



MEMORANDUM
OFFICE OF THE
PLACER COUNTY CLERK – RECORDER –
REGISTRAR OF VOTERS

TO: Honorable Board of Supervisors
FROM: Jim McCauley, Placer County Clerk – Recorder – Registrar of Voters *JMcC*
DATE: June 24, 2008
SUBJECT: Request for Approval of Month-to-Month Contract Extension for Licensing and Maintenance of Clerk-Recorder Imaging Information System

Action Requested

1. Approve a month-to-month contract extension beginning July 1, 2008, with AtPac in the amount of \$12,572.41 per month for continuation of the current Recorder/Indexing/Imaging system pending implementation of a new integrated Recording system, plus a maximum of \$11,050 for customized services if needed.

Background

Placer County has had a licensing and maintenance support agreement with AtPac since December of 1995 for its Clerk-Recorder Imaging Information System. This system maintains the Clerk-Recorder's integrated cashiering system, all required Clerk Recorder indexes, web access to the Recorder's Index and to the Clerk's marriage and fictitious business name indexes, which state laws permit to be internet accessible, and the actual Clerk-Recorder Imaging System for capturing and maintaining permanent images all indexed documents. The agreement with AtPac has been amended several times since 1995 to reflect updated technologies and requirements.

The Clerk Recorder is completing its recommendations for a new Recording/Indexing/Imaging system, which would include integration with electronic recording and redaction requirements. It is expected that the department's recommendations for a new system will be forthcoming to your Board in July, and that the new system will be provided by a new vendor. The change in systems and vendors will, therefore, require a period of installation, training, parallel processing and orderly transition, particularly since the existing Clerk-Recorder Imaging Information System is required for use by businesses, the public and other agencies on a daily basis. Accordingly, a month-to-month extension of the current contract with AtPac, which will expire June 30, 2008, is recommended until the new system is fully implemented. The contract extension also includes updating of certain risk management insurance requirements to conform to current County contract specifications.

Fiscal Impact

There is no net, increased General Fund impact from the action requested. Funds for the requested contract extension are included in the County Clerk-Recorder-Elections budget for FY 2008-09, and additionally, virtually all of the costs are reimbursable from Clerk-Recorder

fees for automation and micrographics (imaging), as provided by State law. While AtPac has increased its prices for this recommended short-term contract extension, this is the firm's first such price increase in a number of years. Furthermore, the extension should be of relatively limited duration since the department anticipates having the new, base replacement Recorder/Indexing/Imaging system in place later this calendar year, with full implementation of electronic recording and redaction to follow, probably after the November election.

Contract No. 10460

This is an identified attachment to the Clerk-Recorder Imaging Information System [CRiis™] License Agreement by and between

Placer County
C/o Clerk-Recorder Office
2954 Richardson Drive
Auburn, CA 95603
as
County

and

AtPac™
11836 Tammy Way
Grass Valley, CA 95949
as
Contractor

1. Term.

This attachment supplements and supersedes Contract No. 10460, and all subsequent amendments and additions, as to the term of the contract.

This addendum extends the term of the License to July 31, 2008. The Agreement will automatically be renewed for further one (1) month periods on a successive basis, unless otherwise terminated as set forth in Section 7.3 of the License Agreement.

2. Fees, Initial and Annual Fee(s), Other Fees.

This attachment supplements and supersedes Contract No. 10460, and all subsequent amendments and additions, as to the fees for licensing, maintenance and other support services for the Clerk-Recorder Imaging Information System during the period of this contract, as extended.

The CRiis™ Recording License Fee shall be payable monthly at the rate of \$5,002.96 beginning July 1, 2008, inclusive of the upgraded maintenance and support fee.

The HP-01 (previously identified as HP-03) software maintenance fee for computer consultation services to provide customized add-on operating system, database and on-site support related to the HP-01 server for the CRiis™ system shall be payable monthly at the rate of \$4,468.75 beginning July 1, 2008.

Contract No. 10460

The *CRiis*TM Imaging License and Maintenance Fee shall be payable monthly at the rate of \$1,940.69 beginning July 1, 2008.

The fee for the CQCS license, (CYBERSCREEN and CYBERQUERY) shall be payable monthly at the rate of \$935.01 beginning July 1, 2008, inclusive of the upgraded maintenance and support fee.

