

Recommendation to the Task Force Regarding BenNevis Contract

Some Task Force members have expressed concern about a perception of a lack of organizational objectivity or impartiality for future work on the part of BenNevis. This is seen as the result of their contracts with the Task Force and with US Recording as a developer of an e-recording technology package.

In light of this, I have been asked by the Task Force Chair to work with BenNevis to identify and recommend a solution that can affectively address these issues brought up at the last Task Force meeting. The following has been discussed with the LCC, Bert Black, other members of the Executive Committee, and is generally amenable to BenNevis, Inc.

1. In order to resolve issues regarding private software development, I recommend that the Task Force terminate the BenNevis contract in accordance with paragraph 14.1 of the contract, providing for thirty days notice. Ben Nevis will receive:

1. The retainage attributable to work completed before termination, which had not yet been paid, due to the contract extension,
2. A proportional share of the contract amendment amount for the work they have already completed, or which they are expected to complete within the next 30 days, and
3. A small amount to provide for a limited number of hours of consulting work for the benefit of the Task Force in the transition from the contract, with that wrap up coming within the 30 day period prior to actual termination.

2. Ben Nevis will complete their obligations under paragraph 2.2.1.5.1 to develop the project plans and funding assessments for the five pilot counties and the completion of version 2.0 of standards, incorporating the work of MISMO and PRIA to the extent possible. Thereafter, counties will be responsible for managing, assessing and reporting on pilot activity, utilizing evaluation criteria to be developed for their use by the Project Coordinator.

Pilot County Additional Activities: Activities previously assigned to BenNevis include:

1. Management, assessment and reporting of Pilot Project activities and status,
2. Consultation and recommendations regarding the utilization of ERER standards as counties develop and implement technology,

3. Collection of implementation, development and test findings that are specific to counties as they work with technology and the ERE standards, as recommended by Technology Subcommittee in report given to the Task Force on August 8, 2002
4. Collection of practices that were beneficial in county implementations and other pertinent information concluded from pilot county initiatives, as recommended by Technology Subcommittee in report given to the Task Force on August 8, 2002
5. Identification of any risks and risk mitigation strategies for counties

Recommendations: Counties may consider engaging other assistance in the information gathering activities for the pilot process, except as noted in the following paragraph. This information is critical to the successful management of future county initiatives in electronic real estate recording.

I recommend that language be added to Pilot Project Joint Power Agreements to ensure counties are not free to hire BenNevis or any other vendor with whom the TF has (or had) a contract for this purpose using Task Force allocated funds. This is in an effort to avoid future conflict of interest issues.

3. A new RFP, for which Ben Nevis will not be eligible, will be let in the fall of this year to cover technical consulting to the Task Force for the remainder of the project. The consultant to whom the RFP is awarded will not be eligible to do any other work, public or private, relating to electronic real-estate recording during the life of the contract with the Task Force. The RFP will be in two parts:

**Recommendation: Pilot Phase I Activity
Beginning Near End of Implementation of Phase 1 – February 2003
Timeframe**

1. This resource will be a consultant to the Task Force and Task Force subcommittees only.
2. The goal of this resource is to assist the Task Force in determining whether the standards as originally adopted address the needs of both county and private sector participants and are in alignment with national standards as they are technologically implemented.
3. Manage any recommended changes necessary for more effective implementation that will be submitted for review to the Pilot Subcommittee and the approval of the Task Force.
4. The value of this 3rd party assessment is to allow for critical test / review of standards by a resource with no prior exposure to the standards. The

consultant will need to learn and understand the standards and how they are implemented, in order to help the Task Force assess and evaluate the pilots.

Recommendation: Pilot Phase II Activity
Beginning End of April, 2003 through June of 2004

1. This resource will document an Implementation Guide as recommended by the Technology Subcommittee in its report to the Task Force on August 8, 2002 – to include core and common implementation needs along with unique and specific county needs.
2. Development of project plans for each pilot county that reflect workflow and business process needs for Phase 2 documents. This plan will include:
 - Information architecture design and planning,
 - Connectivity and integration needs for current back office system,
 - Expected costs,
 - A risk and assumptions document
3. This resource will be a consultant to the Task Force and Task Force subcommittees for Phase II.
4. Assist the Task Force in determining whether the standards as originally adopted address the needs of both county and private sector participants and are in alignment with national standards as they are technologically implemented for Phase II.
5. Manage any recommended changes necessary for more effective implementation for Phase II that will be submitted for review to the Pilot Subcommittee and the approval of the Task Force.