



PURCHASING DEPARTMENT
County Of Hidalgo

January 27, 2009

CTC Distributing, Ltd.
Bruce Goldman, Owner
615 Blaze Blvd.
Edinburg, Texas 78539

Re: C-08-045-02-26 OFF PREMISES RECORDS STORAGE-PICKUP-RETRIVAL
AND DELIVERY SERVICES

Dear Mr. Goldman:

Commissioners' Court will take applicable action (Tuesday, February 10, 2009) in connection with the Hidalgo County's option to extend/renew for an additional one (1) year period as provided in the current lease agreement (under the same rates, terms and conditions). Effective date of renew/extension is of February 27, 2009. Please acknowledge receipt of this notice of extension by signing below and returning to the Purchasing Department by no later than, Friday, January 30, 2009, 5:00 p.m., via facsimile to (956) 956-318-2629.

By: 

Date: 2/4/2009

Should you have any questions or require additional information, please do not hesitate to contact me at (956) 292-7000 ext. 4868. Your cooperation in this matter is greatly appreciated and we hope your company continues its business relationship with Hidalgo County.

Sincerely,



Rocio Villarreal
Hidalgo County Contracts Manager

THE STATE OF TEXAS §
 §
COUNTY OF HIDALGO §

SERVICE CONTRACT
C-08-045-02-26

THIS CONTRACT is made and entered into this 26th day of February, 2008 by and between the COUNTY OF HIDALGO, TEXAS ("County"), and **CTC Distributing, Ltd.** a Texas Limited Company. ("Company").

WHEREAS, Company responded to advertised notices for bids for "**Off-Premises Storage, Records Management, Pick Up & Delivery Services**" for Hidalgo County (DEPARTMENT NAME);

WHEREAS, Company submitted a bid to provide services in accordance with the specifications, a copy of such specifications and bid being attached hereto as Exhibit "A" (the "Specifications") and Exhibit "B" ("Bid Response"), and incorporated herein for all purposes; and

WHEREAS, in recognition of and in consideration of Company's agreement to perform the services described in the Specifications through Company's, the Commissioners Court of County awarded the bid to Company.

NOW, THEREFORE, in mutual consideration of the foregoing and further consideration of the following, the parties hereto agree as follows:

1. County and Company hereby agree that this Contract is entered into in order to provide the services described in the Specifications for Hidalgo County (the "Department"). This Contract does not extend to any third parties any duties or benefits

conferred in any manner hereunder or otherwise.

2. Company hereby promises and agrees to render and provide, during the term of this Contract, the following services as described in the Specifications on an as needed basis for Department or its designated agent:

- a. Storage of all new/additional records in new proper storage boxes;
- b. Pick up of files and/or boxes from County for storage on a daily basis at least twice a day (morning by 10:00 a.m. and afternoon by 3:00 p.m.) and on an emergency basis as described in the Specifications.
- c. Delivery of files and/or boxes requested by Department;
- d. Permanent destruction of files no longer required to be stored;
- e. Provision of replacement boxes at no charge to County;
- f. Storage of files/boxes kept on behalf of Department in a centralized location in close proximity to each other (i.e. one location);
- g. Bar-coding of all boxes sent to storage or retrieved from storage before delivery to County Department or before being refilled (bar-coding requirements are more specifically defined in Exhibit A).

The services described in items 2 (a-g) shall be referred to as the "Services". Company agrees that in performing the Services it will use proper professional standards, comply with any and all appropriate laws and regulations and shall devote such time as is necessary to safely and efficiently provide the Services.

3. **Definitions:** For purposes of this Contract, the following terms shall mean:

- a. "**Request**" for a file or box shall consist of the Department providing a written form (see Exhibit G) to Company for the exact file/box sought for Retrieval and Delivery.
- b. "**Retrieval**" shall mean the actual transport of a file from storage which is then prepared for delivery to the Department. Any instance in which a file is requested more than once because the Company failed to deliver or locate such file after the initial request, shall not be considered or counted as a separate retrieval regardless of the reason such delivery was not made.
- c. "**Delivery**" is defined as the actual carrying and turning over to the intended recipient of a file or box requested from storage.

- d. **"Pick Up"** shall mean the actual physical carrying and transporting of a file or box from the Department by the Company with the intent of filing and storing such file or box at the Company's facility.
- e. **"Destruction of Files"** is defined to mean when a file meets the requirements to be removed from storage in accordance with State law, the Company shall notify the Department in writing of the file's status. After receiving permission from the Department, the bidder shall be responsible for destroying the file in accordance with state guidelines. Such Destruction of Files shall transpire following a process by which Company formulates a retention schedule as required by State law and destroys the file following the foregoing process.

4. **Term.** This Contract shall be for a period beginning March 3, 2008 and ending on March 3, 2009 and may be extended at the sole discretion of County for an additional ninety (90) days (the "Grace Period") for unforeseen delays in the award of a new bid or the County's inability to obtain all records from the storage site.

5. **Renewal.** County may renew this Contract for two (2) additional one (1) year periods. Except as otherwise provided herein all terms and conditions will remain unchanged and in full force and effect. The option to renew, if exercised, shall be executed in the form of a change order to be issued no sooner than ninety (90) days prior to expiration of the contract and no later than thirty (30) days of the final day of the contract period.

6. **Hours of Service.** Hours for Services shall be normal business hours, 8:00 a.m. through 5:00 p.m., Monday through Friday, excluding holidays. However, Services must be available at a moment's notice 24 hours a day, upon written notification by the Department of an emergency situation (see Exhibit A .

7. **Payment.** As consideration for rendering the Service provided for in this Contract, the County agrees to pay Company the amounts specified in Exhibit "B" (see Bid

Sheets) attached hereto payable against written invoice submitted by Company. The parties further agree that this Contract is on an "as-needed" basis as may be convenient and necessary for its proper records management operation and if at any time, the Department does not opt to request any Service in a particular month, no payment shall be due to Company for said month.

8. **Storage Box Specifications.** Contractor agrees to comply with the following box specifications for the storage of the Department's files:

Legal and Letter 12 W X 15 L X 10 H;
Separate Cover; Triple Walled (Width);
Double Walled (Length);
Double Bottom.

9. **Bar Coding Specifications.** Contractor agrees to use the Monarch Barcode Label System, a bar-coding system to bar-code all files delivered to County from storage and all files picked up from County for storage. Such system is compatible with the County's internal bar-coding system and must be available at all times during the performance of this Contract.

10. As a condition of this Contract, the storage facility where County records will be stored must be located entirely within Hidalgo County.

11. Company agrees to be solely responsible for the review and compliance of all applicable statutes or regulations related to storage of public records. All record storage management must also be conducted in accordance with applicable State of Texas Library Commission rules and regulations.

12. **Response Time.** The parties agree to the following response time by Company:

- a. Files and boxes shall be picked up for storage within five (5) days of receipt of work order from the Department.
- b. Retrieval and Delivery of files from storage to the Department shall occur twice a day - by 10 a.m. and by 3 p.m. on the same day a request is made so long as such request is made no later than 1 p.m. For orders placed after 1 p.m., files and boxes shall be delivered on the next business day by 10 a.m.
- c. In the case there is an emergency request for the delivery of a file or box, such delivery shall be made within 2 business hours from the time of the request.
- d. Permanent destruction of files shall occur within five (5) working days of permission to destroy.

13. **Facility Condition.** Company shall provide a storage facility that is free of dust and dirt buildup. The structure shall preferably be a standalone structure, but if shared with other businesses, a firewall of approved construction shall separate the two entities. The facility shall maintain a good fire prevention program based on good housekeeping procedures including but not limited to: (1) Smoking and use of open flame devices in storage areas shall be prohibited; (2) The facility shall have appropriate fire detection and suppression systems with such procedures in place to ensure their effectiveness; (3) Such systems must include adequate smoke and fire early warning systems; (4) Sprinkler systems should be equipped with a warning mechanism to alert staff of activation and have a manual shut-off device to prevent unnecessary water damage to records; (5) Halon is preferred suppression system. The facility shall also be client and humidity controlled with humidity not exceeding sixty percent (60%) and the temperature shall not exceed 90 degrees Fahrenheit in the records storage area. Air quality must be maintained in a manner that ensures that no contaminant that may cause damage to records (i.e. mold) exists.

14. **Pest Control and Inspections.** The Company agrees to maintain an adequate pest control program that includes at least two (2) termite, silverfish and carpenter ants inspections per year (at least once every six (6) months) by a qualified pest control service company. Proof of such inspections must be provided to the Department. Failure to provide proof of inspections within 10 days of such inspections may result in County terminating the contract without notice to vendor. The County shall be notified immediately if any insect infestation is detected inside the storage facility and immediate remediation measures shall be taken by Company to correct the infestation.

15. **Monthly Reports.** Department shall require Company to provide monthly activity reports reflecting the total number of containers in storage by media type, number of new containers (boxes) added; number of containers (boxes) permanently removed; number of boxes/files requested, number of boxes retrieved; number of boxes delivered and the number of boxes picked up for storage. In addition, the monthly report must include a list of files requested but not found. Monthly reports shall be due at the Department no later than the 10th day after the end of the month. During the first twelve (12) months of the Contract term, the Company agrees to provide County an inventory of all files stored on site.

16. **Security.** The Company shall provide protection against sabotage, theft and vandalism. All visitors to the storage facility shall be required to register upon entrance and monitored during their stay. Exits shall also be in areas that are closely monitored.

17. **On-Site Access.** Company shall work with Department on special projects requiring temporary staging of records at the records storage facility. These projects are usually for the purpose of verifying contents before destruction, renumbering of boxes,

conducting detailed searches, and for shifting files throughout a range of boxes. County agrees to provide a minimum of 24 hours notice for projects that involve staging of ten (10) or more boxes. Department also reserves the right to access the storage premises with reasonable written notice during regular working hours for the purposes of auditing, inspecting, and/or confirming files storage methods.

18. Company shall hold and maintain throughout the term of this Contract all licenses and permits required, or which may be required by any authority during the term hereof to provide the Services.

19. Company shall, at all times, provide a sufficient number of trucks, vehicles, personnel and equipment available to safely and efficiently provide the Services. All trucks or vehicles operated by the Company to perform the Services shall contain all equipment required by any authority to operate on streets and roads and all persons in the employ of Company who operate such trucks or vehicles shall have the required licenses, qualifications, skill and expertise to perform such Services and shall comply with all laws, rules and regulations prescribed by any agency or authority having jurisdiction with regard to the operation of such trucks or vehicles in providing the Services.

20. **Insurance.** Company shall provide insurance in force on all its vehicles and all persons connected with providing the Services under this Contract naming County as an additional insured with coverage and in the amounts described in Exhibit "C" attached hereto and incorporated herein for all purposes, and shall furnish to County certificates of such insurance coverage.

21. **Indemnification.** Company shall indemnify and hold harmless County, its elected officials, employees and agents from any and all claims, damages, losses, and

expenses including attorney's fees, for the defense of any action against County arising out of, resulting from, or connected with the provision of the Services by Company under this Contract. Said indemnity shall cover any act or failure to act by the Company, its agents or employees.

22. **Non-Assignment.** This Contract shall not be assignable in whole or in part by either party without prior written consent of the other party.

23. **Conflict of Applicable Law.** Nothing in this Agreement shall be construed so as to require the commission of any act contrary to law, and whenever there is any conflict between and provision of their Agreement and any present or future law, ordinance or administrative, executive or judicial regulation, order or decree, or amendment thereof, contrary to which the parties have no legal right to contract, the latter shall prevail, but in such event the affected provision or provision of this Agreement shall be modified only to the extent necessary to bring them within the legal requirements and only during the times such conflict exists.

24. **Successors.** This Contract shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representatives, successors, and assigns where permitted by this Contract.

25. **Independent Contractor.** The Company, at all times will act as an independent contractor providing the Services and will not act or hold itself out to third parties as an employee or agent of County in the provision of the Services. The County shall not control how the results or the details of the Services are provided and/or achieved. As an Independent Contractor, Company shall supply its own tools, equipment, materials, supplies and/or labor as may be necessary to complete the Services and shall not rely on or require the County to

supply any of the above, unless otherwise specified in this Contract.

26. Any notice required or permitted to be given hereunder shall be in writing and shall be delivered personally or sent by certified mail, postage prepaid, as set forth below:

If to County: The County of Hidalgo
 Attn: County Judge
 100 E. Cano
 Edinburg, Texas 78539

If to Company: CTC Distributing, Ltd.
 Attn: Bruce Godlman, Owner
 615 Blaze Blvd.
 Edinburg, Texas 78539

27. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

28. **Termination.** This Contract shall be in effect until (a) the Contract expires; or (b) performance of all specifications, requirements and services are completed; or (c) terminated by either party with thirty (30) days written notice with or without cause; or (d) upon award of contract to a new bidder, whichever comes first.

29. Upon the termination or expiration of the Contract, the Company shall make available to the County, any and all County records it holds in its possession in a timely manner but in no circumstances any longer than thirty (30) days upon termination or expiration of the Contract in order for the County to transport such files to its own facility or another facility. All such files shall be made available to the County for transport at no additional cost to the County. **Company understands that all files held in storage on**

behalf of the County are important public records and are public property which must be returned to an appropriate County Official regardless of when and/or where they are located in the future.

30. This Agreement shall be binding upon and inure to the benefit of and be enforceable by the parties hereto and their respective heirs, executors, administrators, legal representatives, successors, and assigns where permitted by this Agreement.

31. **TEXAS LAW TO APPLY. THIS CONTRACT SHALL BE CONSTRUED UNDER AND IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS, AND ALL OBLIGATIONS OF THE PARTIES CREATED HEREUNDER ARE PERFORMABLE IN HIDALGO COUNTY, TEXAS. THE PARTIES HEREBY CONSENT TO PERSONAL JURISDICTION IN HIDALGO COUNTY, TEXAS.**

32. **Liquidated Damages.** The Company acknowledges that the files and documents being stored are important public records, and that the ultimate safety and security of the documents and files rests with the Department. The Company and County agree that the loss of files or documents by the vendor will result in certain damages and costs to the County which are not accurately ascertainable. Therefore, in the event that a file is lost or destroyed as a result of the negligent or willful act of the Company or its agents, employees, officers or contractors, and said loss or destruction is not covered by insurance required to be maintained under other provisions of this Contract, the Company and County agree that Company shall pay to Hidalgo County, as liquidated damages, the sum of One Thousand Dollars and no/100ths (\$1,000.00) for each file or portion of a file

33. **Changes to Contract.** The County Purchasing Department may at any time, by written order, and without notice to the Company's sureties, make reasonable

changes within the general scope of the contract in any of the following: (1) method of delivery or pickup of files; (2) place of deliveries; (3) corrections of errors of a general administrative nature or other mistakes; the correction of which does not affect the scope of the contract, or does not result in expense to Company; (4) description of services to be provided which do not result in additional expenses to the Company; (5) time of performance (i.e. hours of day, days of week, etc.). All other amendments to the Contract shall be agreed to by both parties and shall be made in writing by Contract amendment.

