24-1141 **Agenda Date: 6/25/2024**

REPORT TO COUNCIL

SUBJECT
Action on Amendment No. 2 to the Agreement with Accela, Inc. to Purchase Additional Licenses for Land Management Software and Increase the Maximum Compensation by $235,872.25 for a Maximum Contract Compensation of $2,875,172.25 and Approve the Related Budget Amendment

COUNCIL PILLAR
Deliver and Enhance High-Quality Efficient Services and Infrastructure

BACKGROUND
On August 21, 2018, the City Council authorized staff to execute an agreement with Accela, Inc. (Accela) to purchase a land management software system called Civic Platform. Land management software provides a centralized platform for planning, permitting, licensing, and related activities.

City staff use Civic Platform to support a variety of service areas:

- Building, Planning, and Housing & Community Services Divisions for online permit submittal and payment services, plan review, inspection scheduling, affordable housing tracking, fee collection, and reporting.
- Fire Department for online permit submittal and payment services, plan review, operational permit inspections, and internal reporting tools.
- Land and Property Development Division of Public Works for processing and tracking site clearances, subdivision maps, title documents, and encroachment permits.
- Street Division-Stormwater Division of Public Works for code enforcement, inspections, fee collection, and reports.
- Water and Sewer Utilities Department for plan review and fee collection.
- Silicon Valley Power for plan review, fee collection, and meter release processes.
- Police Department for online submittal of abandoned vehicle abatement reporting by staff and members of the public, and the ability for personnel to make computer-aided dispatch audio requests.

The Accela Civic Platform permitting system went live in August 2021, and the City has experienced numerous benefits from its use. The integrated system allows for citywide collaboration, improving business processes and customer service by streamlining plan review, approval, and information sharing. Technological enhancements, such as a public permitting online portal, mobility through apps, and 24/7 availability from anywhere, have also been implemented.

DISCUSSION
Amendment No. 2 increases the number of named user licenses to address increased usage and

adds new public safety shift-based licenses. The shift-based licenses have a lower cost per license and are intended to account for the unique hours/shifts of the public safety work.

Named User Licenses for Land Development
The agreement with Accela requires the City to purchase a named user license for each user. A named user license provides unlimited access to the licensed software for the individual user. When the City originally purchased the software in 2018, the Community Development Department (CDD) estimated a need for 140 named user licenses for City staff. Following the launch of the Civic Platform in the fall of 2021, the City required additional licenses for the platform since the use of the system had increased beyond what was originally anticipated. This widespread adoption by multiple City departments drove the need for additional named user licenses. In December 2021, the City Council approved Amendment No. 1 to increase the number of licenses from 140 to 240. This citywide expansion improved efficiency in plan reviews and inter-departmental coordination of permit applications. Additionally, the expanded use provided greater transparency in the plan review process, contributing to a higher level of customer service.

Adoption of the Accela Civic Platform continues to increase as departments identify new use cases to automate City services and improve efficiencies. Additionally, the City is filling vacancies, and these positions will need licenses.

The proposed Amendment No. 2 increases the number of named user licenses by 41, bringing the total number of licenses to 281 from the current 240 licenses per Amendment No. 1. As outlined in Table 1, 260 of the licenses would be attributed to specific departments while the remaining 21 would be available as a contingency to address future needs.

Table 1: Named User Licenses

Department	Existing Named User Licenses	Proposed Named User Licenses	Total Named User Licenses	Justification
CDD	89	+21	110	Hiring new staff and consultants involved in the development review process and inspections.
City Manager's Office	1	0	1	N/A
Finance	7	+2	9	New staff support to promote cross-training and coverage.
Fire	34	-10	24	Named users are being transitioned to the shift-based license type. *(Refer to the "Shift-Based Licenses for Public Safety" section for more information.)*
Parks & Recreation	3	0	3	N/A
Police	3	0	3	N/A

