

CITY OF FORT WORTH CHAPTER 252 EXEMPTION FORM

<u>Instructions</u>: Fill out the entire form with detailed information. Once you have completed this form, provide it to the Purchasing attorney for review. The attorney will review the information you have provided to determine whether an exemption to Chapter 252's biding requirements is defensible. If you are printing this form to provide to Legal, please do not provide the Primer portion. Failure to provide sufficient information may result in follow up questions and cause a delay in the attorney's determination.

Section 1: General Information

Requesting Department:	Information Technology Solutions & Water			
Name of Contract Manager:	Steven Vandever			
Department's Attorney:	Taylor Paris			
Item or Service sought:				
Goods:				
Service:	Support and Maintenance of existing GIS system			
Anticipated Amount:	\$210,000.00 per year (ITS & Water Combined)			
Vendor:	Environmental Systems Research Institute, Inc			
Current/Prior Agreement for item/service:	Yes No			
CSC or Purchase Order #:	(<u>M&C P-11977</u>) PO FW004-0000002978			
Amount:	\$168,451.31 (ITS only)			
Projected M&C Date:	8/10/2021			

How will this item or service be used?

ESRI software site licenses, maintenance, services and training are used to provide a high level of geographic data for the City's enterprise GIS system. This software provides staff with the ability to analyze, manage, and map geographic data. Utilizing ESRI software also provides data interoperability between governmental entities as it is effectively the standard in GIS software.

Section 2: Claimed Exemption and Justification (Other than sole source)

NOTE - For a claimed sole-source exemption, complete Section 3.

Please indicate the non-sole-source exemption you believe applies to the purchase and provide information to support its applicability. Please refer to the Exemption Primer for detailed information about common exemptions:

A procurement necessary to preserve or protect the public health or safety of the City of Fort Worth's residents;
A procurement necessary because of unforeseen damage to public machinery, equipment, or other property;
A procurement for personal, professional, or planning services;
A procurement for work that is performed and paid for by the day as the work progresses;
A purchase of land or a right-of-way;
Paving drainage, street widening, and other public improvements, or related matters, if at least one-third of the cost is to be paid by or through special assessments levied on property that will benefit from the improvements;
A public improvement project, already in progress, authorized by the voters of the municipality, for which there is a deficiency of funds for completing the project in accordance with the plans and purposes authorized by the voters;
A payment under a contract by which a developer participates in the construction of a public improvement as provided by Subchapter C, Chapter 212;
 Personal property sold: at an auction by a state licensed auctioneer; at a going out of business sale held in compliance with Subchapter F. Chapter 17, Business & Commerce Code; by a political subdivision of this state, a state agency of this state, or an entity of the federal government; or under an interlocal contract for cooperative purchasing administered by a regional planning commission established under Chapter 391;
Services performed by blind or severely disabled persons;
Goods purchased by a municipality for subsequent retail sale by the municipality;
Electricity: or

_____ Advertising, other than legal notices.

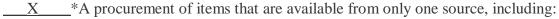
Please provide details and facts to explain why you believe the exemption applies to the purchase. You may also attach documentation to this form.

NA

Section 3: Claimed Sole-Source Exemption and Justification

NOTE - For any non-sole-source exemption, complete Section 2.

Please indicate the sole-source exemption you believe applies to the purchase and provide information to support its applicability. Please refer to the Exemption Primer for detailed information about common exemptions



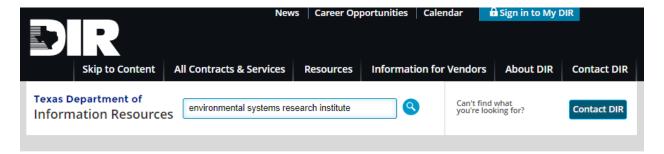
- items that are available from only one source because of patents, copyrights, secret processes, or natural monopolies;
- films, manuscripts, or books;
- gas, water, and other utility services;
- captive replacement parts or components for equipment;
- books, papers, and other library materials for a public library that are available only from the persons holding exclusive distribution rights to the materials; and
- management services provided by a nonprofit organization to a municipal museum, park, zoo, or other facility to which the organization has provided significant financial or other benefits;

How did you determine that the item or service is only available from one source?

Esri (vendor) provided a sole source letter stating they are the sole provider of Esri products and related maintenance services. Reseller opportunities are only available in the State of California.

Attach screenshots and provide an explanation of any independent research you conducted, through internet searches, searching cooperatives, or discussions with others knowledgeable on the subject matter that corroborate that the item is available only from a single source.

Vendor stated that they no longer held a cooperative contract (previously they held a DIR cooperative contract.) I confirmed this by searching the DIR website.



Search Results for "environmental systems research institute"



Did you attach a sole source justification letter? __X____ yes _____no

Describe the uniqueness of the item or service (e.g. compatibility or patent issues, etc.).

The GIS system in place is used by several departments including ITS, Water, and Planning & Data Analytics. The departments would not be able to perform their daily tasks without the system. No other vendor can provide support and maintenance for the system.

Section 4: Attorney Determination

With the facts provided by the department, is the use of the clai City were to be challenged on this purchase?		-	efensible 	
Was there anything attached to this form that was relied on in n	_	s determYes		
If yes, please explain: Sole Source letter, dated 1/4/21				
Was there anything not included on this form or attached hereto determination?			n in mal	king this
If yes, please explain:				
Will the standard terms and conditions apply?		Yes		 _ No.
Will the contract require special terms?		Yes		_No.
Will the contract require review by the department attorney?		Yes		_ No.
Approved By: Taylor Paris / Jessika Williams Assistant City Attorney	te: <u>6</u>	/23/21		