34. **Commitment of Current Revenues Only.** In the event that during any term hereof, the County's governing body does not appropriate sufficient funds to meet its obligations of this Contract, then the County may terminate this Contract upon sixty (60) days written notice to the Company. The County however, agrees to use its best efforts to secure funds necessary for the continued performance of this Contract. The County intends this provision to be a continuing right to terminate this Contract at the expiration of each budget period pursuant to the provisions of Tex. Loc. Govt. Code Ann. §271.903.

34. **Entire Agreement.** This Agreement contains the entire contract between the parties hereto and each party acknowledges that neither has made (either directly or through any agent or representative) any representation or agreement in connection with this Agreement not specifically set forth herein. This Agreement may be modified or amended only by agreement in writing executed by County and La Joya, and not otherwise.

WITNESS our hands in duplicate originals this _____ day of _____, 2008.

COUNTY OF HIDALGO

ATTEST:

By: [Signature]
County Commissioner Precinct No. 2

[Signature]
Arturo Guajardo Jr., County Clerk

COMPANY: CTC Distributing, Ltd.
By: [Signature]
Printed Name: Brian Kelly Mrosov
Title: President

Approved by Commissioners' Court on February 26, 2008.

APPROVED AS TO FORM:

Atlas & Hall, L.L.P.

By: [Signature]

EXHIBIT

“A”

SPECIFICATIONS

SPECIFICATIONS

“OFF PREMISES STORAGE, RECORDS MANAGEMENT, PICK UP,
RETRIEVAL & DELIVERY SERVICES” for
HIDALGO COUNTY
BID NO.: 2008-45-02-06-otm

TURNKEY SPECIFICATIONS and REQUIREMENTS

1. **Revisions to the bid specifications shall not be permitted. Such changes shall constitute a failure to meet the minimum specifications and shall result in a bidder being disqualified from the selection process.**

THIS BID AWARD SHALL BE A FIRM FIXED PRICE, ESTIMATED QUANTITY CONTRACT for the storage of Hidalgo County records at a staffed facility and at which all files will be stored in proper storage.

2. Services will be on an “as-needed basis”. Should the County determine it is in the best interest to keep all documents in-house or to allow the Contract to expire on its own terms, the County shall provide a minimum of sixty (60) days written notice to the vendor that it intends to transport its files from storage to its own or another facility.
3. The bidder must provide the following services:
 - a. Storage of all new/additional records, in a new proper storage box;
 - b. Pick up of files and/or boxes for storage on a daily basis twice a day (morning & afternoon) and on an emergency basis at the discretion of the County described in page 5 (#25) herein and in Exhibit “H”;
 - c. Deliver files/boxes requested by the Department;
 - d. Any storage boxes requiring replacement shall be provided at no charge to the County.
 - e. All files/boxes for each County Department/Office must be kept in one location and in close proximity to each other (i.e., all files/boxes of the District Clerk shall be kept in one location within the storage facility).
 - f. All files sent to storage or that are retrieved from storage shall be maintained with a reference tracking system before delivery to the appropriate County Department or re-filed. (Described particularly in page 5 (#26).
 - g. Over a period of twelve (12) months, the awarded vendor shall provide an inventory of all files stored on its site. An updated inventory progress report shall be provided to the appropriate County Department on a monthly basis as more particularly described in page 5 (#26) of these specifications.

4. For purposes of this RFB:

“**Delivery**” is defined as the actual carrying and turning over to the intended recipient of a file or box requested from storage.

“**Pick Up**” is defined as the actual physical carrying and transporting of a file or box from the County Department by the bidder with the intent of filing and storing such file or box at the bidder’s facility.

Con't Specifications

“**Retrieval**” shall mean the actual transport of a file from storage which is then prepared for delivery to the appropriate County department. Any instance in which a file is requested more than once because the selected bidder failed to deliver or locate such file after the initial request, shall not be considered or counted as a separate retrieval regardless of the reason such delivery was not made.

A “**Request**” for a file or box shall consist of a County Department’s designated person providing a written form (See Exhibit “G”) to the selected bidder of the exact file/box being sought for Retrieval and Delivery.

The services listed in # 3 above consisting of the delivery, pickup, storage, retrieval and request of files and/or boxes are hereinafter collectively referred to as the “Services”.

5. It is the contractor’s sole responsibility to review and comply with all applicable statutes or regulations. All record storage management must also be conducted in accordance with applicable State of Texas Library Commission rules and regulations including, but not limited to the schedules that are made a part hereof. You may access these at the following web address: <http://www.tsl.state.tx.us/slrn/recordspubs/index.html>
 - a. Microfilming Standards and Procedures (Local Government Bulletin A)
 - b. Electronic Records Standards and Procedures (Local Government Bulletin B)
 - c. Inventory and Scheduling Records (Local Government Bulletin C)
 - d. Local Government Records Act (Local Government Bulletin D)
6. **The storage facility must be located entirely within Hidalgo County.**
 - a) Contractor will provide complete description of location including a physical address of facility where records will be stored and managed.
 - b) Contractor must commit sufficient staff, equipment and vehicles to comply with all specifications and render all requirements defined by Hidalgo County. Contractor must also provide information all information requested in the specifications and/or requirements. Failure to do so may disqualify the bidder from the procurement process.
7. The storage facility must be free of dust and dirt buildup.
8. The facility should be a standalone structure, or if shared with other businesses, a firewall of approved construction must separate the two entities.
9. If the storage location is in a structure with other unrelated tenants, the nature of that business will be assessed by Hidalgo County Purchasing Department to determine if such business may expose the County to any significant risks that may affect the overall integrity of records stored. This determination will be made solely by Hidalgo County and if a risk is determined, the bidder may be disqualified from the procurement process.
10. The facility shall maintain a good fire prevention program based on good housekeeping procedures, including but not limited to:

Con't Specifications

- a) Smoking or use of open flame devices in storage areas shall be prohibited.
 - b) The facility shall have appropriate fire detection and suppression systems with such procedures in place to ensure their effectiveness.
 - c) Such systems must include adequate smoke and fire early warning systems.
 - d) Sprinkler systems should be equipped with a warning mechanism to alert staff of activation and have manual shut-off device to prevent unnecessary water damage to the records.
 - e) Halon is a preferred suppression system.
- 11.** The facility must be climate and humidity controlled. The humidity shall not exceed 60% and the temperature shall not exceed 90 degrees Fahrenheit in the paper records storage area.
- 12.** Boxes shall not be stacked more than four (4) boxes high.
- 13.** The contractor must maintain an adequate pest control program that includes at least two **termite, silverfish and carpenter ants** inspections per year (at least once every six (6) months) by a qualified pest control service. Proof of such inspections must be provided to each individual county department(s) under this bid. Failure to provide proof of inspections within 10 days of such inspections, may result in Hidalgo County terminating the contract without notice to the vendor. User department(s) including in this bid shall be notified immediately if any insect infestation is detected inside the storage facility.
- 14.** Air quality must be maintained in a manner that ensures that no contaminants that may cause damage to records (i.e. mold) occurs.
- 15.** The current awarded contractor for this bid is Lone Star Shredding & Document Storage and it does not permit the inspection of their premises by interested bid participants.
- 16. Records Inventory List.** For the purposes of this bid submittal, the current contractor has submitted the following inventory, and to the best of the County's knowledge, such inventory as of December 6, 2007 includes the following:

INVENTORY:	DISTRICT CLERK'S	PURCHASING AGENT	SHERIFF'S OFFICE
Letter/Legal Size Boxes	18,073	667	250
Letter Transfer Size Boxes	4	2	0
Legal Transfer Size Boxes	5	32	0
Non-Standard Size Boxes	8	1	0
Books	922	0	0
Check Boxes	1	0	0

Con't Specifications

- c. In the case there is an emergency request for the delivery of a file or box, such delivery shall be made within 2 business hours from the time of the request.
24. All files or boxes recalled from storage shall be delivered within the time-frame stated above. However, if a file has not been delivered within this time frame, the maximum allowable Response Time for a status report (i.e. in route, delivered, not found, etc.), shall be 24 hours from the time the file/box is Requested. **Continued failure to meet these requirements may be cause for termination of the contract.**
25. **Hours of Services Required:** Hours of Service shall be normal business hours, 8:00 a.m. through 5:00 p.m., Monday through Friday, excluding holidays. However, service must be available at a moment's notice, 24 hours a day, upon written notification by the user department of an emergency situation; See Exhibit "H" Request for Emergency Services).
26. **Monthly Reports:** Hidalgo County requires monthly activity reports reflecting the total number of containers in storage by category (i.e. probate/criminal/civil), number of new containers added, number of containers permanently removed, number of boxes/files requested, number of boxes retrieved, number of boxes delivered and the number of boxes picked up for storage. In addition to this information, the monthly report should include a list of files requested but not found (Monthly reports shall be due at the County Department no later than the 10th day after the end of each month.

The following electronic inventory and tracking system must be provided to identify each individual file before delivery to the appropriate user department or re-filed. All files sent to storage or that are retrieved from storage shall be maintained with a reference tracking system:

- Must maintain an electronic database that is accessible from multiple sites.
 - Document jackets must provide some type electronic tracking mechanism, preferably an RFID tag on the jacket or to a lesser extend a bar code.
 - An exact electronic inventory of all files must be provided as needed to the County.
 - Both the vendor site and the County must have compatible readers and access to the inventory at all times.
 - All files must be accounted for and tracked through the electronic system at all times, at all sites.
 - Electronic tag on case jacket must be of an accepted industry standard format.
 - RFID (tracking system) is a preferred method, vendor/bidder will not be disqualified for providing a bid on any other tracking system. If the tracking system submitted by the vendor in the bid is not the system preferred by Hidalgo County (as indicated and specified in the bid packet), Hidalgo County reserves the right to request a demonstration of the system in order to assess and ensure compliance with Hidalgo County needs and requirements.
27. **Additional Information:** Hidalgo County is requesting that any and all questions, inquiries and clarification regarding this RFB, bids, proposals or statements of qualifications be addressed to, Martha L. Salazar, CPPB, Purchasing Agent, 2802 So. Business 281, Edinburg, Texas 78539. **TELEPHONE INQUIRIES WILL NOT BE ACCEPTED.**

ALL WRITTEN INQUIRIES WILL BE ACCEPTED VIA FACSIMILE NO LATER THAN, Wednesday, January 30, 2008, 5:00 P.M.. Responses to said inquiries will be sent to all applicants via facsimile by no later than, 5:00 P.M., Friday, February 1, 2008.

Con't Specifications

PRE-BID CONFERENCE: A pre-bid conference will be held at Hidalgo County Purchasing Department (New Administration Building) located at 2802 So. Business 281 (Conference Room) in Edinburg, Texas 78539 at 2:00 p.m. on January 30, 2008..

28. TERM OF CONTRACT:

The initial term of contract will commence upon award and execution of a contract for a one (1) year period. The County shall have the right to extend the contract for two (2) additional one (1) year terms under the same rates/fees, terms and conditions reflected in the County's bid award described on the Bid Page (Exhibit "B").

29. OPTION TO RENEW:

Hidalgo County may renew the contract for two (2) additional one (1) year periods. Except as otherwise provided herein, all terms and conditions will remain unchanged and in full force and effect. The option to renew, if exercised, shall be executed in the form of a change order to be issued no sooner than ninety (90) days prior to expiration of the contract and no later than thirty (30) days of the final day.

30. GRACE PERIOD:

Hidalgo County reserves the right to continue this bid under the same terms and conditions for an additional ninety (90) day grace period at the end of the contract term for unforeseen delays in the award of a new bid, or the county's inability to obtain all records from the storage site.

31. CONTRACT AWARD:

Hidalgo County reserves the right to award a contract to the responsible bidder meeting all specifications and submitting the lowest bid for all items and Services identified in the Specifications and General Provisions.

Upon the termination or expiration of the Contract, the vendor shall make available to the County any and all County files it holds in its possession in a timely manner but in no circumstances any longer than thirty (30) days upon termination or expiration of the Contract in order for the County to transport such files to its own or another facility. All files shall be made available to the County for transport at no additional cost to the County.

All files held in storage on behalf of the County are records belonging the public and must be returned to the County regardless of when and/or where they are located in the future.

32. PURCHASE ORDER:

Contractor will not perform any services until a purchase order number is assigned by the designated representative of the Purchasing Department. Contractor will reference contract number and purchase orders on all invoices submitted to the Hidalgo County District Clerk. Actual requirements will be stated through issuance of individual purchase orders against the contract, and no obligation to pay for any quantities shall be deemed to exist unless or until such purchase orders are issued.

CON'T - SPECIFICATIONS

33. TERMINATION:

The contract awarded to the successful bidder will be in effect until (a) the contract expires, (b) performance of all specifications, requirements and services ordered, or (c) terminated by either party with thirty (30) day's written notice with or without cause, or (d) upon award of contract to a new bidder, whichever comes first.

34. CONTRACT ADMINISTRATOR:

For purposes of monitoring performance, establishing requirements, approving and coordinating schedules, users, and equipment, the County Purchasing Department named below shall act as contract administrator on behalf of Hidalgo County:

**HIDALGO COUNTY PURCHASING DEPARTMENT
ATTN: CONTRACT ADMINISTRATORS
2812 S. BUSINESS HWY 281 (NEW ADMINISTRATION BLDG.)
EDINBURG, TX 78539
(956) 318-2626**

35. ADDITIONAL PROVISION:

The following clauses or provisions must be included in the contract:

- A. **Liquidated Damages Clause:** The vendor acknowledges that the files and documents being stored are important public records, and that the ultimate safety and security of the documents and files rests with the District Clerk. The vendor and Hidalgo County agree that the loss of files or documents by the vendor will result in certain damages and costs to the County which are not accurately ascertainable. Therefore, in the event that a file is lost or destroyed as a result of the negligent or willful act of the vendor or its agents, employees, officers or contractors, and said loss or destruction is not covered by insurance required to be maintained under other provisions of these specifications, the vendor and Hidalgo County agree that the vendor shall pay to the Hidalgo County District Clerk, as liquidated damages, the sum of \$1,000.00 for each file or portion of a file which is lost or destroyed within 10 days upon the discovery of the lost or destroyed file or portion thereof. The vendor and Hidalgo County agree that the amount established by this provision as liquidated damages is reasonable under the circumstances existing at the time of the execution of this contract with vendor pursuant to this procurement.

36. SCOPE OF CONTRACT:

The contract for the procurement of the Services describes herein shall be a **firm fixed price, estimated quantity contract** calling for delivery of the products and Services identified in the Bid Specifications, including the **Records Inventory List** (see page 3, Specifications above), at the stated prices, submitted by the bidder. Upon acceptance of a bid by Hidalgo County Commissioners' Court and issuance of a Contract Award by the Hidalgo County Purchasing Agent, contractor shall be obligated to perform the services at the stated prices, within the time specified, and in accordance with all Legal Notices and Specifications contained herein.

