



**CITY OF FORT WORTH
CHAPTER 252 EXEMPTION FORM**

Instructions: 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 bidding 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 #: (M&C P-11977) 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

- X *A procurement of items that are available from only one source, including:
- 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.

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Did you attach a sole source justification letter? 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 claimed exemption defensible if the City were to be challenged on this purchase? Yes No.

Was there anything attached to this form that was relied on in making this determination? Yes No.

If yes, please explain: Sole Source letter, dated 1/4/21

Was there anything not included on this form or attached hereto that was relied on in making this determination? Yes No.


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

Date: 6/23/21