

Henry Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Rudy N. Garcia
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Hank Hughes
Commissioner, District 5

Katherine Miller
County Manager

August 4, 2021

TO: Procurement File

FR: Bill Taylor, Procurement Manager *BT*

VIA: Penny Ellis-Green, Director Growth Management Department
Erle Wright, GIS Manager
Daniel Sanchez, IT Division Director

RE: SOLE SOURCE DETERMINATION FOR A ONE YEAR MAINTENANCE AGREEMENT WITH Environmental Systems Research Institute (ESRI) IN THE AMOUNT OF \$66,700.00, Exclusive of NM GRT.

Issue:

The Geographic Information System (GIS) Division of the Growth Management Department of Santa Fe County utilizes GIS software licenses with Environmental Systems Research Institute (ESRI) and are requesting to purchase the software maintenance for the system for one year at an amount of \$66,700.00, exclusive of NM GRT. This contract enables continued operation of SFC's existing GIS application software infrastructure and provides continued access to the software development platform and tools to develop new GIS applications that build on the existing environment. These GIS software applications are, in turn, tools that are essential to the daily work of SFC.

The selection GIS software platform and development tools must meet the following criteria:

- 100% compatible with the agency's existing GIS application software environment, and interoperable with proprietary ESRI data formats, in order to enable continued operation of those applications, maintenance of the ArcSDE database, and spatial data sets, for the next maintenance year.
- Provide tools to develop new enterprise-wide GIS applications and tools that can be deployed via the web and via mobile devices, including iOS- and Android-based smart devices.
- Compatible with and known to work with SFC's existing hardware and network infrastructure, including its virtual machine environment hosting license management software.
- Include development tools and application programming interfaces (APIs) with which SFC software development and GIS staff are familiar.
- Continued use of in-house developed tools and applications without the need to rewrite code.

Determination:

Although there are other software firms capable to provide maintenance services, due to the proprietary rights and copyrights to the software and applications specific to ESRI and the requirement of daily operations for the GIS Division, no other service vendor can provide the criteria needed to meet the workflows to maintain, enhance or support applications utilized by Santa Fe County.

Therefore, it is the determination of the Santa Fe County Purchasing Division to authorize the procurement of services as a sole source procurement based on the uniqueness of the software and applications that are currently provided by ESRI utilized by Santa Fe County,

Pursuant to 13-1-126, NMSA 1978 this Purchasing Department after conducting due diligence has made the determination that this is a sole source procurement pursuant to the NMSA 1978 13-1-126 that *“a contract may be awarded without competitive sealed bids or competitive sealed proposals regardless of the estimated cost when the state purchasing agent or a central purchasing office makes a determination, after conducting a good-faith review of available sources and consulting the using agency, that other similar services, construction or items of tangible personal property cannot meet the intended purpose of the contract.”*

Vendor Information:

Vendor- Environmental Systems Research
380 New York Street
Redlands, CA 92373

Deliverables:

- **ArcGIS for Desktop:** Advanced, Standard, and Basic (basic and concurrent use)
- **ArcGIS for Desktop extensions:** ArcGIS 3D Analyst, ArcGIS Data Reviewer, ArcGIS Geostatistical Analyst, ArcGIS Network Analyst, ArcGIS Publisher, ArcGIS Schematics, ArcGIS Spatial Analyst, and ArcGIS Workflow Manager (basic and concurrent use)
- **ArcGIS for Server:** Enterprise and Workgroup (Advanced, Standard, and Basic)
- **ArcGIS for Server extensions:** ArcGIS 3D Analyst, ArcGIS Geostatistical Analyst, ArcGIS Image Extension, ArcGIS Network Analyst, ArcGIS Schematics, ArcGIS Spatial Analyst, and ArcGIS Workflow Manager
- **ArcGIS Engine**
- **ArcGIS Engine extensions:** ArcGIS 3D Analyst, ArcGIS Geodatabase Update, ArcGIS Network Analyst, ArcGIS Schematics, and ArcGIS Spatial Analyst (basic and concurrent use)
- **ArcGIS Runtime**
- **ArcGIS Runtime extensions:** ArcGIS 3D Analyst, ArcGIS Network Analyst, and ArcGIS Spatial Analyst (single use)
- **Mapping and Charting solutions:** ESRI Production Mapping for Desktop

Amount of Purchase: \$ 66,700.00



SANTA FE COUNTY SOLE SOURCE REQUEST AND DETERMINATION FORM

A sole source *determination* is not effective until the *sole source request for determination* has been posted for thirty (30) calendar days without challenge, and subsequently approved in writing by the County Purchasing Agent. The foregoing requirement is regardless of whether the *sole source request for determination* has been signed by the Agency and/or the Contractor.

