CITY OF FORT LAUDERDALE
City Commission Agenda Memo   **#15-0496**
REGULAR MEETING

TO: Honorable Mayor & Members of the
             Fort Lauderdale City Commission

FROM: Lee R. Feldman, ICMA-CM, City Manager

DATE: April 7, 2015

TITLE: Software Licenses – Datalink Corporation - $101,400

Recommendation
It is recommended that the City Commission award the purchase of Symantec NetBackup licenses to Datalink Corporation (Datalink) as an agent of Carahsoft Technology Corporation (Carahsoft), utilizing The Cooperative Purchasing Network (TCPN) agreement #R5011 with Carahsoft at a cost of $101,400, approve the Datalink Terms and Conditions of sale agreement (Exhibit 1), and approve the Symantec Software License Agreement (Exhibit 2).

Background
The City must backup trillions of data bytes each night. The Information Technology Services Department utilizes Symantec NetBackup software and Exagrid disk-based backup hardware devices to manage data backups, data protection, and data and system recovery. Due to recent changes to software license compliance, the Symantec software currently in use is no longer compliant and requires the purchase of enterprise licenses in order to bring our systems up to current levels.

Symantec has partners who resell these licenses. Datalink is one of Symantec's National Platinum partners and the largest Symantec technical support partner program (TSPP) provider. The TSPP program provides better pricing, but is only available to select Symantec partners. This purchase includes one year of OneCall support services, which provides 24-hour real-time, solution-level support provided directly by Datalink and is being made utilizing the TCPN agreement. Prior to the award of this contract, TCPN was established to help governmental entities operate efficiently and economically, with the Region 4 Education Service Center established by the State of Texas under Chapter 8 of the Texas Education Code as their lead agency. The organization competitively bids and awards contracts to national vendors in accordance with purchasing procedures mandated by state procurement laws and regulations. TCPN is now a limited liability company organized under the laws of the State of Delaware.

Pursuant to Section 2-181(7), Code of Ordinances of the City of Fort Lauderdale, the City may buy from another governmental entity contracts or bids whereby such contract or formal bid followed formal bid procedures of sealed written bids, public opening and legal advertising.

The City Attorney's Office cautions that the contract documents include a software license agreement (Exhibit 2) that, being a contract of adhesion that the provider refused to negotiate, contains provisions such as restrictions on use of the software and destruction of the software upon expiration or termination, which would be inconsistent with Florida law, and provides for the governing law to be that of California.

Resource Impact
There will be a fiscal impact to the City in the amount of $101,400.

Funds available as of February 19, 2015					
ACCOUNT NUMBER	INDEX NAME (PROGRAM)	OBJECT CODE/ SUB-OBJECT NAME	AMENDED BUDGET (Object Code)	AVAILABLE BALANCE (Object Code)	PURCHASE AMOUNT
581-ITS050101-3907	Infrastructure & Operations	Services & Materials/ Data Processing Supplies	$418,751	$189,013	$101,400
				PURCHASE TOTAL ▶	$ 101,400

Strategic Connections
This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the Internal Support Cylinder of Excellence, specifically advancing:
- Goal 11: Be a well-trained, innovative, and neighbor-centric workforce that builds community.
- Objective 4: Provide a reliable and progressive technology infrastructure

This item advances the *Fast Forward Fort Lauderdale Vision Plan 2035: We are United.*

Attachments
Exhibit 1 - Datalink Price Quote with Terms and Conditions
Exhibit 2 - Symantec Software License Agreement
Exhibit 3 - Datalink Agent Letter

Prepared by: Richard Ewell Goodnight, Senior Procurement Specialist
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