

**NEBRASKA STATE RECORDS BOARD
MEETING: October 8, 1997**

Nebraska State Capitol
Room 1507
Lincoln, NE
October 8, 1997
10:00 A.M.

SCOTT MOORE
SECRETARY OF STATE

SUITE 2300 CAPITOL BUILDING
LINCOLN NEBRASKA 68509-4608
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STATE OF NEBRASKA
NEBRASKA STATE RECORDS BOARD
AGENDA
1507 STATE CAPITOL
OCTOBER 8, 1997 - 10:00 A.M.

1. Call to Order, Roll Call
2. Adoption of minutes from August 29th meeting
3. Financial Statement
4. Review final RFP
5. Suggested Addenda to RFP-DAS Purchasing
6. Vendor Questions from October 6th Meeting
7. Department of Motor Vehicles application for fee based services, motor vehicle registration records--Attorney General's Opinion
7. Miscellaneous Matters
8. Schedule Next Meeting
9. Adjournment

STATE RECORDS BOARD

MINUTES

Meeting of August 29, 1997

The meeting was called to order by Chairman Scott Moore at 9:06 A.M. on August 29, 1997, in Room 1507 of the State Capitol, Lincoln, Nebraska.

The following board members were present:

Scott Moore, Chairman;
William Miller, representing the Director of Administrative Services;
John Breslow;
David Heineman;
Jeanne Raznick;
Terry Harder;
Jeff Funk;
Mark Sutko;
Donald Stenberg;
Yvonne Norton Leung, representing the Governor.

Not present were:

Craig Schroeder;
John Dale.

The minutes of the meeting of August 6, 1997, were considered. Ms. Norton Leung moved that the minutes be approved as circulated at this meeting; motion seconded by Mr. Heineman.

Voting For:	Breslow	Funk	Harder	Heineman
	Miller	Moore	Norton Leung	Raznick
	Stenberg	Sutko		

Voting Against: None

Absent: Dale Schroeder

The motion carried.

James A. Mastera, representing Cornhusker Bank and the Nebraska Bankers Association, presented public testimony regarding new services that bankers would like to see provided by the Nebrask@ Online network.

Mr. Stenberg presented and discussed a Memorandum of Understanding developed in a meeting with Nebrask@ Interactive, Inc., regarding the continuation of operation of the network during a transition period after the end of the current network manager contract. This memorandum would establish a transition period from February 1, 1998 through April 30, 1998.

After discussion, Mr. Stenberg moved that the Memorandum of Understanding be adopted; motion seconded by Mr. Sutko.

Voting For:	Breslow	Funk	Harder	Heineman
	Miller	Moore	Norton Leung	Raznick
	Stenberg	Sutko		

Voting Against: None

Absent: Dale Schroeder

The motion carried.

Mr. Stenberg moved that the board give notice to Nebrask@ Interactive, Inc., that the board wishes NII to provide services during the transition period pursuant to the Memorandum of Understanding; motion seconded by Ms. Norton Leung.

Voting For:	Breslow	Funk	Harder	Heineman
	Miller	Moore	Norton Leung	Raznick
	Stenberg	Sutko		

Voting Against: None

Absent: Dale Schroeder

The motion carried.

Mr. Miller presented a list of seventeen possible changes to the draft RFP for the Nebrask@ Online Network Manager, and additional possible changes suggested by the State Auditor and Craig Schroeder. After discussion, Mr. Breslow moved that fourteen changes from the list of seventeen be approved, excluding changes #2, 9, and 10; motion seconded by Ms. Harder. After further discussion, Mr. Breslow withdrew his motion with the consent of Ms. Harder.

Mr. Breslow moved that changes #1, 3, 4, 5, 6, 8, 12, 13, 14, 15, 16, and 17, from the list of seventeen be approved, excluding changes #2, 7, 9, 10, and 11; motion seconded by Mr. Heineman.

Voting For:	Breslow	Funk	Harder	Heineman
	Moore	Norton Leung	Raznick	Stenberg
	Sutko			

Voting Against: None

Not Voting: Miller

Absent: Dale Schroeder

The motion carried.

The board considered change #2, the length of the contract. After discussion, Mr. Heineman moved that the length of the contract be 4 years + 1 year + 1 year options; motion seconded by Mr. Breslow.

Voting For:	Breslow	Funk	Harder	Heineman
	Moore	Norton Leung	Raznick	Stenberg
Voting Against:	Sutko			
Not Voting:	Miller			
Absent:	Dale	Schroeder		

The motion carried.

The board considered change # 7, the schedule of events for the RFP process. Mr. Miller presented the following proposed schedule:

Release RFP	9/12/97;
Deadline for written questions	9/30/97;
Mandatory prebid conference	10/6/97;
Respond to conference questions	10/13/97;
Open bids	10/30/97;
Board start review of bids	11/1/97;
Bidder presentations	11/17-21/97;
Award bid	12/1/97;
Contract start	12/1/97;
Assume network operation	5/1/98.

Mr. Heineman moved that this schedule of events be adopted; motion seconded by Mr. Breslow.

Mr. Stenberg moved that the Heineman motion be amended to change the following dates:

Bidder presentations	Change to 11/10-13/97;
Award bid	Change to 11/14/97;
Contract start	11/17/97.

Ms. Raznick seconded the Stenberg motion to amend.

Voting For:	Breslow	Funk	Harder	Heineman
	Moore	Norton Leung	Raznick	Stenberg
	Sutko			
Voting Against:	None			
Not Voting:	Miller			
Absent:	Dale	Schroeder		

The motion to amend carried.

The board then considered the Heineman motion, as amended, to adopt the following schedule of events:

Release RFP	9/12/97;
Deadline for written questions	9/30/97;
Mandatory prebid conference	10/6/97;
Respond to conference questions	10/13/97;
Open bids	10/30/97;
Board start review of bids	11/1/97;
Bidder presentations	11/10-13/97;
Award bid	11/14/97;
Contract start	11/17/97;
Assume network operation	5/1/98.

Voting For:	Breslow	Funk	Harder	Heineman
	Moore	Norton Leung	Raznick	Stenberg
	Sutko			

Voting Against: None

Not Voting: Miller

Absent: Dale Schroeder

The motion carried.

The board considered change #10, clarification of how the proposals will be evaluated. Mr. Stenberg moved to dispense with a numerical point weighting and scoring system and use evaluation by the State Records Board based on general categories listed in the RFP; motion seconded by Mr. Funk.

Voting For:	Funk	Harder	Heineman	Norton Leung
	Raznick	Stenberg	Sutko	

Voting Against: Breslow Moore

Not Voting: Miller

Absent: Dale Schroeder

The motion carried.

The board considered change #9, clarification of who will make up the selection committee. Mr. Breslow moved that the selection committee will be the State Records Board with a report from the Technical Committee to assist in the selection; motion seconded by Ms. Norton Leung.

Voting For: Breslow Harder Heineman Moore
 Norton Leung Raznick Stenberg Sutko

Voting Against: None

Not Voting: Funk Miller

Absent: Dale Schroeder

The motion carried.

The board considered change #11, the status of existing hardware and software under the new contract. Mr. Stenberg moved that two bullet items be added to the RFP indicating that there would be no hardware or software transferred from Nebrask@ Online to the new contractor, and that existing state communications circuits would be available to the new contractor; motion seconded by Mr. Funk.

Voting For: Breslow Funk Harder Heineman
 Moore Norton Leung Raznick Stenberg
 Sutko

Voting Against: None

Not Voting: Miller

Absent: Dale Schroeder

The motion carried.

Mr. Stenberg moved that the RFP state that at the end of a four year period the State of Nebraska would own the software, including source code, to be used and modified as the state decides; motion seconded by Mr. Heineman. After discussion, Mr. Stenberg withdrew his motion with the consent of Mr. Heineman.

Mr. Stenberg moved to add the provision to the RFP that at the expiration of the four year contract the State of Nebraska would have a perpetual license to the software at no additional cost, including the source code and the right to modify the code; motion seconded by Mr. Funk.

Voting For:	Breslow	Funk	Harder	Heineman
	Moore	Norton Leung	Raznick	Stenberg
	Sutko			

Voting Against: None

Not Voting: Miller

Absent: Dale Schroeder

The motion carried.