The fee for *CRiis*TM online web service access and maintenance shall be payable monthly at the rate of \$225.00 beginning July 1, 2008.

All fees and rates listed above are *inclusive* of any applicable California sales tax.

Charges for customized programming, consulting and services as may be required and authorized in writing by the County Clerk-Recorder-Registrar of Voters for supplemental maintenance, upgrades and support of the Clerk-Recorder Imaging Information System not otherwise provided for shall not exceed \$11,050.00 during the period of this contract extension, billable hourly at the rate of one hundred five dollar (\$105) per hour, or cost plus eighteen percent (18%) for materials. Such charges are *exclusive* of any applicable California sales tax.

3. Notices.

Replace section 7.11 Notices, of Contract No. 10460, with the following:

Notices shall be in writing and deemed given when personally delivered or when deposited in the United States mail, first class postage prepaid, return receipt requested, addressed to the person to whom notice is given at the addresses set forth below or at any other address designated by notice by a party:

If to the County:

Jim McCauley, Placer County Clerk-Recorder
2954 Richardson Ave.
Auburn, CA 95603
Phone #: (530) 886-5690
Fax #: (530) 886-5683

If to Contractor:

Kirk Weir, President
AtPacTM
11836 Tammy Way
Grass Valley, CA 95949

Phone #: (530) 272-0596
Fax #: (530) 272-0598

Contract No. 10460

4. **Insurance.**

Replace section 7.12.1 Workers Compensation Insurance, of Contract No. 10460, with the following:

WORKER'S COMPENSATION AND EMPLOYERS LIABILITY INSURANCE:

Worker's Compensation Insurance shall be provided as required by any applicable law or regulation. Employer's liability insurance shall be provided in amounts not less than one million dollars (\$1,000,000) each accident for bodily injury by accident, one million dollars (\$1,000,000) policy limit for bodily injury by disease, and one million dollars (\$1,000,000) each employee for bodily injury by disease.

If there is an exposure of injury to CONTRACTOR'S employees under the U.S. Longshoremen's and Harbor Worker's Compensation Act, the Jones Act, or under laws, regulations, or statutes applicable to maritime employees, coverage shall be included for such injuries or claims.

Each Worker's Compensation policy shall be endorsed with the following specific language:

Cancellation Notice - "This policy shall not be canceled or materially changed without first giving thirty (30) days' prior written notice to the County of Placer."

CONTRACTOR shall require all SUBCONTRACTORS to maintain adequate Workers' Compensation insurance. Certificates of Workers' Compensation shall be filed forthwith with the County upon demand.

Replace section 7.12.3 Automobile Insurance, of Contract No. 10460, with the following:

Automobile Liability insurance covering bodily injury and property damage in an amount no less than one million dollars (\$1,000,000) combined single limit for each occurrence.

Covered vehicles should include owned, non-owned, and hired automobiles/trucks.

Add section 7.12.4 Professional Liability Insurance (Errors & Omissions), of Contract No. 10460, with the following:

Professional Liability Insurance (Errors & Omissions):

Professional Liability Insurance for Errors and Omissions coverage in the amount of not less than one million dollars (\$1,000,000) combined single limit for each occurrence and one million dollars (\$1,000,000) aggregate.

Contract No. 10460

If Contractor sub-contracts in support of Contractor's work provided for in the agreement, Professional Liability Insurance for Errors shall be provided by the sub-contractor in an amount not less than one million dollars (\$1,000,000) in aggregate. The insurance coverage provided by the Contractor shall contain language providing coverage up to six (6) months following completion of the contract in order to provide insurance coverage for the hold harmless provisions herein if the policy is a claims made policy.

5. Executed.

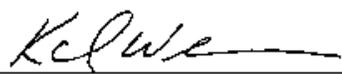
The below named parties execute this addendum to the Clerk-Recorder Imaging Information System [CRiis™] License Agreement.

County:
Placer County
C/o County Clerk-Recorder
2954 Richardson Drive
Auburn, CA 95603

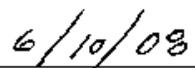
Chairman, Placer County Board of Supervisors

Dated:

Contractor:
AtPac™
11836 Tammy Way
Grass Valley, CA 95949



Kirk Weir, President



Dated: