

September 8, 2010

AGREEMENT FOR THE
DESIGN, DEVELOPMENT, IMPLEMENTATION, OPERATION, UPGRADING,
SUPPORT AND MAINTENANCE OF
STATEWIDE E-FILING COURT RECORDS PORTAL

This Agreement For The Design, Development, Implementation, Operation, Upgrading, Support And Maintenance Of A Statewide E-Filing Court Records Portal ("Agreement") is entered into this 22 day of September, 2010, by and between the Florida Association of Court Clerks, Inc. ("Association") and the FACC Services Group, LLC.

WITNESSETH

WHEREAS, the Florida Legislature and the Florida Supreme Court recognized the need for the development, implementation, operation, support and maintenance of a statewide electronic filing system allowing the electronic filing of trial and appellate court records; and

WHEREAS, the Clerks of the Circuit and County Court are the official custodians of court records in each such clerk's respective county, and the Clerk of the Florida Supreme Court is the custodian of the records of the Florida Supreme Court, each subject to applicable statutes, court rules and Florida Supreme Court rules and administrative orders of the chief justice of the Florida Supreme Court in the performance of that function; and

WHEREAS, various Clerks of the Circuit Court and the Clerk of the Florida Supreme Court created the Authority pursuant to an Interlocal Agreement as permitted by Chapter 163, Florida Statutes, to contract for the design, development, implementation, operation, upgrading, support and maintenance of an electronic portal for the electronic filing of court records; and

WHEREAS, the Association, by itself and/or through its wholly owned subsidiary FACC Services Group, LLC has the management and technical ability to develop, implement, operate and maintain the E-Filing Court Records Portal for the electronic filing of court records; and

WHEREAS, the Authority feels it is in the best interest of the Authority, the Clerks of the Circuit Court, the Clerks of the District Courts of Appeal, the Clerk of the Florida Supreme Court, the state courts and the Florida public to enter into this Agreement with the Association for the design, development, implementation, operation, upgrading, support and maintenance of the electronic portal for the electronic filing of court records.

NOW THEREFORE, in accordance with the terms and conditions as set forth herein, and for mutual consideration, given by each to the other, the Association and the Service Group hereby agree that the Service Group will deliver services as follows:

This Statement of Work ("SOW") is the Agreement For The Development,

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Implementation, Operation And Maintenance Of A Statewide E-Filing Court Records Portal entered into on _____, 2010 (the "Agreement") by and between the FACC Services Group, LLC ("SG") and the Florida Association of Court Clerks, Inc. ("FACC") for the development, implementation, operation and maintenance of an electronic portal to provide for electronic filing of court records in the state trial and appellate courts.

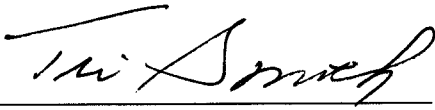
This Agreement shall be construed under the laws of the State of Florida. If any portion of this Agreement is deemed invalid and the remainder can be performed according to the intent and the tenor thereof, then the remainder shall remain in full force and effect.

This Agreement can be terminated by either party with 30 days written notice.

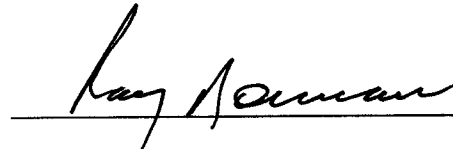
Effective the date set forth above.

Florida Association of Court Clerks, Inc.

Florida Association of Court Clerks
Service Corporation



Tim Smith, President



Ray Norman, President

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Statewide E-Filing Court Records Portal

Statement of Work

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This Statement of Work ("SOW") is the Agreement For The Development, Implementation, Operation And Maintenance Of A Statewide E-Filing Court Records Portal entered into on _____, 2010 (the "Agreement") by and between the FACC Services Group, LLC ("SG") and the Florida Association of Court Clerks, Inc. ("FACC") for the development, implementation, operation and maintenance of an electronic portal to provide for electronic filing of court records in the state trial and appellate courts.

