

AMENDMENT No. 4 to the MPTS MAINTENANCE AGREEMENT (A-07625) between MEGABYTE SYSTEMS, INC. and the County of Monterey

THIS AMENDMENT No. 4, is made to the Contractual Agreement A-70625 (hereinafter referred to as "A-07625") dated April 28, 1998, and its Addendum, the Software Upgrade MPTS2000+ dated July 1, 2007, as it had been subject to Amendment Nos. 1, 2, and 3, combined referred to herein as "Agreement", between Megabyte Systems, Inc., hereinafter referred to as "Contractor", and the County of Monterey, hereinafter referred to as "County".

WHEREAS, COUNTY and CONTRACTOR wishes to amend the Agreement to include an additional year of maintenance for the Megabyte Property Tax System for fiscal year 2013-2014 at a 1.7% cost of living increase from the current annual rate.

NOW THEREFORE, COUNTY and CONTRACTOR agree to amend the Agreement as follows:

1. The term of the maintenance and support services shall be extended for an additional year through and including June 30, 2014. For the maintenance and support between July 1, 2013 and June 30, 2014, the payment rates for services performed by Contractor for the additional time period shall be amended as set forth in the attached Exhibit 2013/14A to this Amendment No. 4.
2. Effective July 1, 2013, and for the remainder of the term of the Agreement, the Scope of Work shall be replaced in its entirety with the Scope of Work Exhibit 2013/14B, attached to this Amendment No. 4.
3. Except as provided herein, all remaining terms, conditions, provisions, entitlements and obligations of the original Agreement, as it has been subject to Addendum and Amendment to date, shall remain unchanged and unaffected by this Amendment and shall continue in full force and effect. A copy of this Addendum No. 4 and its Exhibit 2013/14A shall be affixed to the original Agreement as it may have been amended to date.

IN WITNESS WHEREOF, the parties have executed the Amendment on the day and year written below,

COUNTY OF MONTEREY

By: _____
Contracts/Purchasing Officer

Date: _____

MEGABYTE

By: Sharon Zachte, President
Company Representative

Print Name: SHARON A ZACHTE

Title: PRESIDENT

Date: 4-19-13

APPROVED AS TO FORM:

By: [Signature]
Deputy County Counsel

Date: 5-2-13

Reviewed as to fiscal provisions

[Signature]
Auditor/Controller
County of Monterey 5-15

Amendment No. 4 - Exhibit 2013/14A



FY-2013/2014 MPTS Maintenance Rates

02/05/13

Monterey County:

The following rates are effective from July 1, 2013 thru June 30, 2014. These rates reflect an increase of 1.7%, in accordance with the Pacific Cities and U.S. City Average Consumer Price Index, for month ending December 2012.

FY-2013/2014 Rates	
MPTS Property Tax System Maintenance	\$301,837.54 annual charge
Online Business Property Filing Maintenance/Support	\$2,807.87 annual charge
Public Web – Assessor / Tax Collector Modules	\$ 4,891.42 annual charge
Agency Web – Assessor / Tax Collector Modules	\$12,228.58 annual charge
Tax Collector – Prior Year (previous year only) View/Print Taxbill Online	\$ 500.00 annual charge

Amendment No. 4 - Exhibit 2013/14B

SCOPE OF SERVICE

MPTS maintenance support services

Contractor will provide the following maintenance support services:

- Hot line phone support for the Assessor, Tax Collector and Auditor user staff, as required, concerning the operation of the property tax system – MPTS.
- Diagnosis of application problems and suggested solutions.
- Application software corrections as needed by system failure to meet system requirements. This does NOT include any fixes for problems arising through alteration of the database by means other than Megabyte personnel.
- New State mandated change to the application of property and tax assessment statutes.
- Enhancements/Upgrades to the application software at the discretion of Megabyte Systems.
- Installation/Setup of application stored procedures/triggers/database-scheduled tasks when necessary.
- MPTS application training classes:
 - Web training classes
 - Training materials will be posted on the Megabyte website
 - Some sessions may be offered in house for detailed hands-on training at no cost for the session (County will be responsible for travel expenses)
- Roll turnover & roll over support to accommodate County off-hour support if desired:
 - Megabyte will optionally offer (based on County needs) roll turnover/rollover of scheduled jobs leaving reports out at the County (balancing/review is the responsibility of County)
 - Megabyte will review for consistency and set up – completion of jobs i.e. ascertain correctness of control records, job setup, scheduling, conflicts.
 - Backup: 2nd copy of 601 rolls and tax rolls for 12-year history retention to be held by Megabyte if requested by the County. Primary backup of the 601 roll and related system backups are County responsibilities.
 - Assistance with balancing property and tax assessment programs.
 - Assistance with producing fixes (i.e. mass roll changes) to correct erroneous assessment or tax roll results, whether due to County or Megabyte actions. However, County is responsible for meeting statutory requirements and proper updating of the Megabyte systems with all current data, such as tax rates. Assistance to fix problems caused by County failure to update base assessment data will be a billable item to the County.
- Several significant enhancements will be made to the system at no additional charge as follows:
 - Workflow for Assessor.
 - Appraisal Suite for Assessor.
 - Direct sale enrollment for certain property transfers.
 - Trees & vines data capture and assessment.
 - Cashiering for Tax Collector with upgrade to Heartland
 - Document Imaging for Auditor / Tax Collector (already completed and installed)

