

Evangelina Garcia

From: Steve Crain [scrain@atlashall.com]
Sent: Thursday, November 15, 2012 2:26 PM
To: 'Evangelina Garcia'
Subject: RE: Review Of ACS Software Agreement for the "Interactive Voice Response System (IVR)"

This provision limits the indemnity paid by ACS to the fees paid by the County to ACS. If the County desires to proceed I will have to disclose to Commissioners Court this provision. It then becomes a business decision for the Commissioners Court to decide.

From: Evangelina Garcia [mailto:evangelina.garcia@co.hidalgo.tx.us]
Sent: Thursday, November 15, 2012 2:08 PM
To: 'Steve Crain'
Cc: 'Martha Salazar'; 'Stephanie Palacios'
Subject: FW: Review Of ACS Software Agreement for the "Interactive Voice Response System (IVR)"

Mr. Crain:

I will ask the vendor on paragraph 6 however, on paragraph 9, I'm not sure what needs to be modified, please let me know on this one. Paragraph 11, your last comment on that one was the liability issue and if the District Clerk realized the liability and if she was alright with that provision and apparently Ms. Hinojosa wants to proceed forward in procuring this IVR System. ACS also replied that this section would give ACS some protections that allow them to give Hidalgo a very good price on the IVR and that they could not agree to remove it but if the County's legal had an alternative wording, they would consider it. Would you consider proposing some wording for their consideration?

Will you let me know what revision on 9 that way I can get back to ACS with this including paragraph 6.

Thank you

From: Steve Crain [mailto:scrain@atlashall.com]
Sent: Thursday, November 15, 2012 10:12 AM
To: 'Evangelina Garcia'
Subject: RE: Review Of ACS Software Agreement for the "Interactive Voice Response System (IVR)"

Paragraph 6 still contains a blank. With respect to paragraphs 9 and 11 ACS has made no revisions to these paragraphs.

From: Evangelina Garcia [mailto:evangelina.garcia@co.hidalgo.tx.us]
Sent: Thursday, November 15, 2012 8:49 AM
To: 'Steve Crain'
Cc: 'Martha Salazar'; 'Stephanie Palacios'
Subject: FW: Review Of ACS Software Agreement for the "Interactive Voice Response System (IVR)"

Good Morning Mr. Crain:

Need for you to review the following correspondences including the attachment so as to briefly bring you up to date on this revised agreement. It's requiring your review as to form of the revisions. Appreciate your assistance on this.

Thank you

From: Evangelina Garcia [<mailto:evangelina.garcia@co.hidalgo.tx.us>]
Sent: Wednesday, November 14, 2012 5:09 PM
To: 'Martha Salazar'
Cc: 'Stephanie Palacios'
Subject: FW: Review Of ACS Software Agreement for the "Interactive Voice Response System (IVR)"

Marty:

Attached is the revised agreement by ACS for legal's review and approval as to form in order to proceed ahead. I am attaching correspondence that reflects Mr. Crain's comments dated back on August 30, 2012, to changes pursuant to his review of the original agreement. I believe he also had a concern back on September 13, 2012 regarding paragraph 11 limits ACS liability to the County on the fees the County would pay ACS under this agreement. This concern was addressed to the Honorable Laura Hinojosa for her consideration, however, it appears that her wish is to proceed ahead with project.

Thank you

From: Jacobs, David [<mailto:David.Jacobs@xerox.com>]
Sent: Wednesday, November 14, 2012 1:49 PM
To: Evangelina Garcia
Cc: 'Stephanie Palacios'
Subject: RE: Review Of ACS Software Agreement for the "Interactive Voice Response System (IVR)"

Please find attached an updated version of the agreement.

If you need anything else please let me know.

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From: Evangelina Garcia [<mailto:evangelina.garcia@co.hidalgo.tx.us>]
Sent: Tuesday, November 13, 2012 5:48 PM
To: Jacobs, David
Cc: 'Stephanie Palacios'
Subject: RE: Review Of ACS Software Agreement for the "Interactive Voice Response System (IVR)"

I will be asking Stephanie to get this agenda moved up for next Tuesday's Commissioners Court (11/20/12) however, I have until tomorrow on or before 5:00 to submit the agenda item with the agreement which I would still need to forward to our legal for final review of those revisions as requested. Now, on #1, I believe our legal had a concern with this one but for now, if and when you can send the revised agreement with the other modifications I will work with legal on the pending #1 matter.

Appreciate your help....

Thank you

From: Jacobs, David [<mailto:David.Jacobs@xerox.com>]
Sent: Tuesday, November 13, 2012 3:29 PM

To: Evangelina Garcia

Subject: RE: Review Of ACS Software Agreement for the "Interactive Voice Response System (IVR)

What is the exact latest day and time. Our legal group is swamped right now...they ask so they know when it has to be done.

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From: Evangelina Garcia [<mailto:evangelina.garcia@co.hidalgo.tx.us>]

Sent: Tuesday, November 13, 2012 4:23 PM

To: Jacobs, David

Cc: 'Stephanie Palacios'

Subject: RE: Review Of ACS Software Agreement for the "Interactive Voice Response System (IVR)

As soon as you can so that I can attach to agenda item.