CON'T - SPECIFICATIONS

The quantities stated in the **Records Inventory List** are the best estimates of the current vendor for current inventory as of December 6, 2007. This represents a realistic estimate based on past consumption for purposes of securing a bid price. **The quantities are not firm and are not hereby ordered or called for.** No County department is required to use the services of the selected bidder at any time but shall only use such services as may be convenient and necessary for the proper records management operation of the particular office and department. Actual requirements for services will be stated through issuance of individual purchase orders against the contract, and no obligation to pay for any quantities shall be deemed to exist unless or until such purchase orders are issued.

CHANGES TO GENERAL SCOPE OF CONTRACT:

The County Purchasing Agent may at any time, by written order, and without notice to the sureties, if any, make changes within the general scope of this contract in any one of the following:

- a. Method of delivery or pickup of files
- b. Place of deliveries.
- c. Correction of errors of a general administrative nature of other mistakes, the correction of which does not affect the scope of the contract, or does not result in expense to the Contractor.
- d. Description of services to be provided which do not result in additional expenses to the Contractor.
- e. Time of performance (i.e. hours of day, days of week, etc.)

37. FUNDING:

Funds for payment on the proposed contract have been provided through the COUNTY OF HIDALGO budget approved by Commissioners' Court for 2008 year only. State of Texas statutes prohibit the obligations and expenditure of public funds beyond the fiscal year for which a budget has been approved. However, the cost of items or services covered by this contract is considered a recurring requirement and is included as a standard and routine expense of Hidalgo County to be included in each proposed budget within the foreseeable future.

County Commissioners' Court expect this to be an integral part of future budgets to be approved during the period of the proposed contract except for unanticipated needs or events which may prevent such payments against the contract. However, COUNTY OF HIDALGO cannot guarantee the availability of funds, and enters into this contract only to the extent such funds are made available. The Fiscal Year for County extends from January 1st to December 31st of each calendar year.

38. INVOICING:

All invoices submitted by contractor must reference the contract number and purchase order number(s) on the invoice. Hidalgo County will not pay invoices that are in excess of the amount authorized by the purchase order number or the contract.

Con't Specifications

39. INSURANCE AND LIABILITY:

Bidder must hold all applicable licenses, permits, bonds and insurances. During the period of this contract, the selected bidder must maintain at his/her expense insurance with limits not less than those prescribed below. With respect to required insurance, the selected bidder shall:

- a. Name COUNTY as additional insured/or an insured, as its interests may appear.
- b. Provide COUNTY a waiver of subrogation.
- c. Provide COUNTY with a thirty (30) day advance notice of cancellation or material change to said insurance.
- d. Provide the COUNTY Purchasing Agent a Certificate of Insurance evidencing required coverages within ten (10) days after receipt of Notice of Award.
- e. Submit a certificate of insurance reflecting coverage as follows:

Automobile Liability:

Bodily Injury (Each person).....	\$ 300,000.00
Bodily Injury (Each accident).....	\$ 500,000.00
Property Damage	\$ 300,000.00

**General Liability (Including Contractual Liability):
(Each Occurrence)**

Bodily Injury	\$ 500,000.00
Property Damage	\$ 500,000.00

Excess Liability:

Umbrella FormNot Required

Worker's Compensation:.....Statutory

This requirement has been determined to involve minimum hazards and low dollar values. Insurance underwriters must be acceptable to County.

Con't Specifications

40. **DESIGNATED COUNTY HOLIDAYS 2008:**

No deliveries will be requested on designated holidays, unless specific prior arrangements have been made. Below is the approved holiday schedule. Future schedules are expected to be similar.

HOLIDAY	SCHEDULE	2008
PRESIDENT'S DAY	MONDAY	FEBRUARY 18, 2008
GOOD FRIDAY	FRIDAY	MARCH 21, 2008
MEMORIAL DAY	MONDAY	MAY 26, 2008
INDEPENDENCE DAY	FRIDAY	JULY 04, 2008
LABOR DAY	MONDAY	SEPTEMBER 01, 2008
COLUMBUS DAY	MONDAY	OCTOBER 13, 2008
VETERAN'S DAY	TUESDAY	NOVEMBER 11, 2008
THANKSGIVING DAY	THURSDAY/FRIDAY	NOVEMBER 27-28, 2008
CHRISTMAS DAY	THURSDAY/FRIDAY	DECEMBER 25-26, 2008

DOCUMENTATION:

Bidders shall submit the following documents with this bid, or at a minimum, subsequent to bid opening, as applicable. **HOWEVER IT SHOULD BE UNDERSTOOD BY ALL BIDDERS, THAT HIDALGO COUNTY RESERVES THE RIGHT TO REJECT BID SUBMISSIONS THAT DO NOT CONTAIN ALL OF THE DOCUMENTATION DETAILED BELOW:**

1. Request For Bid Letter consisting of 1 page.(with bid)
2. Request for Bid, Legal Notice, consisting of 8 pages.(with bid)
3. Exhibit "A", Specifications, Affidavit(s) (Attachments) consisting of 13 pages.(with bid)
4. Exhibit "B", Bid Page consisting 1 page (with bid).
5. Exhibit "C", Insurance Requirements consisting of 3 pages (with bid).
6. Exhibit "D", Copy of Conflict of Interest Form - **Original Must be Filed by Bidder at the Hidalgo County Clerk's Office.**
7. Exhibit "E", State of Texas Library Commission Rules and Regulations.
8. Exhibit "F", List of Key Persons, consisting of 1 page.(with bid)
9. Exhibit "G", Information Request Forms, consisting of 1 page.(with bid)
10. Exhibit "H", Request for Emergency Service, consisting of 1 page.(with bid)
11. Vendor/Bidder Application and W-9 form consisting of 6 pages.
12. Draft Service Contract consisting of 15 pages.
13. Certification Regarding Debarment consisting of 1 page.

AFFIDAVIT

BEFORE ME, the undersigned Bruce Goldman authority on this 28th day personally appeared who, being by me duly sworn, upon oath says: that he/she is duly qualified and authorized to make this affidavit for and on behalf of CTC Dist Ltd., bidder/offeror /contractor, of Hidalgo County, Texas, and is fully cognizant of the facts herein set out and affirms to the truth and accuracy of the certifications made herein by signing this affidavit; that the bidder/offeror/contractor has received the list of key persons dated Jan. 28, 2008, and attached to this affidavit as Exhibit "A"; that he/she personally read the said Exhibit "A"; that he/she can read the English language; and that he/she has no knowledge of any key person with whom the bidder/offeror is doing business or has done business during the 365-day period immediately prior to the date of this affidavit whose name is not disclosed in the bid, offer, or contract.

Bidder/ Offeror/Contractor

Signature of Affiant

Bruce Goldman

Typed or Printed Name of Affiant

Owner

Title of Affiant

615 Blaze Blvd. Edinburg, TX 78539

Address

SUBSCRIBED AND SWORN to before me by the said BG this 28 day of January 2008, to certify which witness my hand and seal of office.

Notary Public in and for Hidalgo County, Texas.

Edna V. Rodriguez

Typed or printed name of notary

My commission expires:

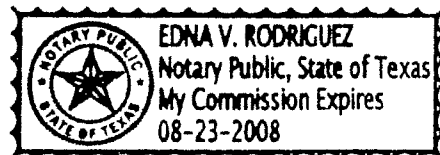


EXHIBIT "A"

ATTACHMENT 1

Bidder acknowledges that Bidder is doing business or has done business during the 365-day period immediately prior to the date on which this bid is due with the following key persons and warrants that these are the only such key persons:

- | | | |
|----|---|-----------------------------|
| 1. | <u>Brian Kelly Madden</u>
Print Name | <u>V-President</u>
Title |
| 2. | <u>Ron Haines</u>
Print Name | <u>Contrôller</u>
Title |

If no one is listed above, Bidder warrants that Bidder is not doing business and has not done business during the 365-day period immediately prior to the date on which this bid is due with any key person.

CTC DISTRIBUTING

Distribution • Consolidation • Fulfillment • Storage

615 Blaze Blvd.
Edinburg, TX 78539
Tel: (956) 686-4351
Fax: (956) 787-9804

II System/Equipment:

CTC Distributing will be utilizing the following systems, equipment, and services:

- Up to 30,000 sq. ft. of secure warehouse space dedicated to County business
 - Fully fenced facility located near the Court House in Hidalgo County at approximately W. Owassa Rd and Business 281 in Edinburg
 - Warehouse structure made of concrete tilt wall to protect against fire, theft, dust, debris, insects, and rodents
- Company owned bobtail and pick up truck dedicated to make unlimited pick up and deliveries
- Perlon Scanning System for electronic imaging
- Monarch Barcode Label System
- Interlink straight packing/shelving
- 24 hr security system monitored by Argus Security in conjunction with in-house surveillance cameras with a 3 month history viewing capability
- Storage boxes to meet County specifications (12W X 15L X 10H)
- Monthly and annual pest control service and inspection provided by Terminix
- Semi-annual warehouse sprinkler system inspection provided by FireCheck
- On-site contracted guard service provided Monday through Friday 5:00 a.m. to 10:00 p.m.
- Document inspection and viewing area provided to authorized county employees at CTC Distributing
- Monthly reports will be supplied as outlined in the requirements and specifications of the bid packet
- CTC Distributing will accept file requests from authorized County personnel in any manner preferred and instructed by the County (i.e. fax, email, phone)
- Document destruction/shredding services available upon request.

Notes:

- CTC Distributing is a bonded yard and CTPAT Certified since 2003
- All CTC Distributing personnel has passed U.S. Customs/FBI background checks in order to obtain our company's CTPAT certification
- Effective January 2008 CTC will be an official PODS franchisee www.pods.com with available on site self contained storage units and segregated indoor storage space for sensitive material.
- CTC Distributing will abide to all insurance and liability requirements as outlined in the bid packet

CTC DISTRIBUTING

Distribution • Consolidation • Fulfillment • Storage

615 Blaze Blvd.
Edinburg, TX 78539
Tel: (956) 686-4351
Fax: (956) 787-9804

III. Staffing

Warehouse Clerk I – one position to receive work orders from the County for both incoming and outgoing files and prepare all necessary documents. Controls inventory management of County files.

Warehouse Clerk II – one position to pull orders or from storage racks as instructed by the Warehouse Clerk I

Forklift Driver – one position to assist Warehouse Clerk II in storing and obtaining boxes in warehouse racks as outlined in CTC's inventory management system.

Driver – one position to pick up and/or deliver files to and from the County offices after the orders have been processed by Warehouse Clerk I and II.

EXHIBIT
“B”

BID PAGE

EXHIBIT "B"

BID PAGE

**"OFF PREMISES STORAGE, RECORDS MANAGEMENT,
PICK UP, RETRIEVAL & DELIVERY SERVICES" for**

HIDALGO COUNTY

BID NO.: 2008-45-02-06-otm

CTC Distributor

Hidalgo County will award to the responsible bidder submitting the **lowest bid** for the item(s) as specified/identified the Schedule of Items (Records Inventory List) and meeting all specifications/requirements for all departments.

All bidders must present costs on a monthly basis in equal amounts for up to 36 months. No deviation in monthly cost will be accepted. This is a term contract with a Firm fixed monthly rate regardless of the services provided. NO DEVIATIONS FROM HIDALGO COUNTY SPECIFICATIONS WILL BE ACCEPTED.

Hidalgo County will award this contract on a twelve (12) month yearly basis, commencing on the date of award and/or execution of contract. The County of Hidalgo has the sole option to renew and extend for an additional two (2) - one (1) year periods.

(A) PRICE FOR STORAGE OF CURRENT AND FUTURE RECORDS INVENTORY: DISTRICT CLERK'S OFFICE

MONTHLY \$ 23,267.00 ANNUAL \$ 279,204.00

(B) PRICE FOR STORAGE OF CURRENT AND FUTURE RECORDS INVENTORY: PURCHASING DEPARTMENT

MONTHLY \$ 863.00 ANNUAL \$ 10,356.00

(C) PRICE FOR STORAGE OF CURRENT AND FUTURE RECORDS INVENTORY: SHERIFF'S OFFICE

MONTHLY \$ 302.00 ANNUAL \$ 3624.00

(D) BIDDER IS TO PROVIDE A BID PRICE FOR STORAGE BOXES. (PLEASE SPECIFY BOX SIZE)

BID PRICE \$ 2.00 SIZE: 10 x 12 x 15

BID PRICE \$ 2.00 SIZE: 10 x 12 x 15

EXHIBIT

“C”

**INSURANCE
REQUIREMENTS**

PRODUCER (956)565-2481 FAX (956)565-2733
 McAfee Insurance Agency
 P. O. Box 625
 321 Second Street
 Mercedes, TX 78570

INSURED CTC Distributing, Ltd
 615 Blaze Blvd
 Edinburg, TX 78539

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE	NAIC #
INSURER A: The Republic Group	
INSURER B: Texas Mutual Ins. Co.	
INSURER C:	
INSURER D:	
INSURER E:	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	ADD'L INSR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A		GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	CMP5636060	11/21/2007	11/21/2008	EACH OCCURRENCE	\$ 1,000,00
						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 200,00
						MED EXP (Any one person)	\$ 10,00
						PERSONAL & ADV INJURY	\$ 1,000,00
						GENERAL AGGREGATE	\$ 2,000,00
						PRODUCTS - COMP/OP AGG	\$ 2,000,00
A		AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	BAP5636061	11/21/2007	11/21/2008	COMBINED SINGLE LIMIT (Ea accident)	\$ 1,000,00
						BODILY INJURY (Per person)	\$
						BODILY INJURY (Per accident)	\$
						PROPERTY DAMAGE (Per accident)	\$
		GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT	\$
						OTHER THAN AUTO ONLY EA ACC	\$
						AGG	\$
A		EXCESS/UMBRELLA LIABILITY <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE <input checked="" type="checkbox"/> RETENTION \$ 10,000	UMB5636062	11/21/2007	11/21/2008	EACH OCCURRENCE	\$ 5,000,00
						AGGREGATE	\$ 5,000,00
							\$
							\$
							\$
B		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below OTHER	TSF 0001176109	01/05/2008	01/05/2009	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER	
						E.L. EACH ACCIDENT	\$ 1,000,00
						E.L. DISEASE - EA EMPLOYEE	\$ 1,000,00
						E.L. DISEASE - POLICY LIMIT	\$ 1,000,00

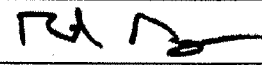
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
 County of Hidalgo is names as an additional insured.

CERTIFICATE HOLDER

County of Hidalgo

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE
 Richard Garza/JEN 

IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.

**EXHIBIT
“D”**

**(CIQ)
CONFLICT
OF INTEREST
QUESTIONNAIRE**

**(ORIGINAL MUST BE FILED BY
BIDDER AT THE HIDALGO COUNTY
CLERK’S OFFICE)**

EXHIBIT "D"

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor or other person doing business with local governmental entity

This questionnaire reflects changes made to the law by H.B. 1491, 80th Leg., Regular Session.
This questionnaire is being filed in accordance with Chapter 176, Local Government Code by a person who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the person meets requirements under Section 176.006(a).
By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the person becomes aware of facts that require the statement to be filed. See Section 176.006, Local Government Code
A person commits an offense if the person knowingly violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor.

