



Agenda Item Summary Sheet

Item No.

13

Meeting Date:

2/6/06

Item Title: Approval of Piggyback Contract for Computerized Tax Appraisal Software System

Item Summary:

In the FY2005-06 Capital Improvements Plan, a project titled Computer Aided Mass Appraisal System was approved for the purchase of tax appraisal software to replace the tax department's current software, purchased approximately twenty years ago. The department has determined that the Cole Layer Trumble Company's (CLT) software system will best suit the county's needs for this project. The purchase of this system is being submitted for approval through the "piggyback" method allowed through G.S. 143-129(g).

(Use additional Paper if necessary)

Number of Attachments: 1

Will your presentation require audiovisual equipment? Yes No

Note: All audiovisual materials must be submitted in digital format to the Clerk of the Dare County Board of Commissioners with this sheet. Acceptable formats include: VHS, DVD, audio CD, Word document, Adobe Acrobat PDF files, PowerPoint files and jpeg files.

Specific Action Requested:

Approval of piggyback method to award the attached contract for a Computerized Tax Appraisal Software System to Cole Layer Trumble (CLT) in the amount of \$362,000.

Submitted By: Greta Skeen

Date: 1/23/06

Dept. Head

Comments:

Signature *Greta Skeen* Date: 1/23/06

Finance

Comments:

Signature *[Signature]* Date: 1/23/06

County Attorney

Comments:

See comments in memo to Greta Skeen

Signature *[Signature]* Date: 1/24/06

County Manager

Approval:

Signature *[Signature]*

Date: 1/25/06

Commission Action:

**Approval of Piggyback Contract for Computerized Tax Appraisal
Software System**

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The Articles of Agreement between Tyler / CLT Division and Dare County for appraisal software implementation has been included with this material in a separate binder.

**Approval of Piggyback Contract for
Computerized Tax Appraisal Software System**

Summary:

In the FY2005-06 Capital Improvements Plan, a project titled *Computer Aided Mass Appraisal System* was approved for the purchase of tax appraisal software to replace the tax department's current software, purchased approximately twenty years ago. The department has determined that the Cole Layer Trumble Company's (CLT) software system will best suit the county's needs for this project. The purchase of this system is being submitted for approval through the "piggyback" method allowed through G.S. 143-129(g).

Details of Request:

Tax appraisal software systems are highly specialized systems that relatively few vendors provide. The tax department determined that CLT offers the best system for the county, based on the following considerations: appraisal and analysis functionality; flexibility; stability of the system; financial stability of the software provider; software provider's client base within North Carolina; and integration with the county's existing MUNIS tax billing, personal property appraisal, and tax mapping software system. CLT and MUNIS both operate as independent divisions under Tyler Technologies, Incorporated. This relationship provides the optimal assurance that the systems will be integrated, legislative changes unique to North Carolina will be supported, and that future software upgrades on either system will be compatible and integrated.

The Articles of Agreement between Tyler / CLT Division and Dare County for appraisal software implementation are being submitted for approval through the "piggyback" method allowed through G.S. 143-129(g). This statute allows local governments to purchase from another government's contract if the contract was awarded as the result of a formal competitive bidding process, and the vendor is willing to provide the item at the same or better pricing and terms within one year of the original contract.

Forsyth County, Georgia finalized their contract with CLT for a Computerized Tax Appraisal Software System on February 10, 2005. Exhibit 8 of Dare County's contract with CLT details how the pricing and terms of Dare County's contract compare to the Forsyth County, Georgia contract, and demonstrates that we are being offered the same product at the same pricing. Since Forsyth County's contract was negotiated nearly a year ago, the piggyback option provides Dare County with very competitive pricing for this software system. Based on Dare County's contract negotiations, current pricing for this system through the bid process would be considerably higher than the amount approved in the CIP.

The documents attached (pages 3 – 16) are evidence that Forsyth County, Georgia properly completed the formal bidding process in awarding their contract to CLT. Page 8 lists the seven vendors that bid on the software, and the bid amounts. New Hanover County, North Carolina was approved last year by their Board of Commissioners to "piggyback" on Forsyth County's contract.

