



CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
Customer Service and POA Division

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	November 7, 2019
SUBJECT/REPORT NO:	Provincial Offences Administration Amending Agreement to the Software License Agreement and Software Support Agreement for CAMS (FCS19083) (City Wide)
WARD(S) AFFECTED:	City Wide
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SUBMITTED BY: SIGNATURE:	Cindy Mercanti Director, Customer Service, POA and Financial Integration Corporate Services Department

RECOMMENDATION(S)

- (a) That staff be authorized and directed to enter into an amending agreement between the City of Hamilton and The Regional Municipality of Niagara regarding the software license agreement and software support agreement for the Court Administration Management System (CAMS);
- (b) That the Mayor and City Clerk be authorized and directed to execute the amending agreement between the City of Hamilton and the Regional Municipality of Niagara in a form satisfactory to the City Solicitor;
- (c) That Council approve the single source procurement, pursuant to Procurement Policy #11 – Non-competitive Procurements, for the service agreement to provide third-party support to the Court Administration Management System (CAMS) until a suitable replacement can be found and that the General Manager, Corporate Services Department be authorized to negotiate, enter into and execute a Contract and any ancillary documents required to give effect thereto with White Acre Information Technology Services, in a form satisfactory to the City Solicitor.

EXECUTIVE SUMMARY

In the agreements titled Software License Agreement dated August 21, 2007, Software Support Agreement dated August 26, 2008 and Amending Agreement dated January 3, 2012, the Regional Municipality of Niagara, in consideration of a fee paid by the City of Hamilton, agreed to provide the City access to certain software and software support services for the Court Administration Management System (“CAMS”) Software. CAMS mirrors the ticket information in the Provincial Integrated Court Offences Network (ICON) system, as well as, provides the ability to automatically move these tickets through prosecution and collection functions.

Prosecution functions include storing evidence on charges, creating routine correspondence to enforcement agencies and defendants, creating routine court documents and storing case related prosecutor notes. Collection functions include sending offender notices, assignment to external collection agencies, creating Small Claims and Superior Court documents and tax rolling.

The Regional Municipality of Niagara has provided written notice to the City that it will be discontinuing support for the CAMS Software on December 31, 2019, at the same time providing a revocable, personal, non-transferable, non-exclusive and perpetual license for the use of the software. This will allow the City to continue to use the software which contains important collection and prosecution information necessary to efficiently collect outstanding fines. There are numerous other municipalities currently using CAMS who are facing a similar situation.

To support the ongoing use of the software, a third-party single source vendor, White Acre Information Technology Services, will be contracted until a suitable replacement can be found. White Acre Information Technology Services is owned and operated by the creator and developer of the CAMS software. At this time, there are no other available support options for CAMS.

To gain access to the source codes and commence a transition to a modified or replacement software, an amending agreement is required. There is no cost for amending the agreement. The risk in not amending the agreement is that the City will not be given access to the source code, meaning the City will not be able to use the CAMS software, therefore, losing access to information stored in the software.

Alternatives for Consideration – See Page 5

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Enter into a single source service support agreement with White Acre Information Technology Services until a replacement system can be found (\$10,000 / year), expected to take a minimum of three years.

Staffing: None.

Legal: If approved by Council, staff will execute the amending agreement with the Regional Municipality of Niagara to continue to use the software via a revocable, personal, non-transferable, non-exclusive and perpetual license.

If approved by Council, Legal Services staff will be requested to aid in the review and execution of the White Acre Information Technology Services contract and service level agreement for the CAMS system until a suitable replacement can be found.

HISTORICAL BACKGROUND

The Regional Municipality of Niagara (“Niagara Region”) developed software known as CAMS to augment the Provincial Integrated Court Offences Network (ICON) for managing Provincial Offences Court administration activities. The Niagara Region granted a license to the City of Hamilton to use the CAMS Software and to provide software support services through the following titled Agreements: Software License Agreement dated August 21, 2007, Software Support Agreement dated August 26, 2008 and Amending Agreement dated January 3, 2012.

The City of Hamilton uses the CAMS software to support collection activities and prosecution. It allows collectors to use an automated process to collect and store client related information. Loss of this information would have a significant impact on the ability to collect outstanding fines. Some information contained in the CAMS software (e.g. collection stage and status) is not housed in any other software.

