

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

965



FROM: DISTRICT ATTORNEY

SUBMITTAL DATE:
February 14, 2011

SUBJECT: RATIFY THE AMENDMENT TO THE MASTER AGREEMENT FOR DAMION SOFTWARE SERVICES WITH CONSTELLATION JUSTICE SYSTEMS FOR THE DISTRICT ATTORNEY'S OFFICE.

RECOMMENDED MOTION: Move that the Board of Supervisors;

- 1) Approve the amended contract with Constellation Justice Systems in the annual amount of \$194,771 in accordance with Ordinance 459.4; and
- 2) Authorize the Purchasing Agent to sign amendments and exercise any renewal options for a (2) two year contract, renewable in one-year increments and increases for an amount not to exceed the annual CPI rates.

BACKGROUND: In 1999, the District Attorney's Office researched and assessed different software packages to implement and service a case management system required for the day to day office operations. With the Board's approval, the Damion case management system was purchased in 1999. It remains in operation today and is an integral part of the operations of the District Attorney's Office. The terms negotiated in the 1999 contract require an annual maintenance fee to be paid to Constellation Justice Systems.

(Continued on Page 2)

[Signature]
Jeff Van Wagener, Assistant District Attorney for
Paul E. Zellerbach, District Attorney

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 194,771	In Current Year Budget:	YES
	Current F.Y. Net County Cost:	\$ 194,771	Budget Adjustment:	NO
	Annual Net County Cost:	\$ 194,771	For Fiscal Year:	2010/11

SOURCE OF FUNDS: DEPARTMENT BUDGET	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY: *[Signature]*
Robert Tremaine

County Executive Office Signature

Prev. Agn. Ref.: 9/29/09 3.31 | District: ALL | Agenda Number:

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

3.11

FORM APPROVED COUNTY COUNSEL
 DATE: 2/14/11
 BY: NEAL R. KIPNIS
 DEPT RECOMM.: Consent Policy
 PER EXEC. OFC.: Consent Policy
 PURCHASING: Billy Cornett, Purchasing Manager
 RCIT: Neal R. Kipnis, Departmental Counsel

BOARD OF SUPERVISORS

**FORM 11: APPROVE THE AMENDMENT TO THE MASTER AGREEMENT FOR DAMION SOFTWARE SERVICES WITH CONSTELLATION JUSTICE SYSTEMS FOR THE DISTRICT ATTORNEY'S OFFICE.
PAGE 2**

PRICE REASONABLENESS:

Constellation Justice Systems is the developer of this software system and is the only company able to provide upgrades and support. Conversion to another vendor for the maintenance of the Damion case management system could result in loss of case management data, would impact manpower and necessitate additional funds.

The District Attorney's Office met in 2009 with the Damion vendor and successfully negotiated a lower rate that will assist both the County and the District Attorney's Office with the current budgetary challenges. The renegotiated fee agreement includes a "maintenance reduction" of \$10,000 as well as a "tough economy rebate" in the amount of \$12,345 for a total savings of \$22,345, an 8% cut from the \$217,116 invoice originally submitted by the vendor.

REVIEW/APPROVAL:

Date: February 14, 2011
From: Jeff Van Wagenen Department/Agency: District Attorney
To: Board of Supervisors
Via: Purchasing Agent
Subject: Sole Source Procurement; Request for DAMION SOFTWARE MAINTENANCE

The below information is provided in support of my Department requesting approval for a sole source. Outside of a duly declared emergency, the time to develop a statement of work or specifications is not in itself justification for sole source.

Supply/Service being requested: DAMION SOFTWARE ANNUAL LICENSES AND MAINTENANCE

Supplier being requested: CONSTELLATION JUSTICE SYSTEMS

Alternative suppliers that can or might be able to provide supply/service: NONE

Extent of market search conducted: THIS IS A PROPRIETARY SOFTWARE LICENSE.

Unique features of the supply/service being requested from this supplier, which no alternative supplier can provide: CONSTELLATION IS THE DEVELOPER OF THIS SOFTWARE AND THE ONLY COMPANY ABLE TO PROVIDE UPGRADES. THIS PRODUCT IS PROPRIETARY AND NOT AVAILABLE ON THE OPEN MARKET

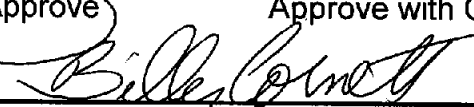
Reasons why my department requires these unique features and what benefit will accrue to the county: DAMION SOFTWARE PROVIDES THE DISTRICT ATTORNEY CASE MANAGEMENT SOFTWARE CRITICAL TO THE TRACKING AND PROSECUTION OF CASES.

Price Reasonableness: \$194,771.00 PER YEAR. VENDOR AGREED TO REBATE & ADDITIONAL REDUCTION FOR 2010 RENEWAL.

Does moving forward on this product or service further obligate the county to future similar contractual arrangements? NO

Department Head Signature 2-23-11
Date

Purchasing Department Comments:

Approve Approve with Condition/s Disapprove
 2-23-11
Date

Purchasing Agent

**COUNTY OF RIVERSIDE
DISTRICT ATTORNEY
AMENDMENT TO THE AGREEMENT
WITH
CONSTELLATION JUSTICE SYSTEMS**

CONTRACTOR: Constellation Justice Systems
Contract Term: July 1, 2010 through June 30, 2012
Effective Date of Amendment: June 30, 2010
Annual Maximum Contract Amount: \$194,771

The contract between Riverside County, herein referred to as COUNTY and Constellation Justice Systems, herein referred to as CONTRACTOR, is amended as follows:


1. On page 1, amend just the "Term":
 - o To amend all reference to the Period of Performance from expiration of 6/30/10 to a period of performance of 7/01/10 through 6/30/12, renewable in one year increments. All other terms and conditions in the master agreement shall apply.
2. On Page 1, amend just the "Compensation of Contractor":
 - o The County agrees to pay CONTRACTOR for services performed at an annual rate of one hundred ninety four thousand seven hundred seventy one dollars and no cents (\$194,771.00). All other terms of Compensation in the master agreement shall apply.
3. All other terms and conditions of the Master Agreement are to remain unchanged.

IN WITNESS WHEREOF, the Parties hereto have caused their duly authorized representatives to execute this Amendment.


County

By: _____
Name: Bob Buster
Title: Chairman of the Board of Supervisors
Date:

Contractor

By: 
Name: Steven Robichaud
Title: General Manager
Date: 3/1/2011

FORM APPROVED COUNTY COUNSEL

BY:  _____
NEAL R. KIPNIS DATE