The negotiated price for Dare County's contract is \$362,000 based on pricing and terms of Forsyth County, Georgia's contract. The total amount approved in the FY2005/06 Capital Improvements Plan for this project was \$390,000, \$20,000 of which was allocated for the purchase of a server for the new software system. The server will be purchased separately, and is not a part of this contract. The additional \$8,000 approved in the CIP will be used, if necessary, for additional expenses related to this project.

Requested Action:

Approval of piggyback method to award the attached contract for a Computerized Tax Appraisal Software System to Tyler / Cole Layer Trumble (CLT) in the amount of \$362,000.

THE ONVIA GUIDE

JULY 26 2004

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VOLUME 10, 144

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Appraisals/Right of Ways/Relocation Services

9 Arizona, Colorado, Iowa, Kansas, North Carolina, Ohio, Wisconsin

IT - Asset Management Software and Services

2 Ohio, Texas

IT - Billing Software and Systems

1 Minnesota

IT - Computer Software

34 California, Colorado, Connecticut, Florida, Iowa, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Texas

IT - Financial Management Software and Systems

7 Arkansas, California, Connecticut, Georgia, Massachusetts, New York, Ohio

PREPARED FOR:

Cole-Layer-Trumble Company

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Appraisals/Right of Ways/Relocation Services

Arizona

RFP/RFI/RFQ

Project Name	Right of Way and Utility Relocation
Owner	City of Flagstaff
Location	Flagstaff, AZ
Zip Code	86001
County	COCONINO
Sector	State/Municipal
Contact Name	Tiffin Miller Phone (928) 226-4861
Submittal Date	08/13/2004
Guide Ref Num	2265097 - 07/26/2004
Project Num	03-04011

Project: 03-04011 The Capital Improvements Division for and on behalf of, the City of Flagstaff, is seeking Statements of Qualifications (SOQ's) from Arizona licensed Engineering Professionals for Professional Services to: Obtain title reports, determine all existing property rights, perform field & boundary surveys, set monumentation, prepare legal descriptions, coordinate with all utility companies, coordinate with the U.S. Army Corps of Engineers plans as provided by the City of Flagstaff, perform non-destructive pot-holes, field locate all above and below ground utilities and prepare a detailed right

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of way and utility location map. Prepare full construction plans, specifications and estimates for relocation of all City owned utilities (water, sanitary sewer, reclaimed water) in MicroStation format, coordinate design and plan presentation with U.S.A.C.E, coordinate with all other public and private utility company's relocation designs and represent same on the U.S.A.C.E. plans within the Project limits in the City of Flagstaff, Arizona. SCHEDULE OF STATEMENT DEADLINES Statements Due: 3:00 p.m. MST August 13, 2004 Anticipated Award of Professional Services Contract: Week of September 21, 2004 Statements may be mailed to: City of Flagstaff Capital Improvements Division, Attn: Tiffin Miller, PE, Senior Project Manager, 211 West Aspen Avenue, Flagstaff AZ. 86001, or Statements may be hand delivered to: Capital Improvements Division, 100 W. Birch Ave., Flagstaff AZ. 86001, with the understanding that materials must be in hand by 3:00 p.m. MST, August 13, 2004. Statements received after that time and date will be considered non-responsive and will be returned unopened. Additional information and/or Request for Statement of Qualifications packages may be obtained at the office of City of Flagstaff Capital Improvements Division, 100 W. Birch Ave., Flagstaff, AZ 86001, or by e-mailing a request to tmiller@ci.flagstaff.az.us or by calling 928-226-4861. The City of Flagstaff reserves the right to reject any or all Statements, to waive or decline to waive irregularities in any Statement, or to withhold the award for any reason it may determine. CITY OF FLAGSTAFF Mr. Richard A. Barrett, Capital Improvements Engineer