Public Works	35	+10	45	Support staff to process, review, and approve encroachment permits which helps streamline services for our customers for proposed construction work in the public right of way.
Silicon Valley Power	31	+10	41	Support new and existing staff to process, review, and approve building permit and encroachment permits related to new customers for electric service and encroachment applications for any conflicts with electric infrastructure.
Water & Sewer	10	+1	11	The new license is needed by the new Water Conservation Specialist to begin reviewing Land Development projects for compliance with the Model Water Efficient Landscape Ordinance (MWELO).
System Administration	13	0	13	N/A
Sub-Total	**226**	**34**	**260**	
Contingency	14	7	21	Contingency ensures flexibility to accommodate unforeseen City needs and growth. The City does not pay for any licenses that are not being utilized.
Not-to-Exceed	**240**	**41**	**281**	

Staff actively manages the assignment of named user licenses citywide. When there are changes to staffing, licenses are re-assigned to new users.

Shift-Based Licenses for Public Safety

The Fire Department's Code Enforcement module, designed for use by the Community Risk Reduction and Field Operations Divisions, is included in the original Accela contract. Accela will modernize the Divisions' inspection operations by replacing fragmented databases with a unified platform already employed by the Community Risk Reduction Division for development-related operations. This transition will significantly enhance the integration and communication with both internal teams and external customers.

To fully implement this integration, the Fire Department is requesting 59 new shift-based licenses for the Field Operations Division and Fire and Police Communications. These licenses are tailored to meet the specific needs of the departments' emergency response personnel, accommodating their varied work schedules and shared computer usage. With these licenses, the Field Operations personnel will be equipped to conduct inspections and manage critical code enforcement notifications across departments. Fire and Police Communication personnel will use the licenses to access essential emergency response information required by emergency responders during time-sensitive operations.

Table 2 Shift-Based Licenses

Department	Existing Shift-Based Licenses	Proposed Additional Shift-Based Licenses	Total Shift-Based Licenses	Justification
Fire	0	+54	54	To conduct fire inspections at businesses in the City.
Police	0	+5	5	For the Dispatch Center to obtain emergency contact information for businesses in the City (e.g., emergency contact information of property owner).
Total	0	59	59	
Not-to-exceed	**0**	**59**	**59**	

Agreement Term
The current agreement will expire on November 30, 2025. Staff expects to bring forth an amendment or new agreement to extend the term at a later point in time. This allows staff more time to negotiate with Accela while enabling business operations to grow.

The approval of Amendment No. 2 will increase staff productivity and enhance customer service for the City's permitting and fire occupancy process. By allowing expanded use of the Accela Civic Platform system, staff can better coordinate City activities, enhance internal and external communication, and provide more transparency into the process.

ENVIRONMENTAL REVIEW
The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

FISCAL IMPACT
The fee for the additional named user licenses is consistent with the pricing outlined in the agreement at $2,073 per user/per year in the sixth year, with set increases each year over the remaining term of the contract. The shift-based license fee is $1,240 per device/per year in the sixth year of the agreement, with set increases each year over the remaining term of the contract. Through November 2025, the purchase of additional licenses will increase the maximum, not-to-exceed compensation by $235,872.25 for a revised maximum compensation amount of $2,875,172.25 as outlined in Attachment 2 (License Not-To-Exceed Breakdown By Agreement and Year). The FY 2024/25 budget for Accela licenses is $570,889 and is included in the Non-Departmental budget in the General Fund, which is subject to the approval of the FY 2024/25 operating budget. With the proposed increase recommended in Amendment No. 2, an additional $76,045 is required for FY 2024/25. The ongoing costs of the increased licensing will be factored into the budget development process.

The Technology Fee Reserve, which is sourced from a technology fee applied to various development and operational permit applications, funds Accela licenses. The following amendment is recommended to allocate available technology fee funds to cover the cost increase.