OFFICE USE ONLY

Date Received

1 Name of person who has a business relationship with local governmental entity.

2 Check this box if you are filing an update to a previously filed questionnaire.

(The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date the originally filed questionnaire becomes incomplete or inaccurate)

3 Name of local government officer with whom filer has employment or business relationship.

Name of Officer

This section (item 3 including subparts A, B, C & D) must be completed for each officer with whom the filer has an employment or other business relationship as defined by Section 176.001(1-a), Local Government Code. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer named in this section receiving or likely to receive taxable income, other than investment income, from the filer of the questionnaire?

Yes No

B. Is the filer of the questionnaire receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer named in this section AND the taxable income is not received from the local governmental entity?

Yes No

C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership of 10 percent or more?

Yes No

D. Describe each employment or business relationship with the local government officer named in this section.

4

Signature of person doing business with the governmental entity

Date

EXHIBIT

“E”

STATE OF TEXAS

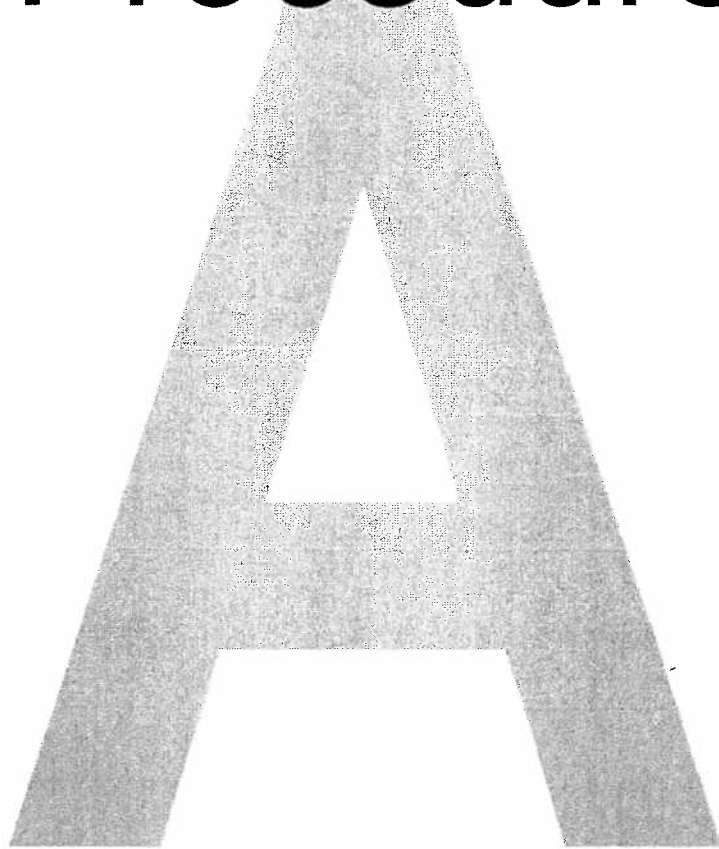
LIBRARY

COMMISSION

RULES AND

REGULATIONS

Microfilming Standards and Procedures



LOCAL GOVERNMENT BULLETIN A
JUNE 1996

*Comments or complaints regarding the programs and services of the
Texas State Library and Archives Commission*

May be addressed to:

Director and Librarian

PO Box 12927

Austin, Texas 78711-2927

512-463-5460; FAX 512-463-5436

*Copies of this publication are available in alternative format on request.
Published by the Texas State Library and Archives Commission, January 2001.*



Microfilming Standards and Procedures

LOCAL GOVERNMENT BULLETIN A

§204.001. Definitions.

In this chapter:

- (1) "Microfilm" means roll microfilm, microfiche, and all other formats produced by any method of microphotography or other means of miniaturization on film.
- (2) "Microfilming" means the methods, procedures, and processes used to produce roll microfilm, microfiche, or other microphotographic formats.

Source:

Acts 1989, 71st Legislature, Chapter 1248, Section 1, effective September 1, 1989.

§204.002. Authorization.

Any local government record may be maintained on microfilm in addition to or instead of paper or other media, subject to the requirements of this chapter and rules adopted under it.

Source:

Acts 1989, 71st Legislature, Chapter 1248, Section 1, effective September 1, 1989.

§204.003. Microfilm Produced Under Prior Law.

- (a) All microfilm produced before June 1, 1990, under prior law is validated to the extent the microfilm was produced in the manner and according to the standards prescribed by prior law.
- (b) In rules adopted under Section 204.004, the commission may establish procedures for the retrospective certification of uncertified or improperly certified microfilm produced before April 1, 1990, that otherwise meets the standards prescribed by prior law.

Source:

Acts 1989, 71st Legislature, Chapter 1248, Section 1, effective September 1, 1989.

§204.004. Standards and Procedures.

- (a) The commission shall adopt rules on or before April 1, 1990, establishing standards and procedures for the microfilming of local government records. The rules must be approved as required by Section 441.165, Government Code.

- (b) The rules must prescribe:
- (1) standards for film quality, resolution, density, definition, and chemical stability;
 - (2) tests and other methods of inspection required to establish that prescribed standards have been met;
 - (3) procedures for verifying that records have been filmed accurately;
 - (4) procedures for the certification of microfilmed records;
 - (5) standards for the use of editorial and technical targets on microfilm;
 - (6) standards for the production of use copies from and the storage of master microfilm negatives;
 - (7) procedures for the labeling and indexing of microfilmed records;
 - (8) procedures establishing the manner in which court case papers must be filmed;
 - (9) procedures for the expunction of criminal records on microfilm pursuant to court order;
 - (10) standards for computer-output microfilm; and
 - (11) standards for providing access by the members of the public to records on microfilm to which they are entitled under law.
- (c) In rules adopted under this section, the commission may establish differing standards and procedures for the microfilming of:
- (1) any permanent record;
 - (2) any record of a municipal, justice, county, or district court; or
 - (3) any record to which access is restricted under Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes), or other state law.

Source:

Acts 1989, 71st Legislature, Chapter 1248, Section 1, effective September 1, 1989.

§204.005. Rules to be Updated.

The director and librarian shall monitor standards relating to microfilming developed for use by federal agencies or adopted by national organizations that develop and set standards in the fields of information and records management in order to recommend to the commission any needed amendments to rules.

Source:

Acts 1989, 71st Legislature, Chapter 1248, Section 1, effective September 1, 1989.

§204.006. Indexing.

An index to a microfilm record must show the same information that may be required by state law for an index to the same record if it is not microfilmed.

Source:

Acts 1989, 71st Legislature, Chapter 1248, Section 1, effective September 1, 1989.

§204.007. Destruction of Original Records.

- (a) Except as provided by Section 204.008, the original of a record that has been microfilmed pursuant to this chapter and rules adopted under it may be destroyed before the expiration of its retention period on a records retention schedule issued by the commission.
- (b) A list of the originals of microfilmed records destroyed shall be filed with the records management officer.
- (c) The microfilm record must be retained until the expiration of the retention period for the original record.

Source:

Acts 1989, 71st Legislature, Chapter 1248, Section 1, effective September 1, 1989.

§204.008. Destruction of Permanent Records.

- (a) The original of a permanent record may not be destroyed until a destruction authorization request is submitted to the director and librarian certifying that the microfilm of the record meets the standards of this chapter and rules adopted under it.
- (b) Requests shall be submitted by the records management officer or under the officer's direction or, if a records management officer has not yet been designated under Section 203.025, by the custodian of the microfilm records.
- (c) If the director and librarian or the designee of the director and librarian approves the request, the original record may be destroyed.
- (d) In lieu of destruction, the director and librarian may require that the original record be transferred to the custody of the commission.
- (e) If the director and librarian or the designee of the director and librarian disapproves the request, the reasons for the disapproval shall be stated in writing within a reasonable time to the records management officer or custodian. The original records may not be destroyed until the microfilm of the records is brought into compliance with this chapter and the rules adopted under it as evidenced by the submission of a new destruction authorization request.
- (f) The director and librarian shall determine the form and manner of submission of destruction authorization requests required by this section.

Source:

Acts 1989, 71st Legislature, Chapter 1248, Section 1, effective September 1, 1989.

§204.009. Microfilm of Permanent Records to be Supplied.

- (a) A local government or elected county officer, at the request of the director and librarian, shall supply to the commission a copy of the microfilm of any permanent record to which access is not restricted by law.
- (b) The commission shall reimburse the local government or elected county officer for the cost of the copy. If the film duplication is performed by the local government or elected county officer, the cost must be the same as that paid by state agencies to the Texas State Library for a similar microfilm copy. If the film duplication is done by a commercial microfilming service under contract with the local government or elected county officer, the cost of the copy may not exceed the cost paid by the local government or elected county officer for a copy under the contract.
- (c) The director and librarian or an employee of the commission may not provide certified copies of a record on microfilm obtained under this section without the consent of the original local custodian of the record.

Source:

Acts 1989, 71st Legislature, Chapter 1248, Section 1, effective September 1, 1989.

§204.010. Commercial Microfilm Storage Facilities.

- (a) The commission may establish a program for the certification of commercial microfilm storage facilities for the storage of the master microfilm negatives of local government records.
- (b) If the commission establishes a certification program, the procedures of this subsection apply. On request by the commercial storage facility, the director and librarian shall inspect the facility to determine if the facility meets the minimum standards established by the commission under Section 204.004 for the storage of the microfilm of local government records. If the commercial storage facility meets the minimum standards established by the commission, the name of the facility shall be added to a list of certified storage facilities to be prepared by the director and librarian and made available on request to a local government, elected county officer, or other interested party. The inspection and certification of commercial storage facilities shall be on a fee basis to be determined by the commission.
- (c) The commission shall determine the period a certification made under this section is effective.

Source:

Acts 1989, 71st Legislature, Chapter 1248, Section 1, effective September 1, 1989.

§204.011. Effective as Original Record.

- (a) A microfilmed record created in compliance with this chapter and rules adopted under it, including microfilm validated by Section 204.003, is an original record and shall be accepted by any court or administrative agency of this state.
- (b) If issued and certified by a local government recordkeeper, a copy on paper or film of a microfilmed record shall be accepted by a court or administrative agency of this state as a certified copy of an original record.

Source:

Acts 1989, 71st Legislature, Chapter 1248, Section 1, effective September 1, 1989.

TEXAS ADMINISTRATIVE CODE

TITLE 13, CHAPTER 7

§7.21. Definitions.

The following words and terms, when used in these sections, have the following meanings, unless the context clearly indicates otherwise. Terms not defined in these sections have the meanings defined in the Local Government Code, Chapter 201, or technical report AIIM TR2 adopted by reference in §7.22(a) (relating to Adopted National Standards) of this title.

Aperture card—A card with a rectangular opening(s) into which 16mm/35mm microfilm frames can be inserted, mounted, or premounted.

Batch—A quantity of chemicals or film which has been prepared at one time, and which has been identified through labeling or through other means by the manufacturer as a batch or lot.

CAD (computer assisted design)—A method of creating microimages by computer-driven laser.

Convenience film—Microfilm copies of records created only for convenience of use and considered nonrecords under the Local Government Code, §201.003(8).

Declaration by the camera operator—A target photographed on film following the filmed records that provides identification of beginning and ending records on the film; signature of the camera operator; date the declaration was filmed; and reduction range, if more than one ratio has been used.

Diazo—A photographic film containing one or more photosensitive layers composed of diazonium salts in a polymeric material which react with coupler(s) to form an azo dye image after film processing.

Duplicate microfilm—A microfilm copy made from the original or master negative. Can be silver, diazo or vesicular film.

Essential record—Any local government record necessary to the resumption or continuation of government operations in an emergency or disaster, to the re-creation of the legal and financial status of the government, or to the protection and fulfillment of obligations to the people of the state.

Local government record—Any document, paper, letter, book, map, photograph, sound or video recording, microfilm, magnetic tape, electronic medium, or other information recording medium, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or received by a local government or any of its officers or employees pursuant to law, including an ordinance, or in the transaction of public business, except for materials excluded under the Local Government Code, Chapter 201.

Microfilm—Roll microfilm, microfiche, computer output microfilm (COM), and all other formats produced by any method of microphotography or other means of miniaturization on film.

Microfilm container—Generic term for any enclosure in close or direct contact with film such as a reel, can, bag, folder, sleeve (sheath), jacket, envelope, window mount or mat, slide mount, carton, cartridge, cassette, and aperture card.

Microfilming—The methods, procedures, and processes used to produce microfilm.

Needs assessment—A documented process to determine the feasibility and justification for microfilming records including consideration of the retention period and activity rate of the records, advantages and limitations of alternate records media, protection of essential records, access or retrieval concerns, and cost comparisons.

Original microfilm—Film produced directly from the record (also known as first-generation microfilm and camera film).

Records custodian—The appointed or elected public officer who by the state constitution, state law, ordinance, or administrative policy is in charge of an office that creates or receives local government records.

Records management officer—The person identified under the Local Government Code, §203.001 or designated under the Local Government Code, §203.025 as the records management officer.

Records series—A group of identical or related records that are normally used and/or filed together, and that permit evaluation as a group for retention scheduling purposes.

Retention period—The minimum time that a local government record must be retained as established on a records retention schedule adopted under §7.125 of this title (relating to Records Retention Schedules).

Security copy—Either the original microfilm or a duplicate that is stored offsite for the full retention period of the record.

Step-and-repeat system—A method of microfilming by which images are directly placed on an area of film according to a predetermined format, usually in orderly rows and columns.

Title page—A target photographed on film stating that the records are microfilmed in the regular course of business and identifying the name of the government and office of origin, if applicable; name and title of the current records custodian/officer; name and location of service bureau, if applicable; reduction ratio; records series title; inclusive dates of records and volume numbers or serial numbers needed to clearly identify the records; and restriction or classification, if applicable.

Vesicular—Photographic film containing one or more photosensitive layers composed of diazonium salt in a thermoplastic material.

Source:

The provisions of this Section 7.21 adopted to be effective June 12, 1966, 21 TexReg 4990.

§7.22. Adopted National Standards.

(a) The commission adopts by reference the following copyrighted standards and recommended practices issued by the American National Standards Institute (ANSI) and/or the Association for Information and Image Management (AIIM) as minimum requirements for all microfilming of local government records where these sections do not specify a standard or practice. A copy of each of the standards adopted in this section is on file and available for public inspection during regular working hours at the State and Local Records Management Division, Texas State Library, 4400 Shoal Creek Boulevard, Austin, TX 78756. The standards are distributed by and available from the Association for Information and Image Management, Suite 1100, 1100 Wayne Avenue, Silver Spring, MD 20910-5699.

(1) AIIM TR2-1992, Glossary of Imaging Technology.