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Colorado

RFP/RFI/RFQ

Project Name	Appraisal and Acquisition Services, Right-of-Way Services
Owner	City of Greeley
Location	Greeley, CO
Zip Code	80631
County	WELD
Sector	State/Municipal
Contact Name	Theresa Joseph Phone (970) 350-9396
Submittal Date	08/06/2004
Link To Web Site	click to view
Guide Ref Num	2263569 - 07/26/2004
Project Num	RFP-FA04-07-242-0-2004/TJ

The City of Greeley is soliciting proposals for Easement/Right-of-Way appraisal and acquisition services from qualified firms. These services are typically related to roadway improvement projects located within the Greeley city limits. Request for Proposal is available by mail. City of Greeley requests interested parties to submit formal sealed bids/proposals for the above referenced bid. must receive bids no later than said date and time. Bids received after such time will be returned unopened. plus shipping and handling. NOTE: ALL PROSPECTIVE BIDDERS/RESPONDENTS ARE HEREBY CAUTIONED NOT TO CONTACT ANY MEMBER OF THE CITY OF GREELEY STAFF OR OFFICIALS OTHER THAN THE SPECIFIED CONTACT PERSON. M/WBE's are encouraged to participate in the bid process.

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Iowa

Award

Project Name	Right-of-way Procurement Services
Owner	City of Ames
Location	Ames, IA
Zip Code	50010

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Departments of Public Safety, Mental Health and Addiction Services and Corrections for Scheduling and Payroll Interface Modules. Due Date: Monday, August 30, 2004 @ 2:00 pm ET Questions should be directed to: Vernon Derbabian@vernon.derbabian@po.state.ct.us Question Cut-Off Date: Monday, August 2, 2004 COB Contact Name: Jacqueline Shirley Email: jacqueline.shirley@po.state.ct.us Phone: (860) 622-2327 Fax: (860) 610-0857 Web Site: www.ct.gov/doit/

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Georgia

Bid

Project Name	Software for the Tax Assessors Office
Owner	Forsyth County
Location	Forsyth County, GA
Sector	State/Municipal
Submittal Date	08/26/2004
Link To Web Site	click to view
Guide Ref Num	2265746 - 07/26/2004
Project Num	04-64-1570

Bid #04-64-1570 The Forsyth County Board of Commissioners will accept sealed Bids until 11:00 a.m., Thursday, August 26, 2004 for the following purchase of: Software for the Tax Assessors Office Bid specifications can be obtained by contacting the Forsyth County Purchasing Department, 118 Castleberry Road, Suite 13, Cumming, Georgia and MUST BE RETURNED to the same office prior to the above deadline. Bid specifications are available for pick up from 8:30 a.m. until Noon, Monday through Friday. Bids will be opened at 2:00 p.m., Thursday, August 26, 2004 at the Forsyth County Department of Purchasing 118 Castleberry Road, Suite 13, Cumming, Georgia. Award of proposal/bid will be made at a later date. The Board of Commissioners reserves the right to reject any or all bids. Bidders and the general public are invited to attend the bid opening. Edward J. Miller Procurement Director

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Massachusetts

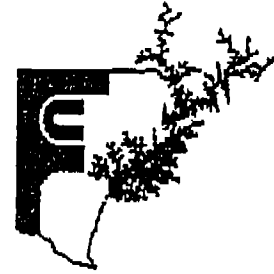
RFP/RFI/RFQ

Project Name	Assistant Business Manager
Owner	Boston Public Schools
Location	Boston, MA
Zip Code	02101
County	SUFFOLK
Sector	State/Municipal
Contact Name	Edward Glora Phone (617) 635-9480
Submittal Date	08/26/2004
Guide Ref Num	2265948 - 07/26/2004
Project Num	BPS 375

AWARDING AUTHORITY: AGENCY: Boston, City of Boston Public Schools Purchasing Department 26 Court Street Boston, MA 02108 TITLE: Assistant Business Manager BID NUMBER: BPS 375 CONTACT INFORMATION: NAME: Edward Glora TITLE: PHONE: 617-635-9480 DESCRIPTION: Provide professional services related to the E-Rate application and procurement processes CONTRACT INFORMATION: BID RELEASE DATE: 8/4/04 BID DEADLINE

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Memorandum



To: Board of Commissioners
Forsyth County

From: Edward J. Miller

Date: 11/12/04

Re: Tax Assessor Software

The Tax Assessors Office has a need for a software package that meets all their needs and working with the IT department prepared a specification to be sent out to prospective contractors.