Budget Amendment
FY 2024/25

	Current	Increase/ (Decrease)	Revised
General Fund			
Expenditures			
Non-Departmental	$26,733,386	$76,045	$26,809,431
Fund Balance			
Technology Fee Reserve	$2,581,145	($76,045)	$2,505,100

COORDINATION
This report has been coordinated with the Fire Department, Information Technology Department, City Attorney's Office, and the Finance Department.

PUBLIC CONTACT
Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <mailto:clerk@santaclaraca.gov> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION
1. Authorize the City Manager, or his designee, to execute Amendment No. 2 to the Agreement with Accela, Inc. to purchase additional licenses for Land Management Software and increase the maximum compensation by $235,872.25 for a maximum contract compensation of $2,875,172.25 in a final form approved by the City Attorney; and
2. Approve the FY 2024/25 budget amendment in the General Fund to increase the Non-Departmental appropriation in the amount of $76,045 and decrease the Technology Fee Reserve in the amount of $76,045 **(five affirmative Council votes required for the use of unused balances)**.

Reviewed by:
Reena Brilliot, Acting Director of Community Development
Ruben Torres, Fire Chief
Gaurav Garg, Director of Information Technology / Chief Information Officer

Approved by: Jovan D. Grogan, City Manager

ATTACHMENTS

1. Amendment No. 2 to Agreement with Accela, Inc. (2024)
2. License Not-To-Exceed Breakdown By Agreement and Year
3. Original Agreement with Accela, Inc. (2018)
4. Amendment No. 1 to Agreement with Accela, Inc. (2021)

Search

Insured Name

Accela, Inc. (S200000696)

Accela, Inc. (S200000696)

Active Records Only

Advance Search

Insured Tasks **Admin Tools**

View

- Insured
- Notes
- History
- Deficiencies
- Coverages
- Requirements
- Queue a Call
- Contract Screen
- Miner
- Trainers

Add

Edit

Help

Video Tutorials

Insured

Name:	Accela, Inc.
Account Number:	S200000696
Address:	2633 Camino Ramon Ste 120, San Ramon, CA, USA, 94583
Status:	Compliant with Waived Deficiencies.

Insured

Business Unit(s) | DBA Name | Add to Watch List | Insured History | Print Insured Info

Account Information

Account Number:	S200000696		
Risk Type:	Exhibit C2 - Svc Contract>$50,000-Limited Exposure		
Do Not Call:		Address Updated:	

Address Information

Mailing Address		**Physical Address**	
Insured:	Accela, Inc.		
Address 1:	2633 Camino Ramon Ste 120		
Address 2:			
City:	San Ramon		
State:	CA		
Zip:	94583		
Country:	USA		

Contract Information

Contract Number:			
Contract Start Date:		Contract End Date:	
Contract Effective Date:		Contract Expiration Date:	
Description of Services:	Agreement for Services Between City of Santa Clara and Tidemark Computer Systems, Inc	Safety Form II:	No

Contact Information

Contact Name:	Jayne Souza	Misc:	
Phone Number:	2062871713	Alt Phone Number:	
Fax Number:	2062871913		
E-Mail Address:			
Approval Date:			
Rush:	Yes		
Contract on File:	No		
Certificate Received:	No		
Indemnification Agreement:	No		
Tax Id:			

This Account created by 391 on 10/14/2003.

Search

Insured Name

Accela, Inc. (S200000696)

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Advance Search

Insured Tasks Admin Tools

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Add

Edit

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Video Tutorials

Deficiencies

Name:	Accela, Inc.
Account Number:	S200000696
Address:	2633 Camino Ramon Ste 120, San Ramon, CA, USA, 94583
Status:	Compliant with Waived Deficiencies.

The following deficiencies are according to last validation on :07/04/2024

Deficiencies Information

Date	Policy	Coverage	Deficiency	Waived	Waiver Reason	Created By	Authorized By	Effective Date	Expiration Date
09/05/2023		Workers Comp	Workers Comp - Missing Required Waiver of Subrogation Endorsement. * We have not received a copy of the required waiver of subrogation endorsement.	Yes	Business Decision	juliahill		12/10/2015	

Major deficiencies are displayed in red.
Minor deficiencies are displayed in black.
Waived deficiencies are displayed in blue.
Future waived deficiencies are displayed in orange.

