2009-378

BOARD OF COMMISSIONERS
SARPY COUNTY, NEBRASKA
RESOLUTION REJECTING BIDS FOR
LEASE OF MICROFILM ARCHIVE WRITER

WHEREAS, pursuant to Neb. Rev. Stat. §23-104(6)(Reissue 1997), the County has the power to do all acts in relation to the concerns of the County necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat.§23-103 (Reissue 1997), the powers of the County as a body are exercised by the County Board; and,

WHEREAS, bids for this matter have been solicited, made, opened and reviewed pursuant to applicable Nebraska State Statutes; and,

WHEREAS, based on those proceedings, and after a public hearing, this Board has duly deliberated and considered the bid received; and,

NOW, THEREFORE, BE IT RESOLVED pursuant to Neb. Rev. Stat. §23-108, *et seq.*, (Reissue 1991), and/or Neb. Rev. Stat. §39-810 (Reissue 1993), that the Sarpy County Board of Commissioners hereby finds and determines that the bids for the purpose set forth above be and hereby are, rejected. The Clerk of the County is hereby directed to notify the bidder of this Board's action, to return the bid bonds posted herein, if necessary, and to take such other steps as may be necessary to effectuate the rejection of the offered bids.

Dated this 1st day of December, 2009.

Moved by Rusty Hike, and seconded by Rich Jansen, that the above Resolution be adopted. Carried.

YEAS:	NAYS:	ABSENT:
Rusty Hike	None	None
Rich Jansen		
Tom Jones		ABSTAIN:
Tom Richards		None
Patrick J. Thomas		

Attest:

Deloris Houghtaling
Sarpy County Clerk

SEAL

Approved as to form:

Kerry A. Schmid
Deputy County Attorney

DATE: December 1, 2009

TO: Board of Commissioners, Mark Wayne, Brian Hanson

FROM: Deb Houghtaling, County Clerk

RE: Microfilm Writer Lease - BIDS

The County Clerk's Records Manager Cori Brock recommends that the Board reject all bids received for the "lease of a microfilm writer" due to new information we have received from the Nebraska Secretary of State's Records Management Division.

Secretary of State John Gale formed an advisory panel to assist him in developing a definition of 'durable medium' for all types of records. The term "durable medium", as found in the Nebraska Uniform Photographic Copies of Business and Public Records as Evidence Act (UPA), has been defined through the process of an amendment to rules and regulations, Title 430, State Records Administrator, Nebraska Administrative Code, Chapter 1, Definitions at 001.18, page 2A. The definition became effective October 31, 2009. (See attached definition)

This amendment and new definition affords counties the ability and responsibility of creating their own back-up processes without having to "microfilm" records. Sarpy County's I.S. Department currently has extensive "back-up procedures" in place for our records. Cori works closely with I.S. and feels confident that the County's procedures for data preservation and recovery along with our "Records Management Policies and Procedures" will safeguard the County records and therefore feels that the requested "microfilm writer" is no longer needed. I.S. is doing everything possible to ensure the safety of the County's records through back-up processes and we are moving forward to make sure the records are retained accurately and retrievable at all times. I.S. and Records Management will have a mutual recommendation with regard to obtaining "off-site storage" for County records in next year's budget to ensure continuity of our government records and will enable Sarpy County to protect their most important assets – County legal records.

At this time, Cori continues to work closely with the State in recreating and updating "Sarpy County's" retention schedules and to indicate that we will use digital back-up processes rather than microfilm going forward. We do know some permanent County records could still be microfilmed due to current statute and department preference. Specific needs will continue to be addressed and will be an ongoing issue at both the County and State level. Cori has had conversations with Lancaster County and they have offered to let us use their microfilm writer at a cost of $0.022/document when needed. We're reviewing to see if there may be a cost savings here for departments currently microfilming. Cori's largest microfilm customer has been "County Court" and their record keeping processes are now being reviewed by the Supreme Court to determine if they're records still need to be microfilmed. Everyone Cori has spoken to at the state level and various microfilm vendors are confident that the Supreme Court will decide to allow Courts to have digital images for back-up rather than microfilm also.