1 Overview

The Authority is contracting with FACC to develop, implement, operate and maintain a uniform statewide electronic filing portal (the "E-Filing Court Records Portal" or "Portal") allowing electronic filing of court documents in the county and circuit courts for all 67 counties, the 5 district courts of appeal and the Florida Supreme Court.

The Portal will provide attorneys and pro se litigants with a common entry point for transmitting, filing electronically Court Records and for such persons and other authorized persons the ability to electronically view electronic Court Records. The Portal will also provide internal notifications to applicable persons and allow for electronic service of documents on attorneys of record or pro se parties in pending Court actions. Additionally the Portal will:

- Deliver to the applicable clerk of court ("Clerks") of the county and circuit courts, the district courts of appeal and the Supreme Court ("Courts") electronic filings and statutory mandated fees in a form that the Clerks can immediately receive, review, accept, docket, file and maintain.
- Provide the Clerks and the Court with immediate data elements that can be used to automatically populate their respective local databases.

It is expected that the development of the E-Filing Court Records Portal will be complete on or before January 1, 2011 and that implementation will occur in stages beginning with probate and dependency case filings. The Portal will be expanded in stages to allow the electronic filing and viewing of electronic Court Records in all court divisions as determined by the Florida Supreme Court.

2 Definitions and Acronyms

Terms used herein are as defined in the Agreement. Additionally, the following terms used in this document are defined as follows:

Change: refers to a change in the scope of the project.

Filer: refers to attorneys of record or pro se parties to a case filing a Court Record in a case.

Requirements: Conditions or capabilities to which a system or service must conform.

Scope: Describes at a high level what will and will not be included as part of the project.

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Standards: Documents that stipulate minimum levels of performance and quality for goods and services, and optimal conditions and procedures for operation.

Specifications: Concise statements of requirements for materials, products or services.

Task: A cohesive, individual unit of work that is part of the total work needed to accomplish a project.

3 Scope of Work

3.1 Requirements

The Portal must meet or exceed the requirements, standards and specifications stated in:

1. In Re: Statewide Standards for Electronic Access to the Courts, AOSC09-30 (July 1, 2009) as may be subsequently modified or amended.
2. Integration and Interoperability Document¹.
3. Oasis Electronic Court Filing (ECF) 4.0 specification².

The Portal will interface with local Clerk records systems and therefore must adhere to standard interface specifications for this purpose. The Portal will store information needed to support the business functions of the Portal. These may include transaction logs, user information, and county setup information. Temporary electronic files and electronic notifications will be stored at the Portal for a minimum of 30 days as a backup to ensure successful transfers have been accomplished with the Clerk.

Court data, including data collected and maintained at the Portal to support the business functions of the Portal, will not be owned by the FACC. Original court data must reside within the State of Florida, and only redundant copies for disaster recovery purposes may be stored outside the state in accordance with Florida State Court guidelines. Access controls and authentication methods must meet or exceed Florida Supreme Court requirements.

3.1.1 Business Requirements

Portal Specific Requirements, in addition to the standards already stated, include the following:

¹ The Integration and Interoperability Document is a living document, last updated March 2008. A copy of the document can be found on the Florida Supreme Court Web Site using the following URL, <http://www.floridasupremecourt.org/clerk/adminorders/2003/forms/IntegrationDocument.pdf>

² The Oasis Electronic Court Filing (ECF) 4.0 specification can be found in its entirety at the National Center for State Courts Web Site using the following URL, http://www.ncsconline.org/D_Tech/Standards/Documents/ecf-v4.0-spec-cd01.zip

3.1.1.1 Single Statewide Login

The Portal must have a method to register individual Florida Bar members in order for them to receive authentication credentials, such as login ID and password, upon validation of their online registration. The system will have a method to populate a database of Bar numbers of members of the Florida Bar received from OSCA. The statewide authentication process must be designed and implemented to utilize role-based security profiles as needed by the Courts, Clerks and users of the system. The authentication process for non-attorneys may require a different process from that of attorneys.