The questions and comments from the State Auditor were considered. After discussion, Mr. Breslow moved to make the changes discussed by the board; motion seconded by Mr. Heineman.

Voting For:	Breslow	Funk	Harder	Heineman
	Moore	Norton Leung	Raznick	Stenberg
	Sutko			

Voting Against: None

Not Voting: Miller

Absent: Dale Schroeder

The motion carried.

The board considered the changes suggested by Mr. Schroeder. Ms. Norton Leung moved the adoption of the requested language changes regarding local government agencies; motion seconded by Mr. Funk.

Voting For:	Breslow	Funk	Harder	Heineman
	Moore	Norton Leung	Raznick	Stenberg
	Sutko			

Voting Against: None

Not Voting: Miller

Absent: Dale Schroeder

The motion carried.

Mr. Stenberg moved that the RFP prohibit discussion with potential bidders only of information directly related to the RFP; motion seconded by Mr. Heineman.

Voting For:	Breslow	Funk	Harder	Heineman
	Moore	Norton Leung	Raznick	Stenberg
	Sutko			

Voting Against: None

Not Voting: Miller

Absent: Dale Schroeder

The motion carried.

Mr. Stenberg moved that the RFP incorporate language suggested by the Attorney General regarding award of the bid; seconded by Mr. Funk.

Voting For:	Breslow	Funk	Harder	Heineman
	Moore	Norton Leung	Raznick	Stenberg
	Sutko			

Voting Against: None

Not Voting: Miller

Absent: Dale Schroeder

The motion carried.

Mr. Moore indicated that revisions incorporated in a new draft of the RFP would be discussed at a State Records Board meeting on September 8, 1997, if such a meeting is deemed necessary. The subsequent board meeting would be at 10:00AM, October 8, 1997, to consider question from the prebid conference.

The board discussed the duties of the Technical Advisory Committee as set out by Mr. Moore. Ms. Norton Leung moved that the proposed duties be adopted; motion seconded by Mr. Miller.

Voting For:	Breslow	Funk	Harder	Heineman
	Miller	Moore	Norton Leung	Stenberg
	Sutko			

Voting Against: None

Not Voting: Raznick

Absent: Dale Schroeder

The motion carried.

The board discussed the approval of additional no-fee services by Nebrask@ Online. Mr. Moore indicated that he would handle the no-fee service requests and report such to the board.

The board discussed a request to the Legislature for approval to make the state statutes available through Nebrask@ Online. Mr. Funk moved to authorize the chairman to send such a letter of request to the Legislature; motion seconded by Mr. Stenberg.

Voting For:	Breslow	Funk	Harder	Heineman
	Miller	Moore	Norton Leung	Raznick
	Stenberg	Sutko		

Voting Against: None

Absent: Dale Schroeder

The motion carried.

Mr. Moore indicated that the next meeting of the State Records Board would be at 1:30PM, September 8, 1997, unless cancelled. The subsequent board meeting would be at 10:00AM, October 8, 1997.

Mr. Funk moved that the meeting be adjourned; motion seconded by Mr. Stenberg.

Voting For:	Breslow	Funk	Harder	Heineman
	Miller	Moore	Norton Leung	Raznick
	Stenberg	Sutko		

Voting Against: None

Absent: Dale Schroeder

The motion carried.

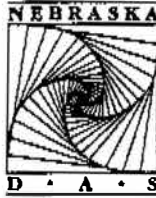
The chairman declared the meeting adjourned at 11:58AM.



Scott Moore
Chairman
State Records Board

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E. BENJAMIN NELSON
GOVERNOR



LAWRENCE S. PRIMEAU
DIRECTOR

Department of Administrative Services

Memorandum

DATE: October 3, 1997

TO: Greg Lemon, Assistant Secretary of State and
Members of the State Records Board

FROM: Barbara Lawson, Administrator *Barbara Lawson*
DAS Materiel Division

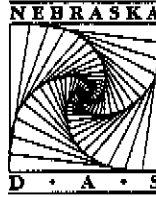
SUBJECT: Nebraska Online Network Manager Addendum

Specification changes that need to be included in the addendum for the Online RFP SCA0099 include:

- a) Changing the date that the addendum will go out. This is scheduled for October 13th, which is a State Holiday. 1437
- OK References to Central Daylight Time (CDT), need to be changed to Central Standard Time (CST), after October 26th, or just make a statement that all times refer to local time.
- OK Make the statement that after proposals are opened, the documents then become public information and are available for review in the State Purchasing office.
- OK Remind them that an authorized signature is required on the REQUEST FOR PROPOSAL FOR CONTRACTUAL SERVICES form, and that this is a mandatory requirement.
- ~~e)~~ A Re-cap sheet will be available after the award has been made for vendor information.
- OK Need to clarify - Are technical and Cost Proposals to be submitted in separate envelopes?
- OK Addition of language which would require that proposals be valid for 60 days from the date of opening.

BL:rc
cc: Bob Luth, Interim DAS Director

E. BENJAMIN NELSON
GOVERNOR



LAWRENCE S. PRIMEAU
DIRECTOR

5

Department of Administrative Services

Memorandum

DATE: October 3, 1997
TO: Greg Lemon, Assistant Secretary of State and
Members of the State Records Board
FROM: Barbara Lawson, Administrator
DAS Materiel Division *Barbara Lawson*
SUBJECT: Nebraska Online Network Manager Addendum

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- a) Changing the date that the addendum will go out. This is scheduled for October 13th, which is a State Holiday. 14st
- OK (b) References to Central Daylight Time (CDT), need to be changed to Central Standard Time (CST), after October 26th, or just make a statement that all times refer to local time.
- OK (c) Make the statement that after proposals are opened, the documents then become public information and are available for review in the State Purchasing office.
- OK (d) Remind them that an authorized signature is required on the REQUEST FOR PROPOSAL FOR CONTRACTUAL SERVICES form, and that this is a mandatory requirement.
- e) A Re-cap sheet will be available after the award has been made for vendor information.
- OK (f) Need to clarify - Are technical and Cost Proposals to be submitted in ~~separate envelopes?~~
- OK (g) Addition of language which would require that proposals be valid for 60 days from the date of opening.

BL:rc
cc: Bob Luth, Interim DAS Director

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SECRETARY OF STATE

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STATE OF NEBRASKA

DRAFT ANSWERS TO QUESTIONS SUBMITTED AT MANDATORY PRE-PROPOSAL CONFERENCE - SCA-0099

(All answers subject to approval by the State Records Board)

October 6, 1997

1. What are the specifications for all databases and batch transfer interfaces currently in use with Nebrask@Online, both for mainframe access and for applications housed on Nebrask@Online's own web server? Please provide these complete specifications as they are required to estimate the cost to duplicate the interface.

A single protocol or database does not exist, current agency databases include but are not limited to :MVS, DB2, IMS, VSAM, VM/SQLDS, DB2-400 and Oracle. The current interface in use for communications is SNA

Shaw 2. What are the specifications for the current billing and reporting interfaces, including but not limited to credit card processing and other payment mechanisms? Please provide all of these specifications.

Proprietary to the current Network Manager

3. Are any Internet payment mechanisms being used (i.e., Cybercash)?

Not specifically Cybercash (within Nebrask@ Online) but credit card usage is provided for at this time.

4. What are the current annual volumes of batch and individual requests for vehicle records information?

900,000+ including 700,000+ electronic; we assume this means drivers license records, motor vehicle records are not available on the network at this time

5. What language(s) is the affected transaction written in? I.E.: Command Level COBOL, pseudo conversational?

State agencies do not use a single programming language, programming languages include, but are not limited to: COBOL, Assembler, C++ and RPG

6. What is the current connectivity of the ES/9000 frames? This will determine the number of circuits and gateways required to perform the transactions as described in the proposal.

The Current Network manager uses a single dedicated 56KBPS direct connection into the ES9000 mainframe system

7. Please detail the current configuration of the base installation supporting the present Nebrask@Online system including communication lines and capacities.