- (2) AIIM TR11-1987 with 1993 addendum, Microfilm Jacket Formatting and Loading Techniques.
- (3) AIIM TR12-1988, Bar Coding on Microfiche for Production and Dynamic Distribution Control.
- (4) ANSI IT9.2-1991, Imaging Media - Photographic Processed Films, Plates, and Papers - Filing Enclosures and Storage Containers.
- (5) ANSI IT9.5-1992, Imaging Media (Film) - Ammonia-Processed Diazo Films - Specifications for Stability.
- (6) ANSI IT9.11-1991, Imaging Media - Processed Safety Photographic Film - Storage.
- (7) ANSI IT9.12-1991, Photography - Processed Vesicular Photographic Film - Specifications for Stability.
- (8) ANSI/AIIM MS1-1988, Recommended Practice for Alphanumeric Computer-Output Microforms - Operational Practices for Inspection and Quality Control.
- (9) ANSI/AIIM MS5-1992, Microfiche.
- (10) ANSI/AIIM MS8-1988, Image Mark (Blip) Used in Image Mark Retrieval Systems.
- (11) ANSI/AIIM MS11-1987, Microfilm Jackets.
- (12) ANSI/AIIM MS14-1988, Specifications for 16mm and 35mm Roll Microfilm.
- (13) ANSI/AIIM MS17-1992, Micrographics - Rotary (Flow) Microfilm Camera Test Chart and Test Target - Descriptions and Use.
- (14) ANSI/AIIM MS18-1992, Micrographics - Splices for Imaged Microfilm - Dimensions and Operational Constraints.
- (15) ANSI/AIIM MS19-1993, Standard Recommended Practice - Identification of Microforms.
- (16) ANSI/AIIM MS23-1991, Practice for Operational Procedures/Inspection and Quality Control of First-generation, Silver Microfilm of Documents.
- (17) ANSI/AIIM MS28-1987, Alphanumeric COM Quality Test Slide.
- (18) ANSI/AIIM MS39-1987, Recommended Practice for Operational Procedures, Quality Control and Inspection of Graphic Computer-Output Microforms.
- (19) ANSI/AIIM MS42-1989, Recommended Practice for the Expungement, Deletion, Correction, or Amendment of Records on Microforms.
- (20) ANSI/AIIM MS43-1988, Recommended Practice for Operational Procedures/Inspection and Quality Control of Duplicate Microforms of Documents and From COM.
- (21) ANSI/AIIM MS45-1990, Recommended Practice for Inspection of Stored Silver-Gelatin Microforms for Evidence of Deterioration.

- (22) ANSI/AIIM MS51-1991, Micrographics - ISO Resolution Test Chart No. 2 - Description and Use.
 - (23) ANSI/NAPM IT9.1-1992, Imaging Media (Film) - Silver-Gelatin Type - Specifications for Stability.
 - (24) ANSI/NAPM IT9.17-1993, Photography - Determination of Residual Thiosulfate and Other Related Chemicals in Processed Photographic Materials - Methods Using Iodine-Amylose, Methylene Blue and Silver Sulfide.
- (b) In case of conflict between any standard adopted by reference in subsection (a) of this section and any provision of these sections, these sections prevail.

Source:

The provisions of this Section 7.22 adopted to be effective June 12, 1966, 21 TexReg 4990.

§7.23. General.

- (a) These sections apply to the microfilming of any local government record that is to be maintained solely in microfilm format and to all microfilm, which is created or maintained for the full retention period of the record as a backup or security copy of a local government record. These sections do not apply to convenience film.
- (b) Microfilming of records must be in compliance with an approved records control schedule except, if a local government does not have an approved schedule, a microfilming needs assessment must be completed to determine if filming is justified.
- (c) For microfilm maintained as roll film, no more than one records series is permitted on each roll of microfilm.
- (d) For essential records that are microfilmed, there must be a security copy stored offsite.
- (e) The originals of records or source documents that have been microfilmed may be destroyed prior to the expiration of their retention periods only if the microfilm complies with these sections and in accordance with the Local Government Code, §§204.007-204.008.
- (f) After the completion of the production tests and inspections required under §7.25 of this title (relating to Microfilm Production Tests and Inspections), original microfilm must not be unwound and used for any purpose except:
 - (1) to produce duplicate copies of the film;
 - (2) to carry out inspections under §7.27 of this title (relating to Inspection of Stored Original Microfilm);
 - (3) to expunge records as required by §7.32 of this title (relating to Expungement); or
 - (4) to destroy records as required by §7.33 of this title (relating to Destruction of Microfilmed Records).
- (g) Microfilm produced for a local government is the property of the local government, and the local government and its records management officer have the same responsibilities for ensuring the management and preservation of microfilmed records under the Local Government Code, Title 6, Subtitle C, as if the records were not microfilmed.

- (h) If a service provider is used for the filming, processing, and/or storage of local records, a written agreement must be in place to provide access in compliance with local, state, and federal laws or delivery of the records as needed by the local government and to allow inspections of the microfilm facilities by the records management officer, records custodian, or other authorized representative of the governing body of the local government.
- (i) All microfilm produced before the effective date of these sections is validated to the extent the microfilm was produced in the manner and according to the standards prescribed by prior law or the provisions of Local Government Code, Chapter 204, and the rules adopted under it.

Source:

The provisions of this Section 7.23 adopted to be effective June 12, 1966, 21 TexReg 4990.

§7.24. Microfilm Production Procedures.

- (a) Standards for original microfilm.
 - (1) First-generation, silver microfilm - ANSI/AIIM MS23.
 - (2) Microfiche - ANSI/AIIM MS5.
 - (3) Roll microfilm - ANSI/AIIM MS14.
 - (4) Splices for microfilm - ANSI/AIIM MS18.
 - (5) The quality-index graph in standard ANSI/AIIM MS23 must be used to determine the minimum quality index for all microfilm of essential and permanent records and for 10% of the total volume of microfilm of other records. All microfilm of permanent and essential records must meet a minimum quality index level of 5.0. Microfilm of other records must meet a minimum quality index level of 3.6.
- (b) Standards for microfilm duplicates.
 - (1) ANSI/AIIM MS43 and the following standards, as applicable.
 - (2) Diazo film - ANSI IT9.5.
 - (3) Vesicular film - ANSI IT9.12.
 - (4) Silver film - ANSI/NAPM IT9.1.
- (c) Film specifications.
 - (1) Original microfilm must meet standard ANSI/NAPM IT9.1, except where these sections specifically state otherwise.
 - (2) Film with a polyester base must be used for records having a retention period of 10 years or more.
 - (3) Any film type may be used for records having a retention period of less than 10 years, provided the microfilmed record will last for the required retention period.
- (d) Indexing.

- (1) The indexing and retrieval system to be used must be determined before preparing documents for filming.
 - (2) The records must be arranged, identified, and indexed for filming so that an individual document or a series of documents can be located on film.
 - (3) Any use of image marking must comply with standard ANSI/AIIM MS8.
 - (4) In those instances where records are not self-indexing, (i.e. not in a readily identifiable numeric or alphabetic sequence) an index must be maintained.
- (e) Document preparation.
- (1) All imperfections that affect the legibility of a document must be repaired, if possible, and if allowed by the records management officer or records custodian.
 - (2) Documents must be filmed in an orderly sequence and misplaced pages, folders or other file units must be put in the correct order.
 - (3) The film must be as complete a record of the file as possible. Problems with missing file units, incorrect pagination, illegible pages, etc. must be documented by inserting and filming targets, as specified in standard ANSI/AIIM MS23.
 - (4) Whenever possible, targets must all face the same direction as the records being microfilmed.
- (f) Image sequence for filming.
- (1) The image sequence on roll microfilm must be at a minimum:
 - (A) leader with a minimum of 700 millimeters (28 inches) of blank film;
 - (B) density target and resolution target;
 - (C) title page;
 - (D) records on film;
 - (E) declaration by camera operator;
 - (F) density target and resolution target; and
 - (G) trailer with a minimum of 700 millimeters (28 inches) of blank film.
 - (2) The filming sequence for retakes/additions on all microfilm must be:
 - (A) title target identifying the retake/addition records;
 - (B) the retake/addition records; and
 - (C) declaration by camera operator.
 - (3) Retakes/additions can be spliced either before the density and resolution targets at the beginning of the film or after the density and resolution targets at the end of the film. Retakes/additions can be on another roll of film if cross-indexed to the original role on the title target and the container label.

Source:

The provisions of this Section 7.24 adopted to be effective June 12, 1966, 21 TexReg 4990.

§7.25. Microfilm Production Tests and Inspections.

(a) The following tests must be performed on microfilm as indicated.

(1) Methylene blue test.

- (A) A methylene blue test for conventionally processed silver-gelatin film must be performed on all original microfilm in compliance with standard ANSI/NAPM IT9.17.
- (B) A test must be performed on a strip of processed, clear, and unexposed film approximately six inches long from the original microfilm or on a process control strip at least once each week during which processing is done.
- (C) A test must also be performed whenever a batch of fixer or developer is changed, or when changes in processing such as replacement or addition of filter, water softener, or replenishing system are made, or when water is changed.
- (D) If processing is performed by a service bureau, a test performed for one local government may satisfy this requirement for more than one local government.
- (E) If film fails to meet the standards established by these sections, it must be rewashed and retested within 14 days of initial processing.
- (F) Once a year, two test strips must be taken from the same microfilm; one must be sent to an independent testing laboratory and the other to the laboratory, which performs the weekly test, for verification of test results.
- (G) If either test result is greater than 0.014 grams per square meter, the records management officer or records custodian must identify and remedy the cause of the deviation from the required standard.

(2) Density test.

- (A) A density test must be performed on all original microfilm in compliance with standard ANSI/AIIM MS23 and the background density must be in accordance with that standard.
- (B) Densitometer used must be calibrated daily, when in use.

(3) Resolution test.

- (A) A resolution test must be performed on all original microfilm in compliance with standard ANSI/AIIM MS23.
- (B) The resolution target must meet the following standards:
 - (i) ANSI/AIIM MS17; and/or
 - (ii) ANSI/AIIM MS19; and/or
 - (iii) ANSI/AIIM MS51.

- (C) Photocopies of the resolution target must not be used for testing.
 - (D) Resolution target images must be evaluated under a microscope to determine if resolution loss from duplicating is acceptable. A duplicate of a first-generation film must have a resolution loss of no more than one test pattern of the test objects described in ANSI/AIIM MS51.
- (b) Original processed microfilm must be visually inspected according to the following procedures.
- (1) Within two weeks of completion of the methylene blue test, a visual inspection of microfilm must be completed to verify legibility.
 - (2) Film of essential records or records having a retention period of 10 years or more must be inspected image by image.
 - (3) Film of nonessential records having a retention period of less than 10 years must be inspected at least every three meters (10 feet) of each roll or every third fiche.
 - (4) Images of documents must be uniformly placed on the film and must be free of any defects in the filming area that would interfere with the documents being read.
 - (5) If a defect is found on any microfilm, the microfilm immediately preceding and following the sample of microfilm on which the defect was found must be inspected. If a defect is found on those microfilms, the uninspected microfilm preceding and/or following those microfilms must be inspected image by image until all defective film has been identified.
- (c) Testing and Inspection of Equipment.
- (1) Cameras and ancillary equipment must be calibrated, tested, or otherwise inspected and adjusted at least twice annually or more often if required to comply with manufacturer's specifications or recommended operating and maintenance procedures.
 - (2) Processors must be monitored on a scheduled basis with process control strips (sensitometric strips) at a minimum at the start of processing each day and whenever a batch of film, fixer, or developer is changed, or when changes in processing such as replacement or addition of filter, water softener, or replenishing system are made, or when water is changed.

Source:

The provisions of this Section 7.25 adopted to be effective June 12, 1966, 21 TexReg 4990.

§7.26. Storage of Original Microfilm.

- (a) Original microfilm must be stored in a separate building from that in which duplicate copies, if any, or the original records are housed, and under conditions that meet the requirements of this section.
- (b) Microfilm must be stored in a storage room or vault that complies with the following:
 - (1) is separate from other types of storage, offices, or work areas and offers protection from fire, water, steam, structural collapse, unauthorized access, and other potential hazards;
 - (2) is equipped with a fire alarm system and capable of preventing temperatures inside the storage room/vault from exceeding 150 degrees Fahrenheit and the relative humidity inside the storage

room/vault from exceeding 85% for up to two hours in the event of a fire external to the storage room/vault;

- (3) if constructed or readapted after 1991 to serve as a microfilm storage facility, is equipped with a fire suppression system and with automatic fire control dampers in ducts carrying air to and from the storage room/vault;
- (4) if needed, is equipped with a system capable of removing those gaseous impurities in the surrounding environment as specified in standard ANSI IT9.11;
- (5) if subject to invasion of solid particles that can abrade film or react on the images, has mechanical filters or electrostatic precipitators installed with a cleaning efficiency of at least 80% when tested with atmospheric air in accordance with standard ANSI IT9.11;
- (6) has approximately 0.05 inch of pressure above atmospheric pressure; e.g., a positive air pressure is maintained within the storage room or vault; and
- (7) has adequate temperature and humidity controls.
 - (A) For microfilm of records with a retention of 10 years or more, temperature must not exceed 70 degrees Fahrenheit, and a constant relative humidity of 35% must be maintained with a maximum variance of plus/minus 5.0% relative humidity in a 24-hour period.
 - (B) For microfilm of records with a retention of less than 10 years, the maximum temperature must not exceed 77 degrees Fahrenheit, and a relative humidity range between 20% and 50% must be maintained with a maximum variation of plus/minus 5.0% relative humidity in a 24-hour period.

(c) Standards for microfilm containers and storage housings.

- (1) A microfilm container must be used for processed microfilm to protect the film and facilitate identification and handling.
- (2) Chemically stable materials such as noncorrosible metals (anodized aluminum or stainless steel), peroxide-free plastics, and acid-free paper must be used for containers to ensure no degradation is caused to the image.
 - (A) If an adhesive is used, it must have no harmful effect on the photographic images.
 - (B) Inks used on the container and on the label must not be a source of products that may damage the film or the enclosure itself.
 - (C) Paper that is free of chemicals harmful to the film may be used to secure roll film, if needed.
- (3) Container label information must include:
 - (A) whether the film is original microfilm or a duplicate, including generation number if known;
 - (B) identification number;
 - (C) name of government and office of origin, if applicable;

- (D) records series title;
 - (E) inclusive dates of records;
 - (F) the beginning and ending records; and
 - (G) retakes/additions, if applicable.
- (4) Microfilm must be stored in a closed housing or may be stored on open shelves or racks if the film is in closed containers.
 - (5) Storage housing materials must be noncombustible and noncorrosive.
 - (6) Storage housing and containers must not be overloaded and film must not be stored under pressure.
- (d) Films of different generic types, such as silver-gelatin, diazo, and vesicular films, must not be stored in the same storage room/vault or in rooms sharing common ventilation.

Source:

The provisions of this Section 7.26 adopted to be effective June 12, 1966, 21 TexReg 4990.

§7.27. Inspection of Stored Original Microfilm.

