

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: October 21, 2008

Consent **Regular**
 Public Hearing **Workshop**

Department:

Submitted by: Information Systems Services

Submitted for: Information Systems Services

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Amendment No. 4 to the Technical Currency Program (TCP) Agreement with SCT Government systems (R-2003-1017), now doing business as Affiliated Computer Systems Inc. (ACS), to provide maintenance coverage for the two-year period October 1, 2008 through September 30, 2010 for ten component systems of ACS Banner Courts, at fee of \$651,646 for FY 2009 and increasing by 5% in FY 2010 to \$684,228.

Summary: The TCP License Agreement was initially entered into by Palm Beach County and SCT (now ACS) on September 29, 1998 (R-1998-1540 & 1541). The Agreement provides services and benefit, including availability of software enhancements, new releases, and maintenance for all components of the Banner Courts system, including civil, juvenile, criminal and traffic court modules. The negotiated fee of \$651,646 for FY 2009 represents a reduction of \$290,526, or 31%, from the FY 2008 fee amount of \$942,172. Countywide (PK)

Background and Justification: As part of the FY 2009 budget process, the Information Systems Services (ISS) Department contacted each of our major software vendors, including ACS, to begin contract negotiations to reduce the costs of annual software maintenance fees. We were particularly interested in renegotiating the software maintenance fees charged by ACS for their Banner Courts Systems. This client-server system (ACS Banner Courts) is considered an "end-of-life" application with no further enhancements or software releases planned by the vendor. Rather, ACS' development efforts are being applied to their next generation product – a web-based system marketed as *Agile Courts*. Further, Palm Beach County's version of the Banner Courts system is so heavily customized that the County has been unable to take advantage of new releases of the vendor's software package as these became available.

Another related factor is the JIS Policy Board's decision earlier this year (July 2008) to authorize the Clerk & Comptroller to begin researching available software packages with the intent to replace the existing Banner Courts System. The process of updating the users' requirements, researching and evaluating competing vendor software products, performing a gap/fit analysis, negotiating a contract, and actually implementing the new software package will likely require 2-3 years, at a minimum.

The components of the ACS Banner Courts System covered by the Technical Currency Agreement include: Civil; Criminal; Juvenile; Traffic; Extended Case Information; Accounting; ActiveArchive; CourtConnect; Public Attorney; and Juror.

Attachments:

1. Amendment No. 4 to the Technical Currency Agreement with ACS (2 originals)
-

Recommended by:

Steve Bordelon
Department Director

10/1/08
Date

Approved by:

J Baker
County Administrator

10/14/08
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

	<u>Fiscal Years</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>
Capital Expenditures	\$	—	—	—	—	—
Operating Costs		\$651,646	\$684,228	—	—	—
External Revenues	\$	—	—	—	—	—
Program Income (County)		—	—	—	—	—
In-Kind Match (County)		—	—	—	—	—
NET FISCAL IMPACT		\$651,646	\$684,228	—	—	—
# ADDITIONAL FTE POSITIONS (Cumulative)		—	—	—	—	—

Is Item Included in Current Budget? Yes X No ___

Budget Account No.: Fund 1327 Department 520 Unit 7606 Object 3401

Reporting Category ___

B. Recommended Sources of Funds/Summary of Fiscal Impact:

Court Information Technology Fund
Justice Information System Maintenance

C. Departmental Fiscal Review:

[Signature] 10/2/08

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

atwillhite 10-9-08
OFMB *[initials]* 10/02/08

[Signature] 10/2/08
Contract Dev. and Control
This amendment complies with our review requirements.

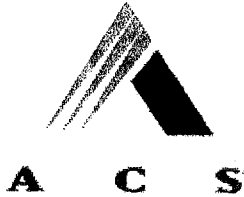
B. Legal Sufficiency:

Paul F. [Signature] 10/14/08
Assistant County Attorney

C. Other Department Review:

Department Director

THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.



