

SCHEDULE A ADDENDUM TO THE SERVICE LEVEL AGREEMENT BETWEEN UTAH INTERACTIVE AND THE DEPARTMENT OF COMMERCE

This document is the amended Schedule A addendum dated April 18, 2005, to the Service Level Agreement with the Department of Commerce ("the Agency") and Utah.gov ("the Network"), the state electronic government portal managed for the state by Utah Interactive Inc. ("Network Manager") as an initiative of the State of Utah, adding the Agency transactions or services to the Network. This document replaces all prior Schedule A addendum for the State Construction Registry.

State Construction Registry (SCR) Program

AGREEMENTS

1. Access By the Network Manager The Agency authorizes the Network Manager, to provide electronic access and functionality, in accordance with this agreement. The description of service is as follows:

Sixth Substitute House Bill 136, Electronic Filing of Preliminary Lien Documents, enacted by the 2004 Utah Legislature and signed into law by the Governor (H.B. 136), requires the Division of Occupational and Professional Licensing (Division), a Division of the Agency, to contract with a designated agent for the creation and maintenance of a statewide internet database application known as the State Construction Registry (SCR) Program. The Division is responsible to oversee the creation, operation, and maintenance of the SCR Program by its designated agent and to make rules to implement H.B. 136.

Highlights of the law include the following: a provision addressing preliminary notice requirements; a provision addressing notice of claim requirements; a provision that requires the Division to contract for the creation and maintenance of a construction notice registry; a requirement that the notice registry be accessible for filing and reviewing notices of commencement, preliminary notices, and notices of completion; a provision for alternative filing; a requirement that electronic notification and hard-copy printing of electronic receipts be provided; a requirement that the Division establish by rule the fees for filing; the creation of requirements for filing notices; a requirement to assign to each construction project a unique project number which identifies each construction project; the establishment of requirements for the content of a notice of commencement; the establishment of penalties for failure to file notices in a timely manner; the establishment of penalties for abuse of the SCR Program; a provision that the state is not liable for the operations of the SCR Program; a provision that construction notice does not impart notice for specified purposes; a provision that addresses the applicability of sections on the basis of when a construction project is commenced; a provision requiring a sunset review by July 1, 2008; and various technical changes.

The Network Manager shall be the Division's Designated Agent and as such shall:

- a. design, and develop a SCR Program that meets the requirements of H.B. 136;
 - b. assist in defining, and meet the requirements of, Administrative Rules made to implement H.B. 136;
 - c. provide all development of code and supporting SCR Program functionality;
 - d. provide facilities to host, operate, and maintain the SCR Program;
 - e. provide adequate technical support for users of the SCR Program;
 - f. provide all marketing and training for the SCR Program; and
 - g. cooperate with the Division in its oversight responsibilities.
2. Data Ownership Though the Network Manager is responsible for maintaining, protecting and controlling the SCR program data, the parties mutually agree that the agency shall at all times retain ultimate ownership of all such data.
 3. Record Classification and User Access The Agency represents to the Network Manager the record classification: Public.

The Network Manager certifies that they will offer the following security and authorization for access to the application outlined above:

This application will reside on a secure server that uses Secure Socket Layer (SSL) that will encrypt data transmission.

4. Record Access and Computer Programs. Except as provided in paragraph No. 9 below, the Network Manager shall be responsible for costs and expenses in establishing access to the records to Users and Administrators, including without limitation, the cost for purchasing or developing and maintaining all programs used to interface with the Agency computer programs. Computer programs used by the Network Manager shall:
 - a. protect information from unauthorized access;
 - b. provide access to records to Administrators on a timely basis in an accurate, understandable and logical format acceptable to the Agency; and
 - c. be tested by the Network Manager and the Agency, and approved before it is offered to the public.
5. Use messages. If required by the Agency, the Network Manager shall cause the Network to require Users to signify online that they will comply with any restriction on use of the records required by law, as amended from time to time. Such user agreements will be in the form of a use message displayed online, with a required positive response, all as captured in a log file, prior to the User being permitted to further search or view the record.
6. Transaction Logs. The Agency shall have access to the Network's Transaction Log for the purpose of auditing the collection and dissemination of the Agency's records.
7. Payment and Collection.

a. Collection: The Network Manager shall be responsible for the collection of payment information online and collection of the payments. A transaction fee will be paid by users according to the chart below. All payments collected will be retained by the Network Manager. Any operation costs incurred by the Agency will be repaid to the Agency by the Network Manager. The Agency will consult with the Network Manager prior to incurring any significant operation costs. The Network Manager, for the identified records, may charge no additional amounts without the prior written agreement of the Agency, and the Network. The Network Manager hereby represents to the Agency, that it believes the following charges will fairly and reasonably recompense the Network Manager in order to make the Agency's application a success:

Service	Pricing	
	Online Method	Offline Method
Notice of Commencement	7.50	15.00
Appended Notice of Commencement	7.50	15.00
Preliminary Notice	1.00	6.00
Notice of Completion	7.50	15.00
Required Notifications	0.00	6.00
Requested Notifications	10.00	25.00
Receipt Retrieval (Within 2 yrs.)	1.00	6.00
Receipt Retrieval (Beyond 2 yrs.)	5.00	12.50
Public Search	1.00	0.00
Annual Account Setup Fee (Auto bill to CC)	60.00	75.00
Annual Account Setup Fee (Invoice)	100.00	125.00

- b. Auditing: The Agency will conduct an annual audit of the fee structure for users. A determination will be made as to whether the fee structure needs to be modified based on relevant data.
8. Records and Finances. All Network documents and records maintained by the Network Manager relating to the Agency records shall be available for inspection, auditing and copying by the agency or other authorized representatives.

9. **Funding Source.** The Agency is required to declare in advance the source of funds used for this project. Please indicate in the blank which lettered statement is true about your funding source. If neither of these choices is true about your funding source, then the Network Manger may not be able to perform the work for the Agency. The Network Manager will rely upon your statement in determining whether it can or cannot perform this work for the Agency.

Declaration of funding source: a

- a. "The Agency affirms that no federal funds are being used to finance this project." or,
 - b. "Federal funds are being used to finance the project but no federal funds are being used that requires the Network Manager to assign all right, title and interest in any part of the work or deliverables, including any work allegedly made for hire, to any other entity, individual, or to the public domain. Special federal funding requirements, if any, are included as an attachment."
10. Repeal of SCR Program or Extension of Effective Date for Implementation of SCR Program. In the event the SCR Program is repealed or the effective date for implementation of the SCR Program is extended by the 2005 Legislature, the Agency agrees to reimburse the Network Manager subject to the following limitations:
- a. Reimbursement is contingent upon the 2005 Legislature:
 - i. repealing the SCR Program in its entirety or in significant part; or
 - ii. extending the May 1, 2005 effective date for implementation of the SCR Program in its entirety or in significant part beyond December 31, 2005.
 - b. Reimbursement is contingent on the 2005 Legislature not passing a negative appropriation in conjunction with any repeal of the SCR Program or delay of the implementation date of the SCR Program, i.e., the original 2004 appropriation must remain intact.
 - c. Reimbursement is limited to the unexpended and unencumbered remaining balance of the 2004 appropriation, i.e., all Agency expenses associated with the SCR Program take priority over and limit the amount of any reimbursement.
 - d. Reimbursement must be requested by the Network Manager through the submission of an itemized invoice no later than the last day of May 2005.
 - e. Reimbursement will be determined on a time and materials basis per the Master Contract with the Agency.
 - f. No repayment options are anticipated in future fiscal years.

