

**AMENDMENT No. 1 to the MPTS MAINTENANCE AGREEMENT
A-13259 between MEGABYTE SYSTEMS, INC. and the County of
Monterey**

THIS AMENDMENT No. 1 is made to the CONTRACTUAL AGREEMENT A-13259 (hereinafter referred to as "A-13259") dated July 1, 2016, by and between the County of Monterey, a political subdivision of the State of California, hereinafter referred to as "COUNTY", and MEGABYTE SYSTEMS INC., hereinafter referred to as "Contractor".

WHEREAS, County and Contractor wish to amend A-13259 (hereinafter referred to as "Agreement") to include an additional year of maintenance for the Megabyte Property Tax System for fiscal year 2017-2018 at a 2.06% cost of living increase from the current annual rate.

NOW THEREFORE, the COUNTY and CONTRACTOR hereby agree to amend the AGREEMENT in the following manner:

1. The Agreement is hereby amended to extend the term of the maintenance and support services for an additional year through and including June 30, 2018. For the maintenance and support between July 1, 2017 and June 30, 2018, the payment rates for services performed by Contractor for the additional time period shall be amended as set forth in Exhibit 2017/2018B, attached to this Amendment No. 1. The total financial liability to the County for the period July 1, 2017 to June 30, 2018 pursuant to the terms of this Amended Agreement shall not exceed \$339,100.51.
2. Effective July 1, 2017, 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 2017/2018A, attached to this Amendment No. 1.
3. Except as provided herein, all remaining terms, conditions, provisions, entitlements and obligations of the Agreement shall remain unchanged and unaffected by this Amendment and shall continue in full force and effect. A copy of this Addendum No. 1 and its Exhibits shall be affixed to the original Agreement.

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IN WITNESS WHEREOF, the parties have executed this AMENDMENT on the day and year written below.

MONTEREY COUNTY

Contracts/Purchasing Officer

Dated:

5-10-17

CONTRACTOR

By:

Signature of Chair, President, or
Vice-President

SHARON A. ZALITE, PRESIDENT

Printed Name and Title

Dated:

04-26-17

By:

(Signature of Secretary, Asst. Secretary, CFO,
Treasurer or Asst. Treasurer)*

NICHOLAS BETTS, SECRETARY

Printed Name and Title

Dated:

04-26-17

Approved as to Form:

Deputy County Counsel

Dated:

5-8-17

Reviewed as to fiscal provisions

Auditor-Controller
County of Monterey

5-4-17

*INSTRUCTIONS: If CONTRACTOR is a corporation, including limited liability and non-profit corporations, the full legal name of the corporation shall be set forth above together with the signatures of two specified officers. If CONTRACTOR is a partnership, the name of the partnership shall be set forth above together with the signature of a partner who has authority to execute this Agreement on behalf of the partnership. If CONTRACTOR is contracting in an individual capacity, the individual shall set forth the name of the business, if any, and shall personally sign the Agreement.

Exhibit 2017/2018A to Agreement A-13259 Between the County of Monterey and Megabyte Systems Inc.

EXHIBIT A

SCOPE OF SERVICE

MPTS maintenance support services

Contractor will provide the following maintenance support services:

- Hot line phone support for County's 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 Contractor personnel.
- New State mandated change to the application of property and tax assessment statutes.
- Enhancements/Upgrades to the application software at the discretion of Contractor.
- 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 Contractor 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:
 - Contractor 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)
 - Contractor 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 Contractor 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 Contractor 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.

County will provide, at its own expense, access to Contractor via Contractor 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 Contractor 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. Contractor will install it and do any necessary property system upgrades). Contractor 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 Contractor, 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.
- NT Server printer setup and documentation.
- Monitor disk space on NT Server.
- MPTS system backups.
- Network problems.
- Software/Hardware conflict issues.
- Install SQL Server service packs when notified to do so by Contractor.
- Install MPTS service packs when notified to do so by Contractor.

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, 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

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 Tax bill online (additional charge).

Agency Version for Assessor and Tax Collector Departments:

- Assessor Historical search capabilities (dependent on the amount of online history stored the County).
- Tax Collector Historical search capabilities (dependent 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.

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.

Exhibit 2017/2018B to Agreement A-13259 Between the County of Monterey and Megabyte Systems Inc.

EXHIBIT B

PAYMENT FOR SERVICES RENDERED

The support cost for services described in Exhibit A – Scope of Service shall be as follows:

FY-2017/2018 Rates	
MPTS Property Tax System Maintenance	\$317,508.25 annual charge
Online Business Property Filing Maintenance/Support	\$3,063.00 annual charge
Public Web – Assessor / Tax Collector Modules	\$ 5,145.36 annual charge
Agency Web – Assessor / Tax Collector Modules	\$12,863.45 annual charge
Tax Collector – Prior Year (previous year only) View/Print Taxbill Online	\$ 520.45 annual charge

COMPENSATION FOR EXTRA SERVICES

COUNTY shall compensate CONTRACTOR for requested Extra Services and reimburse CONTRACTOR for expenses incurred in connection with the provision of such Extra Services as follows:

1. Emergency off-site support outside of the hours 8 AM to 5 PM or on weekends or holidays, with a four-hour minimum:
\$150.00 per hour
2. On-site support, with a four-hour minimum, including time in transit.
\$150.00 per hour
3. Travel expenses: At actual cost in accordance with County's current travel expense policy.