



RESOLUTION NO. 2022-195

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, AUTHORIZING A PURCHASE AGREEMENT WITH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE FOR AN ENTERPRISE LICENSING AGREEMENT WITHOUT ADVERTISED COMPETITIVE BIDDING.

WHEREAS, City Charter section 1208 requires advertised competitive bidding for software involving the expenditure of City monies in excess of \$158,000, unless Council determines the goods to be supplied can only be provided by one source and the purchase is authorized by resolution of Council containing a declaration of the facts constituting the sole source; and

WHEREAS, the City of Fresno relies on Geographic Information Systems (GIS) software provided by Environmental Systems Research Institute, Inc. (Esri); and

WHEREAS, on June 19, 1992, the City first entered a licensing agreement for GIS software from Esri. We have been under continuous maintenance with Esri from that time. Today, Esri GIS Desktop Software, Web-based software, and server-based software is used by many departments throughout City, including the Department of Public Utilities, the Department of Public Works, Planning and Development, the Police Department, the Fire Department, and PARCS; and

WHEREAS, changing to a different software provider would require extensive data conversion, which would be cost prohibitive and disruptive. Esri GIS software is critical for the efficient utilization of the City of Fresno's current GIS system because it allows for seamless integration of new tools without the significant cost and uncertainty of data conversion. Only Esri software is compatible with the City's technical and software needs,



and as a result the City determines that Esri is a sole-source provider for the GIS software;
and

WHEREAS, Esri, a US based company, is a sole owner and manufacturer, and a sole-source provider of software maintenance (technical support plus Esri software updates and upgrades) for Esri products in the United States. In addition, Esri is the sole-source provider of all US domestic Municipal Enterprise Agreements (the "EA"); and

WHEREAS, the Information Services Department recommends this purchase based on the particular needs of the City of Fresno; and

WHEREAS, the cost of the enterprise agreement is \$1,161,706, consisting of three annual payments of \$323,676, \$394,120, and \$443,910; and

WHEREAS, the City Manager has approved the proposed sole source purchase and the Information Services Department now seeks Council approval of such purchase.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The Council has received and considered the report and recommendations of City Staff.
2. As the sole owner and manufacturer of the software, maintenance, and enterprise agreement, Esri is the only vendor able to provide the GIS software needed by the City of Fresno.
3. An award to any other source will result in extensive data conversion, which would be cost prohibitive and disruptive, resulting in costs which cannot be recovered through competition.



4. Staff recommends Council authorize the Chief Information Officer to enter a three-year Enterprise Agreement between the City of Fresno and Esri in the amount of \$1,161,706, consisting of three annual payments of \$323,676, \$394,120, and \$443,910.

5. Council hereby finds it is appropriate and necessary for the City to dispense with the competitive bidding requirements in this instance and to authorize the Purchasing Manager to purchase the GIS products and maintenance under the sole source exception.

6. The Chief Information Officer or designee is hereby authorized to purchase the Enterprise Agreement, software, maintenance, and related components from Esri.

7. This resolution shall be effective upon final approval.



STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the 1st day of September 2022.

AYES: Soria, Arias, Maxwell, Chavez, Bredefeld, Esparza
NOES: None
ABSENT: Karbassi
ABSTAIN: None

TODD STERMER, CMC
City Clerk

By: Brandon M. Collet 9/7/2022
Deputy Date

APPROVED AS TO FORM:

RINA M. GONZALES

Interim City Attorney

By: Brandon M. Collet 9/6/22
Supervising Deputy City Attorney Date