- (a) An inspection of stored original microfilm must be conducted in accordance with the following standards:
 - (1) ANSI IT9.11;
 - (2) ANSI/AIIM MS45; and
 - (3) ANSI/NAPM IT9.1.
- (b) When inspection is done, the sample of microfilm to be inspected for each storage room or vault, if more than one, must be 1/1000th of the total volume of stored microfilm or at least 100 microforms (rolls, jackets, microfiche, aperture cards, COM, etc.) whichever is greater. Sampling procedures must be established that will assure that all parts of the group of microfilm are represented.
- (c) An inspection of stored microfilm must be conducted every two years, except if the microfilm has been stored under temperature and/or humidity conditions other than those specified in these sections, it must be inspected yearly.
- (d) Containers used to store the film must be inspected for evidence of rust, corrosion, or other deterioration and replaced, if needed.
- (e) Original microfilm must be inspected on a light box with rewinds or comparable equipment, which will not scratch the film.
- (f) If deterioration is found, a more extensive inspection must be conducted to locate all deteriorating film.
- (g) Any deteriorating film must immediately be removed from the storage area and the problem corrected before returning the film to storage.

Source:

The provisions of this Section 7.27 adopted to be effective June 12, 1966, 21 TexReg 4990.

§7.28. Computer Output Microfilm (COM).

- (a) Standards for COM are the same as other microfilm formats, except as stated in this section.
- (b) The COM original must be wet processed silver-gelatin film for essential records and records with a retention of 10 years or more.
- (c) The following standards for production, testing, and inspection of COM must be met:
 - (1) ANSI/AIIM MS1;
 - (2) ANSI/AIIM MS5;
 - (3) ANSI/AIIM MS28;
 - (4) ANSI/AIIM MS39;
 - (5) ANSI/AIIM MS43; and
 - (6) ANSI/NAPM IT9.17.
- (d) If bar coding is used, the procedures in technical report AIIM TR12 must be followed.
- (e) The COM original must be visually inspected every 10 feet.
- (f) Eye-legible titling information must include the following:
 - (1) name of government and office of origin, if applicable;
 - (2) records series title;
 - (3) date(s) of records; and
 - (4) starting and/or ending indexing information.
- (g) A reduction ratio not exceeding 48:1 must be used.
- (h) Adherence to the provisions of §7.24(f) of this title (relating to Image Sequence for Filming) is not required.

Source:

The provisions of this Section 7.28 adopted to be effective June 12, 1966, 21 TexReg 4990.

§7.29. Jacketing.

- (a) Standards for jacketed microfilm are the same as other microfilm formats, except as stated in this section.

- (b) Original microfilm may be placed in a jacket, if there is a security copy stored according to the provisions of §7.26 of this title (relating to Storage of Original Microfilm) and inspected according to the provisions of §7.27 of this title (relating to Inspection of Stored Original Microfilm).
- (c) The following must be included in the jacket header information:
 - (1) name of government and office of origin, if applicable;
 - (2) records series title;
 - (3) date(s) of records; and
 - (4) starting and/or ending indexing information.
- (d) Header information must be created with a black carbon-type ribbon or ink that will not bleed, spread, or transfer.
- (e) Microfilm jackets must comply with ANSI/AIIM MS11.
- (f) The procedures in AIIM TR11 must be used for the jacketing of film.
- (g) If using a strip film processor camera, the density test and resolution test for original microfilm must be conducted at a minimum of once every roll or every 3,000 images.

Source:

The provisions of this Section 7.29 adopted to be effective June 12, 1966, 21 TexReg 4990.

§7.30. Aperture Card/CAD Systems.

- (a) Standards for film produced by aperture card/CAD systems are the same as other microfilm formats, except as stated in this section.
- (b) The original microfilm and enclosure must pass the photographic activity test criteria outlined in the standard ANSI IT 9.2.
- (c) A density test and a resolution test must be conducted on a sample of original microfilm at a minimum of once every 250 cards or every 1,000 images, whichever is greater.
- (d) Aperture cards must have the following information on label headings:
 - (1) name of government and office of origin, if applicable;
 - (2) records series title;
 - (3) date(s) of records; and
 - (4) unique identifier.
- (e) Adherence to the provisions of §7.24(f) of this title (relating to Image Sequence for Filming) is not required.

Source:

The provisions of this Section 7.30 adopted to be effective June 12, 1966, 21 TexReg 4990.

§7.31. Step-and-Repeat Systems.

- (a) Standards for film produced by step-and-repeat systems are the same as other microfilm formats, except as stated in this section.
- (b) Silver-gelatin microfilm in roll or microfiche form must be used for original microfilm.
- (c) A density test and a resolution test for original microfilm must be conducted at the beginning of each day of filming and at a minimum of once every roll, or if using precut film, every 3,000 images.
- (d) Adherence to the provisions of §7.24(f) of this title (relating to Image Sequence for Filming) is not required.

Source:

The provisions of this Section 7.31 adopted to be effective June 12, 1966, 21 TexReg 4990.

§7.32. Expungement.

- (a) Expungement of records must comply with statutory law and standard ANSI/AIIM MS42.
- (b) If roll film is spliced, the following information must be inserted in place of the expunged record(s):
 - (1) a start of expungement target;
 - (2) replacement documents for documents that were expunged (if necessary);
 - (3) an expungement certificate containing the following information:
 - (A) the number of the district court ordering the expungement;
 - (B) the signature, printed name, and title of the custodian of expunged records;
 - (C) the date of expungement.
- (c) If the abrasion method is used, an expungement certificate must be maintained that includes the information specified by subsections (b)(3)(A)-(C) of this section and other information sufficient to identify the microfilm and the image location, if applicable. This certificate must be preserved until the microfilm's final disposition.
- (d) Images on film must not be expunged by punching holes through film, by using opaque, by blotting images with ink-type pen, or by using chemical means such as potassium dichromate (bleach) on film emulsion.
- (e) Expungement certificates must not be used when an amended certificate of birth is prepared and filed based on adoption, legitimation, or paternity determination. No evidence may be retained in the microfilm, index, or cross-reference through which the confidentiality of adoption, legitimation, or paternity actions may be directly or indirectly violated.

Source:

The provisions of this Section 7.32 adopted to be effective June 12, 1966, 21 TexReg 4990.

§7.33. Destruction of Microfilmed Records.

- (a) Microfilmed records must be destroyed only in accordance with the Local Government Code, §§202.001-202.003.
- (b) Microfilmed records scheduled for destruction must be disposed of in a manner that ensures protection for any sensitive or confidential information.
- (c) Destruction of records on a roll of microfilm containing multiple record series must be done by destroying the whole roll of film at the time the records on the film that have the longest retention period are eligible for destruction or, if filmed prior to the effective date of these standards, by deleting the section of the film containing records eligible for destruction and splicing the film. If the film is spliced, a destruction notice containing the following information must be inserted in place of the deleted records:
 - (1) the record series title and the inclusive dates of the records;
 - (2) the signature, printed name, and title of the custodian of the deleted records;
 - (3) the date of the deletion.

Source:

The provisions of this Section 7.33 adopted to be effective June 12, 1966, 21 TexReg 4990.

§7.34. Documentation and Recordkeeping.

- (a) Microfilm production, including testing, and inspection.
 - (1) Records management officers or records custodians must require documentation to be maintained that identifies titles of records filmed, quality control tests conducted, the results of quality control tests, dates records filmed, disposition of records after filming, dates film processed, disposition of film, reduction ratio used, records series contained on each microfilm, and equipment on which each microfilm was filmed and processed. The documentation must be retained until final disposition of all microfilm documented in the log or equivalent.
 - (2) If filming or processing is done by a service bureau, the local government must obtain a statement of the results of density, resolution, methylene blue, and visual inspection tests from the service bureau attesting to the accurate reproduction of records filmed.
- (b) Microfilm storage inspections.
 - (1) The following information must be recorded for each inspection of stored microfilm.
 - (A) the quantity and identification of microfilm inspected;
 - (B) the condition of the microfilm, including description of any deterioration;
 - (C) any corrective action required;
 - (D) the date(s) of inspection and signed certification of inspector; and
 - (E) the date any corrective action was completed.

- (2) The inspection log of stored microfilm must be maintained by year and within each year numerically according to microfilm identifier or number.

(c) Microfilm program procedures, training, and reviews.

- (1) Written procedures must be prepared for the microfilm program and periodically updated to reflect current practice and at a minimum must include a description of:
 - (A) purpose of microfilm program;
 - (B) microfilm production including tests and inspections;
 - (C) storage of microfilm;
 - (D) inspection of stored microfilm;
 - (E) destruction of microfilmed records including expungement of information on microfilm;
and
 - (F) documentation maintained.
- (2) Staff training on microfilm procedures must be documented.
- (3) The microfilm program must be reviewed by the records management officer or the records custodian yearly for compliance with the Local Government Code, Chapter 204 and these sections.

Source:

The provisions of this Section 7.34 adopted to be effective June 12, 1966, 21 TexReg 4990.

§7.35. Public Access to Information on Microfilm.

Local governments must adopt procedures to ensure that the public has the same access to information on microfilm as they would be entitled to if the information were recorded in another medium and to protect access to confidential information on microfilm. Where microfilm is the record medium, a paper copy, duplicate microfilm, or other type of copy must be made available for public use. The local government must not provide the original microfilm for public access.

Source:

The provisions of this Section 7.35 adopted to be effective June 12, 1966, 21 TexReg 4990.

Electronic Records

Standards and Procedures

B



LOCAL GOVERNMENT BULLETIN B
JULY 1998

*Comments or complaints regarding the programs and services of the
Texas State Library and Archives Commission
may be addressed to:*

*Director and Librarian
PO Box 12927
Austin, Texas 78711-2927
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Electronic Records

Standards and Procedures

LOCAL GOVERNMENT BULLETIN B

Local Government Code
Chapter 205. Electronic Storage of Records.

Section 205.001. Definitions.

In this chapter:

- (1) "Electronic storage" means the maintenance of local government record data in the form of digital electronic signals on a computer hard disk, magnetic tape, optical disk, or similar machine-readable medium.
- (2) "Local government record data" means the information that by law, regulation, rule of court, ordinance, or administrative procedure in a local government comprises a local government record as defined by Section 201.003.
- (3) "Source document" means the local government record from which local government record data is obtained for electronic storage. The term does not include backup copies of the data in any media generated from electronic storage.

Source:

Added by Acts 1989, 71st Leg., ch. 1248, Sec. 1, eff. Sept. 1, 1989.

Section 205.002. Authorization.

Any local government record data may be stored electronically in addition to or instead of source

documents in paper or other media, subject to the requirements of this chapter and rules adopted under it.

Source:

Added by Acts 1989, 71st Leg., ch. 1248, Sec. 1, eff. Sept. 1, 1989.

Section 205.003. Standards and Procedures to be Adopted.

- (a) The commission shall adopt rules establishing standards and procedures for the electronic storage of any local government record data of permanent value and may adopt rules establishing standards and procedures for the electronic storage of any local government record data whose retention period is at least 10 years on a records retention schedule issued by the commission. The rules must be approved as required by Section 441.165, Government Code.
- (b) With regard to the types of local government record data covered by Subsection (a), the rules may require or prescribe:
 - (1) standards and procedures for the generation of backup or preservation copies of the local government record data on paper, microfilm, electronic, or other approved media;
 - (2) standards and procedures for the recopying or duplication of the magnetic tape, optical disk, or similar machine-readable medium on which the local government record data are stored;
 - (3) standards and procedures for the physical storage and maintenance of magnetic tapes, optical disks, or similar machine-readable media;
 - (4) standards and procedures for providing access by members of the public to electronically stored local government record data to which they are entitled under law; and
 - (5) other standards and procedures that the commission considers necessary to ensure the availability, readability, or integrity of the local government record data.

Source:

Added by Acts 1989, 71st Leg., ch. 1248, Sec. 1, eff. Sept. 1, 1989.

Section 205.004. Rules to be Updated.

The director and librarian shall monitor standards and procedures relating to electronic storage developed for use by federal agencies or adopted by national organizations that develop and set

standards in the fields of records and information management in order to recommend to the commission any needed amendments to rules.

Source:

Added by Acts 1989, 71st Leg., ch. 1248, Sec. 1, eff. Sept. 1, 1989.

Section 205.005. Supreme Court Rules.

This chapter is not intended to conflict with Subchapter I, Chapter 51, Government Code, relating to the electronic filing of certain documents in district and county courts. The commission shall incorporate any rules adopted under that subchapter into its own.

Source:

Added by Acts 1989, 71st Leg., ch. 1248, Sec. 1, eff. Sept. 1, 1989.

Section 205.006. Index.

An index to local government record data stored electronically must provide the same information that may be required by state law for an index to the source document, if applicable.

Source:

Added by Acts 1989, 71st Leg., ch. 1248, Sec. 1, eff. Sept. 1, 1989.

Section 205.007. Electronic Storage Authorization Requests.

- (a) Before the electronic storage of any local government record data of permanent value or, if stipulated in commission rules, any local government record data whose retention period is at least 10 years on a records retention schedule issued by the commission, an electronic storage authorization request shall be submitted to the director and librarian for approval.
- (b) Electronic storage authorization requests shall be submitted by the records management officer or under the officer's direction or, if a records management officer has not yet been designated under Section 203.025, by the custodian of the local government record data to be stored electronically.
- (c) If the director and librarian or the designee of the director and librarian approves the request, the local government record data may be stored electronically.
- (d) If the director and librarian or the designee of the director and librarian disapproves the request, the reasons for the disapproval shall be stated in writing within a reasonable time to the records management officer or custodian. Electronic storage of the local government record data may not take place until an electronic storage authorization request receives the approval of the director and librarian or the designee of the director and librarian.

- (e) The director and librarian or the designee of the director and librarian may disapprove an electronic storage authorization request only if the standards and procedures proposed for the electronic storage of the local government record data are in violation of this chapter or rules adopted under it.
- (f) The director and librarian shall determine the form and manner of submission of authorization requests required by this chapter.

Source:

Added by Acts 1989, 71st Leg., ch. 1248, Sec. 1, eff. Sept. 1, 1989.

Section 205.008. Destruction of Source Documents.

- (a) The source document, if any, for electronically stored local government record data covered by Section 205.007(a) may be destroyed or returned to the person who filed it for record if the electronic storage authorization request is approved.
- (b) The magnetic tape, optical disk, or similar medium containing the local government record data and the hardware and software necessary to provide access to it must be retained by the local government or be available to the local government until the expiration of the retention period for all source documents, subject to the rules adopted under this chapter.
- (c) The source document, if any, for electronically stored local government record data not covered by Section 205.007(a) may be destroyed before the expiration of the retention period for the source document in a records retention schedule issued by the commission if the magnetic tape, optical disk, or similar medium and hardware and software necessary to provide access to local government record data on the media are retained for the retention period in the schedule. Conversely, the magnetic tape, optical disk, or similar medium may be erased, written over, or destroyed before the expiration of the retention period for a source document for local government record data not covered by Section 205.007(a), if the source document, if any, is retained until the expiration of its retention period or, if the source document has already been destroyed, paper or microfilm copies are generated from the magnetic tape, optical disk, or similar medium before destruction or erasure and retained until the expiration of the retention period for the source document.

