

**MITCH NEEDELMAN**

CLERK OF THE CIRCUIT AND COUNTY COURTS

BREVARD COUNTY, FLORIDA

**Services Required by The Brevard**

**County Clerk of Courts**

From vendors responding to this

***Invitation to Negotiate***

***Statutory Digitization, Backlog, New Documents, Redaction, Emerging Technologies***

**May 3, 2012**

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1. **INTRODUCTION**

**1.1 Invitation to Negotiate (ITN) Objective and Project Goals**

The goal of this ITN is to enter into specific negotiations for digitization services to meet Florida statutory requirements of digitization of county court records and files, as well as to meet regulatory demands of redaction of specific statutory information with minimal errors, and to incorporate emerging technologies into creating and maintaining current and future files and documents created by the Brevard County Courts and other records maintained by the Brevard County Clerk of Courts.

The comprehensive objective for this ITN is to select a scanning (historical and current), electronic document capture, redaction and destruction solution of official documents of the Clerk of the Courts to meet the needs of the Clerk. The system must support current and future Florida statutory requirements, have a strategic commitment and plan from the vendor, be scalable, be easily configured and maintained by functional subject matter experts, be able to accommodate future Clerk functional and technical needs including e-documents, include malleable interfaces for economical and efficient data exchange with existing Clerk, State, and County systems, and provide a platform for data exchange and reporting with State and County 3rd party systems.

 The selected solutions vendor will offer a software licensing, maintenance, scanning, redaction and implementation services cost reply for 5 years.  The Clerk will give preference to replies that defer maintenance expenses until full and successful implementation of the software package.  Clerk intends to negotiate the starting point of maintenance, as well as the effective date/purchase date of the contract for purchase of the solution.

 This ITN includes the necessary consulting services necessary to install, enhance, and implement the entire solution.  Expected services include, but are not limited to, project administration, software installation and certification, system configuration, code enhancements, interface and report development, system and parallel testing, disaster recovery planning, and training of Clerk personnel.  The Clerk seeks to build an alliance with a solutions vendor that will facilitate the Clerk’s goals and the related process and organizational changes

**1.2 Statutory Requirements Overview**

Title X

PUBLIC RECORDS

(1) COURT FILES.—Nothing in this chapter shall be construed to exempt from s. 119.07(1) a public record that was made a part of a court file and that is not specifically closed by order of court, except:

(a) A public record that was prepared by an agency attorney or prepared at the attorney’s express direction as provided in s. 119.071(1)(d).

(b) Data processing software as provided in s. 119.071(1)(f).

(c) Any information revealing surveillance techniques or procedures or personnel as provided in s. 119.071(2)(d).

(d) Any comprehensive inventory of state and local law enforcement resources, and any comprehensive policies or plans compiled by a criminal justice agency, as provided in s. 119.071(2)(d).

(e) Any information revealing the substance of a confession of a person arrested as provided in s. 119.071(2)(e).

(f) Any information revealing the identity of a confidential informant or confidential source as provided in s. 119.071(2)(f).

(g) Any information revealing undercover personnel of any criminal justice agency as provided in s. 119.071(4)(c).

(h) Criminal intelligence information or criminal investigative information that is confidential and exempt as provided in s. 119.071(2)(h).

(i) Social security numbers as provided in s. 119.071(5)(a).

(j) Bank account numbers and debit, charge, and credit card numbers as provided in s. 119.071(5)(b).

(2) COURT RECORDS.—

(a) Until January 1, 2012, if a social security number or a bank account, debit, charge, or credit card number is included in a court file, such number may be included as part of the court record available for public inspection and copying unless redaction is requested by the holder of such number or by the holder’s attorney or legal guardian.

(b) A request for redaction must be a signed, legibly written request specifying the case name, case number, document heading, and page number. The request must be delivered by mail, facsimile, electronic transmission, or in person to the clerk of the court. The clerk of the court does not have a duty to inquire beyond the written request to verify the identity of a person requesting redaction.

(c) A fee may not be charged for the redaction of a social security number or a bank account, debit, charge, or credit card number pursuant to such request.

(d) The clerk of the court has no liability for the inadvertent release of social security numbers, or bank account, debit, charge, or credit card numbers, unknown to the clerk of the court in court records filed on or before January 1, 2012.

(e)

1. On January 1, 2012, and thereafter, the clerk of the court must keep social security numbers confidential and exempt as provided for in s. 119.071(5)(a), and bank account, debit, charge, and credit card numbers exempt as provided for in s. 119.071(5)(b), without any person having to request redaction.

2. Section 119.071(5)(a)7. and 8. does not apply to the clerks of the court with respect to court records.

(3) OFFICIAL RECORDS.—

(a) Any person who prepares or files a record for recording in the official records as provided in chapter 28 may not include in that record a social security number or a bank account, debit, charge, or credit card number unless otherwise expressly required by law.

(b)

1. If a social security number or a bank account, debit, charge, or credit card number is included in an official record, such number may be made available as part of the official records available for public inspection and copying unless redaction is requested by the holder of such number or by the holder’s attorney or legal guardian.

