

MEMORANDUM

TO: MAYOR AND CITY COMMISSION

FROM: CITY ATTORNEY'S OFFICE

DATE: September 5, 2017

RE: **Fifth Amendment to Enterprise Software License Agreement with Environmental Systems Research Institute, Inc.**

Attached hereto for your consideration is a proposed Fifth Amendment (Amendment) to the License Agreement between the City and Environmental Systems Research Institute, Inc. (ESRI), which was approved by the City Commission in August 2008. The Amendment seeks to renew the existing Agreement for software, data, web services, documentation and maintenance for an additional one (1) year term and update the fee schedule. This Amendment will support a number of the City's technology projects in the upcoming year with regard to the significant increase in applying Geographic Information System (GIS) technology to many operational and technical areas.

This Geographic Information System (GIS) software is not only used for map production, but also to track almost all of the City's assets such as roads, electric and water utilities, as well as for producing data sets for use in the Public Safety 911 system. This software, and the data it manages, is used by almost 500 City employees, as well as Engineering firms, Developers and many other government agencies that the City of Lakeland works with.

The term of this Amendment will be for a period of one (1) year, effective October 1, 2017, upon approval by the City Commission. Pursuant to the License Agreement, the City and all of its departments, including Electric and Water/Wastewater, will be granted access to ESRI core products without upfront capital purchase costs and maintenance on all software during the term of the License Agreement.

The total expenses associated with this Amendment will be \$225,000 for the one (1) year term. Without this renewal, the licenses fees would revert to standard market costs and capital purchase costs for any additional seats of software needed throughout the one (1) year term, which would result in an increase in \$65,000. Thus, renewal of its current Agreement with ESRI represents a significant cost savings for the City. The cost for the one (1) year term for services has been included in the FY2018 budget.

This Enterprise Software License Agreement will provide numerous benefits to the City such as a lower cost per unit for licensed software, substantially reduced administrative/procurement expenses, maintenance on all ESRI software deployed under this Agreement, and flexibility to deploy products when and where needed. Over the previous six (6) years of this Agreement the City has saved in excess of \$1,000,000 in capital purchase costs. The project will be managed by the Information Technology Department.

It is recommended that the appropriate City officials be authorized to execute this Amendment with ESRI.



**Amendment 5
Enterprise License Agreement
No. 2008ELA1136**

Esri, 380 New York St., Redlands, CA 92373-8100 USA • TEL 909-793-2853 • FAX 909-793-5953

This Amendment No. 5 is entered into by and between **City of Lakeland, FL (“Licensee”)** and **Environmental Systems Research Institute, Inc. (“Esri”)**.

WHEREAS, Esri and Licensee entered into the Enterprise License Agreement 2008ELA1136 (“ELA”) with an effective date of August 18, 2008; and

WHEREAS, the parties desire to amend the ELA to extend the period of performance for an additional one (1) year for an additional two hundred and twenty-five thousand dollars (\$225,000).

NOW THEREFORE, the parties agree to amend the ELA as follows:

1. **Section 7.1 Term.** The following new paragraph is added to section 7.1 Term:

“The term of this ELA is extended for an additional one (1) year period, from October 1, 2017 to September 30, 2018, unless otherwise cancelled or terminated as provided herein.”

2. **Appendix B.** Appendix B-ELA Fee Schedule is modified to include an additional year and accompanying pricing as provided below.

	October 1, 2017- September 30, 2018
Payment	\$225,000

Except as may be specifically modified by this Amendment No. 5, all other terms and conditions of the ELA and any Amendments or Addendums constitute the entire agreement between the parties and supersede all prior and contemporaneous agreements or representations, written or oral, concerning the subject matter of this ELA.

IN WITNESS WHEREOF, the parties have caused this Amendment No. 5 to be executed as of the last date of signature below.

Accepted and Agreed:

CITY OF LAKELAND, FL
(Licensee)

ENVIRONMENTAL SYSTEMS
RESEARCH INSTITUTE, INC.
(Esri)

By: _____
Authorized Signature

By: _____
Authorized Signature

Printed Name: R. Howard Wiggs

Printed Name: _____

Title: Mayor

Title: _____

Date: _____

Date: _____

ATTEST:

BY: _____
Kelly S. Koos, City Clerk

Approved as to form and correctness:

BY: _____
Timothy J. McCausland, City Attorney