Thank you

From: Jacobs, David [<mailto:David.Jacobs@xerox.com>]

Sent: Tuesday, November 13, 2012 3:04 PM

To: Evangelina Garcia

Cc: 'Stephanie Palacios'

Subject: RE: Review Of ACS Software Agreement for the "Interactive Voice Response System (IVR)

I made the changes and send it off to Legal for final review about 10 minutes ago. When do you need this sent to you?

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From: Evangelina Garcia [<mailto:evangelina.garcia@co.hidalgo.tx.us>]

Sent: Tuesday, November 13, 2012 3:56 PM

To: Jacobs, David

Cc: 'Stephanie Palacios'

Subject: RE: Review Of ACS Software Agreement for the "Interactive Voice Response System (IVR)

Thank you

From: Jacobs, David [<mailto:David.Jacobs@xerox.com>]

Sent: Tuesday, November 13, 2012 2:26 PM

To: Evangelina Garcia

Cc: 'Stephanie Palacios'

Subject: RE: Review Of ACS Software Agreement for the "Interactive Voice Response System (IVR)

I am working on it.

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From: Evangelina Garcia [<mailto:evangelina.garcia@co.hidalgo.tx.us>]

Sent: Tuesday, November 13, 2012 1:00 PM

To: Jacobs, David

Cc: 'Stephanie Palacios'

Subject: RE: Review Of ACS Software Agreement for the "Interactive Voice Response System (IVR)

Importance: High

Good Morning Mr. Jacobs:

I am resurrecting this project so that I may finally complete this for Honorable Laura Hinojosa. What I need immediately from you is to revise the agreement pursuant to the following with the exception of #1. However, based from #2-5, please make those changes and resend this agreement again so that I may proceed. I will be placing an agenda item for this and I appreciate your cooperation and assistance on this. I sent you back on September 6, 2012 (see attachment) the "Texas Law to Apply" pursuant to #2 as stated below. Now, you've agreed to 3,4&5 thus leave #1 pending however, I need to have the revised agreement. I will see if legal still has a concern with that even after notifying the District Clerk's Office and they are in agreement in moving forward with this. Therefor, I appreciate your assistance in providing me with the revised agreement so that I can finale this.

Thank you

From: Jacobs, David [<mailto:David.Jacobs@xerox.com>]

Sent: Wednesday, September 05, 2012 1:31 PM

To: Evangelina Garcia

Cc: 'Stephanie Palacios'

Subject: RE: Review Of ACS Software Agreement for the "Interactive Voice Response System (IVR)

Ms. Garcia,

I reviewed the requested changes with our legal group. Below is what they came up with.

1. Remove section 11 – This section give ACS some protections that allow us to give Hidalgo a very good price on the IVR. We can not agree to remove it, but if your legal has alternative wording, we will consider it.
2. Add the Texas law and venue clause - Please send us the wording and we will review it.
3. Remove paragraph 5 in the Sonant section - We agree to remove it.
4. Change references from California to Texas in paragraph 6 – We agree to make these changes
5. Add "is performable in Hidalgo County, Texas" – We agree to add this.

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From: Evangelina Garcia [<mailto:evangelina.garcia@co.hidalgo.tx.us>]
Sent: Thursday, August 30, 2012 5:38 PM
To: Jacobs, David
Cc: 'Stephanie Palacios'
Subject: FW: Review Of ACS Software Agreement for the "Interactive Voice Response System (IVR)"
Importance: High

Mr. Jacobs:

I sent the agreement to the County Attorney for legal review as to form of document and he is requesting the following changes, **see correspondence below**. Please revise the agreement and forward back so as to proceed with Stephanie's request. I need legal's approval of the agreement with the requested changes so that I can attach to the agenda or else this will be a concern by our County Auditor.

Appreciate your assistance on this and please let me know if you have any questions regarding this request.

Thank you

From: Steve Crain [<mailto:scrain@atlashall.com>]
Sent: Thursday, August 30, 2012 3:33 PM
To: 'Evangelina Garcia'
Subject: RE: Review Of ACS Software Agreement for the "Interactive Voice Response System (IVR)"

Vangie: In the ACS license delete numbered paragraph 11 and add our usual Texas law and venue clause. In the Sonant agreement delete numbered paragraph 5 and in numbered paragraph 6 change all references from California to Texas and add "is performable in Hidalgo County, Texas."

From: Evangelina Garcia [<mailto:evangelina.garcia@co.hidalgo.tx.us>]
Sent: Thursday, August 30, 2012 2:17 PM
To: 'Steve Crain'
Cc: 'Martha Salazar'; 'Stephanie Palacios'
Subject: Review Of ACS Software Agreement for the "Interactive Voice Response System (IVR)"

Mr. Crain:

Attached for your review as to form is an agreement as submitted by the District Clerks Office. Their intent is to up their existing Juror 2000 Plus System by adding the "Interactive Voice Response System" which will be an upgrade to the current juror system. Back on November 1, 2011, sole source declaration for ACS was approved by Commissioners Court of the existing Juror 2000 Plus as it was originally installed in 2002. Just a brief summary/history behind ACS and the reason of the request to review as to form the attached agreement. The District Clerk is requesting to have an agenda item so as to proceed ahead, however I still need to have legal review the agreement as to form for approval and as part of the agenda backup.

Appreciate your assistance on this.

Thank you

**VANGIE Y. GARCIA, CONTRACT'S MANAGER
HIDALGO COUNTY PURCHASING DEPARTMENT**

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