Important Facts:

- RFP 04-64-1570 sent to 21 potential contractors and seven proposals were received.
- A cross-functional team from the Tax Assessor's office and IT comprised the evaluation team. Each proposal was reviewed in accordance with the following criteria:
 1. Understanding, Experience, Company Stability 10%
 2. Technical Quality, including Hardware, Software, and System Integration 35%
 3. Quality of Services, Implementation Plan, Maintenance and Support 25%
 4. Availability of Source Code 10%
 5. Price 20%
- The evaluation short-listed three potential contractors; Cole Layer and Trumble; Colorado Custom; and Novalis. All three came in to demonstrate their software and members of the teams went to sites where their software was installed and operating.
- The final decision of the evaluation team was to select Cole, Layer & Trumble to provide the tax assessor software in the amount of \$517,178.
- Budget is available and the Tax Assessor has a presentation of what the software will provide.

RPF 04-64-1570
Software for Tax Assessor
Plan Folders List
07/20/04

Cole, Layer, Trumble Company
3199 Kelpinger Rd
Dayton, Oh 45406
800-800-2581
937-278-3711

Colorado CustomWare, Inc.
1109 Oak Park Dr
Suite 100
Fort Collins, CO 80525
800-806-7896
970-223-4204

Govern Software, Inc.
75 Queen St
Suite 5500
Montreal, Quebec H3C2N6
514-876-1199
514-876-4569

Manatron
510 East Milham Ave
Portage, MI 49002
800-666-5300

NovaLIS Technologies
5670 Spring Garden Rd
Suite 200
Halifax, NS
B3J 1H6 Canada
902-423-1800/902-429-8988

Patriot Properties Inc.
330 Lynnway
Suite 300
Lynn, MA 01901
800-527-9991
781-586-9667

Vision Appraisal Technology, Inc.
44 Bearfoot Rd
Northboro, Massachusetts 01532
800-628-1013
508-351-3798

Sigma Systems Technology, Inc.
6265 Sheridan Dr
Suite 202
Williamsville, NY 14221
716-634-8787
716-634-8833

The Software Group
Kevin Ball
6500 International Parkway
Suite 2000
Plano, TX 75093
770-975-1821/770-331-9525

Kevin Pettesy
1115 Pin Oak Ct
Cumming, GA 30041
770-844-8310
770-205-7817

Cidalia DeSantis
CORE Business Technologies
2224 Pawtucket Avenue
East Providence, RI 02914
401-431-0700x1344
401-434-2227

Sigma Systems Technology
Jun Shoemaker
6265 Sheridan Dr
Suite 202
Williamsville, NY 14221
716-634-8787/716-634-8833

GenX Strategies 08/05/04
Bill Schamberger
7015 Backlight Ct
Springfield, VA 22151
703-354-6600/203-886-2119

Florida Micro, Inc. 08/06/04
Jim Fielder
598 Summergreen Ct
Suwannee, GA 30024

Prime Vendor Inc. 08/11/04
Laurie Melnick
4608 Cedar Ave
Suite 106
Wilmington, NC 28403-6916
800-746-9554/800-746-8307

Stan Makarsky
8510 Friarbridge Dr
Suwannee, GA 30024
678-417-6379

SHI
Tammy Elliot
2300 Holcomb Bridge Rd
Suite 103 PMB 390
Roswell, GA 30076

Manatron
Gene Carpenter
1865 Habersham Marina Rd
Cumming, GA 30041
770-781-4561
770-886-3619

