Agenda Item #:

3U-3

# PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date: December 18, 2012 [X] 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. 8 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 the following component modules of the ACS Banner Courts system: Civil, Juvenile, Extended Case Information and Accounting, at an annual fee of \$245,752 for the period of October 1, 2012 through September 30, 2013.

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 include 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. The previous annual TCP agreement expired September 30, 2012 and this extension of the agreement will therefore be retroactive to October 1, 2012 to reflect the continuous coverage provided in good faith by ACS. After the Clerk & Comptroller's new case management system is completely 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 has been 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. ACS was purchased by the Xerox Corporation in 2010. 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.

Continued on page 3...

#### Attachments:

1. Amendment No. 8 to the Technical Currency Program Agreement with ACS (2 originals)

2. Exhibit No. 1 to Amendment No. 8 (TCP Agreement with ACS) (2 originals)

3. Trend of Annual Technical Currency Program Payments since FY 2008 (peak year)

Recommended by:	Steve Bordelon	11/29/12
Trecommended by:	Department Director	Date
Approved by:	La Baller For County Administrator	19/11/12 Date

#### II. FISCAL IMPACT ANALYSIS

#### A. Five Year Summary of Fiscal Impact

Fiscal Years	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>
Capital Expenditures Operating Costs	\$0 <u>\$245,752</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> <u>0</u>	<u>0</u> 0 0	<u>0</u> 0	<u>0</u> <u>0</u>	<u>0</u>
NET FISCAL IMPACT	<u>\$245,752</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>	<del></del>

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

Justice Information System Maintenance

C. Department Fiscal Review:	1016-17 Harl	11/29/12
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#### III. REVIEW COMMENTS

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A. OFMB Fiscal and or Contract Dev. & Contro	ol Comments:
1 Suis 11/30/2012	In 5. Jacobar 12,10/12
OFMB 01/12 5	Contract Administration (2-7-12 B wheely
B. Legal Sufficiency:	
Paul F / 12/10/12 Assistant County Attorney	
C: Other Department Review:	
Department Director	<del></del>

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

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

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 court technology projects and services, although revenues from this source are not sufficient to fund all court-related technology costs.

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. However, costs associated with the existing JIS (ACS Banner) System will continue to be funded by the Board of County Commissioners until this system is fully retired.

A partial system retirement of the legacy JIS System occurred in February 2012 when the ACS Criminal and Traffic Modules used by the County were replaced by the Clerk's "Showcase" case management system. Showcase is a vendor software product developed by Aptitude Solutions, Inc. which, in May 2012, was acquired by the Harris Computing Corporation.

The software maintenance contract for the ACS Criminal and Traffic module expired March 31, 2012 following the Clerk's implementation of the new Criminal and Traffic case management systems. This will reduce the Board of County Commissioner's FY 2013 costs for JIS software maintenance by \$102,636 from the prior fiscal year.

Full year coverage will continue for the Civil and Juvenile Traffic Systems as the Clerk's Office has not provided a revised go-live date for these case management systems.

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, 2012	September 30, 2013	\$119,740
Juvenile	October 1, 2012	September 30, 2013	\$23,948
-Criminal*	Ń/A	N/A	\$0
-Traffic*	N/A	N/A	\$0
Extended Case Information	October 1, 2012	September 30, 2013	\$37,062
ACS Accounting	October 1, 2012	September 30, 2013	\$65,002
Tota			\$245,752

<sup>\*</sup>Criminal and Traffic case management modules are no longer active and therefore no longer part of the TCP Agreement.

# 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 09/29/1998 (the "TCP Agreement").
This Amendment No. 8 to the TCP Agreement (the "TCP Amendment").
Effective Date of this TCP Amendment: October 1, 2012 (the "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, Amendment No. 4 on October 1, 2008, Amendment No. 5 on October 1, 2010 Amendment No. 6 on June 21, 2011, and Amendment No. 7 on October 1, 2011;
Whereas, Licensee and ACS (collectively "the Parties") now desire to amend the Agreement with this Amendment No. 8;

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

- 1. <u>Agreement</u>. References to the Agreement mean the Agreement as amended to date
- 2. <u>Defined Terms.</u> Unless specifically defined herein, all terms defined in the Agreement shall have the same meaning when used in this Amendment.
- 3. Amendment to and Modification of PSE Agreement
  - (a) ACS Civil, ACS Juvenile, ACS Extended Case Information and ACS Accounting are extended for a period of twelve (12) months. (From October 1, 2012 September 30, 2013).
  - (b) Exhibit 1 to the Agreement is deleted in its entirety and is replaced with Exhbit 1 to this Amendment.

- 4. <u>Integration Provision</u>. Except as expressly modified by this PSE Amendment, the PSE Agreement shall remain in full force and effect. As of the Amendment Date, the PSE Agreement, as further amended by this PSE 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.
- 5. All other terms and conditions in the original PSE Agreement between the parties are unchanged and remain in full effect.

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

By:
(Printed Name and Title of Signatory)
Title: Chairman, PBC BCC
Date:  APPROVED AS TO THRMS AND CONDITIONS BY Steve Sordelon ESS DIRECTOR

APPROVED AS TO FORM AND LEGAL SUFFICIENCY Faul F-COUNTY ATTORNEY

### EXHIBIT 1 (to TCP Amendment No. 8)

Licensee:

Palm Beach County, FL

<b>Baseline Component System</b>	Component Start Date	Component End Date	Annual Amount
ACS Justice Information System:	***************************************	· · · · · · · · · · · · · · · · · · ·	1.
ACS Civil	October 1, 2012	September 30, 2013	\$119,740.00
ACS Juvenile	October 1, 2012	September 30, 2013	\$23,948.00
ACS Extended Case Information	October 1, 2012	September 30, 2013	\$37,062.00
ACS Accounting	October 1, 2012	September 30, 2013	\$65,002.00
Total ACS Justice Information System			
Fee			\$245,752.00

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	Upon Amendment Execution	\$61,438.00
Payment #2	01/01/2013	\$61,438.00
Payment #3	04/01/2013	\$61,438.00
Payment #4	07/01/2013	\$61,438.00
TOTAL		\$245,752.00

#### Attachment 3

The following table shows the trend of annual TCP payments since 2008.

Fiscal Year	Annual Payments	% Change Prior Year	Comments
2013	\$245,752	-29.5%	FY 2013 amount reflects full year cost savings from retirement of ACS Criminal and Traffic modules.
2012	\$348,388	-23.6%	FY 2012 contract reduced following implementation of new Showcase Criminal and Traffic modules.
2011	\$455,900	-33.4%	Renegotiated to allow for additional coverage for Criminal and Traffic modules. Latest contract modification will extend coverage from July 1 through September 30.
2011	\$404,588	-40.9.3%	Re-negotiated FY 2011 contract based on extension of coverage for Criminal and Traffic modules (due to changes in system implementation schedule).
2011	252,347	-63.1%	Negotiated contract reduction for FY 2011 based on Clerk's planned October 8, 2010 planned implementation date.
2010	684,228	+5.0%	Annual contract escalation fee.
2009	651,645	-30.8%	Successful renegotiation to reduce contract amount due to County's budget shortfall and diminished value of TCP coverage.
2008	\$942,172	+7.1%	This year represents the peak total for the annual TCP payments.