County will provide, at it's own expense, access to Megabyte via Megabyte network or via the Internet as long as it is at acceptable speeds (County minimum of T1 or business DSL speed).

County must grant Contractor full administrator rights (SA).

SQL server database support services

Contractor will provide the following SQL sever database services:

- Necessary tuning/routine maintenance/notification of service pack upgrades needed. (These must be ran by County personnel on the physical machine).
- General SQL maintenance.
- Monitoring of SQL logs for errors and corrective action.
- Daily batch job monitoring and fixes/notification of failures.
- Scheduling of overnight jobs.
- Installation upgrades to SQL versions when Megabyte upgrades the application software to a new version (Note: this does not include any cost associated with the purchase of SQL Server System Software – this cost is the responsibility of the County. Megabyte will install it and do any necessary property system upgrades). Megabyte determines the need to upgrade to a newer version of SQL.
- Rebuild database(s) if necessary due solely to SQL Server generated problems. (Exclusion: If the cause is failure by the user to detect operating system errors & take corrective action or notify Megabyte, then this activity will be billable to the County).
- SQL Support services are for the primary and inquiry (aka backup server) servers only.

County shall perform the following tasks:

- Ensuring the SQL Executive and SQL Server are running and restart if necessary.
- Windows Server printer setup and documentation.
- Monitor disk space on Windows Server.
- MPTS system backups.
- Network problems.
- Software/Hardware conflict issues.
- Install SQL Server service packs when notified to do so by Megabyte.
- Install MPTS service packs when notified to do so by Megabyte.

If on-site support is required travel time and expenses will be billable to County at the standard rate for Contractor.

Online Business Property Filing Maintenance/Support

Contractor shall provide the following MPTS Online Business Property Filing Maintenance & Support to this application as follows:

- Ability for business taxpayers to file their 571L, 571M, 571A and 571F personal property forms via the Internet.
- Features Include:
 - Previous year costs and net change
 - View/Print of completed form(s)
 - Extraction of data for web access
 - Audit reports

- Import/merge of filed data to the personal property system
- Images/PDF retained of the filed statements with access via the personal property subsystem

Price. The price for Megabyte Systems services to be provided to the County under the terms of this Agreement are fully described in Amendment No. 4 Exhibit 2013/14A.

MPTS Web Enhancements/Services Maintenance

Contractor shall provide the following MPTS Web Services & support as follows:

Public Version for Assessor and Tax Collector Departments:

- Search capabilities limited to Parcel or Assessment numbers.
- Assessor Inquiry – Current Assessment Roll information only.
- Tax Collector – Current Tax Roll information only.
- Cosmetic Customizations only i.e. color schemes, County logos, etc.
- Note: this version does not have any Security features. Name or Address only may be selected to appear (as determined by County), not both.
- Tax Collector Function – Prior year (previous year only) View/Print Taxbill online (this feature is an additional \$500 annually, included in price specified in Amendment No. 4 Exhibit 2013/14A.).

Agency Version for Assessor and Tax Collector Departments:

- Assessor Historical search capabilities (dependant on the amount of online history stored the County).
- Tax Collector Historical search capabilities (dependant on the amount of online history stored the County).
- Customization of displayed data.

Grant of License. Contractor hereby grants to County a personal, non-transferable and non-exclusive license to use the Tax Collector Public Version and the Assessor Public and Agency Version of the MPTS Web Services.

The License granted to the County is expressly limited to the executable form of the Software only. The program code and programming language in which Contractor writes the Software (the "Source Code"), as well as any relevant documentation, including the Source Code, and instructions to maintain, duplicate, and compile to Source Code (the "Source Materials"), remain the exclusive property of Contractor.

Price. The price for Megabyte Systems services to be provided to the County under the terms of this Agreement are fully described in Amendment No. 4 Exhibit 2013/14A.

Term. The license granted shall commence upon the date of installation of the software and shall remain in force for as long as the annual maintenance fee is paid to Contractor by County.