Oracle
Folabi Lawal
1900 Oracle Way
Reston, VA 20190
650-633-6510

PCI, Inc
Ralph Campbell
4893 West Waters Ave
Suite E
Tampa, FL 33634
800-724-5552

Systems Design, Inc.
Steva Franklin
2811 North 81st
Omaha, NE 68134

CAMA SOFTWARE FOR TAX ASSESSOR

CONTRACTOR	AVG SCORE TECHNICAL	COST	\$ SCORE	TOTAL
CLT	60	517,178	15	75
COLORADO CUSTOM	61	484,727	16	77
GOVERN (SDI)	44	594,952	12	56
MANATRON	40	540,900	14	54
NOVALIS	54	199,000	20	74
PATRIOT	50	288,000	18	68
SIGMA	46	872,100	10	56



Forsyth County Purchasing Department

Mr. Chris Stone
Tyler Technologies, Inc.
CLT Division
3199 Kleplinger Road
Dayton, OH 45406

Dear Chris,

Forsyth County awarded the contract for their new Tax Assessor software to Cole, Layer and Trimble in December 2004 after an extensive search and evaluation process. The recommendation of the evaluation team was initially presented to the Board of Commissioners at a Work Session in November 29, 2004 to ensure a complete understanding of the complexity of the system. Upon completion of the presentation the commissioners present voted unanimously to award to CLT and the item was put on the consent agenda for the December 13, 2004 meeting for final approval per established process.

All the documentation addressing the above is attached and, if there are questions, do not hesitate to contact the undersigned at (770) 888-8867.

Sincerely,

Edward J. Miller
Director, Procurement
Forsyth County

Agenda Request

FORSYTH COUNTY BOARD OF COMMISSIONERS

Meeting Date: December 13, 2004 Department: Purchasing

Date Submitted: November 30, 2004 Submitted by: Ed Miller

Phone Number: 8867

Order of Business: (Please check the appropriate box below)

- Announcements
- Old Business
- New Business
- Consent Agenda
- Public Hearing
- Work Session

Subject Description: (will be stated on Agenda as specified in space below)

Award of Tax Assessor software package

Recommended Action: Approval

Attachments: Yes

Financial Information:

Budget Available: Yes

Account to be Charged:

Finance Department Review: Yes No N/A

Reviewed by:

Comments: *Arnold*

Ed Miller

Departmental Director Approval:

Legal Review: Yes No N/A

Reviewed by:

Comments:

Board Action: (To be completed by Administration Staff)

- Approved
- Denied
- Modified
- Tabled
- Postponed
- Study
- Other

This item was presented at the 11/29 Work Session with a presentation by Mary Kirkpatrick and members of the IT staff and approved by the four members of the Board of Commissioners that were present. Purchasing was directed to put this item on the consent agenda for final approval.

[Click here to print](#)

12/13/2004 - BOC Regular Meeting

For more information, contact
Forsyth County Administration
Phone:(770) 781-2101
Fax: (770) 781-2199

**FORSYTH COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
DECEMBER 13, 2004**

On Monday, December 13, 2004 at 5:08 p.m., in the Commissioners' Meeting Room of the Forsyth County Administration Building, the Forsyth County Board of Commissioners held a Regular Meeting with the following persons present: Jack Conway ? Chairman, Marcie Krcager ? Vice Chairman, Charles Laughinghouse ? Secretary, David F. Pritchett ? Member, Eddie Taylor ? Member, David Armstrong ? County Manager, Jeff Quesenberry ? Chief Financial Officer, Angie Davis ? County Attorney, Carol Haag ? Aide to Chairman and Sonya Bush ? Clerk.