3.1.1.2 Single Web Access

The Portal must provide an electronic filing web interface to be designed and implemented for all Filers in Florida. The Filer must be able to select the proper court of jurisdiction for the electronic filing of a pleading or paper. The Filer should be able to access all the required forms, fill them out, and attach any additional files that need to be included. There will be standardized electronic XML based data envelopes, defined by the Supreme Court to be completed by the Filer. These data envelopes must allow for automatic data retrieval once they are received by the Clerk or received by a system designated by the Supreme Court. The data envelope must be designed to accept documents as attachments in a wide variety of formats. At a minimum, the Portal must accept Microsoft Word documents and searchable PDFs.

The Portal must be able to perform a validation of the documents filed to ensure that any discrepancies (such as incomplete data or viruses) are detected prior to the filing being submitted. The Portal must notify the user immediately if the Portal detects errors in the filing process.

The Portal must maintain a detailed transaction log by user ID.

3.1.1.3 Electronic Transmissions of Data

The Portal will generate standard pre-packaged transactions in accordance with ECF 4.0 XML standards and the National Information Exchange Model (NIEM). This will allow for interfaces with record keeping systems. The Portal should be designed to interface with individual local case systems through the use of Secured Web Services. These interfaces must also be designed in accordance with court technology standards.

3.1.1.4 Electronic Payments and Transaction Logs

The Portal must include an electronic payment system. If there is a statutory fee associated with the filing, the fee must be processed through an e-commerce provider in accordance with the appropriate Florida statutes, rules and procedures. These fees must be deposited electronically in the appropriate bank account. The Portal payment system must comply with all Florida Statutes regarding e-

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commerce, and must have the ability to provide detailed financial transaction logs.

3.1.1.5 Notifications and Service

The Portal must provide internal electronic notifications and service. Alerts may be sent to a Filer's personal email, but this is a secondary method of notification. The primary electronic notification section must be within the Portal in order to assist in providing a more manageable electronic notification process with the ability to have logs of notifications. Individual email accounts that are provided from a myriad of ISPs are not stable enough for purposes of electronic service and notification. The Portal must contain a secure messaging component, based on the e-commerce model, to provide parties with notice of service.

3.1.1.6 Local Validation

When information has been filed electronically through the Portal, there should be an initial confirmation that the Portal has received the filing. It will then be transmitted from the Portal to the Clerk. The Clerk will perform a local validation to determine that it complies with e-filing requirements. Once the Portal receives confirmation from the Clerk that the filing has been accepted, the Portal must provide the Filer with a confirmation that the Clerk has accepted the filing, which includes the date and time of acceptance.

3.1.1.7 Electronic Service

The Portal must provide electronic service in accordance with established laws, rules, and procedures. Electronic service must enable parties of record to receive confidential information logging on and using the internal notification section. The public internet e-mail system may be used as a secondary notice mechanism that provides a unique and encrypted URL that can direct the Filer to the notification section using a hyperlink reference using an industry standard based web browser and SSL.

3.1.1.8 Emergency Filing

The Portal must allow a document considered to be an emergency to be brought to the attention of the Clerk's office when filed by having some means of identification.

3.1.1.9 Certificate of Service

The Portal must provide for a certificate of service to be included with each document filed electronically indicating how service was accomplished on each party.

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3.1.1.10 Integration with Existing State-wide Systems

The Portal must support open standards and the ability to interface with a variety of systems such as the Florida Bar Registration Database. The Portal must also support current Florida appellate court data exchanges. The Portal must have the capability to send and receive standard pre-packaged transactions in accordance with current XML standards known as the Electronic Court Filing (ECF) Version 4.0. This standard utilizes other existing XML standards such as Global Justice XML and Oasis Legal XML and NIEM³. This standard will allow for interfaces with providers and large law firms with the capability of ECF 4.0 XML compliant output.

