



# Board Agenda Item 26

DATE: June 23, 2020

TO: Board of Supervisors

SUBMITTED BY: Margaret Mims, Sheriff-Coroner-Public Administrator

SUBJECT: Agreement with Tyler Technologies, Inc. for Sheriff's Civil Division Software

RECOMMENDED ACTION(S):

- 1. Approve and authorize the Chairman to execute an Agreement with Tyler Technologies, Inc. for the purchase of a software platform for the Civil Unit data management system, effective upon execution, not to exceed five consecutive years, total not to exceed \$583,318; and**
- 2. Adopt Budget Resolution increasing FY 2019-20 appropriations and estimated revenues for the Sheriff-Coroner-Public Administrator's Org 3111 in the amount of \$511,300 for the purchase of a Civil Division software platform and to purchase furniture and computer equipment for the Civil Unit (4/5 vote); and**
- 3. Adopt Budget Resolution increasing the FY 2019-20 appropriations in the Sheriff-Coroner-Public Administrator's Automated GC 26731 Org 1455 in the amount of \$511,300 (4/5 vote).**

There is no increase in Net County Cost associated with the recommended actions. The Sheriff's Office Automated Special Revenue Fund (SRF) is recommended for the reimbursement of expenditures for the purchase of a replacement Civil Unit software platform and the expenses for the furnishing of Civil Division offices and replacement computers for the Sheriff's Civil Unit. The Sheriff's Automated SRF may be used to purchase operating equipment for the Sheriff's Civil Division. This item is countywide.

ALTERNATIVE ACTION(S):

There is no viable alternative action. The Sheriff's Office current Civil Unit's software platform is nearing end-of-life, and a replacement system is necessary for the continued operation of the Civil Unit's functions. If the recommended actions are not approved, the Sheriff's Office will not be able to reimburse expenses for the new software platform purchase and the remaining furnishings of the Civil Division's offices and replacement computers for Civil Unit staff.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions, as the costs will be fully offset with Civil Automation funds. Approval of recommended action No. 2 will increase FY 2019-20 appropriations and estimated revenues in the amount of \$511,300 for the Sheriff-Coroner-Public Administrator's Org 3111 to purchase a replacement software platform (\$355,000) and reimburse expenses for the furnishing of Sheriff's Civil Division offices, (\$13,300), replacement computers for Civil Division staff (\$93,000), and a computer server (\$50,000), through an Operating Transfer In from the Sheriff Automated GC 26731 Org 1455. Approval of recommended action No. 3 will increase the FY 2019-20 appropriations by \$511,300 in the Sheriff Automated GC 26731 SRF Org 1455 using available fund balance to fund an Operating Transfer Out to the Sheriff-Coroner-Public Administrator's Org 3111. The first year expense for

the software system is \$355,000 including maintenance and support, licenses and services. Maintenance and support costs for the software of \$43,767 for year 2, \$45,903 for year 3, \$48,146 for year 4, and \$50,502 for year 5 will be included in future budget requests. The total of the software contract including maintenance and support, is \$583,318 including allowances for taxes and contingencies.

DISCUSSION:

The Sheriff's Office has been notified that Sirron Civil Automation Systems, (CAS), its current vendor supporting the Sheriff's Civil Division, announced the end of life for its CAS in 2021. The Sheriff's Civil Unit uses a software platform in order to perform its functions of: process serving, enforcement of judgement services, evictions, and restraining orders. The Civil Unit handles over 12,000 cases per year throughout the County and requires a software platform system that is capable of providing mapping as well as real-time interfacing with Fresno Superior Court systems.

A Cooperative Purchasing agreement was ultimately decided as the best vehicle to facilitate the purchase. This recommended agreement will piggyback off of an existing agreement between Tyler Technologies, Inc., and the County of Imperial, dated November 27, 2017. The County of Imperial released their Request for Proposal, (RFP), No. 17-0007 on July 10, 2017. Two vendors were identified and sent RFP's, Tyler Technologies, Inc., and Telesoft, both of which submitted responses to the RFP. Upon review of the responses, the County of Imperial selected Tyler Technologies, Inc. based upon several factors as follows: more years of experience in California, superior training resources available to the client, and, experience of the support staff. The Purchasing Manager is authorized to join with other public entities for collectively preparing specifications; requesting and receiving quotations or proposals for piggybacking purposes; and making an award to the lowest responsive, responsible bidder if the source selection method used is in compliance with the requirements of the Purchasing Manual. Purchasing may also use State of California Cooperative Purchasing Contracts if the items under a State contract meet the County's needs and if it is unlikely that a separate County bid would result in prices, terms and/or conditions that are more favorable. Contract buying groups are considered to take the place of competition if, in Purchasing's opinion, it is in the best interest of the County. The Purchasing Manager concurs with this piggyback opportunity as it meets all County of Fresno procurement requirements.

Pursuant to Government Code (GC) section 26731, \$18 of any fee collected by the Sheriff's Civil Division under specified sections of the GC shall be deposited in a special fund in the County treasury; a separate accounting of funds deposited shall be maintained and shall be for the exclusive use of the Sheriff's Civil Division. Government Code 26731 authorizes the Sheriff to use the Sheriff Automated SRF to supplement the costs for the implementation, maintenance, and purchase of auxiliary equipment and furnishings for automated and other non-automated operations equipment and furnishings deemed necessary by the Sheriff's Civil Division for the Unit's use. The recommended agreement includes the purchase of licensing for the Tyler Technologies Inc. Civil Software products, including Civil case management, accounting, mapping integration, and court integration modules for the Civil Unit.

The recommended agreement contains a non-standard term, and deviates from the County's standard three-year base contract plus two optional renewal years. During negotiations with Tyler Technologies Inc. it was determined that during year one of the recommended agreement, the Sheriff will purchase licensing for the software product. Included maintenance and support for the system will be invoiced annually beginning after year one. A straight five-year term was decided as optimal for the County's interest.

The recommended agreement deviates from the County model contract in its insurance levels. The Commercial General Liability insurance per occurrence at one-million is less than the County standard of two-million. However, the annual aggregate of five-million is greater than the County standard of four-million. The recommended agreement also deviates from the County standard agreement in that it limits Tyler Technology Inc.'s liability for damages arising out of the agreement, contains a non-standard indemnity clause, and excludes damages for certain kinds of damages. However, staff believes that the benefits of entering into the recommended agreement outweigh the potential risks posed by the non-standard

provisions.

The recommended actions will appropriate the funds to purchase a replacement Civil software package and reimburse expenses related to the furnishing of the Civil Division office space, replacement computers for Civil Unit staff, and a computer server.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement with Tyler Technologies, Inc.

On file with Clerk - Budget Resolution (Org 3111)

On file with Clerk - Budget Resolution (Org 1455)

CAO ANALYST:

Yussel Zalapa