AGENDA

**FORSYTH COUNTY BOARD OF COMMISSIONERS
MONDAY, DECEMBER 13, 2004 @ 5:00 P.M.
FORSYTH COUNTY ADMINISTRATION BUILDING
110 EAST MAIN STREET - SUITE 220
CUMMING, GEORGIA 30040**

I. Call Meeting to Order

II. Invocation and Pledge of Allegiance

III. Adoption of Agenda

IV. Announcements and Reports:

(1) The Regular Meeting scheduled for Monday, December 27, 2004 has been rescheduled to Monday, December 20, 2004 due to the holidays ? Chairman Conway.

(2) Keep Forsyth County Beautiful has been awarded the President's Circle Award from Keep America Beautiful for the second year in a row ? Chairman Conway.

V. Adoption of Minutes:

(1) Called Meeting/Work Session of November 15, 2004.

(2) Public Hearings & Executive Session of November 15, 2004.

(3) Called Meeting/Work Session of November 17, 2004.

(4) Called Meeting/Work Session of November 22, 2004.

(5) Regular Meeting & Executive Session of November 22, 2004.

(6) Executive Session of November 23, 2004.

(7) Called Meeting/Work Session & Executive Session of November 29, 2004.

VI. Consent Agenda:

(1) Adoption of Resolutions authorizing Affidavits concerning Executive Sessions of November 15, 2004; November 22, 2004; November 23, 2004; and November 29, 2004 ? County Attorney.

(2) Adoption of Resolution in recognition of Master Trooper Benny R. Tallant ? Commissioner Taylor.

(3) Approval of award of Tax Assessor Software Package subject to final legal review of contract ? Procurement Director.

(4) Adoption of Conservation Easement between Sicna Homeowners Association, Inc. and Forsyth County ? County Attorney.

(5) Approval for privatization of all roads located within Southers Circle Estates Subdivision (District #2) ? Director of Engineering.

(6) Adoption of major amendments to the Forsyth County Comprehensive Plan 2004-2025 ? Director of Planning & Development.

(7) Adoption of Resolution for County Assisted Condemnation of property now or formerly owned by David Y. Alhonaiti for Ballantrae at Creekstone Estates ? County Attorney.

(8) Approval of extension of contract for Inmate Food Service ? Procurement Director.

VII. Old Business:

(1) Rezoning requests: (Director of Planning & Development)

(A) Wayne F. Orr, ZA# 2864, A1 to RES-3 ? District #2.
(Postponed from 11/22/04 Agenda).

(B) Wayne F. Orr, ZA# 2865, M1 to RES-3 ? District #2.
(Postponed from 11/22/04 Agenda).

(C) Wayne F. Orr, ZA# 2867, M1 to NS ? District #2.
(Postponed from 11/22/04 Agenda).

(D) Greenspace Properties, LLC, ZA# 2929, A1 to RES-4 ? District #1.
(Postponed from 11/22/04 Agenda).

(E) Greenspace Properties, LLC, ZA# 2930, A1 to RES-3 ? District #1
(Postponed from 11/22/04 Agenda).

(F) Douglas Sorrells, ZA# 2945, A1 to CBD with a Conditional Use Permit to allow the proposed use/development of a car wash, open storage, mini warehouse and other permitted CBD uses ? District #1.

Cole Layer Trumble Company

a division of Tyler Technologies, Inc.

Mass Appraisal Services ♦ Property Tax Solutions



December 17, 2004

Ms. Mary Kirkpatrick, Chief Appraiser
Forsyth County Board of Assessors
110 E. Main Street, Suite 260
Cumming, Georgia 30040

Dear Mary,

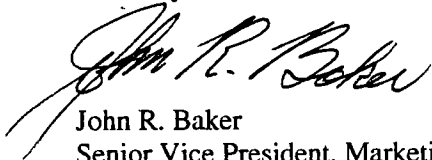
It is with great pleasure that I have the opportunity to address this letter to you. As you know, CLT is a wholly owned subsidiary of Tyler Technology, Inc., a publicly traded company. As such, we are governed by the Securities and Exchange Commission rules on when we can recognize a software sale. One of their requirements is that we must deliver a copy of the purchased software to our new clients and have written proof of said delivery.