- I. Department/Division: Growth Management/GIS Division
- Director: Penny Ellis-Green
- Telephone Number: 986-6221
- II. Name of prospective Contractor: ESRI – Environmental Systems Research Institute
- Address of prospective Contractor: 380 New York Street
Redlands, CA 92373
- Amount of prospective purchase: \$66,725.63
- Term of prospective contract: August 01, 2021 to July 31, 2022
- III. Please thoroughly list the services (scope of work), construction or items of tangible personal property of the prospective contract:

The proposed contract is for a Maintenance agreement with a one-year term, from August 01, 2016, for Fiscal Year 2017 midway thru Fiscal Year 2018.

The Agreement gives Santa Fe County (known as SFC henceforth) uncapped deployment rights for the following products:

- **ArcGIS for Desktop:** Advanced, Standard, and Basic (basic and concurrent use)
- **ArcGIS for Desktop extensions:** ArcGIS 3D Analyst, ArcGIS Data Reviewer, ArcGIS Geostatistical Analyst, ArcGIS Network Analyst, ArcGIS Publisher, ArcGIS Schematics, ArcGIS Spatial Analyst, and ArcGIS Workflow Manager (basic and concurrent use)
- **ArcGIS for Server:** Enterprise and Workgroup (Advanced, Standard, and Basic)

- **ArcGIS for Server extensions:** ArcGIS 3D Analyst, ArcGIS Geostatistical Analyst, ArcGIS Image Extension, ArcGIS Network Analyst, ArcGIS Schematics, ArcGIS Spatial Analyst, and ArcGIS Workflow Manager
- **ArcGIS Engine**
- **ArcGIS Engine extensions:** ArcGIS 3D Analyst, ArcGIS Geodatabase Update, ArcGIS Network Analyst, ArcGIS Schematics, and ArcGIS Spatial Analyst (basic and concurrent use)
- **ArcGIS Runtime**
- **ArcGIS Runtime extensions:** ArcGIS 3D Analyst, ArcGIS Network Analyst, and ArcGIS Spatial Analyst (single use)
- **Mapping and Charting solutions:** ESRI Production Mapping for Desktop

- IV. Provide an explanation of the criteria developed and specified by the agency as necessary to perform and/or fulfill the contract and upon which the state agency reviewed available sources. (Do not use “technical jargon;” use plain English. Do not tailor the criteria simply to exclude other contractors if it is not rationally related to the purpose of the contract.)

This contract (1) enables continued operation of SFC’s existing GIS application software infrastructure and (2) provides continued access to the software development platform and tools to develop new GIS applications that build on the existing environment. These GIS software applications are, in turn, tools that are essential to the daily work of SFC.

The selection GIS software platform and development tools must meet the following criteria:

- 100% compatible with the agency's existing GIS application software environment to enable continued operation of those applications for the next maintenance year.
 - Provide tools to develop new enterprise-wide GIS applications and tools that can be deployed via the web and via mobile devices, including iOS- and Android-based smart devices.
 - Compatible with and known to work with SFC’s existing hardware and network infrastructure, including its virtual machine environment hosting license management software.
 - Include development tools and application programming interfaces (APIs) with which SFC software development and GIS staff are familiar.
 - Continued use of in-house developed tools and applications without the need to rewrite code
- V. Provide a detailed, sufficient explanation of the reasons, qualifications, proprietary rights or unique capabilities of the prospective contractor that makes the prospective contractor *the one source* capable of providing the required professional service, service, construction or item(s) of tangible personal property. (Please do not state the source is the “best” source or the “least costly” source. Those factors do not justify a “sole source.”)

ESRI is the market leader in geographic information systems (GIS) software, with about 43 percent share of the world market, compared to an 11 per cent share by the next leading supplier¹.