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

The Agency, Department of Commerce

By Russell C. Skousen
Russell C. Skousen, Executive Director

Date 4/18/2005

The Network Manager

By Amy Sawyer
Amy Sawyer, General Manager

Date 4/19/05

The Network

By Al Sherwood
Al Sherwood, Deputy CIO

Date 4/19/05

SCHEDULE A ADDENDUM TO THE SERVICE LEVEL AGREEMENT BETWEEN UTAH INTERACTIVE AND THE DEPARTMENT OF COMMERCE

This document will serve as the latest Schedule A addendum to the Service Level Agreement with the Department of Commerce ("the Agency") and Utah.gov ("the Network"), the state electronic government portal managed for the state by Utah Interactive Inc. ("Network Manager") as an initiative of the State of Utah, adding the Agency transactions or services to the Network.

Construction Notice Registry (CNR) Program

AGREEMENTS

1. Access By the Network Manager The Agency authorizes the Network Manager, to provide electronic access and functionality, in accordance with this agreement. The description of service is as follows:

Sixth Substitute House Bill 136, Electronic Filing of Preliminary Lien Documents, enacted by the 2004 Utah Legislature and signed into law by the Governor (H.B. 136), requires the Division of Occupational and Professional Licensing (Division), a Division of the Agency, to contract with a designated agent for the creation and maintenance of a statewide internet database application known as the Construction Notice Registry (CNR) Program. The Division is responsible to oversee the creation, operation, and maintenance of the CNR Program by its designated agent and to make rules to implement H.B. 136.

Highlights of the law include the following: a provision addressing preliminary notice requirements; a provision addressing notice of claim requirements; a provision that requires the Division to contract for the creation and maintenance of a construction notice registry; a requirement that the notice registry be accessible for filing and reviewing notices of commencement, preliminary notices, and notices of completion; a provision for alternative filing; a requirement that electronic notification and hard-copy printing of electronic receipts be provided; a requirement that the Division establish by rule the fees for filing; the creation of requirements for filing notices; a requirement to assign to each construction project a unique project number which identifies each construction project; the establishment of requirements for the content of a notice of commencement; the establishment of penalties for failure to file notices in a timely manner; the establishment of penalties for abuse of the CNR Program; a provision that the state is not liable for the operations of the CNR Program; a provision that construction notice does not impart notice for specified purposes; a provision that addresses the applicability of sections on the basis of when a construction project is commenced; a provision requiring a sunset review by July 1, 2008; and various technical changes.

The Network Manager shall be the Division's Designated Agent and as such shall:

- a. design, and develop a CNR Program that meets the requirements of H.B. 136;
 - b. assist in defining, and meet the requirements of, Administrative Rules made to implement H.B. 136;
 - c. provide all development of code and supporting CNR Program functionality;
 - d. provide facilities to host, operate, and maintain the CNR Program;
 - e. provide adequate technical support for users of the CNR Program;
 - f. provide all marketing and training required for the CNR Program; and
 - g. cooperate with the Division in its oversight responsibilities.
2. Data Ownership Though the Network Manager is responsible for maintaining, protecting and controlling the CNR program data, the parties mutually agree that the agency shall at all times retain ultimate ownership of all such data.
3. Record Classification and User Access The Agency represents to the Network Manager the record classification: Public.

The Network Manager certifies that they will offer the following security and authorization for access to the application outlined above:

This application will reside on a secure server that uses Secure Socket Layer (SSL) that will encrypt data transmission.