This letter serves as that proof. Included in this package are several CDs that contain:

1. the Integrated Assessment System (IAS) source code
2. a full copy of the IAS documentation
3. Oracle 9i Database programs, a three CD set, and
4. Oracle Developer 2000 runtime code

Please acknowledge your receipt of these CDs by signing and dating this form on the space provided and returning this to my attention. Thank you for giving us the opportunity to work with Forsyth County on this most important project.

Sincerely,



John R. Baker
Senior Vice President, Marketing

JRB-045/kah

Forsyth County, Georgia

Mary Kirkpatrick
Signature

2/10/05
Date

Main Office
3199 Klepinger Road
Dayton, Ohio 45406
800.800.2581
fax 937.278.3711
www.cltco.com

Articles of Agreement - iad/world Implementation
Forsyth County, Georgia

IN WITNESS WHEREOF, the parties hereto have set their hands to duplicates of this Agreement this
24th day of January, 2005

[Signature]
Witness

FORSYTH COUNTY, GEORGIA
BY: [Signature]
John Conway
Chairman, Forsyth County Board of Commissioners

[Signature]
Witness

COLLIER LAYER TROMBLE COMPANY
A Division of Tyler Technologies, Inc.
BY: [Signature]
John R. Baker
Sen. or V. or President, Marketing

APPROVED AS TO FORM:



00000211049 11/17/01 11:10/NO. 00000211049

JARRARD & DAVIS

A Limited Liability Partnership

KEN E JARRARD
ANGELA E DAVIS

105 Pilgrim Village Drive, Suite 200
Cumming, Georgia 30040

TELEPHONE 678 455 7150
FACSIMILE 678 455 7149

KEVIN S KOVALCHIK
MITCH M MCKINNEY
DALE R. "BUBBA" SAMUELS*

WRITER'S E-MAIL
KKOVALCHIK@JARRARD-DAVIS.COM

* Admitted in South Carolina Only

January 27, 2005

VIA FEDERAL EXPRESS

Mr. John R. Baker, Senior Vice President
Cole Layer Trumble Company
3199 Klepinger Road
Dayton, Ohio 45406

Re: Articles of Agreement for Tax Assessor Software Package (RFP #04-64-1570)

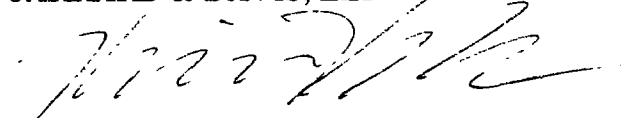
Dear Mr. Baker:

Please find enclosed a fully executed original copy of the Articles of Agreement for your file. It has been a pleasure working with you on this matter. Please do not hesitate to contact me if you have any questions or need any additional information.

Best regards.

Sincerely,

JARRARD & DAVIS, LLP



Kevin S. Kovalchik

KSK:kcl
Enclosures

cc: Mr. Chris C. Stone, Cole Layer Trumble Company (w/out enclosures)

SHARP, MICHAEL, OUTTEN AND GRAHAM, L.L.P
ATTORNEYS AT LAW
KITTY HAWK, NORTH CAROLINA
TELEPHONE: (252) 261-2126
FACSIMILE: (252) 261-1188

MAILING ADDRESS:
POST OFFICE DRAWER 1027
KITTY HAWK, NC 27949-1027

STARKEY SHARP
STEVEN D. MICHAEL
ROBERT L. OUTTEN
JOHN C. GRAHAM, III
JEANINE C. EVANS
MICHAEL C. REEVES

STREET/SHIPPING ADDRESS:
4417 N. CROATAN HIGHWAY
KITTY HAWK, NC 27949-1027

TO: Greta Skeen
FROM: Robert L. Outten
DATE: January 24, 2006
RE: Tyler Technologies, Inc. – Contract for Software with Dare County.

