

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE CONSOLIDATION OF THE FOLLOWING AGREEMENTS UNDER THE TYLER MAINTENANCE AND SUPPORT AGREEMENT (MSA) AS A SOLE-SOURCE PURCHASE, PURSUANT TO SECTION 2-367(d) OF THE CITY CODE, FOR SOFTWARE MAINTENANCE AND SUPPORT SERVICES: (I) EDEN LICENSE AND SERVICES AGREEMENT, DATED JUNE 7, 2004; (II) NEW WORLD PUBLIC SAFETY LICENSE AND SERVICES AGREEMENT, DATED JANUARY 23, 2008; (III) MUNIS, ENERGOV AND EDEN ACCESS MAINTENANCE LICENSE AND SERVICES AGREEMENT, DATED OCTOBER, 10, 2014; AND (IV) NEW WORLD MAINTENANCE AND SUPPORT AGREEMENT, DATED APRIL 29, 2016; AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE THE CONSOLIDATED MSA, BASED UPON THE ESSENTIAL TERMS SET FORTH IN THE CITY COMMISSION MEMORANDUM ACCOMPANYING THIS RESOLUTION, FOR AN INITIAL TERM OF ONE (1) YEAR, WITH UP TO FOUR (4) ADDITIONAL ONE-YEAR RENEWAL TERMS, FOR A TOTAL ANNUAL COST NOT TO EXCEED THE AMOUNT APPROPRIATED FOR THE CONSOLIDATED MSA THROUGH THE CITY'S BUDGETARY PROCESS; AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ANY AND ALL DOCUMENTS OR AGREEMENTS WHICH MAY BE REQUIRED TO IMPLEMENT THIS CONSOLIDATION.

WHEREAS, on April 14, 2004, the Mayor and City Commission adopted Resolution No. 2004-25546, which approved and authorized the City to execute an Agreement with Eden Systems to provide, install, and support of the City's EDEN enterprise recourse planning (ERP) software; and

WHEREAS, on January 16, 2008, the Mayor and City Commission adopted Resolution No. 2008-26744, which approved and authorized the City to execute an Agreement with New World Systems to provide, install, and support and integrated public safety dispatch and records systems; and

WHEREAS, on October 10, 2014, the Mayor and City Commission adopted Resolution No. 2014-28707 which approved and authorized the City to execute an Agreement with Tyler Technologies, Inc. ("Tyler Technologies"), to replace the City's current Eden enterprise resource planning ("ERP") system and the City's current permitting system, known as Permits Plus; and

WHEREAS, on March 9, 2016, the Mayor and City Commission adopted Resolution No. 2016-29333, which authorized the City Manager and City Clerk to execute a Standard Software Maintenance Agreement with Tyler Technologies Inc. (previously, New Word System Corp.), to provide, install, and support and integrate public safety dispatch and records systems; and

WHEREAS, under the scope of the new Enterprise Agreement between the City and Tyler Technologies (the "MSA"), the City uses Tyler Technologies products to run many critical internal systems, including Enterprise Resource Planning (ERP), 911, public safety services, permitting, and code compliance; and

WHEREAS, Munis provides ERP functionality across many of the City's core business processes, including finance, budget, procurement and human resources; and

WHEREAS, in 2014, Munis also replaced the City's legacy ERP system, Eden; and

WHEREAS, Eden is utilized by the City for its utility billing services, which services have not been migrated to Munis like other City functions, causing the City to incur additional yearly costs associated with support services and software maintenance, until such time that a transition occurs; and

WHEREAS, EnerGov provides software solutions for many City departments, including Building, Planning, and Code Enforcement, which software is used in processes such as plan reviews, inspections, code enforcement and cashiering; and

WHEREAS, New World provides the City's Public Safety Departments with software maintenance, technical support, and software updates for the Computer Aided Dispatch System (911), Fire Records Management System, Police Records Management System, Mobile Computing, Real-Time Messaging and other components required to meet life safety services for the general public; and

WHEREAS, Tyler Technologies is the successor in interest to Eden Systems, Inc. and New World Systems Corporation, and is the contracting party for the EnerGov and Munis systems (collectively, the "Tyler Technologies Entities"); and

WHEREAS, only Tyler Technologies is able to provide the maintenance and software upgrades for the services that the City currently has in place under the current agreements with the Tyler Technologies Entities, as the systems are proprietary to Tyler Technologies; and

WHEREAS, the essential terms of the proposed consolidated MSA for maintenance, support and software upgrade services are as follows:

- The early termination of the current agreements with Tyler Technologies Related Entities without penalties;
- a one year maintenance contract, with automatic renewals for a maximum of five one year terms, unless a notice of termination is provided 90 days in advance;
- termination for cause with 90 day notice to cure;
- termination for lack of appropriation during the City's annual budgetary cycle;
- proration and alignment of contracts to January 1st;
- standardized maintenance and support level agreement language (SLA) for all product that covers appropriate response times, support channels, resource availability, incident escalation, resolution targets and terms of engagement, inclusive of security measures for support services; and
- yearly not to exceed increases in maintenance contracts for product lines, in accordance with industry best practices, as follows:
 - New World Systems will not exceed a yearly 4% increase per year; and
 - Eden, EnerGov, and Munis will not exceed a 5% increase per year; and

WHEREAS, the Administration would like to consolidate all of the foregoing agreements with the Tyler Technologies Related Entities under the MSA, in order to (i) bring all non Software As A Service (SaaS) products into one agreement; (ii) receive the benefit of the economies of scale; (iii) standardize the business provisions for all the services; and (iv) extend the consolidated MSA, on a coterminous basis, for an initial term of one (1) year, with up to four (4) additional one-year renewal terms, for a total annual cost not to exceed the yearly appropriation for the MSA during the City's budgetary process; and

WHEREAS, based on the aforementioned benefits, the City Manager recommends approving the consolidation of the agreements with the Tyler Technologies Entities under the MSA.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve the consolidation of the following agreements under the Tyler Maintenance and Support Agreement (MSA) as a sole-source purchase, pursuant to section 2-367(d) of the City code, of software maintenance and support services: (i) Eden License and Services Agreement, dated June 7, 2004; (ii) New World Public Safety License and Services Agreement, dated January 23, 2008; (iii) Munis, Energov and Eden Access Maintenance License and Services Agreement, dated October, 10, 2014; and (iv) New World Maintenance and Support Agreement, dated April 29, 2016; and authorize the City Manager to negotiate the consolidated MSA, based upon the essential terms set forth in the City Commission Memorandum accompanying this Resolution, for an initial term of one (1) year, with up to four (4) additional one-year renewal terms, for a total annual cost not to exceed the amount appropriated for the consolidated MSA through the City's budgetary process; and further authorize the Mayor and City Clerk to execute any and all documents or agreements which may be required to implement this consolidation.

PASSED and ADOPTED this 17th day of March 2021

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk