

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

864



FROM: DISTRICT ATTORNEY

SUBMITTAL DATE:
May 30, 2013

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) Ratify and approve the amendment with Constellation Justice Systems in the annual amount of \$196,355 in accordance with Ordinance 459.4; and
- 2) Authorize the Purchasing Agent to sign amendments and exercise any renewal options for up to (2) two additional one year periods 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)

Jeff Van Wageningen, Assistant District Attorney for
Paul E. Zellerbach, District Attorney

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 196,355	In Current Year Budget:	YES
	Current F.Y. Net County Cost:	\$ 196,355	Budget Adjustment:	NO
	Annual Net County Cost:	\$ 196,355	For Fiscal Year:	2012/13

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: _____
Elizabeth J. Olson

County Executive Office Signature

FORM APPROVED COUNTY COUNSEL
BY: NEAL R. KIPNIS
DATE: 5/31/13
Departmental Concurrence

Purchasing: _____
Mark Seller, Assistant Director

Dep't Recomm.: Consent Policy
Per Exec. Ofc.: Consent Policy

8012 70M 11 5W 3:01
FORM APPROVED BY COUNTY COUNSEL
SECRETARY MARIA ZIGLER

Prev. Agn. Ref.: 3/15/11 3.11 | **District:** ALL | **Agenda Number:**

3-13

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 estimated expense to implement a new case management software would cost approximately \$1.5 million.

Constellation Justice Systems reduced FY13 renewal from \$200,898 to \$196,355 for a \$4,543 savings. The District Attorney's Office has successfully negotiated lower rates for the last 5 years.

REVIEW/APPROVAL:

Purchasing concurs with this request.

Date: May 30, 2013
From: Jeff Van Wagenen Department/Agency: District Attorney
To: Board of Supervisors/Purchasing Agent
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

1. **Supplier being requested:** Constellation Justice Systems (v/c 4562)
2. **Alternative suppliers that can or might be able to provide supply/service:** NONE. This is a proprietary software license
3. **Extent of market search conducted:** This is a proprietary software license.
4. **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.
5. **Reasons why my department requires these unique features and what benefit will accrue to the county:** Damion software provides the District Attorney's office case management software critical to the tracking and prosecution of cases.
6. **Price Reasonableness including purchase price and any ongoing maintenance or ancillary costs from the supplier:** \$196,355.00 per year. Vendor has kept costs flat for the last 3 years.
7. **Does moving forward on this product or service further obligate the county to future similar contractual arrangements or any ongoing costs affiliated with this sole source? (Maintenance, support, or upgrades, if so, please explain).** NO
8. **Period of Performance:** Three years, 7/1/12 – 6/30/15, renewable in one year increments provided costs do not exceed the CPI for Los Angeles and Orange Counties and funds are available in the budget.

Department Head Signature

5-21-13
Date

Purchasing Department Comments:

Approve

Approve with Condition/s

Disapprove

Not to exceed: \$ 196,355

One time

Annual Amount through 6-30-2015

[Signature]
Purchasing Agent

5-22-13
Date

13-502
Approval Number
(Reference on Purchasing Documents)

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

CONTRACTOR: Constellation Justice Systems
Contract Term: July 1, 2012 through June 30, 2015
Effective Date of Amendment: June 18, 2013
Annual Maximum Contract Amount: \$196,355

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 6/30/12 to a period of performance of 7/01/12 through 6/30/13, with the option to renew for two additional one year periods. 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 six thousand three hundred fifty five dollars and no cents (\$196,355.00) annually. All other terms of Compensation in the master agreement shall apply.
3. All requested increases shall be Annual increases shall not exceed the Consumer Price Index- All Consumers, All Items - Greater Los Angeles, Riverside and Orange County areas, All items and be subjected to satisfactory performance review by the using COUNTY agency and approved for budget funding by the County Board of Supervisors.
4. A minimum of 30-days advance notice in writing is required to secure any price increases to this contract. No retroactive price adjustments will be considered.
5. 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

Contractor

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

By: Kevin Bode
Name: KEVIN BODE
Title: GM
Date: 5-28-13

FORM APPROVED COUNTY COUNSEL
BY: Neal R. Kipnis DATE: 5/28/13



RIVERSIDE COUNTY INFORMATION TECHNOLOGY PROCUREMENT FORM
 To be completed for all departmental purchases of IT systems, services or renewals