Proprietary to the current Network Manager, some information on the system is available in the response to the initial RFP for network manager services (SCA 0032) from the current network manager, which is public record and available from state purchasing, for state system see question # 1 above

8. Please detail source and amount of all revenue for the last fiscal year for the Nebrask@Online Network.

Gross Revenue to the network, 1996: \$767,800; 89.4% Driver's Record Batch; 3.1% Drivers Record Interactive; 4.3% Secretary of State Records (Corporate and UCC) 3.2% other

9. Please detail all costs and expenses for the last fiscal year for the Nebrask@Online Network.

1996 total cost \$561,000, detail is not available

10. Please provide a list of all current subscribers to the Nebrask@Online Network.

Current Subscribers/Users total 577/961 broken down into 66 user groups (i.e., Lawyers, Bankers, etc.)

11. What is the ownership of web site content for all state agencies (with or without Interagency Agreements) listed in Attachment "A" that are hosted by Nebrask@Online? Will all current web content (pages, database interfaces, order forms, and other custom software) be transferred to a (the) new contractor?

State agency websites data is owned by the agency contained therein would presumably be transferred to the new Network Manager, unless the agency

involved objected. However, web pages and functionalities developed by the current network manager would not be transferred.

12. Will web sites and interfaces under development at the time of the transfer to the new contractor be owned by the current contractor? Will the new contractor have access to any work in progress, to avoid additional cost to the State of Nebraska and to avoid implementation delays?

Interfaces will be owned by the current Network Manager, for state agency websites see question #11.

13. The contract with Nebraska@Interactive that was signed by the State of Nebraska in 1995 included a statement that any contractor who subsequently provides Nebraska@ Online services would be able to / have to pay a fixed amount to Nebraska@ Interactive for the use of the software that they had developed. Why is that option not detailed in this current Request For Proposal?

*U/R-2
2 Sch...
SRB opted not to include this option in the current RFP
The State Records Board chose only to have the use of software at the end of the contract in the RFP see section 4.19. ^{not necessary to this opt RFP}
this include the current 11/14.*

14. During the previous Request For Proposal process to select a Network Manager for Nebraska@Online, information was disclosed on the volume of batch and individual requests for vehicle records information...What are the specific reasons as to why that information apparently is not available through Nebraska@Online?

The information is provided in question #4.

15. What are the current state charges, by record, for receiving motor vehicle records either through a batch or an individual record request?

\$3 per record (Neb. Rev. Stat. § 60-483) \$1.00 to State Records Cash Fund to support the network \$2.00 to the state, the charge is the same whether on a batch or individual basis

16. Section 3.1.4.1 of the current Request For Proposal states, "The state will allow reuse of existing services where ever possible in accordance with existing agency practices." What existing services are available for reuse (please provide detail on the specifics of each service)?

The state will allow reuse of state resources currently in use by the Network Manager. These items include the 1-800 number, the use of the state's 800 number rate, the termination of a 56kbps data circuit at 501 South 14th Street, and the SNA termination interface equipment at the Central Data Processing location

17. What are the current charges for the state records, by record, either through a batch request or an individual request; that Nebrask@Online currently provides access to, if the record is requested without using Nebrask@Online offered services?

Charges for Services where available through Nebrask@ Online and Agency

	<i>Fee if Accessed Through Nebrask@ Online</i>	<i>Fee through Agency</i>
<i>Department of Economic Development</i>		
<i>Manufacturers Manual</i>	<i>\$100</i>	<i>\$150</i>
<i>Department of Motor Vehicles</i>		
<i>Drivers License Records</i>	<i>\$3.00</i>	<i>\$3.00</i>
<i>Secretary of State</i>		
<i>UCC & EFS Searches</i>	<i>\$2.50</i>	<i>\$2.50</i>
<i>Corporate Searches</i>	<i>.75</i>	<i>Free(phone)</i>
		<i>\$1.00 per page(written)</i>
<i>Worker's Compensation Court</i>		
<i>Rule Book</i>	<i>\$5.50</i>	<i>\$7.00</i>
<i>Annual Report</i>	<i>3.50</i>	<i>5.00</i>
<i>Rules & Obligations Pamphlet</i>	<i>.25</i>	<i>Free</i>

18. How many CICS programs (i.e.: transactions) are involved in the scope of this project?

The State's CICS online transaction system currently supports in excess of 1 million transactions per day

19. How much application software, setup and maintenance (i.e. user tracking and billing) is required by the contractor?

Current contractor provides application software, setup and maintenance, user tracking and billing (in detail) is also done by the contractor. This level of service would be expected under the new contract, and may be required for state audit and accounting functions

20. Who will own this equipment?

The Contractor will own whatever hardware they deem necessary to run the network ownership will continue with the contractor after termination of the contract

21. Who will own this system?

The Network Manager will own equipment and software necessary to run the network, as noted above, software will be owned by the network manager with the state receiving license to use the software at the end of the contract period

22. How are fees collected from patrons?

The Network Manager is responsible for collecting fees for all services rendered through the network, current Network Manager bills monthly

23. Who is responsible for collecting fees from patrons?

The Network Manager

24. What payment will have to be made to each of the State Agencies for data that is made available for a fee through Nebrask@ Online?

Under LB590 (Laws 1997) all electronic access fees go to the state records Board Cash Fund, individual agencies may have to be paid also depending on the interpretation of LB590

25. Will there be a requirement to reimburse any or all of the State Agencies for the time their employees spend working with the winning bidder as the winning bidder develops new Nebrask@ Online interfaces to retrieve state data?

No, this item can be negotiated with the agency the Network Manager signs an agreement with. Past practice has been no billing from data providing agencies but there is reimbursement to the state central data processing and communications divisions for time spent setting up/providing access

26. Is the incumbent contractor that is currently supporting the Nebrask@ Online Network eligible to bid on this proposal?

Yes

27. Can we receive a list of current hardware and software being operated?

Proprietary to the current Network Manager, some information on the system (as proposed) is available in the response to the initial RFP for network manager services (SCA 0032) from the current network manager, which is public record and available from state purchasing,

28. What type of hardware and software (if any) will be available to new contractor of the Nebrask@ Online Network?

Network Manager will provide the hardware and software, they will have access to state communications items listed in question #16

29. Do you expect the contractor to purchase and own the network hardware and software, or purchase it and turn it over to the state?

Hardware will be purchased/developed and owned by the Network Manager, software license will be granted to the state upon termination of the contract period

30. Should costs of phone lines and internet connectivity to support the Nebrask@ Online Network be included in the proposal?

Yes, these costs are the responsibility of the Network Manager

31. Will there be costs incurred by the contractor for access to mainframe data?

Possibly, subject to negotiation between the Network Manager and individual data providing agencies

32. Will the bidder's financial statements be open to public viewing if bidder is not a publicly held company?

talk out
~~*Should be identified as proprietary and if so it will not be released.*~~

33. Please clarify what is intended for submittal by initial bulleted sentence "application of full life cycle...".

This item is requesting the vendor to describe projects you have worked on from beginning to end including the initial requirements definition, analysis, specification design, detail design, programming and implementation through final billing and turnover to the owner

34. How many lines are currently in the modem pool?

Proprietary

35. Will the network support service provided to State and local agencies be limited to support dealing specifically with Nebrask@ Online issues? If no, please detail scope of support.

Network support may include support outside of Nebrask@ Online issues, but such support is not a requirement of the contract

36. Are training services to be provided through remote access or will travel be required to provide training at users location?

Specifics of training will be up to the Network Manager, currently some of both types of training are provided, but primarily remote

37. Staff availability - define "on site".


Current Network Manager has staff on the premises during regular business hours and staff on call 24 hours a day seven days a week, the state interprets this to meet the on-site requirement

38. Is a current load profile on data base requests available?

No, appendix B to the RFP has some information on volume of requests and screen hits, however

39. What determines "viability"? Will it be based solely on financial returns or will cost savings be considered also?

Financial Returns

 40. Is it intended that Nebrask@ Online will act as an agent of other state departments to supply revenue, (i.e. providing revenue to the department of motor vehicles for record transactions fees) or/and is Nebrask@ Online intended to be a revenue producing department?

Nebrask@ Online was not created as a revenue producing agent, it was created to allow electronic access to state agency information through a central gateway in a

41. Will the Nebrask@ Online contractor be expected to pay a per record fee to access existing records?

Yes, current contracts and state law for access to certain records are structured that way

42. As outlined in attachment B (the table of statistical information), does network information hits represent HTTP requests on the web site or some other number?

The number listed is page hits, HTTP requests number would be higher

43. What are the total number of transactions this system will support?

See question 18

44. What is the current online availability standard? Are files closed for maintenance or are transaction available continuously?

