

The Judicial Branch would like to call attention to the following substantive changes in the Sample Contract provided in the EDMS RFP # JB041707:

- Section 10.27 of the Services Contract is the limitation of liability provision. Subject to certain exceptions, subsection 1 says: "Contractor's own liability to the Judicial Branch shall not exceed five (5) times the total, aggregate amount to be paid by the State under this Agreement and the Software Licensing Agreement." Since we do not know the breakdown of cost between services and software, we recommend that the cap be five times the aggregate amount to be paid by the State under both agreements.
- Section 9.25 of the Licensing Agreement is the limitation of liability provision. It follows the same basic approach as section 10.27 of the Services Contract.

***\*\*Please note that a vendor may not take exception to the limitation of liability provisions found in the contracts\*\****