Currently we have the space to house our permanent original documents and will work closely with the State's Records Division regarding future changes in records retention. By rejecting these bids, we forego the $50,000 cost and feel confident our future processes will far exceed the States expectations for backing up and retaining our records.

We will continue to work closely with the State Records Management Division to ensure Sarpy County is following all rules and regulations for our records management processes. Again, we recommend that the board reject all bids for a microfilm writer after receiving and reviewing the new information and definition from the State. Thank you for all your time and consideration in this matter.

Durable Medium Definition

Durable medium shall be any information storage medium that is created by a durable process.

A process shall be the combination of hardware, software, storage media, techniques and procedures used to manage, create, store, retrieve, and delete information belonging to the custodian agency.

A process shall be a durable process if it meets all of the following criteria:

(1) The process is capable of creating and storing information for the required records retention period as specified by the Records Retention and Disposition Schedules approved by the State Records Administrator and the State Archivist;

(2) The process can be migrated to a successor process when necessary and will retain all information available in the original process after migration to the successor process;

(3) The process maintains the integrity of information in a readily accessible manner, makes it retrievable, makes it processable through an established usual or routine set of procedures using available hardware and software, and makes it accurately reproducible in a human-readable form as determined by the needs of the custodian agency;

(4) The process provides for disaster recovery backups, which are periodically, depending on a retention schedule, verified for restorability and readability, and can be stored in a separate geographical location from the original information.

(5) The process is demonstrated to create and maintain information for the retention period as specified, in an accurate, reliable, trustworthy, dependable and incorruptible manner.

(6) The process allows the removal of information when it reaches the end of its required retention period.

(7) The process is documented so as to demonstrate to a reasonable person compliance with these criteria.

Written Best Practices and Procedures may be developed as voluntary guidelines for use by any agency in furtherance of implementation of the above definition of durable medium, as it relates to records retention and disposition schedules. Any Best Practices and Procedures developed are guidelines only and do not have the force and effect of rule and regulation or of law.

Bid Tab
Lease of Microfilm Archive Writer
for Central Archives

Bid Open:
2:00 p.m. Thursday
November 19, 2009

	Imaging & Microfilm Access	**HOV Services**	**IKON Office Solutions**	**Microfilm Imaging Systems, Inc.**
Total Monthly Lease Payment	$2,284.00	$2,129.00	$2,730.04	.035 Per Image
Buy Out Option	$1.00	$1.00	$1.00	Not Required
Make	FujiFilm	Kodak	Kodak	Out-Sourced
Model	AR-1000	i9610	i9610	Out-Sourced
Delivery Date	3 Weeks	3 Weeks	January 4, 2010	Not Stated

Sarpy County Purchasing Department

SARPY COUNTY COURTHOUSE
1210 GOLDEN GATE DRIVE
SUITE 1129
PAPILLION, NE 68046-2845
FAX (402) 593-4304

Brian E. Hanson, Purchasing Agent
(402) 593-2349
Debby Peoples, Assistant Purchasing Agent
(402) 593-4164
Beth Cunard, Purchaser/Contract Specialist
(402) 593-4476
Lois Spethman, Supply Clerk/Purchaser
(402) 593-2102

MEMO

To: Sarpy County Board of Commissioners

From: Beth Cunard

Re: Reject Bids for Archive Writer

On November 19, 2009 the Purchasing Department opened four (4) bids for the Lease of a Microfilm Archive Writer for Central Archives. The bids received were all very favorable. However, during the time that we re-released the Specifications that State made a clarification of durable medium and therefore, the archive writer is no longer needed. The Purchasing Department recommends that all bids be rejected.

November 24, 2009

Beth Cunard
Beth Cunard

cc: Deb Houghtaling
Mark Wayne
Brian Hanson
Scott Bovick
Cori Brock