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

Meeting Date: January Department:	nuary 24, 2011	[X] Consent [] Public Hearing	[] Regular [] Workshop	
Submitted by: Submitted for:				

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Amendment No. 7 to the Technical Currency Program (TCP) Agreement with SCT Government systems (SCT) (R-2003-1017), now doing business as ACS Government Systems, Inc. (ACS), to extend the software maintenance coverage for all component modules of the ACS Banner Courts system except the Jury Management Module, at an annual fee of \$348,388 for the period of October 1, 2011 through September 30, 2012. ACS was purchased by the Xerox Corporation in 2010.

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), for annual maintenance of the ACS Justice Information System (JIS) which includes modules for Civil, Juvenile, Criminal, and Traffic Courts, and Jury Management. The TCP Agreement provides for software maintenance coverage and establishes the amount of the annual payments to ACS. After the Clerk & Comptroller's new case management system is implemented, annual software maintenance cost will decrease to \$4,885 for the Jury Management module, the only ACS software product which will remain in use by the Clerk & Comptroller. Jury Management software maintenance will be extended under a separate contract amendment. ACS Government Systems, Inc. is based in Lexington, KY. Countywide (PFK)

Background and Justification: The criminal justice agencies have been using the ACS Justice Information Systems (formerly SCT Banner Courts) System since 2003. The TCP payment was originally intended to pay for the costs of technical support, enhancements to the baseline software package, and new releases of the baseline software. Since the JIS Policy Board's decision in July 2008 to replace the existing JIS System with a new case management system, the only value derived by the County from the TCP contract is technical support coverage.

In the past, costs associated with the development and maintenance of the criminal justice systems were principally funded by the Board of County Commissioners. Article V of the Florida statutes was amended July 1, 2004 to create additional court fees to help fund

Continued on page 3...

Attachments:

- 1. Amendment No. 7 to the Technical Currency Program Agreement with ACS (3 originals)
- 2. Exhibit No. 1 to Amendment No. 7 (TCP Agreement with ACS) (3 originals)

Recommended by	Steve Borde Con	12/19/2011
	Department Director	Date
Approved by:	Aller	1/3/1~

County Administrator

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact

Fiscal Years	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>
Capital Expenditures Operating Costs	\$0 <u>\$343,388</u>	\$0 <u>0</u>	\$0 <u>0</u>	\$0 <u>0</u>	\$0 <u>0</u>
External Revenues Program Inc (County) In-Kind Match (County)	0 <u>0</u> 0	<u>0</u> 0 0	<u>0</u> <u>0</u> <u>0</u>	<u>0</u> 0 0	<u>0</u> 0 0
NET FISCAL IMPACT	<u>\$343,388</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
# Additional FTE Positions (Cumulative)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Is Item Included in Current Budge	et	Yes X	No		
Budget Acct Number(s): Fund	<u>1327</u> Dep	ot. <u>520</u>	Unit <u>7606</u>	Object <u>3401</u>	_

B. Recommended Sources of Funds / Summary of Fiscal Impact

Justice Information System Maintenance

C. Department Fiscal Review:

55 C 12/19/11

III. REVIEW COMMENTS

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

OFMB

B. Legal Sufficiency:

a Assistant County Attorney

C: Other Department Review:

Department Director

Contract Administration 12-20-11 B. Wheeler

This amendment complies with our review requirements.

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

Background and Justification (continued from page 1)...

court technology projects and services. Then, following the July 2008 decision to replace the existing JIS System (ACS Banner Courts System), the Clerk & Comptroller assumed responsibility for both managing and funding a new case management system to replace the ACS Banner System. The Clerk's new "Showcase" case management system is a vendor software product being developed by Aptitude Solutions, Inc. All costs associated with the existing JIS (Banner) System will continue to be funded by the Board of County Commissioners until this system is retired.

The Clerk's project team is now anticipating the Criminal and Traffic Systems will be ready for a February 2012 go-live date. No dates have been specified for completing the remaining modules, including the Civil and Juvenile courts. This requires that the County extend the TCP coverage for the Criminal and Traffic modules through March 2012 with coverage for the remaining modules extended through September 2012 for a total contract cost of \$348,388.