2. If such record is in electronic format, on January 1, 2011, and thereafter, the county recorder must use his or her best effort, as provided in paragraph (h), to keep social security numbers confidential and exempt as provided for in s. 119.071(5)(a), and to keep complete bank account, debit, charge, and credit card numbers exempt as provided for in s. 119.071(5)(b), without any person having to request redaction.

3. Section 119.071(5)(a)7. and 8. does not apply to the county recorder with respect to official records.

(c) The holder of a social security number or a bank account, debit, charge, or credit card number, or the holder’s attorney or legal guardian, may request that a county recorder redact from an image or copy of an official record placed on a county recorder’s publicly available Internet website or on a publicly available Internet website used by a county recorder to display public records, or otherwise made electronically available to the public, his or her social security number or bank account, debit, charge, or credit card number contained in that official record.

(d) A request for redaction must be a signed, legibly written request and must be delivered by mail, facsimile, electronic transmission, or in person to the county recorder. The request must specify the identification page number of the record that contains the number to be redacted.

(e) The county recorder does not have a duty to inquire beyond the written request to verify the identity of a person requesting redaction.

(f) A fee may not be charged for redacting a social security number or a bank account, debit, charge, or credit card number.

(g) A county recorder shall immediately and conspicuously post signs throughout his or her offices for public viewing, and shall immediately and conspicuously post on any Internet website or remote electronic site made available by the county recorder and used for the ordering or display of official records or images or copies of official records, a notice stating, in substantially similar form, the following:

1. On or after October 1, 2002, any person preparing or filing a record for recordation in the official records may not include a social security number or a bank account, debit, charge, or credit card number in such document unless required by law.

2. Any person has a right to request a county recorder to remove from an image or copy of an official record placed on a county recorder’s publicly available Internet website or on a publicly available Internet website used by a county recorder to display public records, or otherwise made electronically available to the general public, any social security number contained in an official record. Such request must be made in writing and delivered by mail, facsimile, or electronic transmission, or delivered in person, to the county recorder. The request must specify the identification page number that contains the social security number to be redacted. A fee may not be charged for the redaction of a social security number pursuant to such a request.

(h) If the county recorder accepts or stores official records in an electronic format, the county recorder must use his or her best efforts to redact all social security numbers and bank account, debit, charge, or credit card numbers from electronic copies of the official record. The use of an automated program for redaction shall be deemed to be the best effort in performing the redaction and shall be deemed in compliance with the requirements of this subsection.

(i) The county recorder is not liable for the inadvertent release of social security numbers, or bank account, debit, charge, or credit card numbers, filed with the county recorder.

**2.0 PROPOSAL INSTRUCTIONS AND ADMINISTRATION**

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Proposals must be submitted for review by the BREVARD COUNTY CLERK OF COURTS in accordance with this ITN and vendors/contractors must be able to complete negotiations and begin work immediately to meet the time deadlines laid out herein. Authorized negotiators of the agency/vendor/contractor must have significant authority to enter into a contract immediately, and in accordance with the requirements of this ITN upon the final review of proposals by the BREVARD COUNTY CLERK OF COURTS. A total of 3 (THREE) copies should be submitted (1 original and 2 copies).

**2.1 Protocol**

Submit all questions, responses to evaluation criteria to:

Clerk of Court

Attention: Legal Department

400 South Street, Second Floor

Titusville, FL  32780

US Postal Service:

Clerk of Court

Attention: Legal Department

P.O. Box 219

Titusville, FL  32781-0219

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**2.2 Evaluation Criteria and Negotiation Process**

* The vendor must be able to provide experienced consultants
* The vendor must agree to provide a performance bond of $1,000,000.00.
* The vendor’s cost reply shall be for a **milestone and deliverables-based fixed price solution**.
* Any vendor **not** meeting the minimum qualifications **will not be** considered for further evaluation.

The BREVARD CLERK OF COURTS is seeking an implementation partner that:

* + Can provide innovative and effective solutions to adequately address the needs of the Clerk.
  + Will provide continuity of Clerk-approved consultants throughout the duration of the project.
  + Will provide for a thorough transfer of technical and functional knowledge of solution
  + Can provide full systems integration and data exchange services for current Clerk and County 3rd party software.
  + Can develop and deliver Clerk-specific end-user training and documentation.
  + Understands the need to complete the implementation process within time and budget constraints.
  + Works well with other 3rd party providers (e.g., software vendors, hardware vendors, and consultants).
  + Can provide both historical and current scanning at 300dpi, Multi-page TIFF format, at a minimum of 300 images a minute.
  + Can provide digital pen technology to capture documents at document source
  + Can provide redaction services with 95%+  accuracy pursuant to section 1.2 of this contract.
  + Can provide certification of data destruction

**2.3 Project Timing:**

* Invitation to Negotiate (ITN) issued: May 3, 2012.
* Questions due to Brevard County Clerk of Courts from vendors: May 7, 2012
* ITN Responses due May 11, 2012
* Vendor selection completed: May 16, 2012
* Initial project start date NLT Aug. 1, 2012

**3.0 Proposal Format**

To ensure timely and fair consideration of your response, respondents are being asked

to adhere to a specific response format, which is described in the following, Brevard County Clerk of Courts reserves the right to ask any clarification questions and request additional information.

