

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

Meeting Date: September 9, 2014      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. 10 to the Technical Currency Program (TCP) Agreement with Xerox Government Systems, LLC (R-2003-1017, as amended), to extend the software maintenance coverage for the following component modules of the Banner Courts system: Civil, Juvenile, Extended Case Information and Accounting, at an annual fee of \$250,690 for the period of October 1, 2014 through September 30, 2015.

**Summary:** The TCP License Agreement was initially entered into by Palm Beach County and SCT (now Xerox) on September 29, 1998 (R-1998-1540 & 1541), for annual maintenance of the Justice Information System (JIS). The TCP Agreement provides for software maintenance coverage and establishes the amount of the annual payments to Xerox. The current TCP agreement expires September 30, 2014 and this extension of the agreement will begin October 1, 2014 to provide a continuation of software maintenance coverage by Xerox. After the Clerk & Comptroller's new case management system is fully implemented, annual software maintenance cost will decrease to \$5,655 for the Jury Management module, the only Xerox software product which will remain in use by the Clerk & Comptroller. Jury Management software maintenance has been extended under a separate contract amendment. Xerox Government Systems, LLC is based in Fairfax, VA. Countywide (PFK)

**Background and Justification:** The criminal justice agencies have been using the Xerox 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

*Continued on page 3...*

**Attachments:**

1. Amendment No. 10 to the Technical Currency Program Agreement with Xerox Government Systems, LLC (3 originals)
2. Exhibit No. 1 to Amendment No. 10 (TCP Agreement with ACS) (3 originals)

Recommended by: Steve Bordelon                     8-19-14  
    Department Director     Date

Approved by: [Signature]     9/20/14  
    County Administrator     Date



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

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. All 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 occurred when the ACS Criminal and Traffic Systems previously used by the County were replaced by the Clerk's "Showcase" case management system in February 2012. 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 were allowed to expire on March 31, 2012 following the Clerk's implementation of the new Criminal and Traffic case management systems. This has reduced the Board of County Commissioner's costs for JIS software maintenance by **\$107,512** from prior fiscal years.

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
<b>ACS Component Systems:</b>			
Civil	October 1, 2014	September 30, 2015	\$122,140
Juvenile	October 1, 2014	September 30, 2015	\$24,430
<del>Criminal*</del>	N/A	N/A	\$0
<del>Traffic*</del>	N/A	N/A	\$0
Extended Case Information	October 1, 2014	September 30, 2015	\$37,810
ACS Accounting	October 1, 2014	September 30, 2015	\$66,310
<b>Total</b>			<b>\$250,690</b>

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

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

Fiscal Year	Annual Payments	% Change Prior Year	Comments
2015	\$250,690	2.00%	FY 2015 amount increased by 2.00% from FY 2014
2014	\$245,752	0.00%	FY 2014 amount unchanged from FY 2013
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.

AMENDMENT TO  
TECHNICAL CURRENCY AGREEMENT

XEROX GOVERNMENT SYSTEMS, LLC  
2025 Leestown Road, Suite A-1  
Lexington, KY 40511  
("Xerox")

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 "Agreement").

This Amendment No. 10 to the Agreement (the "Amendment").

Effective Date of this Amendment: October 1, 2014 (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 Xerox; and

Whereas, the acquisition included the assignment to and assumption by Xerox 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, Amendment No. 7 on October 1, 2011, Amendment No. 8 on October 1, 2012 and Amendment 9 on October 1, 2013;

Whereas, Licensee and Xerox (collectively "the Parties") now desire to amend the Agreement with this Amendment No. 10;

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

1. Agreement. 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. Amendment to and Modification of Agreement.

With effect from the Amendment Date:

- (a) Civil Case Management System, Juvenile Case Management System, Extended Case Information and Accounting System are extended for a period of twelve (12) months. (From October 1, 2014 – September 30, 2015).

(b) Exhibit 1 to the Agreement is deleted in its entirety and is replaced with Exhibit 1 to this Amendment.

- 4. **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.
- 5. **Non-Discrimination.** XEROX warrants and represents that all of its employees are treated equally during employment without regard to race, color, religion, disability, sex, age, national origin, ancestry, marital status, familial status, sexual orientation, gender identity and expression, or genetic information.
- 6. All other terms and conditions in the Agreement between the Parties are unchanged and remain in full effect.


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

ATTEST:  
SHARON R. BOCK  
CLERK AND COMPROLLER

By: \_\_\_\_\_  
Deputy Clerk

**Xerox:**  
  
**XEROX GOVERNMENT SYSTEMS, LLC**

**Licensee:**  
  
**PALM BEACH COUNTY**  
**A political subdivision of the State of Florida**

By:   
John London  
(Printed Name and Title of Signatory)

By: \_\_\_\_\_  
Priscilla A. Taylor

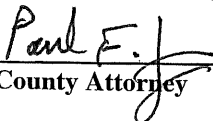
Title: Manager

Title: Mayor


Date: 8-18-14

Date: \_\_\_\_\_

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By:   
County Attorney

APPROVED AS TO TERMS AND CONDITIONS

By:   
Department Director

**EXHIBIT 1 (to Amendment No. 10)**

Licensee: Palm Beach County, FL

<b>Baseline Component System</b>	<b>Component Start Date</b>	<b>Component End Date</b>	<b>Annual Amount</b>
<b>Justice Information System:*</b>			
Civil	October 1, 2014	September 30, 2015	\$122,140.00
Juvenile	October 1, 2014	September 30, 2015	\$24,430.00
Extended Case Information	October 1, 2014	September 30, 2015	\$37,810.00
Accounting	October 1, 2014	September 30, 2015	\$66,310.00
<b>Total Justice Information System Fee</b>			<b>\$250,690.00</b>

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

<b>Payment No.</b>	<b>Invoice Date</b>	<b>Payment Amount</b>
Payment #1	October 1, 2014	\$62,672.50
Payment #2	01/01/2015	\$62,672.50
Payment #3	04/01/2015	\$62,672.50
Payment #4	07/01/2015	\$62,672.50
<b>TOTAL</b>		<b>\$250,690.00</b>