The RFP require 22 hours access a day, with 4:00 AM to 6:00 AM window for maintenance. See RFP section 4.7.1, page 49

45. Will State staff be made available for VTAM, CICS or other changes required by the project?

The State Central Data Processing and Communications Divisions will assist the Network Manager in defining connectivity to the state system. Much of the support will be dependent on the interface proposed by the Network Manager

46. Is the awarded contractor responsible for setting up an accounting system for this network? If the answer is yes, how is the billing service is going to be handled. Does the contractor get a percentage for handling this system or is the state going to operate this system?

The Network Manager will be responsible for billing and maintaining billing records, current network manager gets no specific reimbursement for this function, but the vendor can certainly consider these costs when negotiating your ultimate contract

Talk 47. Please detail any known, but unachieved goals the state has for the Nebrask@ Online Network.

See RFP generally for duties of network manager, and RFP Section 4.1.6, page 44 regarding specific new goals as yet unachieved (service to local government)

SCOTT MOORE
SECRETARY OF STATE

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STATE OF NEBRASKA

ATTENDANCE OF MANDATORY PRE-PROPOSAL MEETING ON OCTOBER 6, 1997-SCA0099

NAME	REPRESENTING
Scott Pachunka	Sterling Software
Steve Felton	Sterling Software
Gary Anderson	GDE System Inc.
Mark Otto	Entex Information Services
Craig Boesch	Gas Food Lodging
Randy Terbush	Zyzyva Enterprises
Tom Jizba	Systems Design Inc.
Jim Crumb	Systems Design Inc.
Neal Rauhauser	Omaha World Herald
Roger A. Hahn	Nebraska Information Network
Andy Kauffold	Lucent Technologies
David Rolfe	Cube Software Technologies
Greg Kelly	GE Capital ITS
Jim Carroll	Explore

Stephen Jacobs	Net Imaging
Steve Nasr	Net Imaging
Larry Kleoger	-----
William J. Mueller	Attorney for Nebrask@ Online
Sam Tetherow	Nebrask@ Interactive Inc.
Sam Somerhalder	Nebrask@ Interactive Inc.
Jim Ohmberger	Dept. of Administrative Services/Central Data Processing
Mary Lanning	State Purchasing
William Miller	Dept. of Administrative Services/Communications Division
Greg Lemon	Secretary of State

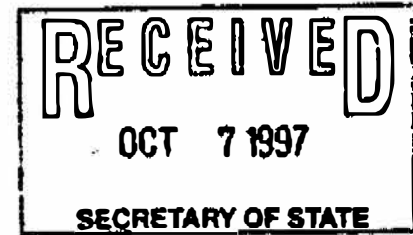
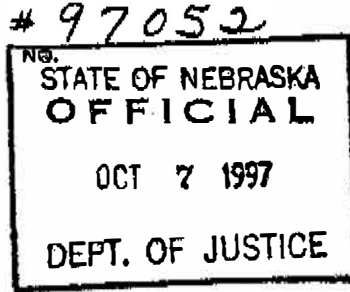


STATE OF NEBRASKA
Office of the Attorney General

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DON STENBERG
ATTORNEY GENERAL

STEVE GRASZ
LAURIE SMITH CAMP
DEPUTY ATTORNEYS GENERAL



DATE: October 7, 1997

SUBJECT: 1997 Neb. Laws LB 590; Amount of Fees for Electronic Access to Public Records; Necessity for Public Hearings on Such Fees

REQUESTED BY: Scott Moore, Nebraska Secretary of State
Chairman, State Records Board

WRITTEN BY: Don Stenberg, Attorney General
Dale A. Comer, Assistant Attorney General

Under 1997 Neb. Laws LB 590, § 8, the State Records Board (the "Board") "may establish reasonable fees for electronic access to public records through the [electronic] gateway." Under § 9 of that same bill, "[a]ny state agency desiring to enter into an agreement to or otherwise provide electronic access to public records through a gateway for a fee shall make a written request for approval to the board." As we understand it from the materials you provided to us, the Department of Motor Vehicles (the "Department") has recently presented the Board with a request to charge fees for electronic access to certain motor vehicle title registration and lien information involving both fees for batch processing of information requests and individual interactive searches. That request from the Department has prompted you to pose two questions to us, both of which are discussed below.

1. Permissible Fees Under LB 590.

Neb. Rev. Stat. § 60-308 (Cum. Supp. 1996) deals with certain motor vehicle title records and provides, as is pertinent:

David K. Arterburn
L. Jay Bartel
J. Kirk Brown
David T. Bydalek
Dale A. Comer
Suzanna Glover-Etrich
Royce N. Harper
Lauren L. Hill

Jay C. Hinsley
Amy Hollenbeck
William L. Howland
Marilyn B. Hutchinson
Kimberly A. Klein
Jennifer S. Lilledahl
Joseph P. Loudon

Charles E. Lowe
Lisa D. Martin-Price
Lynn A. Nelson
Ronald D. Moravec
Fredrick F. Neld
Marie C. Pawal
Kenneth W. Payne

Paul N. Potade
Mark D. Raffety
Carla Hawthornshaw Risko
Robert B. Rupe
James D. Smith
James H. Spears
Mark D. Starr

Martin Swanson
David R. Tarvin, Jr.
Timothy J. Texel
John R. Thompson
Barry Weid
Terri M. Weeks
Melanie J. Whitmore-Mantzios
Linda L. Willard

Scott Moore
October 7, 1997
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The Department of Motor Vehicles shall keep a record of each vehicle registered, alphabetically by name of the owner, with cross reference in each instance to the registration number assigned to such vehicle.

The department shall furnish a copy of the record of a registered or titled vehicle to any applicant after receiving from the applicant the name on the registration, the license plate number, the vehicle identification number, or the title number of a vehicle. A fee of one dollar shall be charged for the copy.

The Department has now submitted an application to the Board which proposes a total fee of \$2.00 for individual motor vehicle record searches through the electronic or internet access to those records, based upon the statutory fee of \$1.00 set out in § 60-308 and an additional \$1.00 fee for electronic access. You are concerned that this proposal is in contravention of that portion of § 8 of LB 590 which provides that "[t]he fees [for electronic access to public records through the electronic gateway] shall not exceed the statutory fee for distribution of the public records in other forms." Accordingly, you have posed the following question to us:

May the total fee for electronic access to information exceed the statutory fee for accessing the record in other forms where such a fee exists? Or in this particular case is the Department of Motor Vehicles limited to charging \$1.00 total for the record (the fee set in statute) or may they charge \$2.00 total, \$1.00 for the statutory fee plus an electronic access fee of \$1.00, which does not exceed the statutory fee?

In Nebraska, in the absence of anything indicating to the contrary, statutory language should be given its plain and ordinary meaning, and when the words of a statute are plain and unambiguous, no interpretation is necessary to ascertain their meaning. *Van Ackeren v. Nebraska State Board of Parole*, 251 Neb. 477, 558 N.W.2d 48 (1997). As noted above, 1997 Neb. Laws LB 590, § 8 states, in relation to the fees which may be charged for electronic access to public records, that "[t]he fees [for electronic access to public records through the electronic gateway] shall not exceed the statutory fee for distribution of the public records in other forms." It seems to us that this language is plain and unambiguous, and must be given its plain and ordinary meaning. As a result, since § 60-308 provides for a fee of \$1.00 for a hard copy of the motor vehicle title records at issue, we believe that, under § 8 of LB 590, the maximum fee for electronic access to that

Scott Moore
October 7, 1997
Page -3-

same information is also one dollar. The \$2.00 fee proposed by the Department is, therefore, impermissible under § 8 of LB 590.