This memo will follow up the conference that you and I had on Thursday of last week concerning the above-referenced matter. My comments are as follows:

1. On Page 2 of the Contract in Article 2, we have a completion date of 369 days with an outside date of 395 days for support and warranty work. However, we do not have any penalty for exceeding those dates. I would suggest that we add the following language to the end of the last paragraph in Article 2: “a \$100.00 per day penalty shall accrue for each day after 395 business days that all working services to be performed on this Contract are not complete. In addition thereto, the County shall be authorized, notwithstanding any of the other provisions of this Contract or its attachments, to withhold 5% of the final payment until the Contract is fully performed”.

2. In Article 5 on Page 3, I was concerned that you did not have enough time to determine if the work was acceptable. You indicated that you were satisfied with that provision as written.

3. On Page 4, at the top of the page, I was once again concerned that this was not enough time to operate and test the system. Once again, you were satisfied with that provision as written.

4. In Article 8 on Page 6, the Agreement provides that either party may terminate the Agreement upon 30 days written notice. The first sentence of this paragraph should read “This Agreement may be terminated by the County by giving 30 days written notice to the other.....”

5. In Paragraph A of Article 9 on Page 6, the first sentence of that paragraph should read as follows: “Notwithstanding any other provision of this Agreement, the

Contractors shall indemnify and hold harmless the County from any claims, losses, liabilities or damages, including attorneys fees, arising from any patent and copyright infringement suit or proceeding brought against the County by a third party.....” In Paragraph B under Article 9, I would suggest that this paragraph be deleted. That paragraph indicates to me that if the Contractor has a patent and copyright infringement suit, that they have the right to simply refund the book value of the software and that is all. However, we have then paid for a system that does not work and we have paid them for their labor and their profit to install a system that does not work. A refund of the book value simply does not make us whole and that paragraph should be deleted.

6. Paragraph C does not make sense to me. It seems to say that if the County modifies the software, then they are not liable. That makes sense. However, it also seems to say that if the alleged infringement or violation arises from tailoring, customizing, modifications or enhancement provided by the Contractor then they have no obligation. If they provide it then they should be liable if there is a problem. As such, I would suggest that Paragraph C read as follows: “Contractor shall have no obligation under this section if the alleged infringement or violation is based upon the use of software in combination with other hardware or software not provided by Contractor or from modifications, or enhancements or changes not provided by the Contractor”.

7. In Article 10 Paragraph B on Page 7 of the Contract, they are limiting our damages to only those damages directly related to their breach. In Paragraph C under Article 10, they are also limiting the damages to the amount that the County pays to them under the terms of this Agreement. In my view, Paragraph B should be deleted. They should be liable for whatever damages they cause. If, in the negotiations, it is impossible to have Paragraph B deleted, then they should be liable for their direct damages, in whatever amount they may be and be liable for their consequential or indirect damages up to the amount of any insurance coverage that they have. Similarly in Paragraph C under Article 10, their damages should not be capped by the amount of the Contract. In a copyright infringement case we could stand to lose substantially more than the amount of the Contract. They should be liable for that amount. Once again, if they are unwilling to negotiate the removal of Paragraph C, then you should try to have language added that says “shall not exceed the total amount paid by the County to the Contractor under this Agreement, or the amount of insurance coverage, whichever is greater”. In addition, language should be included in Paragraph C which says the limitations on damages provided in this paragraph and otherwise under Article 10 of this Agreement shall not apply to damages arising out of Article 9 of this Agreement.

8. In Article 16 on Page 10, the second paragraph should be deleted. The County should not be indemnifying the Contractor for anything. Similarly, the third paragraph in Article 16 should be deleted.

9. In Article 17 on Page 10, the Contractor sets forth the insurance coverage that they carry. However, they do not include any errors and omissions coverage. This would help resolve some of the issues with liability that I have discussed previously. I would suggest that the limit for that coverage be \$1,000,000.00 per occurrence.

10. While I read the Exhibits to the Contract, frankly, I am not sure I understood what I was reading. You indicated that you were comfortable with those provisions and that I did not need to worry about the content of the Exhibits.

If you should have any further questions please let me know.