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**MEMORANDUM**

**Agenda Item # 58**

**DATE:** July 12, 2010  
**TO:** Metropolitan Planning Commission  
**FROM:** Dee Anne Reynolds, Finance Manager  
**SUBJECT: Request approval to pay KGIS \$19,738**

This is to request approval to pay Knoxville / Knox County KGIS \$19,738 for the ESRI GIS annual software license / maintenance. This is the second of a three year contract between KGIS and ESRI awarded through Knox County purchasing department. The contract allows other eligible Knox County entities, including MPC, to use the software license. The KGIS Policy Board set the annual maintenance fees for MPC and other entities.

MPC financial procedures require payments over \$10,000 be approved by the full Planning Commission unless: budgeted in a separate line item; contract encumbered and on file with Knox County; or grant related. None of these exceptions apply; therefore, the full MPC board needs to approve payment of the invoice.

Staff Recommendation: Staff recommends approval of the payment.

MPC Executive Committee Recommendation: The Executive Committee will meet August 10, 2010 and forward to MPC board for the August 12, 2010 meeting and vote.

Attachment: KGIS invoice

Knoxville ♦ Knox County ♦ Knoxville Utilities Board  
Geographic Information Systems

Keith G Stump  
Director

TO: Dee Anne Reynolds, MPC

FROM: Keith G. Stump

DATE: July 2, 2010

RE: 1<sup>st</sup> Quarter 2010-2011 Operating Charges

Attached is the invoice for the first quarter operating charges. The charges for first quarter operating do not include any charges for salaries, which will be billed in arrears, but does include the quarterly maintenance. Details of department specific charges are as follows:

Equipment		
	ESRI	\$19,738.00

DAR  
7-8-10  
F910/11

If you have any questions, please call me at 215-3632.

**POLICY BOARD**

**Bill Haslam**, Mayor, City of Knoxville, **Mintha Roach**, President/CEO, KUB, **Mike Ragsdale**, Mayor, Knox County

Phone: 865/215-2641 ♦ Facsimile: 865/215-2910 ♦ E-mail: [kgis@kgis.org](mailto:kgis@kgis.org) ♦ Website: <http://www.kgis.org>  
Suite 150, Main Place ♦ 606 Main Street ♦ Knoxville, Tennessee 37902

2-Jul-2010

# KNOXVILLE / KNOX COUNTY / KUB GIS

## FIRST QUARTER OPERATING EXPENSES

### INVOICE

#### METROPOLITAN PLANNING COMMISSION:

9540110-481015 Operating Reimbursement	\$0 00
9540210-481050 Equipment Reserve	\$19,738 00

TOTAL AMOUNT DUE

\$19,738.00

*DAR  
7-8-10*



APPENDIX G

Prior to any Deployment to an Eligible Agency, KGIS shall require each such entity to be contractually bound to the terms of the License Agreement by executing an Eligible Agency Acknowledgement Statement. KGIS shall keep a copy of the signed original acknowledgement for its records and forward a copy of the original to ESRI ESRI may pursue remedies against KGIS or an individual Eligible Agency for material breach of the License Agreement Only KGIS has a right to Deploy the Enterprise License Software identified in Appendix A

ELIGIBLE AGENCY ACKNOWLEDGMENT STATEMENT

Environmental Systems Research Institute, Inc (ESRI), 380 New York Street, Redlands, CA 92373 and 2008ELA7406 ("KGIS or Licensee"), have entered into an Enterprise License Agreement (ELA) identified as Agreement No 2008ELA7406, for licensing certain ESRI Software, the provision of maintenance and [insert other items here if applicable] ESRI has authorized KGIS to Deploy specific Enterprise License Software to specific subsidiary companies that are Eligible Agency entities Deployment by KGIS of Enterprise License Software to each Eligible Agency and its use of the Enterprise License Software is subject to the terms of License Agreement contained in the ELA and the additional requirements below

Accordingly, The Metropolitan Planning Commission (MPC) ("Eligible Agency"), as a Licensee, represents it has received and read the License Agreement, and understands, and agrees to be bound by the terms of the License Agreement No 2008ELA7406, and the below additional requirements for use of any Enterprise License Software Deployed by KGIS to it Eligible Agency agrees that ESRI may pursue remedies against Eligible Agency for material breach of the License Agreement or the below additional requirements. All Deployments made by KGIS to Eligible Agency shall be made through KGIS Management Office centralized point of contact. Eligible Agency shall be provided updates and Technical Support through KGIS's Tier 1 Help Desk.

- 1) Unit Priced Items, if acquired, and Rolled-In Software shall be licensed for use in accordance with the License Agreement
- 2) Beta licenses are not available Therefore, Section 3.2, Beta License in the License Agreement, is deleted in its entirety.
- 3) Section 3.4, Consultant Access in the License Agreement, is modified such that use of any Enterprise License Software is restricted to use by consultants and contractors who are working for the sole benefit of Licensee while (i) working on-site at Licensee's facilities or (ii) using Licensee's computers or machines
- 4) Eligible Agency remains subject to U S Export Control Regulation requirements as outlined in the License Agreement
- 5) Hard-copy Documentation may not be copied
- 6) Use of the Enterprise License Software is restricted to use within the MPC Eligible Agency shall not use, transfer, redistribute, or Deploy the Enterprise License Software outside of the MPC without the prior written permission of ESRI and agreement on additional fees, if any.

No other rights are granted to Eligible Agency under this acknowledgment

ACCEPTED AND AGREED:

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(Eligible Agency)

Signature: Mark Donaldson

Printed Name: MARK DONALDSON

Title: EXECUTIVE DIRECTOR

Date: 7-9-10