AMENDMENT TO
TECHNICAL CURRENCY AGREEMENT

ACS GOVERNMENT SYSTEMS, INC.
1733 Harrodsburg Road
Lexington, KY 40504-3617
FAX Number (859) 277-7600
("ACS")

and

Palm Beach County, A political subdivision of the State of Florida
301 N. Olive Avenue.
West Palm Beach, FL 33401
("Licensee")

Original Technical Currency Agreement dated September 29th, 1998 ("Agreement").

This Amendment No. 4 ("Amendment").

Effective Date of this Amendment: October 1st, 2008 (the "Amendment Date").

RECITALS

Whereas, PALM BEACH COUNTY (Licensee), entered into the Agreement with SCT GOVERNMENT SYSTEMS, INC. ("SCT"), a corporation whose address is 1733 Harrodsburg Road, Suite 100, Lexington, KY 40504-3617, on September 29th, 1998; and

Whereas, SCT has been acquired by ACS Government Systems, Inc., located at 1733 Harrodsburg Road, Lexington, KY 40504-3617 ("ACS"); and

Whereas, the acquisition of SCT by ACS included the assignment of the Agreement, with all rights, duties and obligations thereto; and

Whereas, Licensee and ACS (collectively "the Parties") now desire to amend the Agreement with this Amendment No. 4 to supersede all payment provisions set forth in the Agreement and subsequent amendments No. 1, 2, & 3 thereto, and to modify certain terms and provisions of the Agreement;

LICENSEE AND ACS, intending to be legally bound, agree as follows:

1. Defined Terms. Unless specifically defined herein, all terms defined in the Agreement shall have the same meaning when used in this Amendment.

2. Amendment to and Modification of the Agreement.

- a. ACS and Licensee agree that the term of Agreement is hereby extended until September 30, 2010. ACS agrees to provide the services defined under the Agreement for the fee structure specified in the attached Exhibit 1.
- b. Annual escalation fees will not exceed 5% of the prior full-year maintenance fee

Attachment # 1

- c. ACS will provide up to 4 onsite trips (not to exceed 4 days in length) annually for purposes of providing functional or technical consulting upon request by Licensee. Dates of service are negotiable pending availability of ACS resources.
 - d. No technical upgrades of the ACS software are covered under this Amendment.
3. Integration Provision. Except as expressly modified by this Amendment, the Agreement shall remain in full force and effect. As of the Amendment Date, the Agreement, as further amended by this Amendment constitutes the entire understanding of the parties as regards the subject matter hereof and cannot be modified except by written agreement of the parties.

IN WITNESS WHEREOF, the parties have set their respective hands and seals below.

ACS

LICENSEE

By: _____

By: _____

(Printed Name and Title of Signatory)

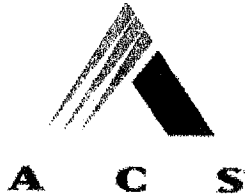
(Printed Name and Title of Signatory)

Title: _____

Title: _____

Date: _____

Date: _____



AMENDMENT TO
TECHNICAL CURRENCY AGREEMENT
EXHIBIT 1

CONTRACT TERM: October 1, 2008 through September 30, 2010

FIRST QUARTERLY PAYMENT DATE: October 1, 2008

ANNUAL ESCALATION:

5% ESCALATION OF PRIOR FULL-YEAR ANNUAL PAYMENT FOR YEAR 2

Baseline Component System	Contract Year Begins	Contract Year Ends	Annual Payment Amount
	October 1, 2008	September 30, 2009	\$651,646
	October 1, 2009	September 30, 2010	\$684,228
ACS Component Systems			
ACS Civil			
ACS Criminal			
ACS Juvenile			
ACS Traffic			
ACS Extended Case Information			
ACS Accounting			
ACS ActiveArchive			
ACS CourtConnect			
ACS Public Attorney			
ACS Juror			

For the Maintenance Fees set forth above, ACS will invoice Licensee an amount equal to one-fourth (1/4th) of the Annual Payment Amount, on a quarterly basis, beginning on October 1, 2008.