3.1.1.11 Schemas

FACC, on behalf of the Authority, will create the schemas used to populate local record keeping systems.

3.1.1.12 Electronic Signatures

The Portal may offer a preset signature block. The following is an example of an electronic signature that may be used when electronically filed through an attorney's login in and password.

s/ John Doe
John Doe (e-mail address)
Bar Number 12345
Attorney for (Plaintiff/Defendant) XYZ Company
ABC Law Firm
123 South Street
Orlando, FL 32800
Telephone: (407) 123-4567

When a stipulation or other document such as a joint motion requires signatures of two or more attorneys of record, the filing attorney shall initially confirm that the content of the document is acceptable to all attorneys required to sign the document and shall obtain the signatures of all attorneys on the document. The filing attorney then shall file the document electronically, indicating the signatories, (e.g., "s/ Jane Doe," "s/ John Smith," etc.) for each attorney's signature.

3 NIEM (<http://www.niem.gov/library.php>)

3.1.1.13 Handwritten Signatures

When a handwritten signature is required, the Portal must accept an imaged document that bears the handwritten signature. If a statute or court rule requires a pleading or paper that is not an exhibit to bear the signature of a party, or an authorized representative of a state agency must be authenticated in accordance with a statute or court rule, then the Filer must be able to scan the document and file it electronically. This procedure includes any pleading or paper notarized or signed under penalty of perjury.

3.1.2 Technical Requirements

3.1.2.1 Architecture

The Portal shall:

- Use principles of Software as a Service (SaaS) and should support principles of Configurable Multi-tenant.
- Use principles of Service Oriented Architecture (SOA).
- Separate the User Interface Layer from the Services and Data Access Layers.
- Implement electronic interfaces as web services.
- Must use XML messages for data exchange and must comply with following web service interoperability specifications
 - WS-I Basic Profile Version 1.1
 - W3C Simple Object Access Protocol (SOAP) 1.1.
 - WS -I Simple SOAP Binding Profile Version 1.0.
 - W3C Web WSDL 1.1.
 - W3C XML Schema 1.0.
 - W3C Namespaces in XML.
 - W3C Soap 1.1 Binding for MTOM 1.0
- Use http for communication between distributed components
- Not make any specific assumptions regarding network connectivity and should leverage existing communication infrastructure (assuming that bandwidth requirements are satisfied).
- Support Microsoft Server platforms.

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- Support Current Windows Server platforms (Windows Server 2008) and application/web servers (IIS 7.0 or above).
- Use Microsoft SQL Server 2008 for application data storage.
- Use Microsoft .NET development platform for application development.
- Use C# as language for application development.
- Use design patterns in application development and should support testability.
- Support vertical scaling via additional processors for all the layers of application.
- Support horizontal scaling via load-balanced clusters of replicated servers for web and application servers.
- Allow for fault tolerance via load-balanced clusters of replicated servers for web and application servers.
- Be designed to support 2,000 concurrent users upon full implementation. Upon Full implementation the system shall support 100 filings per minute on average.
- Follow established change/production management procedures.
- Follow established change control procedures.
- Allow for technology related changes to be reviewed and approved before they can be adapted.

3.1.2.2 Application

The Portal shall:

- Provide capability for a common entry point for all court E-filings in the Courts.
- Include major design elements defined in Oasis Electronic Court Filing Version 4.0 specification.
- Be in compliance with E-Filing operational policies as established by Florida Courts Technology Commission.
- Provide a single access point for a Filer to register and maintain the Filer's filing profile.
- Support branding of filing creation, submission pages with judiciary specific information.

