



## Legislation Details (With Text)

<b>File #:</b>	40621	<b>Version:</b>	1	<b>Name:</b>	TeamViewer EULA and Indemnification
<b>Type:</b>	Resolution	<b>Status:</b>	Passed		
<b>File created:</b>	10/27/2015	<b>In control:</b>	BOARD OF ESTIMATES (ended 4/2017)		
<b>On agenda:</b>	11/17/2015	<b>Final action:</b>	11/17/2015		
<b>Enactment date:</b>	11/20/2015	<b>Enactment #:</b>	RES-15-00871		
<b>Title:</b>	Authorizing Information Technology staff to accept an End User License Agreement with TeamViewer GmbH for licensing and use of certain software, which includes indemnification by the City.				
<b>Sponsors:</b>	Paul E. Skidmore				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>					

Date	Ver.	Action By	Action	Result
11/17/2015	1	COMMON COUNCIL	Adopt	Pass
11/9/2015	1	BOARD OF ESTIMATES (ended 4/2017)	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
11/3/2015	1	COMMON COUNCIL	Refer	Pass
10/27/2015	1	Department of Information Technology	Referred for Introduction	

### Fiscal Note

The cost of the software is \$1,350 and will be paid from the Police operating project, RMS Consortium, 10804-31-200.

### Title

Authorizing Information Technology staff to accept an End User License Agreement with TeamViewer GmbH for licensing and use of certain software, which includes indemnification by the City.

### Body

WHEREAS, pursuant to APM 1-1, City employees do not have authority to sign or otherwise enter into contracts on behalf of the City of Madison without specific authorization through an ordinance or from the Common Council; and

WHEREAS, software vendors frequently require the person who downloads software for the first time to click on a set of legal terms and conditions referred to as a EULA or End User License Agreement; and

WHEREAS, a EULA is a contract like any other contract, and

WHEREAS, APM 1-1 further prohibits the city from entering into a contract that requires indemnification of another party by the City, unless permission is specifically granted by the Common Council with the advice of the City Risk Manager, and

WHEREAS, the Police Department wishes to purchase TeamViewer software to have the ability to remote control office computers and squad Toughbooks at Police Consortium agencies for the price of \$1350. This software will allow remote control capabilities to office computers and squad Toughbooks outside of the City network for the purpose of providing immediate support and resolution of software and computer issues. This software will save staff time and money by not requiring a site visit for each incident.

WHEREAS, clicking on a software EULA offers no opportunity for the City to negotiate legal terms nor to require the vendor to agree to City of Madison policies such as nondiscrimination or affirmative action; and

WHEREAS, Team Viewer will not negotiate the terms of its EULA; and

WHEREAS, TeamViewer's EULA includes a clause that requires the City to indemnify TeamViewer, its parent, partners, subsidiaries, officers, agents and employees and hold them harmless from third party claims and losses, including reasonable attorney's fees, resulting from the City's breach of the EULA, negligent or wrongful acts, or violations of any laws;

NOW, THEREFORE, BE IT RESOLVED that a staff person designated by the Information Technology CIO or designee is authorized to click on and accept the terms of TeamViewer GmbH's EULA on behalf of the City, including indemnification, which has been reviewed and approved by the Risk Manager.