DATE: September 12, 2017

TO: Board of Supervisors

SUBMITTED BY: Robert W. Bash, Director of Internal Services

SUBJECT: Master Agreement with Environmental Systems Research Institute, Inc.

RECOMMENDED ACTION(S):

- 1. Make a finding that it is in the best interest of the County to waive the competitive bidding process under Administrative Policy No. 34 due to “unusual or extraordinary circumstances” to purchase Geographic Information Systems software products and maintenance and support services from Environmental Systems Research Institute, Inc. (ESRI) used to provide geographic relational data and mapping information for the County of Fresno.**
- 2. Approve and authorize the Chairman to execute a new Enterprise License Agreement and Master Agreement with ESRI for a term not to exceed four consecutive years (three-year base contract with an optional one-year extension) for a maximum potential cost not to exceed \$1,010,000.**

Environmental Systems Research Institute, Inc. (ESRI) has provided the Geographic Information Systems (GIS) software the County has used for geographic relational data and mapping since 1992. This agreement will provide the County with an enterprise license that will keep the County current with the licensing for GIS. It also provides maintenance, support, and upgrade services for the GIS software.

ALTERNATIVE ACTION(S):

If this Agreement is not approved, the County will have to cease using the ESRI GIS software. Since multiple County departments use ESRI GIS software, ceasing use of this software and implementing an alternative solution would be very costly and time consuming.

SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

The Internal Services Department (ISD) is requesting that the County waive the competitive bidding process under Administrative Policy No. 34 under the “unusual or extraordinary circumstances” exception in order to maintain GIS support and provide an enterprise license for all County GIS users. The ESRI GIS software is proprietary and can only be obtained from ESRI. ESRI GIS software has been the established choice of Geospatial Engineering technology for the County since 1992. It is used not only by various County departments but also by the majority of the surrounding municipalities, including State and Local governments. This has allowed for the creation of the Regional Layers Database. The Regional Layers Database is an interfacing medium that allows these municipalities, in conjunction with the County, to share information obtained by using ESRI GIS software.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. Appropriations for ESRI GIS software, and maintenance and support are included in the FY 2017-18 Internal Services Department - Information Technology Services Division Org 8905 Recommended Budget. Future costs associated with this agreement will be requested in future years. If additional appropriations are required, staff will return to your Board for approval.

DISCUSSION:

ESRI is the creator of various proprietary software products. Some examples of the County's widespread use of ESRI GIS products since 1992 are as follows: the Sheriff, Fire, and Police Departments use it to dispatch ambulances; Public Health uses it to map out outbreaks of medical conditions; the Assessor's Department uses GIS for the location of property; and the Elections Department uses it to determine precincts and polling places. GIS is also one of the key elements used by Public Works and Planning for the planning and support of roadwork and utility services.

The recommended Enterprise License Agreement/Master Agreement with ESRI is a hybrid of ESRI's standardized agreements and County model contract provisions, and includes separate licenses, maintenance services, pricing agreement, and scope of use documents. Annual license fees must be paid annually and in advance for each contract year. Also, the ESRI Agreement contains certain limited warranty and insurance terms that are unfavorable to the County. Given the 25-year history with ESRI and its GIS products and support that are available exclusively from ESRI, ISD recommends approval of this Agreement by your Board with the foregoing variations as acceptable risks and as a prudent business decision. Purchasing concurs that the ESRI licensing agreement is a sole source acquisition.

REFERENCE MATERIAL:

Agreement A-02-209, June 9, 1992
Agreement 210236H, April 12, 2001
Agreement 11-573, September 13, 2011

ATTACHMENTS INCLUDED AND/OR ON FILE:

Suspension of Competition Acquisition Request
On file with Clerk - Agreement

CAO ANALYST:

John Hays