On August 14, 2019, the Niagara Region, in accordance with the agreements, provided written notification to the City that software support would be discontinued as of December 31, 2019. The City has the option to return the software, destroy the software or continue to use the software via a revocable, personal, non-transferable, non-exclusive and perpetual license. The City would accept the use of the software “as-is” and release the Niagara Region from any service support obligation.

Concurrently, a process to replace the ICON software (which will also replace the CAMS software) was initiated by the Ministry of the Attorney General in late 2018. This initiative will affect all municipalities as all POA information is stored in the ICON system. This is a Ministry of the Attorney General initiative that does not include municipal participation at this time. ICON is used by 52 municipalities across Ontario, housing both Provincial Offences and criminal information. It is also over 35 years old. Analyzing how to separate, store and process in a new system will be complicated.

The Municipal Court Managers Association has established a committee representing POA courts of varying sizes. This committee is looking for collection software to replace CAMS. They are currently reviewing options for existing software and / or customized software. The estimated time for release of a request for proposal (RFP) is by end of 2020.

The risk involved in not entering into the amending agreement with Niagara Region is that the City will not have access to the software and the information contained therein.

The City has identified a single source vendor, White Acre Information Technology Services, that will support the CAMS software until a replacement can be found.

White Acre Information Technology Services is operated by the developer of the software for Niagara Region and will provide support until a suitable replacement is chosen. Currently, there is no alternative software available that will perform the functions that CAMS provide.

The risk in not entering into a contract with White Acre Information Technology Services is that there will be no updates to court documents as required by legislated changes resulting in documents that cannot be filed with the court. We anticipate between one to five software updates per year. The costs of these updates are included in the contracted price of \$10,000.00 per year. Both risks result in the inability to collect on defaulted fines which will impact revenue.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The recommendations follow existing corporate and Provincial policies, procedures and standard practices.

The single sourcing of this vendor is in compliance with By-law 17-064 Procurement Policy, Procurement Policy #11 – Non-competitive Procurements.

RELEVANT CONSULTATION

Internal stakeholders consulted include staff in the Corporate Services Department (divisions of Legal and Risk Management Services, Financial Services and Taxation (Procurement), Office of the City Clerk and Information Technology).

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

The CAMS software is an integral system and houses unique information that supports court administration activities, specifically the collection of defaulted fines. The Niagara Region is discontinuing all support for the CAMS system effective December 31, 2019 and providing the City with a revocable, personal, non-transferable, non-exclusive and perpetual license. The source code for the software will be released to City of Hamilton allowing the City to seek support from another party.

The risk involved in not entering into the amending agreement with Niagara Region is that the City will not have access to the software and the information contained therein. Inability to collect fine revenue will breach the Memorandum of Understanding with the Ministry of the Attorney General.

White Acre Information Technology Services is operated by the developer of the software for the Region of Niagara and will provide support until a suitable replacement is chosen. Currently, there is no alternative software available that will perform the CAMS functions.

The risk in not entering into a contract with White Acre Information Technology Services is that there will be no updates to court documents resulting in documents that cannot be filed with the court. Other risks include an inability to make improvements to the software, address deficiencies in functionality, and to diagnose and recover from software failure should it occur. The risks result in the inability to collect on defaulted fines which will impact revenue.

ALTERNATIVES FOR CONSIDERATION

As per the amending agreement, the City can return the software, destroy the software or continue to use the software via a revocable, personal, non-transferable, non-exclusive and perpetual license. With the perpetual license, the City will have access to the code and therefore, enable third-party support and eventual replacement.

**SUBJECT: Provincial Offences Administration Amending Agreement to the
Software License Agreement and Software Support Agreement for
CAMS (FCS19083) (City Wide) – Page 6 of 6**

The City of Hamilton Information Technology (IT) division is not positioned to provide service support for the CAMS software. To enable IT would require at least one year of working with White Acre Information Technology Services to transfer knowledge to City staff as well as approval to add to IT staff complement.

There is no existing alternative to the CAMS software.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

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APPENDICES AND SCHEDULES ATTACHED

None.

WM/LG/dt