For mission-critical work, SFC has relied on a wide array of ESRI products for the last twentyfive plus years, since 1991 or earlier. SFC staff relies on ESRI products to manage and analyze geospatial data for Address Verification, Road maintenance and planning, Development permits, Sustainable Land Development Planning, Water Flow lines and more. Customized application software has been deployed throughout the agency's programs and is deeply embedded in agency operations.

Only by continuing to license the ESRI software tools and services listed in Section III (Scope of Work) above, can SFC ensure continued operation of the agency's existing GIS applications software environment in Fiscal Year 2017 and midway thru Fiscal Year 2018.

ESRI is the sole source provider of all U.S. domestic Maintenance Agreements, which provide, in part, uncapped access to key ESRI software components.

- VI. Provide a detailed, sufficient explanation of how the professional service, service, construction or item(s) of tangible personal property is/are *unique and how this uniqueness is substantially related to the intended purpose of the contract*.

Please see Section V. above. ESRI's commercial, proprietary software is the foundation on which SFC's GIS software applications are built. No other GIS platform will be compatible with and enable continued use of SFC's ESRI-based software applications or SFC specific built tools.

- VII. Explain why other similar professional services, services, construction or item(s) of tangible personal property *cannot* meet the intended purpose of the contract.

Please see items IV, V, and VI, above. No other vendor, commercial or open-source, can provide software tools and services that will be 100% compatible with SFC's existing, ESRI-based GIS software environment, which has been developed over the last twenty-plus years.

Esri is the sole source provider which will provide, in part, uncapped access to key Esri software components. Therefore, only ESRI can provide a maintenance agreement that will enable SFC to continue use of existing desktop applications while concurrently developing new web-based and mobile-device applications.

- VIII. Provide a narrative description of the agency's due diligence in determining the basis for the procurement, including procedures used by the agency to conduct a review of available sources such as researching trade publications, industry newsletters and the internet; reviewing telephone books and other advertisements; contacting similar service providers; and reviewing the State Purchasing vendor list. Include a list of businesses contacted (*do not state that no other businesses were contacted*), date of contact, method of contact (telephone, mail, e-mail, other), and documentation demonstrating an explanation of why those businesses could not or would not, under any circumstances, perform the contract; or an explanation of why the agency has determined that no businesses other than the prospective contractor can perform the contract.

In order to find a software vendor or suitable software replacement, rigorous online research and searches of current New Mexico Statewide Price Agreements have been conducted. It has been concluded that there are no current vendors or software that can replace the extensive amounts of ESRI software applications, tools or their operating environment. SFC's continued use of existing ESRI software to allow for business to be conducted without impacting the well-being of SFC citizens is of upmost importance in this decision. For the last twenty-plus years, SFC has utilized the ESRI based software environment to conduct day-to-day operations and changing or retooling our GIS environment at this point would not be a productive endeavor.

Certified by: Requesting Agency Staff

Date: 23 July 2021 ✓



Erle Wright, GIS Manager

Requesting Agency Staff

Requesting Agency Approval by:

Date: 23 July 2021



Penny Ellis-Green, GMD Director

Dept. Director/Manager



Esri Inc
380 New York St
Redlands CA 92373-8118

Subject: Renewal Quotation

Date: 07/01/2021
To: Chris Vaisa
Organization: County of Santa Fe
GIS Division
Fax #: 505-986-6206 **Phone #:** 505-986-6335

From: Pete Bennett
Fax #: 909-307-3083 **Phone #:** 888-377-4575 Ext. 2063
Email: pbennett@esri.com

Number of pages transmitted
(including this cover sheet): 6

Quotation #26017281
Document Date: 06/23/2021

Please find the attached quotation for your forthcoming term. Keeping your term current may entitle you to exclusive benefits, and if you choose to discontinue your coverage, you will become ineligible for these valuable benefits and services.

If your quote is regarding software maintenance renewal, visit the following website for details regarding the maintenance program benefits at your licensing level
<http://www.esri.com/apps/products/maintenance/qualifying.cfm>

All maintenance fees from the date of discontinuation will be due and payable if you decide to reactivate your coverage at a later date.

Please note: Certain programs and license types may have varying benefits. Complimentary User Conference registrations, software support, and software and data updates are not included in all programs.

Customers who have multiple copies of certain Esri licenses may have the option of supporting some of their licenses with secondary maintenance.