Our conclusion is amply supported by the legislative history of LB 590. The language at issue from § 8 of LB 590 was added to the original bill presented out of committee as a result of Amendment No. FA164 proposed by Senator Coordsen. At the beginning of the floor discussion on that amendment, Senator Coordsen stated:

The committee amendment [which brings this bill to the floor] provides that the [state records] board may charge reasonable fees for electronic access to public information through the [electronic] gateway. Now I happen to believe that what it is referencing to or what we ought to be referencing in that are those cases in which there is not an access fee established, an information fee established in statute. *Where there is a fee established in statute, by either definition or implied by allowing a mechanism, that that (sic) fee ought to be the same to the public without regard to the method that the member of the public receives the information, whether its hard copy, whether it's coming into an office, whether it's mailing in a request asking for something to come back, or if accessed through what is currently the Nebraks@ Online site, that may, in the future, be some other site, through a home or business computer and then printed off on your own . . . on your own printer in your office or home, that fee where there is a legislative determined fee ought to be the same and we ought not to raise that fee for any other . . . by any amount for different forms of access.*

Floor Debate on LB 590, 95th Neb. Leg., 1st Sess. 4721 (April 21, 1997) (Statement of Senator Coordsen) (emphasis added).

Later in the discussion on the amendment, Senator Coordsen stated:

So it's my belief that the additional [electronic access fee] requirement here is somewhat loading up on the system, and in drafting I simply do not believe that an additional fee, more than what we've ever otherwise provided for, is necessary. *That any place that there is a statutory fee established by the Legislature for information or forms or pyramids, or whatever, that those fees stay the same as they are statutorily without regard to the method of providing that service.*

Floor Debate on LB 590, 95th Neb. Leg., 1st Sess. 4722 (April 21, 1997) (Statement of Senator Coordsen) (emphasis added).

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October 7, 1997
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Finally, in his closing summary on the amendment, Senator Coordsen stated:

It's my belief that this particular language [from the form of LB 590 submitted by committee] that I'm striking is somewhat of a holdover from the earlier idea, and from the green copy where I think it was taken out in most other cases, and that . . . where there's a statutory fee established, that would be the charge, no matter what the means of accessing that information was.

Floor Debate on LB 590, 95th Neb. Leg., 1st Sess. 4738 (April 21, 1997) (Statement of Senator Coordsen) (emphasis added). As a result, we believe that the maximum fee which may be charged for electronic access to the motor vehicle title information at issue is \$1.00, in light of the pertinent portions of LB 590 and § 60-308.

2. Necessity for a Public Hearing on Fee Determinations.

Your second question goes to the public hearing requirements which are set out in § 9 of LB 590 pertaining to a request for approval of a fee for electronic access to public records. You ask:

If there is a statutory fee set for a record and an agency proposes to charge that fee for electronic access to the record does the State Records Board still have to have a hearing and make a finding that the fee is "reasonable" or is there a presumption that the fee is reasonable if it is at or less than the statutory fee?

The portion of 1997 Neb. Laws LB 590, § 9 which is pertinent to your inquiry states:

Any state agency desiring to enter into an agreement to or otherwise provide electronic access to public records through a gateway for a fee shall make a written request for approval to the [State Records] board. . . . The board shall take action on such request in accordance with section 8 of this act and after a public hearing within thirty days after receipt.

(Emphasis added).

Two rules of statutory construction apply to your second question. First, as noted above, statutory language should ordinarily be given its plain and ordinary meaning. *Van Ackeren v. Nebraska State Board of Parole, supra*. Second, the word "shall" in a statute is considered mandatory and inconsistent with the idea of

Scott Moore
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discretion. *Moyer v. Douglas & Lomanson Co.*, 212 Neb. 680, 325 N.W.2d 648 (1982); Neb. Rev. Stat. § 49-802 (1993).

Even though we might agree with the premise implied in your question that there seems to be little need for a public hearing on a fee proposal when that fee is at or less than the fee established by statute, the language in § 9 of LB 590 pertaining to the necessity for a public hearing seems clear. Moreover, since that statute provides that the board "shall" take action on fee applications after a public hearing, and no specific disposition is made for fee applications where there is a maximum fee already set by statute, we believe that the Board should proceed with a public hearing in each instance where an agency requests the Board to set a fee for electronic access to public records.

Sincerely yours,

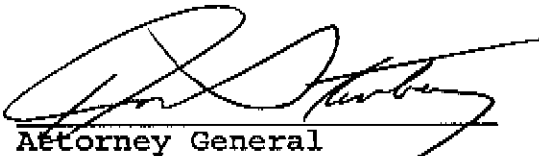
DON STENBERG
Attorney General



Dale A. Comer
Assistant Attorney General

05-66-14.op

Approved by:


Attorney General

SCOTT MOORE
SECRETARY OF STATE

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STATE OF NEBRASKA

September 30, 1997

Mr. Don Stenberg
Attorney General
State Capitol, Room 2115
Lincoln, NE 68509-8920

Dear Mr. Stenberg,

The State Records Board has recently received a request for approval of electronic access fees to motor vehicle title and registration information. The Department of Motor Vehicles, pursuant to Laws, 1997, Nebraska Legislature, LB590, section 9 has submitted a request to charge a fee for electronic access to motor vehicle title registration and lien information. The request contemplates both a batch processing fee and a fee for individual interactive searches. The fee proposed for the individual searches gives rise to a question which needs to be settled for the State Records Board to fulfill its duty of setting fees for electronic access to services.

The Department of Motor Vehicles is proposing a fee of \$2.00 for individual motor vehicle record searches, the statutory fee of \$1.00, plus \$1.00 for electronic access. The \$2.00 fee is based upon statutory language found at Neb. Rev. Stat. §60-308, which provides for a \$1.00 fee for copies of motor vehicle records, and Section 8 of LB590, which provides that electronic access fees shall not exceed the statutory fee for accessing records in other forms. There seems to be some difference of opinion as to whether the limitation found in LB590 limits the total fee for a record to the statutory amount or whether an additional electronic access fee, not to exceed the statutory amount, can be added on.

My specific questions are as follows:

1. May the total fee for electronic access to information exceed the statutory fee for accessing the record in other forms where such a fee exists? Or in this particular case is the Department of Motor Vehicles limited to charging \$1.00 total for the record (the fee set in statute) or may they charge \$2.00 total, \$1.00 for the statutory fee plus an electronic access fee of \$1.00, which does not exceed the statutory fee?

October 10, 1997

Addendum #1 to: State of Nebraska
Request for Proposal
SCA-0099
Nebraska Online Network Design,
Installation Management and Operations

This is Addendum 1 to SCA-0099, please make the following changes to the State of Nebraska Request for Proposal SCA-0099:

Page 13, Sections 2.2. Item 5. Change the time from "2:00 p.m. CDT" to "2:00 p.m. CST Central Standard Time".

Page 19, Section 2.10.1. 4th Paragraph. Add the following sentence: "Technical proposal sections and the financial proposal sections should be searched within the same envelope or package, to be opened only by the State Purchasing Bureau in accordance with Section 2.10.1." *placed*

Page 20, Section 2.10.2. Add the following sentence: "After proposals are opened, the documents then become public information and are available for review in the State Purchasing Office."

Page 27, Section 3.1.1. 6th bullet point. Change number of days from "one hundred eighty (180)" to "sixty (60)".

All potential contractors are reminded that an authorized signature is required on the Request for Proposal for Contractual Services form. This is a mandatory requirement.

All potential contractors are asked to acknowledge receipt of this Addendum #1 to SCA-0099 in their proposal transmittal letter.

Attached are the responses to the questions regarding the Request for Proposal SCA-0099. These questions were asked during the written question time period and during the pre-proposal meeting held October 6, 1997.

ANSWERS TO QUESTIONS SUBMITTED AT MANDATORY
PRE-PROPOSAL CONFERENCE - SCA-0099

October 8, 1997

1. What are the specifications for all databases and batch transfer interfaces currently in use with Nebrask@Online, both for mainframe access and for applications housed on Nebrask@Online's own web server? Please provide these complete specifications as they are required to estimate the cost to duplicate the interface.

A single protocol or database does not exist, current agency databases include but are not limited to :MVS, DB2, IMS, VSAM, VM/SQLDS, DB2-400 and Oracle. The current interface in use for communications is SNA

2. What are the specifications for the current billing and reporting interfaces, including but not limited to credit card processing and other payment mechanisms? Please provide all of these specifications.

Proprietary to the current Network Manager

3. Are any Internet payment mechanisms being used (i.e., Cybercash)?

Not specifically Cybercash (within Nebrask@ Online) but credit card usage is provided for at this time.