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- Support branding of non-county specific pages with a common look and feel.
- Authenticate users before allowing access.
- Support Single statewide login and use uniform authentication method.
- Allow access to attorneys of record, non-attorney parties and self-represented users.
- Support authorized users to create and submit filings by providing filing data (Example: Case Type, Plaintiffs, Defendants, Service Information) and attaching one or more documents in supported formats.
- Limit size of an individual filing as per operational policies.
- Support the capture of all case type specific information as defined in Oasis Electronic Court Filing Version 4.0 specification.
- Support collection of filing fees and distribution of fees to individual judiciaries using "MyFlorida County Open Pay Interface".
- Generate ECF 4.0 messages with data from the information provided by the Filer.
- Submit generated ECF messages to the ECF 4.0 compliant electronic interfaces.
- Implement electronic interfaces as web services using the Oasis Electronic Court Filing Version 4.0 specification for data exchange.
- Electronic interfaces to be implemented as Web Services and use XML message for data exchange. Web services must comply with following web service interoperability specifications and architectural requirements defined in section 3.1.2.1.
- Allow third Party applications to interface with the electronic interfaces for submission of filings.
- Notify third party applications asynchronously upon acceptance or rejection of filing as defined in the ECF specification.
- Allow clerks of court to review and accept/reject the filing.
- Support submission of reviewed documents to official register of actions for docketing.
- Allow Filers to review the status of their filings.

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- Implement electronic service features as defined in the operational policies as established by Florida Courts Technology Commission.
- Shall not require modifications to existing components/interfaces to support interfaces to an information system used by judiciary.

3.1.2.3 Platform

The Portal implementation must:

- Support architectural requirements defined in section 3.1.2.1.
- Support scalability requirements defined in section 3.1.5.
- Use Microsoft Server platforms.
- Support Current Windows Server platforms (Windows Server 2008)
- Support IIS 7.0 or above.
- Use Microsoft SQL Server 2008 for application data storage.
- Allow user Interface components to be browser based
- Allow user Interface Components for Filers to be tested for compatibility in the following browsers
 - Internet Explorer 7.0 or above
 - Firefox 3.0 or above
 - Safari 3.1.2 or above
- Allow user Interface Components for Filing Reviewers to be tested for compatibility in the following browsers
 - Internet Explorer 7.0 or above
 - Firefox 3.0 or above
- Allow user Interface Components for Administration to be tested for compatibility in the following browsers
 - Internet Explorer 7.0 or above
 - Firefox 3.0 or above
- Allow for component development to support application development requirements defined in section 3.1.2.2.

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- Ensure that any third party controls/toolkits used in system component development are commercially available.

3.1.2.4 Database Design

- Portal implementation must use Microsoft SQL Server 2008 for application data storage.
- Application database design must follow established naming standards for all database objects, scripts and development tool objects. See <http://msdn.microsoft.com/en-us/library/dd283095.aspx> for SQL Server Best Practices – Implementation of Database Object Schemas
- Application database physical design must calculate storage requirements to handle 5,000,000 Case Filings per year for 5 years.
- Portal implementation should include database backup and recovery procedures.

3.1.2.5 Interfaces

- Electronic interfaces must comply with architectural requirements defined in section 3.1.2.1.
- Shall allow third party applications to interface with the electronic interfaces for submission of filings.
- Shall notify third party applications asynchronously upon acceptance, rejection of filing as defined in the ECF specification.

3.1.2.6 Data Conversion

- The Portal shall implement a process to load Filer information from existing electronic filing applications to single statewide repository of Filers.

3.1.3 Security Requirements

The Portal shall:

- Authenticate users before allowing access.
- Support Filers to register online and receive authentication credentials upon validation of registration.
- Use role based security model to control access to supported functions.
- Audit all changes to Filer information.
- Support association of a user account with an organization/group.

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- Implement electronic interfaces as Soap Based web services compliant with WS-Interoperability Basic Security Profile Version 1.0 (WS-I BSP 1.0).
- Use digital signatures for message integrity and confidentiality.
- Support signing of Soap message Body and all MIME Parts using digital signatures.
- Support digital signatures conformant with Section 8 of the [WS-I BSP 1.0] specification which references the [XMLSIG] specification.
- Require HTTP credentials for authentication to access the operations.