For information about the terms of use for Esri products as well as purchase order terms and conditions, please visit
<http://www.esri.com/legal/licensing/software-license.html>

If you have any questions or need additional information, please contact Customer Service at 888-377-4575 option 5.



esri[®] 380 New York St
 Redlands, CA 92373-8118
 Phone: 888-377-4575/2063
 Fax #: 909-307-3083

Quotation

Date: 06/23/2021

Quotation Number: 26017281

Contract Number: 00040015.2

County of Santa Fe
 GIS Division
 PO Box 276
 Santa Fe NM 87504-0276
Attn: Chris Vaisa

Send Purchase Orders To:

Environmental Systems Research Institute, Inc.
 380 New York Street
 Redlands, CA 92373-8100
 Attn: Pete Bennett

Please include the following remittance address on your Purchase Order:

Environmental Systems Research Institute, Inc.
 P.O. Box 741076
 Los Angeles, CA 90074-1076

Customer Number: 12822

For questions regarding this document, please contact Customer Service at 888-377-4575.

Item	Qty	Material#	Unit Price	Extended Price
10	2	52384 ArcGIS Desktop Advanced Concurrent Use Primary Maintenance Start Date: 08/01/2021 End Date: 07/31/2022	3,000.00	6,000.00
1010	15	52385 ArcGIS Desktop Advanced Concurrent Use Secondary Maintenance Start Date: 08/01/2021 End Date: 07/31/2022	1,200.00	18,000.00
2010	2	87194 ArcGIS Desktop Basic Concurrent Use Primary Maintenance Start Date: 08/01/2021 End Date: 07/31/2022	700.00	1,400.00
3010	13	87195 ArcGIS Desktop Basic Concurrent Use Secondary Maintenance Start Date: 08/01/2021 End Date: 07/31/2022	500.00	6,500.00
4010	1	87232	500.00	500.00

Quotation is valid for 90 days from document date.

Any estimated sales and/or use tax has been calculated as of the date of this quotation and is merely provided as a convenience for your organization's budgetary purposes. Esri reserves the right to adjust and collect sales and/or use tax at the actual date of invoicing. If your organization is tax exempt or pays state taxes directly, then prior to invoicing, your organization must provide Esri with a copy of a current tax exemption certificate issued by your state's taxing authority for the given jurisdiction.

Esri may charge a fee to cover expenses related to any customer requirement to use a proprietary vendor management, procurement, or invoice program.

Issued By: Pete Bennett **Ext:** 2063

[CSBATCHDOM]

To expedite your order, please reference your customer number and this quotation number on your purchase order.



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380 New York St
Redlands, CA 92373-8118
Phone: 888-377-45752063
Fax #: 909-307-3083

Quotation

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Date: 06/23/2021

Quotation Number: 26017281

Contract Number: 00040015.2

Item	Qty	Material#	Unit Price	Extended Price
		ArcGIS Spatial Analyst for Desktop Concurrent Use Primary Maintenance Start Date: 08/01/2021 End Date: 07/31/2022		
5010	4	87233 ArcGIS Spatial Analyst for Desktop Concurrent Use Secondary Maintenance Start Date: 08/01/2021 End Date: 07/31/2022	200.00	800.00
6010	1	87198 ArcGIS 3D Analyst for Desktop Concurrent Use Primary Maintenance Start Date: 08/01/2021 End Date: 07/31/2022	500.00	500.00
7010	4	87199 ArcGIS 3D Analyst for Desktop Concurrent Use Secondary Maintenance Start Date: 08/01/2021 End Date: 07/31/2022	200.00	800.00
8010	1	100571 ArcGIS Network Analyst for Desktop Concurrent Use Primary Maintenance Start Date: 08/01/2021 End Date: 07/31/2022	500.00	500.00
9010	1	100572 ArcGIS Network Analyst for Desktop Concurrent Use Secondary Maintenance Start Date: 08/01/2021 End Date: 07/31/2022	200.00	200.00
10010	12	154252 ArcGIS Enterprise Creator (Formerly Named User Level 2) Term License Start Date: 08/01/2021 End Date: 07/31/2022	500.00	6,000.00
11010	5	157007 ArcGIS Community Analyst Web App Online Term License Start Date: 08/01/2021 End Date: 07/31/2022	100.00	500.00
12010	2	161328 ArcGIS Enterprise Standard Up to Four Cores Maintenance Start Date: 08/01/2021 End Date: 07/31/2022	5,000.00	10,000.00
13010	2	161339	5,000.00	10,000.00