4. What are the current annual volumes of batch and individual requests for vehicle records information?

900,000+ including 700,000+ electronic; we assume this means drivers license records, motor vehicle records are not available on the network at this time

5. What language(s) is the affected transaction written in? I.E.: Command Level COBOL, pseudo conversational?

State agencies do not use a single programming language, programming languages include, but are not limited to: COBOL, Assembler, C++ and RPG

6. What is the current connectivity of the ES/9000 frames? This will determine the number of circuits and gateways required to perform the transactions as described in the proposal.

The Current Network manager uses a single dedicated 56KBPS direct connection into the ES9000 mainframe system

7. Please detail the current configuration of the base installation supporting the present Nebrask@Online system including communication lines and capacities.

Proprietary to the current Network Manager, some information on the system is available in the response to the initial RFP for network manager services (SCA 0032) from the current network manager, which is public record and available from state purchasing, for state system see question # 1 above

8. Please detail source and amount of all revenue for the last fiscal year for the Nebrask@Online Network.

Gross Revenue to the network, 1996: \$767,800; 89.4% Driver's Record Batch; 3.1% Drivers Record Interactive; 4.3% Secretary of State Records (Corporate and UCC) 3.2% other

9. Please detail all costs and expenses for the last fiscal year for the Nebrask@Online Network.

1996 total cost \$561,000, detail is not available

10. Please provide a list of all current subscribers to the Nebrask@Online Network.

Current Subscribers/Users total 577/961 broken down into 66 user groups (i.e., Lawyers, Bankers, etc.)

11. What is the ownership of web site content for all state agencies (with or without Interagency Agreements) listed in Attachment "A" that are hosted by Nebrask@Online? Will all current web content (pages, database interfaces, order forms, and other custom software) be transferred to a (the) new contractor?

State agency websites data is owned by the agency contained therein would presumably be transferred to the new Network Manager, unless the agency involved objected. However, web pages and functionalities developed by the current network manager would not be transferred.

12. Will web sites and interfaces under development at the time of the transfer to the new contractor be owned by the current contractor? Will the new contractor have access to any work in progress, to avoid additional cost to the State of Nebraska and to avoid implementation delays?

Interfaces will be owned by the current Network Manager, for state agency websites see question #11.

13. The contract with Nebrask@Interactive that was signed by the State of Nebraska in 1995 included a statement that any contractor who subsequently provides Nebrask@ Online services would be able to / have to pay a fixed amount to Nebrask@ Interactive for the use of the software that they had developed. Why is that option not detailed in this current Request For Proposal?

It was not necessary to include this option, see section 4.19 of RFP

14. During the previous Request For Proposal process to select a Network Manager for Nebrask@Online, information was disclosed on the volume of batch and individual requests for vehicle records information...What are the specific reasons as to why that information apparently is not available through Nebrask@Online?

The information is provided in question #4.

15. What are the current state charges, by record, for receiving motor vehicle records either through a batch or an individual record request?

\$3 per record (Neb. Rev. Stat. § 60-483) \$1.00 to State Records Cash Fund to support the network \$2.00 to the state, the charge is the same whether on a batch or individual basis

16. Section 3.1.4.1 of the current Request For Proposal states, "The state will allow reuse of existing services where ever possible in accordance with existing agency practices." What existing services are available for reuse (please provide detail on the specifics of each service)?

The state will allow reuse of state resources currently in use by the Network Manager. These items include the 1-800 number, the use of the state's 800 number rate, the termination of a 56kbps data circuit at 501 South 14th Street, and the SNA termination interface equipment at the Central Data Processing location

17. What are the current charges for the state records, by record, either through a batch request or an individual request; that Nebrask@Online currently provides access to, if the record is requested without using Nebrask@Online offered services?

Charges for Services where available through Nebrask@ Online and Agency

	<i>Fee if Accessed Through Nebrask@ Online</i>	<i>Fee through Agency</i>
<i>Department of Economic Development</i>		
<i>Manufacturers Manual</i>	<i>\$100</i>	<i>\$150</i>
<i>Department of Motor Vehicles</i>		
<i>Drivers License Records</i>	<i>\$3.00</i>	<i>\$3.00</i>
<i>Secretary of State</i>		
<i>UCC & EFS Searches</i>	<i>\$2.50</i>	<i>\$2.50</i>
<i>Corporate Searches</i>	<i>.75</i>	<i>Free(phone) \$1.00 per page(written)</i>

Worker's Compensation Court

<i>Rule Book</i>	<i>\$5.50</i>	<i>\$7.00</i>
<i>Annual Report</i>	<i>3.50</i>	<i>5.00</i>
<i>Rules & Obligations Pamphlet</i>	<i>.25</i>	<i>Free</i>

18. How many CICS programs (i.e.: transactions) are involved in the scope of this project?

The State's CICS online transaction system currently supports in excess of 1 million transactions per day

19. How much application software, setup and maintenance (i.e. user tracking and billing) is required by the contractor?

Current contractor provides application software, setup and maintenance, user tracking and billing (in detail) is also done by the contractor. This level of service would be expected under the new contract, and may be required for state audit and accounting functions

20. Who will own this equipment?

The Contractor will own whatever hardware they deem necessary to run the network ownership will continue with the contractor after termination of the contract

21. Who will own this system?

The Network Manager will own equipment and software necessary to run the network, as noted above, software will be owned by the network manager with the state receiving license to use the software at the end of the contract period

22. How are fees collected from patrons?

The Network Manager is responsible for collecting fees for all services rendered through the network, current Network Manager bills monthly

23. Who is responsible for collecting fees from patrons?

The Network Manager

24. What payment will have to be made to each of the State Agencies for data that is made available for a fee through Nebraska@ Online?

Payments will have to be made to subject to any contract executed between the State Records Board and the individual agencies and the provisions of Laws 1997, LB590

25. Will there be a requirement to reimburse any or all of the State Agencies for the time their employees spend working with the winning bidder as the winning bidder develops new Nebrask@ Online interfaces to retrieve state data?

No, this item can be negotiated with the agency the Network Manager signs an agreement with. Past practice has been no billing from data providing agencies but there is reimbursement to the state central data processing and communications divisions for time spent setting up/providing access

26. Is the incumbent contractor that is currently supporting the Nebrask@ Online Network eligible to bid on this proposal?

Yes

27. Can we receive a list of current hardware and software being operated?

Proprietary to the current Network Manager, some information on the system (as proposed) is available in the response to the initial RFP for network manager services (SCA 0032) from the current network manager, which is public record and available from state purchasing,

28. What type of hardware and software (if any) will be available to new contractor of the Nebrask@ Online Network?

Network Manager will provide the hardware and software, they will have access to state communications items listed in question #16

29. Do you expect the contractor to purchase and own the network hardware and software, or purchase it and turn it over to the state?

Hardware will be purchased/developed and owned by the Network Manager, software license will be granted to the state upon termination of the contract period

30. Should costs of phone lines and internet connectivity to support the Nebrask@ Online Network be included in the proposal?

Yes, these costs are the responsibility of the Network Manager

31. Will there be costs incurred by the contractor for access to mainframe data?

Possibly, subject to negotiation between the Network Manager and individual data providing agencies

32. Will the bidders financial statements be open to public viewing if bidder is not a publicly held company?

Yes

33. Please clarify what is intended for submittal by initial bulleted sentence "application of full life cycle...".

This item is requesting the vendor to describe projects you have worked on from beginning to end including the initial requirements definition, analysis, specification design, detail design, programming and implementation through final billing and turnover to the owner

34. How many lines are currently in the modem pool?

Proprietary

35. Will the network support service provided to State and local agencies be limited to support dealing specifically with Nebrask@ Online issues? If no, please detail scope of support.

Network support may include support outside of Nebrask@ Online issues, but such support is not a requirement of the contract

36. Are training services to be provided through remote access or will travel be required to provide training at users location?

Specifics of training will be up to the Network Manager, currently some of both types of training are provided, but primarily remote

37. Staff availability - define "on site".

Current Network Manager has staff on the premises during regular business hours and staff on call 24 hours a day seven days a week, the state interprets this to meet the on-site requirement

38. Is a current load profile on data base requests available?

No, appendix B to the RFP has some information on volume of requests and screen hits, however

39. What determines "viability"? Will it be based solely on financial returns or will cost savings be considered also?

Whatever volumes the contractor considers necessary to operate the network

40. Is it intended that Nebrask@ Online will act as an agent of other state departments to supply revenue, (i.e. providing revenue to the department of motor vehicles for record transactions fees) or/and is Nebrask@ Online intended to be a revenue producing department?

