



Legislation Text

File #: RES 22-593, **Version:** 1

Authorizing the City to enter into an agreement with AutoDesk for use of their AutoDesk Suite of Products.

WHEREAS, the Department of Public Works has been using AutoDesk Suite of Products Software to conduct City business for more than a decade; and

WHEREAS, Public Works has determined that various department business requirements make it desirable to use AutoDesk Suite of Products Software in order to properly create, manage and update all Computer Aided Drawings (CAD-Documents); and

WHEREAS, Public Works purchases, manages and supports all AutoDesk Suite of Products Software and related CAD software for Public Works, OFS-Real Estate and the Parks Departments; and

WHEREAS, AutoDesk's Indemnification states: You will indemnify and hold harmless (and, at Autodesk's request, defend) Autodesk against any and all losses, liabilities, expenses (including reasonable attorneys' fees) suffered or incurred by Autodesk by reason of any claim, suit or proceeding ("Claim") arising out of or relating to (i) Your Content; (ii) Your (including Your Authorized Users') use of Offerings, including any Output or other results produced by such use; and (iii) Your (including Your Authorized Users') breach of these Terms (including any Additional Agreement, any Special Terms or any other applicable terms); and

WHEREAS, AutoDesk software can only be purchased through the authorized government reseller DLT on an open market contract and the DLT terms for indemnification state: *"You agree to indemnify and hold DLT, its affiliates, officers, agents and other partners and employees, harmless from any loss, liability, claim or demand, including reasonable attorneys' fees, made by any third party due to or arising out of your use of the Site, including also your use of the Site to provide a link to another site or to upload Content or other information to the Site."*; and

WHEREAS, the AutoDesk Suite of Products Software is the industry standard for all Engineering CAD Design which is central to the way Public Works, OFS-Real Estate and the Parks Departments creates, manage and update all related CAD documents; and

WHEREAS, the AutoDesk software is subscription based, meaning that the purchased license is only valid for one year before renewal is required, Public Works requests that from the date of the approved resolution, that the resolution be valid for a term of no less than five years; and

WHEREAS, the City Council finds that the promise of indemnification is appropriate to obtain the optimal AutoDesk Suite of Products Software; now, therefore, be it

RESOLVED, that the Department of Public Works is authorized to accept the Terms of Use of their *AutoDesk Suite of Products*;