4. Record Access and Computer Programs. Except as provided in paragraph No. 9 below, the Network Manager shall be responsible for costs and expenses in establishing access to the records to Users and Administrators, including without limitation, the cost for purchasing or developing and maintaining all programs used to interface with the Agency computer programs. Computer programs used by the Network Manager shall:
 - a. protect information from unauthorized access;
 - b. provide access to records to Administrators on a timely basis in an accurate, understandable and logical format acceptable to the Agency; and
 - c. be tested by the Network Manager and the Agency, and approved before it is offered to the public.
4. Use messages. If required by the Agency, the Network Manager shall cause the Network to require Users to signify online that they will comply with any restriction on use of the records required by law, as amended from time to time. Such user agreements will be in the form of a use message displayed online, with a required positive response, all as captured in a log file, prior to the User being permitted to further search or view the record.
5. Transaction Logs. The Agency shall have access to the Network's Transaction Log for the purpose of auditing the collection and dissemination of the Agency's records.
6. Payment and Collection.
 - a. Collection: The Network Manager shall be responsible for the collection of payment information online and collection of the payments. A transaction fee will be paid by users according to the chart below. All payments collected will be retained by the Network Manager. Any operation costs incurred by the Agency will be repaid to the Agency by the Network Manager. The Agency will consult with the Network Manager prior to incurring any significant operation costs. The Network Manager, for the identified records, may charge no additional amounts without the prior written agreement of the Agency, and the Network. The Network Manger hereby represents to the Agency, that it believes the following charges will fairly and reasonably recompense the Network Manager in order to make the Agency's application a success:

<u>Transaction</u>	<u>Network Manager Fee</u>
Online Filing of Notice of Commencement	- Transaction Fee: to be determined
Online Filing of Preliminary Notice	- Transaction Fee: to be determined
Online Filing of Notice of Completion	- Transaction Fee: to be determined
Phone Filings	- Transaction Fee: to be determined
Fax Filings	- Transaction Fee: to be determined
U.S. Mail Filings	- Transaction Fee: to be determined
Notifications	- Transaction Fee: to be determined
Data Access	- Transaction Fee: to be determined
 - b. Auditing: The Agency will conduct an annual audit of the fee structure for users. A determination will be made as to whether the fee structure needs to be modified based on relevant data.
7. Records and Finances. All Network documents and records maintained by the Network Manager relating to the Agency records shall be available for inspection; auditing and copying by the agency or other authorized representatives.
8. Funding Source. The Agency is required to declare in advance the source of funds used for this project. Please indicate in the blank which lettered statement is true about your funding source. If neither of these choices is true about your funding source, then the Network Manger may not be able to perform the work for the Agency. The Network Manager will rely upon your statement in determining whether it can or cannot perform this work for the Agency.

Declaration of funding source: a

- a. "The Agency affirms that no federal funds are being used to finance this project." or,
 - b. "Federal funds are being used to finance the project but no federal funds are being used that requires the Network Manager to assign all right, title and interest in any part of the work or deliverables, including any work allegedly made for hire, to any other entity, individual, or to the public domain. Special federal funding requirements, if any, are included as an attachment."
9. Repeal of CNR Program or Extension of Effective Date for Implementation of CNR Program. In the event the CNR Program is repealed or the effective date for implementation of the CNR Program is extended by the 2005 Legislature, the Agency agrees to reimburse the Network Manager subject to the following limitations:
- a. Reimbursement is contingent upon the 2005 Legislature:
 - i. repealing the CNR Program in its entirety or in significant part; or
 - ii. extending the May 1, 2005 effective date for implementation of the CNR Program in its entirety or in significant part beyond December 31, 2005.
 - b. Reimbursement is contingent on the 2005 Legislature not passing a negative appropriation in conjunction with any repeal of the CNR Program or delay of the implementation date of the CNR Program, i.e., the original 2004 appropriation must remain intact.
 - c. Reimbursement is limited to the unexpended and unencumbered remaining balance of the 2004 appropriation, i.e., all Agency expenses associated with the CNR Program take priority over and limit the amount of any reimbursement.
 - d. Reimbursement must be requested by the Network Manager through the submission of an itemized invoice no later than the last day of May 2005.
 - e. Reimbursement will be determined on a time and materials basis per the Master Contract with the Agency.
 - f. No repayment options are anticipated in future fiscal years.

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

The Agency, Department of Commerce

By Klare Bachman
Klare Bachman, Executive Director

Date 12-20-04

The Network Manager

By Amy Sawyer
Amy Sawyer, General Manager

Date 12/28/04

The Network

By Al Sherwood
Al Sherwood, Deputy CIO

Date 1/7/04