AMENDMENT NO. 2
TO THE AGREEMENT FOR SERVICES
BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
ACCELA, INC.

PREAMBLE

This amendment ("Amendment No. 2") is entered into between the City of Santa Clara, California, a chartered California municipal corporation (City) and Accela, Inc., a Delaware corporation (Contractor). City and Contractor may be referred to individually as a "Party" or collectively as the "Parties" or the "Parties to this Agreement."

RECITALS

A. The City previously entered into an agreement with Accela Inc., a California Corporation, entitled "Agreement for the Performance of Services by and between the City of Santa Clara and Accela, Inc.", dated May 29, 2018 (Agreement);

B. The Agreement was previously amended by Amendment No. 1, dated December 16, 2021, and is again amended by this Amendment No. 2. The Agreement and all previous amendments are collectively referred to herein as the "Agreement as Amended";

C. Accela Inc., a California Corporation, converted to a Delaware Corporation on August 29, 2023, and Accela Inc., a Delaware Corporation, has the same obligations and rights previously held by Accela Inc., a California Corporation, under the Agreement as Amended; and

D. The Parties entered into the Agreement as Amended for the purpose of having Contractor provide software subscription and related services, and the Parties now wish to amend the Agreement as Amended to increase compensation by $235,872.25 for a revised not-to-exceed maximum compensation amount of $2,875,172.25 for the purchase of additional 41 named user licenses and 59 shift-based licenses.

NOW, THEREFORE, the Parties agree as follows:

AMENDMENT TERMS AND CONDITIONS

1. First Revised Exhibit B of the Agreement as Amended, entitled "Fee Schedule", is hereby amended to read as shown in Second Revised Exhibit B, attached and incorporated into this Amendment No. 2.

2. Except as set forth herein, all other terms and conditions of the Agreement as Amended shall remain in full force and effect. In case of a conflict in the terms of the Agreement as Amended and this Amendment No. 2, the provisions of this Amendment No. 2 shall control.

The Parties acknowledge and accept the terms and conditions of this Amendment No. 2 as evidenced by the following signatures of their duly authorized representatives.

CITY OF SANTA CLARA, CALIFORNIA
a chartered California municipal corporation

Approved as to Form:

GLEN R. GOOGINS
City Attorney

Dated: 7/9/24

JŌVAN D. GROGAN
City Manager
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
Telephone: (408) 615-2210
Fax: (408) 241-6771

"CITY"

ACCELA, INC.
a Delaware corporation

Dated: 7/3/2024

By (Signature): DocuSigned by: Michael E Gigliello

Name: Michael E Gigliello

Title: Controller

Principal Place of Business Address: 9110 Alcosta Blvd., Ste H #3030
San Ramon, CA 94853

Email Address: DG_Legal@Accela.com

Telephone: ( ) 925-659-3200

Fax: ( )

"CONTRACTOR"

SECOND REVISED EXHIBIT B
FEE SCHEDULE

1. **MAXIMUM COMPENSATION**
   The maximum compensation for all materials and services provided under this Agreement shall not exceed **Two Million, Eight Hundred Seventy-Five Thousand, One Hundred Seventy-Two Dollars and Twenty-Five Cents ($2,875,172.25)** during the term of the Agreement, subject to budget appropriations. Any additional services or materials requested by the City that would exceed the preceding maximum amount will be addressed in an Amendment to the Agreement.