3.1.3.1 Disaster Recovery and Backup Policies and Procedures

FACC will provide a Disaster Recovery Plan and Backup Policies and Procedures as an attachment to this SOW. (Attachment A) The Disaster Recovery Plan and Backup Policies and Procedures must meet or exceed the specifications contained In Re: Statewide Standards for Electronic Access to the Courts, AOSC09-30 and the Integration and Interoperability Document.

3.1.4 System Reporting/Statistics

The Portal shall be able to report the following:

- Number of times system was accessed (logged into regardless of activity)
- Number of filings
 - By county
 - By division
 - Average filing times (determine how many are after working hours)
- Statutory fees collected
- Service fees collected (credit processing fees)
- Number of rejections
- Analysis on resources usage: bandwidth, storage requirements, licensing costs, programming fees, security costs (if we are considering user fees we will need to be able to determine cost of operations)
- Number of unforeseen outages and time periods
 - Portal outages

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- Portal to Clerk outages (outage may be on Clerk end)
- Number of scheduled maintenance outages and time periods
- Number of support requests
 - From Filers
 - From Clerks

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3.1.5 System Performance

The Portal must meet the following performance standards:

- System availability – The Portal must provide uninterrupted service so an electronic filing may be submitted to the Portal at any time of the day or night, twenty four (24) hours a day seven days a week, except during times of routine maintenance
- System reliability – overall availability greater than 99 percent excluding scheduled maintenance.
- Response time per transaction: to be determined by the Authority and FACC
- System users:
 - must be able to support 2000 users concurrently
- Scalability to meet future requirements –
 - must be able to support the increase of new users as additional courts begin to use the portal.
 - must be modifiable to support new or changing business requirements

3.2 Standards and Specifications

All deliverables by the FACC must be provided in accordance with the standards and specifications listed below.

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<p>PMO Standards and Guidelines for Project Management</p>	<p>Standards, procedures and tools should be developed based on TenStep and PMBOK project management processes. References include:</p> <ul style="list-style-type: none"> • Project Procedures <ul style="list-style-type: none"> ○ Risk and Issue management procedures ○ Quality management procedures ○ Scope Change management procedures • Project Deliverables Matrix • Project planning and tracking tools (MS Project Professional and Project Web Access) • PMO Library with templates, instructions and supporting materials
<p>Section 508 Compliance</p>	<p>The vendor must provide electronic and information technology resources in compliance with Section 508 of the Rehabilitation Act of 1973, and part III of Chapter 282, Florida Statutes. Those statutes establish a minimum level of accessibility to those who have disabilities.</p>
<p><u>The Integration and Interoperability Document</u></p>	<p>http://www.floridasupremecourt.org/clerk/adminorders/2003/forms/IntegrationDocument.pdf</p>
<p><u>Florida Supreme Court Standards for Electronic Access to the Courts</u></p>	<p>http://www.flcourts.org/gen_public/technology/bin/Standards-ElectronicAccess.pdf</p>
<p><u>The Oasis Electronic Court Filing (ECF) 4.0 specification</u></p>	<p>http://www.ncsconline.org/d_tech/standards/Documents/ecf-v4.0-spec-cd01.zip</p>

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4 Deliverables

4.1 Deliverables

FACC will deliver to the Authority:

1. A fully functional Statewide E-Filing Court Records Portal that meets the requirements, standards and specifications stated in this SOW.
2. A complete copy of technical documentation for the Portal, including but not limited to:
 - a) System Architecture
 - b) Disaster Recovery
 - c) Change Management
 - d) Change Control Procedure

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ATTACHMENT A
DISASTER RECOVERY PLAN AND
BACKUP POLICIES AND PROCEDURES