Source:

Added by Acts 1989, 71st Leg., ch. 1248, Sec. 1, eff. Sept. 1, 1989.

Section 205.009. Denial of Access Prohibited.

A person under contract or agreement with a local government or elected county officer to create, file, or store local government record data electronically or to provide services, equipment, or the means for the creation, filing, or storage, may not, under any circumstances, refuse to provide local

government record data to the local government in a timely manner in a format accessible and useable by the local government.

Source:

Added by Acts 1989, 71st Leg., ch. 1248, Sec. 1, eff. Sept. 1, 1989.

**Texas Administrative Code, Chapter 7
Section 7.71. Definitions.**

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise. Terms not defined in these sections shall have the meanings defined in the Local Government Code, Title 6, Subtitle C, Chapter 201.

AIIM—The Association for Information and Image Management.

ANSI—The American National Standards Institute.

Database—(A) collection of digitally stored data records, (B) collection of data elements within records within files that have relationships with other records within other files.

Database Management System (DBMS)—Set of programs designed to organize, store, and retrieve machine-readable information from a computer-maintained database or data bank.

Data file—Related numeric, textual, sound, or graphic information that is organized in a strictly prescribed form and format.

Electronic media—All media capable of being read by a computer including computer hard disks, magnetic tapes, optical disks, or similar machine-readable media.

Electronic record—Any information that is recorded in a form for computer processing and that satisfies the definition of local government record data in the Local Government Code, Section 205.001.

Electronic records system—Any information system that produces, manipulates, and stores local government records by using a computer.

Records custodian—The appointed or elected public officer who by the state constitution, state law, ordinance, or administrative policy is in charge of an office that creates or receives local government records.

Records management officer—Each elected county officer or the person designated by the governing body of each local government pursuant to the Local Government Code, Section 203.025.

Text documents—Narrative or tabular documents, such as letters, memorandums, and reports, in loosely prescribed form and format.

Source:

Adopted to be effective March 12, 1993, 18 TexReg 1271; amended to be effective October 2, 1995, 20 TexReg 7484.

Section 7.72. General.

- (a) These sections establish the minimum requirements for the maintenance, use, retention, and storage of any electronic record of a local government whose retention period is 10 years or more on a records retention schedule adopted under Section 7.125 of this title (relating to Records Retention Schedules). These sections do not apply to electronic records with retention periods of less than 10 years, but they are subject to the applicable provisions of the Local Government Code, Chapter 205.
- (b) Unless otherwise noted, these requirements apply to all electronic records storage systems, whether on microcomputers, minicomputers, or main-frame computers, regardless of storage media.
- (c) An electronic storage authorization request certifying that the requirements of these sections will be followed must be submitted to and approved by the director and librarian for all existing electronic storage, and before any new electronic storage, of records subject to this section. The authorization request must be submitted in a form and manner to be determined by the director and librarian and must be signed by the records management officer.
- (d) The governing body of a local government and its records management officer in cooperation with records custodians must:
 - (1) administer a program for the management of records created, received, maintained, used, or stored on electronic media;
 - (2) integrate the management of electronic records with other records and information resources management programs;
 - (3) incorporate electronic records management objectives, responsibilities, and authorities in pertinent directives;
 - (4) establish procedures for addressing records management requirements, including recordkeeping requirements and disposition;
 - (5) ensure that training is provided for users of electronic records systems in the operation, care, and handling of the equipment, software, and media used in the system;
 - (6) ensure the development and maintenance of up-to-date documentation about all electronic records systems that is adequate to specify all technical characteristics

necessary for reading or processing the records and the timely, authorized disposition of records; and

- (7) specify the location and media on which electronic records are maintained to meet retention requirements and maintain inventories of electronic records systems to facilitate disposition.
- (e) Any electronic recordkeeping system not meeting the provisions of these sections may be utilized for records subject to this section provided the source document, if any, or a paper copy is maintained, or the record is microfilmed in accordance with the provisions of Local Government Code, Chapter 204, and the rules adopted under it.

Source:

Adopted to be effective March 12, 1993, 18 TexReg 1271; amended to be effective October 2, 1995, 20 TexReg 7484.

Section 7.73. Creation and Use of Data Files.

- (a) Disposition instructions for the data must be incorporated into electronic records systems that produce, use, and store data files.
- (b) Local governments must maintain up-to-date technical documentation for each electronic records system that produces, uses, and stores data files. Minimum documentation required is:
 - (1) a narrative description of the system;
 - (2) the physical and technical characteristics of the records, including a record layout that describes each field including its name, size, starting or relative position, and a description of the form of the data (such as alphabetic, zoned decimal, packed decimal, or numeric), or a data dictionary, or the equivalent information associated with a database management system including a description of the relationship between data elements in databases; and
 - (3) any other technical information needed to read or process the records.

Source:

Adopted to be effective March 12, 1993, 18 TexReg 1271; amended to be effective October 2, 1995, 20 TexReg 7484.

Section 7.74. Creation and Use of Text Documents.

- (a) Electronic records systems that maintain the official file copy of text documents or data used to generate the official file copy of text documents on electronic media must meet the following minimum requirements:

- (1) provide a method for all authorized users of the system to retrieve desired documents, such as an indexing or text search system;
 - (2) provide security to ensure integrity of the documents;
 - (3) provide a standard interchange format when determined to be necessary by the local government to permit the exchange of documents on electronic media among the components of the local government using different software/operating systems; and
 - (4) provide for the disposition of the documents.
- (b) A document created on an electronic records system must be identified sufficiently to enable authorized personnel to retrieve, protect, and carry out the disposition of documents in the system. Local governments must ensure that records maintained in such systems can be correlated with related records on paper, microform, or other media.

Source:

Adopted to be effective March 12, 1993, 18 TexReg 1271; amended to be effective October 2, 1995, 20 TexReg 7484.

Section 7.75. Security of Electronic Records.

- (a) Local governments must implement and maintain an electronic records security program for office and storage areas that:
- (1) ensures that only authorized personnel have access to electronic records;
 - (2) provides for backup and recovery of records to protect against information loss;
 - (3) ensures that personnel are trained to safeguard confidential electronic records;
 - (4) minimizes the risk of unauthorized alteration or erasure of electronic records; and
 - (5) documents that similar kinds of records generated and stored electronically are created by the same processes each time and have a standardized retrieval approach.
- (b) A duplicate copy of essential records and any software or documentation required to retrieve and read the records must be maintained in a storage area located in a separate building from the building where the records that have been copied are maintained.
- (c) For records stored on rewritable electronic media, the system must ensure that read/write privileges are controlled and that an audit trail of rewrites is maintained.

Source:

Adopted to be effective March 12, 1993, 18 TexReg 1271; amended to be effective October 2, 1995, 20 TexReg 7484.

Section 7.76. Maintenance of Electronic Records Storage Media.

- (a) Local governments must ensure that the accuracy, completeness, and accessibility of information are not lost prior to its authorized destruction date because of changing technology or media deterioration, by converting electronic storage media and taking other action as required to provide compatibility with current hardware and software. The migration strategy for upgrading equipment as technology evolves must be documented and include:
 - (1) periodically recopying to the same electronic media as required, and/or transferring of data from an obsolete technology to a supportable technology; and
 - (2) providing backward system compatibility to the data in the old system, and/or converting data to media that the system upgrade and/or replacement can support.
- (b) Paragraphs (1)-(3) of this subsection outline the maintenance of backup electronic media stored offsite.
 - (1) Magnetic computer tapes must be tested and verified no more than 6 months prior to using them to store electronic records. Pretesting of tapes is not required if an automated system is used that monitors read/write errors and there is a procedure in place for correcting errors.
 - (2) The storage areas for electronic media must be maintained within the following temperatures and relative humidities:
 - (A) for magnetic media—65 degrees Fahrenheit to 75 degrees Fahrenheit, and 30% to 50% relative humidity;
 - (B) for optical disks—14 degrees Fahrenheit to 122 degrees Fahrenheit, and 10% to 90% relative humidity.
 - (3) A random sample of all magnetic computer tapes must be read annually to identify any loss of data and to discover and correct the causes of data loss. At least a 10% sample or a sample size of 50 magnetic tapes, whichever is less, must be read. Tapes with unrecoverable errors must be replaced and, when possible, lost data must be restored. All other tapes which might have been affected by the same cause (i. e. poor quality tape, high usage, poor environment, improper handling) must be read and corrected.
- (c) Local governments must recopy data maintained on electronic media according to the following schedule.
 - (1) Data maintained on magnetic tape must be recopied onto new or used tape a minimum of once every three years.

- (2) An alternative option for recopying magnetic tape is for the data to be recopied onto new tape a minimum of once every ten years, provided the tape is rewound under controlled tension every three and one-half years. The requirement for rewinding does not apply to 3480-type tape cartridges.
 - (3) Data maintained on optical disks must be recopied a minimum of once every 10 years.
- (d) Floppy disks (diskettes) or any type of flexible disk system may not be used for the exclusive storage of records subject to these sections.
- (e) External labels, or an eye-readable index relating to unique identifiers, for electronic media used to process or store electronic records must include the following information:
- (1) name or other identifier of the organizational unit responsible for the records;
 - (2) descriptive title of the contents;
 - (3) dates of creation and authorized disposition date;
 - (4) security classification;
 - (5) identification of the software (to include specific application if appropriate) and hardware used; and
 - (6) system title, including the version number of the application.
- (f) Additionally, the following information must be maintained for electronic media used to store permanent electronic records:
- (1) file title(s);
 - (2) dates of coverage;
 - (3) the recording density;
 - (4) type of internal labels;
 - (5) volume serial number, if applicable;
 - (6) the number of tracks;
 - (7) character code/software dependency;
 - (8) information about block size;
 - (9) sequence number, if the file is part of a multi-media set; and
 - (10) relative starting position of data, if applicable.

(g) The following standards must be met for electronic records stored as digital images on optical media.

- (1) A non-proprietary image file header label must be used, or the system developer must provide a bridge to a non-proprietary image file header label, or the system developer must supply a detailed definition of image file header label structure.
- (2) The system hardware and/or software must provide a quality assurance capability that verifies information that is written to the optical media.
- (3) Periodic maintenance of optical data storage systems is required, including an annual recalibration of the optical drives.
- (4) Scanner quality must be evaluated based on the standard procedures in *American National Standard for Information and Image Management—Recommended Practice for Quality Control of Image Scanners* (ANSI/AIIM MS44-1988) and *American National Standard for Information and Image Management—Recommended Practice for Monitoring Image Quality of Roll Microfilm and Microfiche Scanners* (ANSI/AIIM MS49-1993).
- (5) A visual quality control evaluation must be performed for each scanned image and related index data.
- (6) A scanning density with a minimum of 200 dots per inch is required for recording documents that contain no type font smaller than six point.
- (7) A scanning density with a minimum of 300 dots per inch is required for engineering drawings, maps, and other documents with background detail.
- (8) The selected scanning density must be validated with tests on actual documents.
- (9) The use of the Consultative Committee on International Telegraphy and Telephony (CCITT) Group 3 or Group 4 compression techniques is required for document images without continuous tonal qualities. If use of a proprietary compression technique is unavoidable, the vendor must provide a gateway to either Group 3 or Group 4 compression techniques.
- (10) Optical drive systems must not be operated in environments with high levels of airborne particulates.
- (11) All aspects of the design and use of the imaging system must be documented, including administrative procedures for digital imaging, retrieval, and storage; technical system specifications; problems encountered; and measures taken to address them, including hardware and software modifications.

(h) Smoking, drinking, and eating must be prohibited in electronic media storage areas.

Section 7.77. Retention of Electronic Records.

- (a) Local governments must establish policies and procedures to ensure that electronic records and any software, hardware, and/or documentation, including maintenance documentation, required to retrieve and read the electronic records are retained as long as the approved retention period for the electronic records.
- (b) The retention procedures must include provisions for:
 - (1) scheduling the disposition of all electronic records, according to statutory requirements, as well as related software, documentation, and indexes; and
 - (2) establishing procedures for regular recopying, reformatting, and other necessary maintenance to ensure the retention and usability of electronic records until the expiration of their retention periods.

Source:

Adopted to be effective March 12, 1993, 18 TexReg 1271; amended to be effective October 2, 1995, 20 TexReg 7484.

Section 7.78. Destruction of Electronic Records.

- (a) Electronic records may be destroyed only in accordance with the Local Government Code, Section 202.001.
- (b) Each local government must ensure that:
 - (1) electronic records scheduled for destruction are disposed of in a manner that ensures protection of any confidential information; and
 - (2) magnetic storage media previously used for electronic records containing confidential information are not reused if the previously recorded information can be compromised by reuse in any way.
- (c) The following requirements must be met for the court ordered expungement of information recorded on an optical Write-Once-Read-Many (WORM) system:
 - (1) Two methods are allowed for expunging information from a WORM disk:
 - (A) the information may be overwritten to obliterate the original image, leaving no evidence of the original information, or;
 - (B) all of the indices, pages, or documents on a disk, other than the expunged document(s), must be rewritten to a new disk and the old disk must be physically destroyed.

- (2) In cases where a complete page or record is expunged, all reference to the page or record must be removed from the index. If the index has been copied, the index must be recopied after the reference to the page or record has been removed.
- (3) Copies of the original WORM disk and copies of the information removed by expungement must be destroyed or changed to reflect the court order. All copies of the record, index, or reference to the original unrevised information on WORM disk copies or copies in any other media must be destroyed.

Source:

Adopted to be effective March 12, 1993, 18 TexReg 1271; amended to be effective October 2, 1995, 20 TexReg 7484.

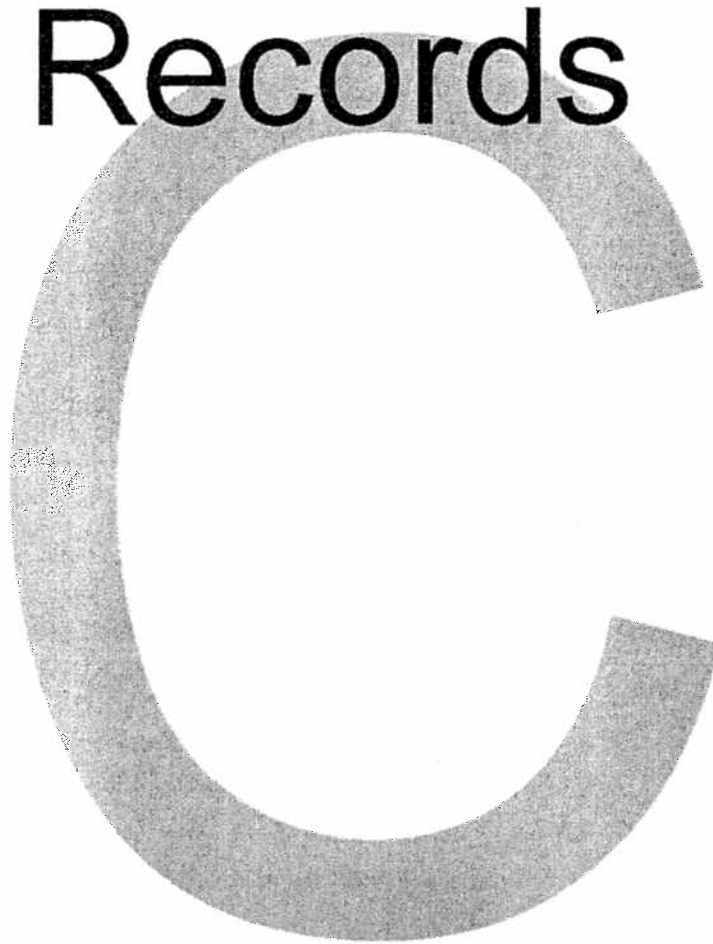
Section 7.79. Public Access to Electronic Records.