Nebrask@ Online ^{was} created to allow electronic access to state agency information through a central gateway on a self supporting basis

41. Will the Nebrask@ Online contractor be expected to pay a per record fee to access existing records?

Yes, current contracts and state law for access to certain records are structured that way

42. As outlined in attachment B (the table of statistical information), does network information hits represent HTTP requests on the web site or some other number?

The number listed is page hits, HTTP requests number would be higher

43. What are the total number of transactions this system will support?

See question 18

44. What is the current online availability standard? Are files closed for maintenance or are transaction available continuously?

The RFP require 22 hours access a day, with 4:00 AM to 6:00 AM window for maintenance. See RFP section 4.7.1, page 49

45. Will State staff be made available for VTAM, CICS or other changes required by the project?

The State Central Data Processing and Communications Divisions will assist the Network Manager in defining connectivity to the state system. Much of the support will be dependent on the interface proposed by the Network Manager

46. Is the awarded contractor responsible for setting up an accounting system for this network? If the answer is yes, how is the billing service is going to be handled. Does the contractor get a percentage for handling this system or is the state going to operate this system?

The Network Manager will be responsible for billing and maintaining billing records, current network manager gets no specific reimbursement for this function, but the vendor can certainly consider these costs when negotiating your ultimate contract

47. Please detail any known, but unachieved goals the state has for the Nebrask@ Online Network.

See RFP generally for duties of network manager, and RFP Section 4.1.6, page 44

STATE OF NEBRASKA

DEPARTMENT OF MOTOR VEHICLES

Alvin Abramson

Director



E. Benjamin Nelson
Governor

September 25, 1997



Scott Moore
Chairman
State Records Board
Suite 2300
State Capitol
HAND DELIVERED

RE: REQUEST FOR APPROVAL TO ESTABLISH ACCESS TO NEBRASKA VEHICLE AND TITLE RECORDS ON-LINE AND TO SET A FEE FOR ELECTRONIC ACCESS

Dear Chairman Moore:

This letter is to request approval of the State Records Board to establish access to Nebraska vehicle and title records on-line and to set a fee. This request is being made pursuant to Neb Rev. Stat. 84-1205.02 which authorizes the Board to establish reasonable fees for electronic access an pursuant to Neb.Rev. Stat. 84-1205.03 which requires any state agency to provide electronic access to records for a fee to make a written request to the Board.

Currently, the Department of Motor Vehicles provides driver record information on-line through an Interagency Agreement between the Department and the State Records Board. I am requesting the Board's approval to modify the Agreement to allow access to vehicle title and registration records and to establish fees for that access.

There are significant advantages to having vehicle and title registration records on line. Currently, under Neb.Rev.Stat. 60-308, the Department provides vehicle title and registration records at a fee of \$1.00 per individual record or \$12.00 per thousand records for an extract of the entire file. Last session, the Legislature passed LB 635, the Uniform Motor Vehicle Records Disclosure Act, which went into effect Sept. 13, 1997 and which has resulted in an increase in the number and type of requests for these records made to the Department.

Prior to LB635, many commercial entities, such as banks, financial institutions and credit bureaus, directed requests for vehicle title, lien and registration information for multiple vehicle listings

- (a) copy of the contract under consideration

INTERAGENCY AGREEMENT
between the
DEPARTMENT OF MOTOR VEHICLES
and the
NEBRASKA LIBRARY COMMISSION

PURPOSE OF AGREEMENT

THIS INTERAGENCY AGREEMENT is made by and between the Department of Motor Vehicles, State of Nebraska (hereafter "DMV"), and the Nebraska Library Commission (hereafter "Library Commission"), to provide inquiry only access to the Nebraska driver license and vehicle data files.

TERMS OF AGREEMENT

Now, therefore, in consideration of the mutual undertakings and agreements set forth below, DMV and the Library Commission agree as follows:

- I. **TERM.** This Agreement supersedes all prior agreements between both parties and shall remain in effect until amended or terminated by either party.
- II. **SCOPE.** DMV shall grant inquiry only access to the Library Commission for the limited purpose of providing driver and vehicle records ~~and~~ on Nebraska Online. By entering this agreement, DMV shall not in any way be restricted from performing its duties to provide public access to driver records pursuant to NEB. REV. STAT. § 60-6,483 (Reissue 1993) or NEB. REV. STAT. § 84-712 (Reissue 1987).
- III. **CONTENT OF FILES.** Limited inquiry only access to the aforementioned files shall include all information contained in files except it shall not include the social security numbers of any individual's records in the files.
- IV. **CONFIDENTIALITY.** The Library Commission shall not release, disclose or share the information in the files provided to it by DMV for any purpose unless allowed by law and this agreement. The Library Commission may release driver and vehicle records over Nebraska Online provided the name, telephone number and address of the Nebraska Online user to whom a record is being disclosed is first collected.

VII. CONTACT PERSON. The Library Commission shall establish a contact person who will be responsible for correspondence between DMV and the Library Commission regarding the implementation of this agreement.

VIII. PAYMENT OF FEES. The Library Commission shall remit \$2.00 for every driver record to which a Nebraska Online user requests access. Payment shall be made to DMV by the last working day of the month following the month in which the user electronically requested the driver record. Payment shall be accompanied by a statement identifying the number of driver records accessed in a given month and identifying the period for which payment is being submitted.

DMV shall implement monitoring procedures to tally the number of times driver records are accessed by the Library Commission. Should a discrepancy arise between the access totals submitted by the Library Commission and DMV, the Library Commission shall resolve such discrepancies no later than the next date on which a payment of fees is due.

The Library Commission and DMV shall negotiate a fee agreement regarding vehicle records which will be incorporated as an addendum to this agreement once the parties have settled on the procedures by which driver records will be disseminated by Nebraska Online.

Failure to pay fees pursuant to the terms of this agreement or its addenda shall constitute grounds for DMV to immediately terminate the agreement and sever the Library Commission's access to Nebraska driver records.

IX. TERMINATION OF AGREEMENT. Except as otherwise stated, the above agreement may be terminated by either party upon thirty (30) days' written notice for any reason. DMV may terminate the agreement immediately upon the discovery that Library Commission access to driver and vehicle records or the driver and vehicle records systems have been abused or exceeded the authority granted under this agreement.

X. AMENDMENT. This agreement may not be modified except by amendment made in writing and signed by both parties or their duly authorized representatives.

XI. NONDISCRIMINATION. The Library Commission agrees to comply fully with the Nebraska Fair Employment Practice Act, Neb.Rev.Stat. § 48-1122. The Library Commission agrees that it shall not discriminate against any employee, or applicant for employment to be employed in the performance of this agreement, with respect to hire, tenure, terms, conditions, or privileges of employment because of the race, color, religion, sex, disability, or national origin of the employee or applicant.

EXECUTED by the parties or their duly authorized representatives on the dates indicated below.

FOR THE DEPARTMENT OF
MOTOR VEHICLES:

Alvin Abramson
Director
Department of Motor Vehicles

Alvin Abramson
301 Centennial Mall South
Lincoln, Nebraska 68509

Date: *February 21*, 19*95*

FOR THE NEBRASKA LIBRARY
COMMISSION

Rod Wagner
Director
Nebraska Library Commission

Rod Wagner
1200 N Street
Lincoln, Nebraska 68508

Date: *February 17*, 19*95*

AMENDMENT #1 TO INTERAGENCY AGREEMENT (DATED 2-21-95)
between the
DEPARTMENT OF MOTOR VEHICLES
and the
NEBRASKA LIBRARY COMMISSION

THIS AMENDMENT #1 is made by and between the Department of Motor Vehicles and the Nebraska State Records Board, on behalf of the State of Nebraska, upon the following terms and conditions:

WHEREAS, the parties hereto entered into an Interagency Agreement dated February 21, 1995; and

WHEREAS, the Nebraska Library Commission, in an agreement executed July 24, 1997 entitled "Interim Contract for Network Manager Services" did assign all its rights, powers and duties under the "Contract for Network Manager Services" and all addenda thereto to the Nebraska State Records Board.