**Proposal Section Content/Deliverables**

**Scope of Work/Deliverables**

The following commodities and services are included in the scope of this ITN:

1. Support, Services and Maintenance Cost for a Period of Five Years
2. Provide on-going project management throughout the implementation to ensure implementation is on time, that all contracted functionality is fully functional, and that sufficient end user training has been completed on a timely basis.
3. Follow Clerk agreed-upon Change Management and Issue Management processes.
4. Implement system functionality that provides user access, including user ability to enter and process court-related transactions and to directly access all applicable data at that user’s applicable security level.
5. Enhance services to comply with Florida Statutes and local ordinances
6. Conduct all phases of testing to ensure delivery of a fully functioning system including, but not limited to, unit, system, integration, stress, and parallel testing.
7. Create and deliver end-user training documentation satisfactory to the Clerk and written specifically the way the processes will work in our environment and easily understood by the end users, no later than the beginning of the end user training phase of the project.
8. Deliver complete and robust procedural user manuals for use by Clerk functional staff.
9. Conduct disaster recovery planning, develop and deliver disaster recovery documentation, and successfully conduct testing of system failover to the disaster recovery site.

**Proposals must include:**

1. Authorization letter and signature

Under the signature of an authorized company representative, provide the names of individuals authorized to represent and negotiate the company’s products and services.

2. Table of Contents No explanation required.

3. Agency Profile Response

4. Agency Services Respond to Technical and Agency Evaluation Criteria

5. Pricing Response

**4.0 AGENCY PROFILE AND REFERENCES**

**4.1 General Overview**

A. Describe the expertise of the personnel to be utilized for each aspect of this

project. Include Bio/resume of account executive(s) responsible for this

account.

B. Indicate the number of years and nature of your experience on related

projects.

C. Indicate the number of years and nature of the company’s experience and

expertise in the scanning and digital records industry.

D. Detail company location that will be used to support the BREVARD COUNTY CLERK OF COURTS (Brevard County locations will receive priority preference).

E. Describe commitment and procedures in delivering service to your

clients.

F. Describe your procedures during any given emergency that will enable you to

carry on the business contained in this ITN on behalf of BREVARD COUNTY CLERK OF COURTS.

G. List current and past clients and the industries they represent.

**4.2 Current Customer References**

Please provide contact information for at least three existing clients that BREVARD COUNTY CLERK OF COURTS can contact for a reference. Wherever possible, include travel industry or destination marketing clients as references. For each reference, indicate the following:

* Contact Name and Title
* Contact Company Name
* Contact Phone Number and email address
* Industry of Client
* Service Description
* Length of Relationship

**4.3 Recent Past Customer References**

Please provide contact information for at least two former clients that BREVARD COUNTY CLERK OF COURTS can contact for a reference and provide a brief explanation regarding the end of the business relationship. For each reference, indicate the following:

* Contact Name and Title
* Contact Company Name
* Contact Phone Number and email address
* Industry of Client
* Service Description
* Length of Relationship

**5.0 AGENCY SERVICES**

The primary function of the Contractor is to provide compliance with Florida statute for digitization of records, implementation of digital record keeping standards, redaction of specific statutorily regulated data, digital indexing of public records and the advancement of new technologies for the digitization process to continuously meet growing statutory demands.. BREVARD COUNTY CLERK OF COURTS is seeking a

turnkey solution and proposals should address capabilities in each of these disciplines, as well as proposed timelines for the completion of “back-logged” records to meet compliance standards.

**5.1 Administrative Services Required**

Vendors must include a detailed analysis of administrative support and specific access that will be provided by the BREVARD COUNTY CLERK OF COURTS, its staff and facilities.

**6.0 PRICING INFORMATION**

Project pricing must be submitted as a lump sum for project completion and include a detailed payment schedule that reflects the life of the 5 year project calendar, as well as any and all expectation of balloon payments, performance bonuses or expense reimbursements expected by the vendor under a the best standards and practices of the industry.

**7.0 CONTRACT**

The contract terms shall be defined by a five year written agreement with the option for

renewal after five years, which shall be binding when fully executed by both

parties. Responses to the ITN may be incorporated by reference in each written

agreement and may become an integrated part of the final contract. Agreements will be

customized through negotiations and BREVARD COUNTY CLERK OF COURTS’s basic terms and conditions and business requirements will be embodied in this contract.

The desired relationship is one marked with a commitment to consistent quality service

and continual improvement for the contract processes and services. Therefore, any

final agreement will include specific service level and performance standards

requirements.

It shall be the responsibility of the vendor to provide insurance coverage in the amount of one million dollars.

Any material submitted in response to this Invitation to Negotiate will become a public document pursuant to section 119.07, F.S.

Liability: The vendor shall hold and save the Brevard County Clerk of Courts, its officers, agents, and employees harmless against claims by third parties, resulting from the vendors breach of this contract or the vendors negligence.

Vendors are required to comply with all federal, state, and local laws and codes, regulations that may in any way affect the implementation of services offered to include workers compensation and other work related regulations and laws for their employees.