An electronic recordkeeping system must not provide an impediment to access to public records.

Source:

Adopted to be effective March 12, 1993, 18 TexReg 1271.

Inventorizing and Scheduling Records



LOCAL GOVERNMENT BULLETIN C
MAY 1998

*Comments or complaints regarding the programs and services of the
Texas State Library and Archives Commission
may be addressed to:*

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PO Box 12927
Austin, Texas 78711-2927
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Inventorying and Scheduling Records

LOCAL GOVERNMENT BULLETIN C

Purpose

The purpose of this bulletin is to provide guidelines for inventorying, appraising, and scheduling records, *including*:

- Benefits of the Records Control Schedule.
- Statutory Requirements.
- Objectives of the Records Inventory.
- Basic Inventory Methods.
- Preparation for the Inventory.
- The Records Inventory Worksheet.
- Objectives of Records Appraisal and Scheduling.
- Analysis and Appraisal Process.
- Appraising Records Values.
- Appraisal Resources.
- Approval of the Records Control Schedule.

Introduction

The goal of local government recordkeeping should be to provide recorded information to those who need it, when they need it, and in the most cost-effective manner—whether those who need the information are the governing body, administrators or staff, or members of the public. This goal can only be accomplished by *records management*; that is, the application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the purposes of reducing costs and improving the efficiency of recordkeeping. An effective local government records management program will provide the systematic control of records throughout their life cycle—from creation, during use and maintenance, to an appropriate final disposition.

The central document in establishing and maintaining control over records by a local government is the *records control schedule*. The schedule is prepared by or under the authority of the records management officer listing the records created or received by an office or department, and specifying how long they are to be retained. To be most useful, the control schedule will also show where and in what manner records are to be maintained while they are active and while inactive, and how they are to be destroyed.

The records control schedule should be developed directly from the *records inventory*, which is the first step in developing an effective records management program. The inventory is a complete listing of the records holdings in an office or department. The inventory is done only once, then updated when there are additions or deletions in the records that are created and maintained.

All records should be inventoried, regardless of the media in which they are maintained, but the inventory is not a document-by-document or folder-by-folder listing of the records in your file cabinets or on your shelves. Rather, an inventory describes the function, content, use, and format of each records series in your office and storage areas. A *records series* is a group of identical or related documents that are normally used or filed as a unit and have the same retention period. A good place to begin understanding the records series concept is to review the local records retention schedules which have been issued by the Texas State Library and Archives Commission. For example, Local Schedule GR (Records Common to All Governments) lists records series that are found in most local governments. There are also specialized retention schedules, such as Local Schedule EL (Records of Elections and Voter Registration) and Local Schedule LC (Records of Justice and Municipal Courts). Records series will be discussed further, with specific examples, in the instructions for completing the records inventory worksheet on page 13.

During a records inventory, you may find some types of material in government offices that are not records and do not need to be inventoried. For example, blank forms, stocks of publications, and library and museum materials acquired solely for the purposes of reference or display are specifically excluded from the definition of a local government record. State law defines a *local government record* as “any document, paper, letter, book, map, photograph, sound or video recording, microfilm,

magnetic tape, electronic medium, or other information recording medium, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or received by a local government or any of its officers or employees pursuant to law, including an ordinance, or in the transaction of public business" (Local Government Code, Section 201.003).

After the records inventory is completed, the records must be appraised. During appraisal, the value of each record you create or receive is determined. Based on the decisions made during appraisal, a records control schedule is completed which can then be used regularly and systematically by your local government to manage its records.

Finding out what records you maintain, appraising their value, and determining how long that value lasts are the essential first steps in the development of a records control schedule and establishment of a sound records management program.

Benefits of the Records Control Schedule

A solid foundation for the local government's records management program is the foremost benefit of the records control schedule. Other immediate and potential benefits include:

- Efficiently using office space for active records.
- Moving inactive records into less expensive storage areas, if possible.
- Releasing equipment and reusable media for other productive uses.
- Maintaining records in the formats offering the optimum combination of administrative convenience and cost control.
- Providing security for records with confidential or sensitive information.
- Improving protection of vital records.
- Providing an audit trail for records disposition.
- Destroying records that no longer have value to the government.
- Retaining records of permanent value.
- Complying with legal requirements.
- Providing legal protection to the government when destroying records.

Statutory Requirements

As stated in Local Government Code, Section 203.041(a), each local government must develop a records control schedule and file the schedule with the director and librarian of the Texas State Library and Archives Commission, according to these requirements:

- (a) On or before January 4, 1999, the records management officer shall prepare and file with the director and librarian:
 - (1) a records control schedule listing the following records and establishing a retention period for each as provided by Section 203.042:
 - (A) all records created or received by the local government or elective county office;
 - (B) any record no longer created or received by the local government or elective county office that is still in its possession and for which the retention period on a records retention schedule issued by the commission has not expired; and
 - (C) any record no longer created or received by the local government or elective county office that is still in its possession and for which the retention period on a records retention schedule issued by the commission has expired but which will not be destroyed as provided by Section 203.044;
 - (2) the records management officer, in lieu of filing a records control schedule, may file with the director and librarian a written certification of compliance that the local government or the elective county office has adopted records control schedules that comply with the minimum requirements established on records retention schedules issued by the commission.

Section 203.041 also specifies these additional provisions for preparation and filing of the records control schedule:

- At the discretion of the records management officer, the records control schedule may also list and provide retention periods for material that is not defined as a local government record and for records exempted from the destruction request requirement.
- The records control schedule must be amended by the records management officer as needed to reflect new records created or received by the government and revisions to retention periods established in records retention schedules issued by the commission. Amendments to a records control schedule are filed with the director and librarian in the same manner as the original schedule.

- The governing body shall require, in the ordinance or order establishing the records management program, the review or approval of a records control schedule or amended schedule by the officers of the local government it considers necessary. The records control schedule or amended schedule for an elective county office need only be approved by the elective official.
- Records control schedules may be filed by a local government on an office-by-office basis or on a department-by-department basis within each office.

Local Government Code, Section 204.01(a)(2) permits a local government to adopt appropriate schedules issued by the Texas State Library and Archives Commission for use in the government's records management program. While this method satisfies legal requirements concerning the retention of records, we recommend that local governments then proceed, as resources permit, to inventory their records and develop schedules for in-house use that accurately reflect the records created or received by the local government.

Objectives of the Records Inventory

The inventory is the foundation of your records management program, not just an isolated project. It will provide you with significant facts about the records you create and maintain. Implementing a records management program by using information collected through the records inventory will result in both short-term and long-term benefits that include:

- Gathering sufficient information to determine the appropriate retention of records.
- Identifying unnecessary copies of records.
- Providing security for records with confidential or sensitive information.
- Releasing equipment and reusable media for other productive uses.
- Saving space and money.

Ideally, the information gathered during the inventory will be comprehensive and will meet the needs of all aspects of your program. By defining your objectives in advance, you will know what you want to accomplish with the inventory data before you start the process.

Objectives clarify problems and specify desired results. The following should be your objectives for accomplishing the immediate tasks of inventorying records in order to develop and implement the records control schedule:

- Identify all of the local government's records by records series.
- Determine the physical location and format of all records, including the official record copy that will be maintained for the full retention period and any convenience copies that should be retained for a shorter period of time.
- Identify the inclusive dates and quantity of each records series.

Long-term objectives to support the general records management goals of the local government, such as the following, can also be achieved through an inventory:

- Describe current filing and retrieval systems.
- Categorize the types and quantities of equipment and supplies used in the maintenance of records.
- Calculate the amount of floor space dedicated to storage of active and inactive records.
- Evaluate the costs of recordkeeping in the government, including consideration of alternative methods.

Basic Inventory Methods

In addition to specifying the objectives of the inventory, you will also be selecting the inventory method which will give you the appropriate information to begin working toward your objectives. The records inventory may be conducted by means of a physical survey or by use of a questionnaire.

For the physical inventory, a direct examination of the records is conducted throughout the organization by an individual, such as the records management officer, or a group of individuals under the officer's supervision. Departmental staff may conduct the physical inventory, with the coordination and assistance of the records management officer. This approach usually includes appointing a records liaison for each department. A physical inventory can also be undertaken by hiring a consultant or temporary workers or by using volunteers who give the inventory their exclusive attention. The physical inventory is the most thorough and accurate inventory method. Training a small number of personnel, who then conduct the physical survey of the records, speeds the completion of the inventory and ensures consistency in the collected data. For some governments, however, the physical inventory method is not a feasible choice because of insufficient staff and financial resources to complete this time-consuming process.

Another approach to conducting the records inventory is to use a questionnaire and have each department complete its own inventory, with little or no direct examination of the records. This is the fastest method because the inventory form can be distributed to all departments simultaneously, completed by staff knowledgeable about the records, and returned by a specified date. It is also less time-consuming for staff because a thorough physical examination of the records is not undertaken.

However, problems may develop when the questionnaire method is used. The data collected may not be consistently accurate or complete. The wording on the questionnaire must be very specific so that the respondents know what is required of them. The questionnaire may be viewed as an added chore to an already full work schedule, and it may be hastily prepared or departmental staff may procrastinate in completing it. Because the records are not physically examined in detail, the questionnaire method rarely takes fully into account stored records, and a large volume of records may be over-

looked. In addition, inclusive dates and the volume of records series are often simply guesses by persons completing the form.

Each inventory method has its advantages and limitations, but the planning steps required are similar for all the methods. Consider the objectives you hope to accomplish before deciding which method to use.

We do recommend that, if at all possible, a physical inventory be conducted. Not only does the information gathered provide you with the data needed to create the records retention schedule, the quality of information obtained during a physical inventory provides the soundest basis for a quality records management program.

Preparation for the Inventory

In addition to choosing a method for doing the inventory, planning for the inventory should include these preparatory steps, details of which will be discussed below:

- Determining the best strategy to accomplish records management objectives.
- Obtaining top management support.
- Communicating plans to management and staff.
- Selecting personnel for the inventory process.
- Establishing work schedules and completion dates.
- Mapping file locations.

Determining the best strategy to accomplish records management objectives—Investigate what may have already been done. For example, someone else may have previously started or completed a records inventory.

Explore the resources available to help with the inventory. Think about the organizational structure of your government and how that may influence the way to accomplish the inventory tasks most easily. Ask yourself questions such as the following:

- How can the work be distributed most efficiently?
- Who knows the most about the records? Who has a particular aptitude for and enjoys working with records?
- How much time do staff have to devote to the inventory? Can extra staff be hired on a temporary basis?
- How will staff be prepared for this task? What training is needed and how will it be provided?

- What other factors should be considered when deciding the timing of the inventory? For example, it is very helpful to get an inventory and appraisal done prior to a move to new office space so that records eligible for destruction can be disposed of instead of moved.

Obtaining top management support—Management support is critical to the success of the inventory and to the entire records management program. Although state law requires that the governing body of each local government establish a records management program by ordinance or order, it is still important to obtain directives from top management to ensure that the requirements of the program are met and its purposes realized. Request a directive be sent to middle management or to the entire staff describing the objectives of the inventory and mandating the participation of everyone concerned. With this written commitment, all departments will know that the records inventory is a sanctioned project with an important purpose.

The policy filed by an elected county official in fulfilling a requirement of the Local Government Records Act establishes a records management program in the office, but in larger offices that have been divided into two or more departments headed by deputies, additional written directives from the elected official are advised to ensure that the importance of the program and its procedures are communicated to all employees.

Communicating plans to management and staff—Before beginning the inventory, just as before any major records management project, send a memo to all personnel who will be involved. Explain the project. Tell them when the inventory will begin and how it will affect work in progress. You may want to hold a meeting for interested staff as an informal orientation. If your government's records management plan provides for the appointment of records liaison officers, a meeting with these officers is a must. You will receive more support from those affected if they are included in the planning for the inventory and the records management program.

Selecting personnel for the inventory process—The records management officer should conduct or oversee the records inventory. If the government does not have specialized records management staff or records liaison officers available to assist with the inventory, other alternatives will have to be considered. In order to expedite the completion of the inventory, explore the possibility of recruiting volunteer assistance or hiring part-time or temporary staff. If the inventory takes too much time, the information collected might not be current when analyzed. Also, without visible results in a reasonable amount of time, management support for the project may be jeopardized.

A successful inventory and records management program depends on informed personnel. Devote sufficient training to cover these aspects of the inventory:

- Purpose of inventory.
- Records management concepts and terminology.

- Use of the inventory worksheet.
- Work schedule and procedures.

Establishing work schedules and completion dates—Estimating personnel and time requirements is difficult and depends more on the variety of records and their relative accessibility than on the actual volume of records. The amount of data to be collected will affect the time needed, as will the complexity of the records series involved.

Plan and carry out a quick “walk through” survey; this will give you an idea of the volume and accessibility of records. The task of estimating time will be less difficult with some perspective of the overall amount of records to be inventoried. For example, one person can inventory an average of 20 to 30 cubic feet of records per day. Experienced records personnel, however, may be able to inventory up to 150 cubic feet (approximately 20 file cabinets) daily. Factors influencing this rate are the complexity, organization, and location of the files.

Inventoring the records by department is a popular approach because it is an incremental process and can be easier to keep track of than a government-wide simultaneous effort. The “department-by-department” approach breaks the vastness of the total records holdings into logical divisions.

Draw up a work plan and timetable for the inventory project. Consult with department heads to determine the most convenient times for inventoring their records. Schedule the order in which offices and storage areas will be inventoried, which inventory worker will be responsible for each, and the approximate time needed to complete the inventory in each area. Periodically monitor the progress of the inventory to make certain inventory workers are completing the forms correctly and adhering to the timetable.

Begin your inventory among active records in office areas. The recordkeepers are more familiar with these records than those in storage and will be available to answer the questions of the inventory worker as they arise. By the time the inventory workers move to the storage area, they will be acquainted with the substance of most of the records created or received in the office.

Mapping file locations—While beginning the inventory with the files actively used in the office is recommended, it is also crucial to ensure a complete survey of all active and inactive records. For example, records may have been placed in storage so long ago that no current staff member is aware of their existence. One of the goals of records management is ridding valuable office and storage space of obsolete and valueless records. It is important, in advance of the inventory, to know where *all the records* of each office are housed.

We recommend you prepare a floor plan showing the location and types of records in all offices and storage locations. Be certain to include all records, in all formats.