WHEREAS, that agreement provided at Section VIII., first paragraph, for the payment of \$2.00 per every driver record accessed by Nebrask@ Online; and
WHEREAS, the Nebraska State Records Board has determined, based upon the passing and signing into law of LB590, effective June 7, 1997, that the payment must be changed to reflect the new statute pricing structure for the Nebraska Office of the Secretary of State;

NOW THEREFORE, the parties hereto agree to AMEND the Interagency Agreement as follows:

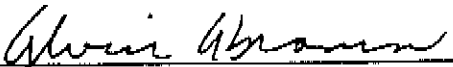
1. Section II, entitled "**SCOPE**" is amended as follows:
 - A. The reference to "NEB. REV. STAT. § 60-6, 483 (Reissue 1993)" is corrected and amended to "§ 60-483, as amended by LB 590"; and
 - B. The following sentence is added at the end of Section II: "Pursuant to § 60-483, as amended by LB 590, the cost to Nebraska Online users for obtaining access to driver records is hereby established at \$3.00."

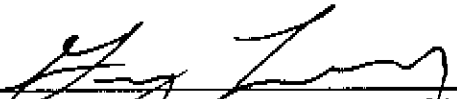
2. Section VIII., first paragraph, is changed to read as follows:

VIII. PAYMENT OF FEES. The Nebraska State Records Board shall remit \$3.00 for every driver record to which a Nebrask@ Online user requests access. Payments shall be made to DMV, for monies due the Records Management Cash Fund, by the morning of the next to last working day of the month following the month in which the user electronically requested the driver record; and by the last working day of the month following the month in which the user electronically requested the driver record, for the monies due the State General Fund Account and DMV Account. NOTE: DMV shall deposit monies into the Records Management Cash Fund on the day received. Payment shall be accompanied by a statement identifying the number of driver records accessed in a given month and identifying the period for which payment is being submitted.

EXECUTED by the parties or their duly authorized representatives on the dates indicated below.

DEPARTMENT OF MOTOR VEHICLES NEBRASKA STATE RECORDS BOARD


Alvin Abramson, Director


Greg Lemon, Deputy Secretary of State
for Scott Moore, Chairman

Date: August 1, 1997

Date: August 1, 1997

(b) Public records and proposed subscriber fees.

**Addendum Number One to the Interagency Agreement
between the
Nebraska State Records Board
and the
Department of Motor Vehicles**

This Addendum Number One to the Interagency Agreement between the Nebraska State Records Board and the Department of Motor Vehicles sets forth certain services provided by the Department of Motor Vehicles other than those listed in Amendment #1 to Addendum #1 to Contract Dated January 26, 1995 between Nebraska Library Commission and Nebrask@ Interactive, Inc., which of those services (including new services) will be provided by Nebrask@ Online, the prices to be charged for such Nebrask@ Online services, and how the revenue from such Nebrask@ Online services is to be divided between Nebrask@ Online(NOL) and the Department of Motor Vehicles(DMV).

This Addendum Number One covers both interactive, extract and special request processing services, of which the extract and special request services are currently provided by the Department of Motor Vehicles.

Data Records to be Accessed

SERVICE	PRICE	DMV	NOL**
Title, Registration and Lien Search:			
Interactive(each)	\$ 2.00	\$ 1.00*	\$ 1.00
Extract(complete file/per 1,000)	\$ 12.00*	\$ 12.00	\$ N/A
Special Requests(various criteria):			
Initial Set Up/Programming	\$ 55.00-500.00	\$ N/A	\$ 55.00-500.00
First Run	\$ 24.00	\$ 9.60	\$ 14.40
Successive Runs/No Set Up:			
Minimum(2,000 records)	\$ 24.00	\$ 9.60	\$ 14.40
Over 2000 records	\$ 12.00/1,000	\$ 4.80/1,000	\$ 7.20/1,000

*These prices currently exist in statute(\$1.00 & \$12.00) or are currently charged(\$55.00-500.00).

**The monies to go to NOL will flow through the NSRB Cash Fund for accounting purposes.

Special Notation: The network(NOL) will pay the CDP costs(CPU) associated with providing the above listed services, except for the Extract, which will remain with DMV.

The above and foregoing are acceptable to the Nebraska State Records Board and the Department of Motor Vehicles, and shall remain in effect subject to the terms of the Interagency Agreement between these two agencies/boards pertaining to Nebrask@ Online, or until subsequently modified in writing signed by an authorized representative of both parties.

Nebraska State Records Board:

by _____ Dated _____

Department of Motor Vehicles

by _____ Dated _____

(d) provisions for protection of confidential or sensitive records

**AGREEMENT FOR NEBRASKA DEPARTMENT OF
MOTOR VEHICLE TITLE, REGISTRATION AND
LIEN SPECIAL REQUEST/BATCH PROCESSING**

This agreement is made between Midlands Business Journal, a corporation with its principal office in Omaha, Nebraska ("SUBSCRIBER"), and Nebrask@ Online, a State of Nebraska information and communication network operated under the authority of the Nebraska State Records Board.

WHEREAS, SUBSCRIBER desires to enter into an Agreement with Nebrask@ Online for the purpose of receiving access to motor vehicle title, registration and lien information, under the custody of the Nebraska Department of Motor Vehicles, ("NDMV"); and

WHEREAS, SUBSCRIBER desires to purchase NDMV title, registration and lien records now and in the future, and to do so by receiving the information in a digitized (computer) format;

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein, including the amounts hereinafter provided to be paid by SUBSCRIBER for such access, the parties hereto hereby agree as follows:

1. Nebrask@ Online shall furnish to SUBSCRIBER NDMV title, registration and lien records requested by SUBSCRIBER, subject to any limitations to access to the NDMV database imposed by NDMV.

2. SUBSCRIBER may request records be provided on a weekly, monthly, quarterly, semi-annual or agreed upon periodic basis, but not on holidays/weekends.

3. SUBSCRIBER shall pay to Nebrask@ Online a fee of \$12.00 per every 1000 title, registration and lien record increment (for a complete file extract) or an amount ranging from \$55.00 to \$500.00 per request, depending upon the complexity of the request and amount of programming required to complete the request. Subsequent requests, once the programming has been accomplished and will not significantly change, will be priced at a minimum of \$25.00 for up to 2,000 records and \$15.00 per any increment of 1,000 over the 2,000. This amount will be established, and agreed upon by both parties, at the time of the request. Payment shall be remitted to Nebrask@ Online within twenty (20) days from the date of the invoice. Invoices will be mailed monthly to the

**Nebraska NDMV Title, Registration and Lien Records Special
Request/Batch Agreement**

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SUBSCRIBER'S address, which is:

Midlands Business Journal
P.O.Box 24245
1279 S. 120th Street
Omaha, NE 68144

Accounts not paid when due may be late charged, or may have their access terminated without notice.

4. SUBSCRIBER warrants that it is aware of, and will comply with, all applicable federal, state, or other laws with regard to, access to, or use of, any and all information, databases, programs, or other products to which access is provided by or through Nebrask@ Online.

5. This agreement may be terminated at any time upon sixty (60) days advance notice by an instrument in writing, signed by a duly authorized representative of the party wishing to terminate, and mailed to the other party. This agreement may be immediately terminated upon any material breach of any covenant herein at the option of the non-breaching party, or upon cessation of the Nebraska State Records Board's Interagency Agreement with NDMV. Any notice of termination shall be deposited with the United States Postal Service, correctly addressed and postage prepaid.

6. This agreement constitutes the entire AGREEMENT of the parties and supersedes all other prior written or oral agreements between the parties with respect to the subject matter herein. This agreement may be changed, modified or amended at any time by an instrument in writing, signed by duly authorized representatives of both parties hereto.

7. Nebrask@ Online's address for notice is:

Mr. Sam Somerhalder, General Mgr.
Nebrask@ Online
1221 "N" St., Suite 303
Lincoln, NE 68508

8. Nebrask@ Online agrees to provide reasonable technical support to SUBSCRIBER during regular business hours, and to provide electronically paged technical support during

Nebraska NDMV Title, Registration and Lien Records Special Request/Batch Agreement

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other hours, to assist SUBSCRIBER in the event of technical problems with regard to the formatting and/or reading of the digitized information requested.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed by their duly authorized representatives.

SUBSCRIBER

Nebraska Online

Authorized agent

Date

Sam Somerhalder
General Manager

Date

(Typed/Printed Name)

(Typed/Printed Title)