PR2013-00070
 Tracking Number for
 Internal Use Only

REQUESTED PURCHASE: DAMION CASE MANAGEMENT SOFTWARE MAINTENANCE																					
DEPARTMENT/AGENCY: DISTRICT ATTORNEY																					
CONTACT NAME/PHONE: Tim Craney																					
PURCHASE REQUEST: <input type="checkbox"/> NEW EQUIPMENT/SERVICES <input type="checkbox"/> UPGRADE <input type="checkbox"/> REPLACEMENT																					
PURCHASE TYPE: <input type="checkbox"/> PROFESSIONAL SERVICES <input checked="" type="checkbox"/> SOFTWARE <input type="checkbox"/> HARDWARE <input checked="" type="checkbox"/> RENEWAL																					
DESCRIBE REQUESTED PURCHASE	Case management software renewal is requested for 3 years, renewable in one year increments.																				
BUSINESS NEEDS ADDRESSED	Damion is proprietary software in place since 1999. Until a new one is installed continued annual maintenance is necessary.																				
ARE THERE ANY OTHER COUNTY SYSTEMS THAT PROVIDE THE SAME FUNCTIONALITY?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> UNKNOWN																				
BUSINESS CRITICALITY <input checked="" type="checkbox"/> Run the business <input type="checkbox"/> Grow the business <input type="checkbox"/> Transform the business	BUSINESS IMPACT (SELECT ALL THAT APPLY) <input checked="" type="checkbox"/> Support current operations <input type="checkbox"/> Reduce Expenses <input type="checkbox"/> Improve Customer Service <input type="checkbox"/> Improve Operational Efficiencies																				
BUSINESS RISKS	Financial: Operational: Customer:																				
ALTERNATIVE SOLUTIONS	1. [Solution] 2. [Solution] 3. [Solution]																				
TRANSACTION	<input checked="" type="checkbox"/> Cash Purchase <input type="checkbox"/> Lease Purchase Lease Years: _____																				
PURCHASE COSTS	COST BENEFIT ANALYSIS																				
Hardware: \$	<table border="1"> <thead> <tr> <th></th> <th>ALTERNATIVE STATUS QUO</th> <th>ALTERNATIVE</th> <th>ALTERNATIVE</th> </tr> </thead> <tbody> <tr> <td>Current Annual Cost</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Ongoing Annual Cost</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Annual Cost Savings</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Net Annual Savings</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		ALTERNATIVE STATUS QUO	ALTERNATIVE	ALTERNATIVE	Current Annual Cost				Ongoing Annual Cost				Annual Cost Savings				Net Annual Savings			
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Current Annual Cost																					
Ongoing Annual Cost																					
Annual Cost Savings																					
Net Annual Savings																					
Software: \$ 196,355																					
Labor: \$																					

Constellation

JUSTICE SYSTEMS

A CourtView Justice Solutions Inc Company

BILL TO:	
Riverside County District Attorney's Office 4075 Main Street 6th Floor Riverside, CA 92501	
Attn: Accounts Payable	
Phone: 909.955.4937	Fax: 909.955.4948

INVOICE DATE	INVOICE NO.
11/19/2012	MARIVERSCA03A
P.O./CONTRACT#	TERMS
Damion	Net 30 Days

PRODUCTS & SERVICES	AMOUNT
Software License Agreement	
Annual Maintenance from July 1, 2012 through June 30, 2013	
*DAMION	\$141,971.00
**Oracle (400 Named Users)	\$54,384.00
<i>Please note new remit to and wire payment information below.</i>	
<i>Any questions regarding this invoice, please contact Connie @ 330.470.0772</i>	
INVOICE TOTAL	\$ 196,355.00

*Excludes State, Local and Federal taxes. These are due and payable by customer where applicable.
 **Includes a 3% increase from third party provider

By Check: Constellation Justice Systems
 PO Box 202876
 Dallas, TX 75320-2876

Wire to: Wells Fargo Bank
 ABA/Routing # 122105278
 Swift Address: WFBIUS6S
 Account # 1227732367

5399 Lauby Road, Suite B, North Canton, OH 44720
 Phone: 330.470.4280 Fax: 330.494.2483



DR Rec'd NOV 19 12 am 5:47