2. **CIVIC PLATFORM ANNUAL SOFTWARE SUBSCRIPTION SERVICES**
   Table B1 sets forth the maximum price per subscription, based on the Subscription Term, and the quantity of subscriptions that City has purchased in prior periods.

   a. New Subscriptions. The Parties will follow the ensuing process to purchase additional subscriptions. When the City desires to purchase additional subscriptions during a Subscription Term:

      i. City will provide Contractor with the quantity, type, price, and activation date of new subscriptions.

      ii. The Contractor will prepare and deliver to City an Order Form summarizing the terms of the purchase. Contractor will prorate the subscription Per Unit Price from the activation date through the end of the Subscription Term.

      iii. City shall evidence the purchase of new subscriptions by issuance of a Purchase Order which, together with Contractor's Order Form, shall be deemed to incorporate the terms and conditions of this Agreement and any amendments hereto.

   b. Annual Renewal. Notwithstanding anything to the contrary contained herein, at least sixty (60) calendar days prior to the beginning of a new Subscription Term:

      i. City will confirm with Contractor the quantity and type of subscriptions that should be renewed for the upcoming Subscription Term.

      ii. Contractor shall adjust the annual renewal invoice for the new Subscription Term based on the information provided by the City and in accordance with the Per Unit Price set forth in Table B1.

Table B1: Civic Platform - Part # SS-37

Product Name	Quantity of licenses[1]	Per License Price	Extended Total[1]
Accela Civic Platform Silver – Named User License Subscription Term: 11/30/18 - 11/29/19 (Year 1)	40	$1,788.00	$71,520.00
Accela Civic Platform Silver – Named User License Subscription Term: 11/30/19 - 11/29/20 (Year 2)	140	$1,841.64	$257,829.60
Accela Civic Platform Silver – Named User License Subscription Term: 11/30/20 - 11/29/21 (Year 3)	140	$1,896.89	$265,564.60

Accela Civic Platform Silver – Named User License Subscription Term: 11/30/21 - 11/29/22 (Year 4)	140	$1,953.80	$273,532.00
Accela Civic Platform Silver – Named User License Subscription Term: 1/1/22 to 11/29/22[2] (Year 4)	100	/////	$179,025.00
Accela Civic Platform Silver – Named User License Subscription Term: 11/30/22 - 11/29/23 (Year 5)	240	$2,012.40	$482,976.00
Accela Civic Platform Silver – Named User License Subscription Term: 11/30/23 - 11/29/24 (Year 6)	240	$2,072.77	$497,464.80
Accela Civic Platform Silver – Named User License Subscription Term: June 2024 – November 2024[2] (Year 6)	41	$1,033.55	$42,375.55
Accela Civic Platform Silver – Shift-Based License Subscription Term: June 2024 – November 2024[2] (Year 6)	49	$620.13	$30,386.37
Accela Civic Platform Silver – Named User License Subscription Term: 11/30/24 - 11/29/25 (Year 7)	281	$2,134.95	$599,920.95
Accela Civic Platform Silver – Shift-Based License Subscription Term: 11/30/24 - 11/29/25 (Year 7)	59	$1,280.98	$75,577.82
		7-Year Not to Exceed Total	**$2,776,172.69**

[1]Not to exceed amounts
[2]Prorated

3. CITIZEN ACCESS ANNUAL FEE

Table B2 sets forth the population-based, annual subscription fee for Citizen Access.

Table B2: Citizen Access - Part # AS-37

Product Name	Population Size	Net Price
Accela Citizen Access - Subscription Population: 11/30/18 - 11/29/19	125,948	$12,594.80
Accela Citizen Access - Subscription Population: 11/30/19 - 11/29/20	125,948	$13,363.08
Accela Citizen Access - Subscription Population: 11/30/20 - 11/29/21	125,948	$13,753.52
Accela Citizen Access - Subscription Population: 11/30/21 - 11/29/22	125,948	$14,169.15
Accela Citizen Access - Subscription Population: 11/30/22 - 11/29/23	125,948	$14,597.37
Accela Citizen Access - Subscription Population: 11/30/23 - 11/29/24	125,948	$15,035.29
Accela Citizen Access - Subscription Population: 11/30/24 - 11/29/25	125,948	$15,486.35
	Total	**$98,999.56**