Contract coverage periods and costs are summarized below for each of the component systems.

Baseline Component System	Contract Year Begins	Contract Year Ends	Annual Payment Amount
ACS Component Systems:			
Civil	October 1, 2011	September 30, 2012	\$119,740
Juvenile	October 1, 2011	September 30, 2012	\$23,948
Criminal	October 1, 2011	March 31, 2012	\$51,318
Traffic	October 1, 2011	March 31, 2012	\$51,318
Extended Case Information	October 1, 2011	September 30, 2012	\$37,062
ACS Accounting	October 1, 2011	September 30, 2012	\$65,002
Total			\$348,388

Palm Beach County has been represented in contract discussions and negotiations by representatives from the Information Systems Services Department, the Clerk & Comptroller's Office, and the Judiciary.



ACS GOVERNMENT SYSTEMS, INC. FEIN 23-2154345 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").

Amendment No. 7 ("this Amendment")

Effective Date of this Amendment: October 1, 2011 ("Amendment Date").

Whereas, Licensee entered into the Agreement with SCT Government Systems, INC. ("SCT"), a corporation; and

Whereas, pursuant to various acquisitions and reorganizations, SCT was acquired by ACS; and

Whereas, the acquisition included the assignment to and assumption by ACS of all the rights, duties and obligations of SCT under the Agreement; and

Whereas, the Agreement was amended by Amendment No. 1 on June 8, 1999, Amendment No. 2 on June 25, 2002, Amendment No. 3 on July 1, 2003, and Amendment No. 4 on October 1, 2008; Amendment No. 5 on October 1, 2010; and Amendment No. 6 on June 21, 2011;

Whereas, Licensee and ACS (collectively "the Parties") now desire to amend the Agreement with this Amendment No. 7;

Now, therefore, the Parties, intending to be legally bound, agree as follows:

- 1. <u>Agreement</u>. References to the Agreement mean the Agreement as amended to date.
- 2. Defined Terms. Unless specifically defined herein, all terms defined in the Agreement shall have the same meaning when used in this Amendment.
- 3. <u>Amendments to the Agreement</u>.
 - a. ACS Traffic and ACS Criminal support is extended for a period of six (6) months. (From October 1, 2011 March 31, 2012).

- b. ACS Civil, Juvenile, ECI and Accounting support is extended for a period of twelve (12) months. (From October 1, 2011 September 30, 2012)
- c. Exhibit 1 to the Agreement is deleted in its entirety and is replaced with Exhibit 1 to this Amendment.
- 4. <u>Integration Provision</u>. 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 By hillip t D. (Printed Name and Title of Signatory) Title: VP/UPS

12/6/11

Date:

LICENSEE

By:

(Printed Name and Title of Signatory)

Title:__

Date:

APPROYED AS TO TERMS AND CONDITIONS BY__ ISS DIRECTOR

APPROVED AS TO FORM AND LEGAL SUFFICIENCY COUNTY ATTORNEY



AMENDMENT TO TECHNICAL CURRENCY AGREEMENT EXHIBIT 1

	Component		Ammai Rayment
Baseline Component System	Start Date:	Component End Dates	Amount
ACS Criminal	October 1, 2010	March 31, 2012	\$51,317.0
ACS Traffic	October 1, 2010	March 31, 2012	\$51,317.0
ACS Civil	October 1, 2010	September 30, 2012	\$119,740.0
ACS Juvenile	October 1, 2010	September 30, 2012	\$23,948.0
ACS Extended Case Information	October 1, 2010	September 30, 2012	\$37,062.0
ACS Accounting	October 1, 2010	September 30, 2012	\$65,002.0
TOTAL			\$348,388.0

ACS will invoice Licensee for the Payment Amounts for all Baseline Component Systems set forth above according to the following payment schedule:

Payment No.	Invoice Date	Payment Amount
Payment # 1	10/01/2011	\$112,756.00
Payment # 2	01/01/2012	\$112,756.00
Payment # 3	04/01/2012	\$61,438.00
Payment # 4	07/01/2012	\$61,438.00
TO	TAL	\$348,388.00