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Quotation

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Date: 06/23/2021

Quotation Number: 26017281

Contract Number: 00040015.2

Item	Qty	Material#	Unit Price	Extended Price
		ArcGIS Image Server Up to Four Cores Maintenance Start Date: 08/01/2021 End Date: 07/31/2022		
14010	2	161389 ArcGIS GIS Server Standard Additional Cores Maintenance Start Date: 08/01/2021 End Date: 07/31/2022	1,250.00	2,500.00
15010	2	161393 ArcGIS Image Server Additional Core (up to 32 per server) Maintenance Start Date: 08/01/2021 End Date: 07/31/2022	1,250.00	2,500.00

Item Subtotal	66,700.00
Estimated Taxes	25.63
Total	USD 66,725.63

DUNS/CEC: 06-313-4175 CAGE: 0AMS3



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Redlands, CA 92373-8118
Phone: 888-377-45752063
Fax #: 909-307-3083

Quotation

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Date: 06/23/2021

Quotation Number: 26017281

Contract Number: 00040015.2

Item	Qty	Material#	Unit Price	Extended Price
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Renewal Options:

- Online: Renew through My Esri site at <https://my.esri.com>
 - Credit Card
 - Purchase Order
 - Email Authorization
- Email or Fax: Email Authorization, Purchase Order or signed quote to:
 - Fax: 909-307-3083
 - Email: service@esri.com

Requests via email or signed quote indicate that you are authorized to obligate funds for your organization and your organization does not require a purchase order.

If there are any changes required to your quotation please respond to this email and indicate any changes in your invoice authorization.

If you choose to discontinue your support, you will become ineligible for support benefits and services. All maintenance fees from the date of discontinuation will be due and payable if you decide to reactivate your support coverage at a later date.

The items on this quotation are subject to and governed by the terms of this quotation, the most current product specific scope of use document found at <http://assets.esri.com/content/dam/esrisites/media/legal/product-specific-terms-of-use/e300.pdf>, and your applicable signed agreement with Esri. If no such agreement covers any item quoted, then Esri's standard terms and conditions found at [http://assets.esri.com/content/dam/esrisites/media/legal/ma-full/ma-full .pdf](http://assets.esri.com/content/dam/esrisites/media/legal/ma-full/ma-full.pdf) apply to your purchase of that item. Federal government entities and government prime contractors authorized under FAR 51.1 may purchase under the terms of Esri's GSA Federal Supply Schedule. Supplemental terms and conditions found at <http://www.esri.com/en-us/legal/terms/state-supplemental> apply to some state and local government purchases. All terms of this quotation will be incorporated into and become part of any additional agreement regarding Esri's offerings. Acceptance of this quotation is limited to the terms of this quotation. Esri objects to and expressly rejects any different or additional terms contained in any purchase order, offer, or confirmation sent to or to be sent by buyer. Unless prohibited by law, the quotation information is confidential and may not be copied or released other than for the express purpose of system selection and purchase/license. The information may not be given to outside parties or used for any other purpose without consent from Esri. Delivery is FOB Origin.

In order to expedite processing, please reference the quotation number and any/all applicable Esri contract number(s) (e.g. MPA, ELA, SmartBuy GSA, BPA) on your ordering document.



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380 New York St
Redlands, CA 92373-8118
Phone: 888-377-4575/2063
Fax #: 909-307-3083

Quotation

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Date: 06/23/2021

Quotation No: 26017281

Customer No: 12822

Contract No: 00040015.2

Item Qty Material#

Unit Price

Extended Price

US FEDERAL CUSTOMERS: If you are a federal customer or a contractor purchasing on behalf of a federal customer a purchase order is required to receive an invoice. Please email the purchase order to service@esri.com

By signing below, you are authorizing Esri to issue a software support invoice in the amount of USD _____ plus sales tax, if applicable.

Please check one of the following:

I agree to pay any applicable sales tax.

I am tax exempt. Please contact me if Esri does not have my current exempt information on file.

Signature of Authorized Representative

Date

Name (Please Print)

Title