

16093

DATE: December 14, 2010

TO: Honorable Board of Acquisition and Contract

FROM: Marguerite Beirne, Chief Information Officer
Department of Information Technology

Rocco A. Pozzi, Commissioner
Department of Probation

RE: AUTHORIZATION TO AMEND CONTRACT IT-943 WITH SYSCON JUSTICE SYSTEMS LTD. FOR SOFTWARE SUPPORT AND MAINTENANCE OF THE TAG OFFENDER MANAGEMENT SYSTEM BY EXTENDING THE TERM ONE YEAR TO A NEW TERMINATION DATE OF JANUARY 31, 2012 AND INCREASING THE AMOUNT BY \$101,457 TO A NEW TOTAL NOT TO EXCEED CONTRACT AMOUNT OF \$455,334

BACKGROUND:

- The Department of Probation utilizes a Criminal Court Information Management System known as the TAG Offender Management System. The purchase of this application software and licenses from Syscon Justice Systems Ltd. ("Syscon"), as well as implementation and tailoring of software and a warranty, was initially authorized in a resolution approved by your Honorable Board on February 4, 1999.
- The services provided in this system include Photo Identification, Intake and Discharge, Schedules and Movements, Reports and Assessments, Orders and Conditions, Programs and Services, Case Management, Referrals and Tracking, Community Financials, Sentence Accounting, Workload Management, Integrated Word Processing, Electronic Diary, File Tracking and e-mail interface.
- On February 21, 2008, your Honorable Board approved a resolution which authorized entering into an agreement (IT-943) with Syscon Justice Systems Ltd., for software support and maintenance services for the Probation Criminal Court Information Management System for a one year period commencing on February 1, 2008 and terminating on January 31, 2009 for a total amount not to exceed \$125,618. The contract authorized in this resolution was subsequently executed and approved.
- On February 12, 2009, your Honorable Board approved a resolution which authorized an amendment to Contract IT-943 with Syscon, extending the term for software support and maintenance services for the Probation Criminal Court Information Management System by one year terminating on January 31, 2010 and increasing the amount by \$131,359 to a new total not to exceed contract amount of \$256,977. The first amendment authorized in this resolution was subsequently executed and approved.
- On March 4, 2010, your Honorable Board approved a resolution which authorized an amendment to Contract IT-943 with Syscon, extending the term for software support and maintenance services for the Probation Criminal Court Information Management System by one year terminating on January 31, 2011 and increasing the amount by \$96,900 to a new total not to exceed contract amount of \$353,877. The second amendment authorized in this resolution was subsequently executed and approved.

- It remains critical to continue software support and maintenance services for the Probation Criminal Court Information Management System. Therefore, we now come before your Honorable Board requesting authorization to amend Contract IT-943 with Syscon for one year of support and maintenance services on application software licensed to and in use by the County of Westchester, commencing on February 1, 2011, costing \$101,457.
- Pursuant to Section 9 of the Westchester County Procurement Policy and Procedures, it is our recommendation that after reasonable investigation, it has been determined that maintenance and support of the Probation Criminal Court Information Management System from Syscon is the only one practicable source for the maintenance of this software. Syscon is the sole owner of the proprietary code used in the application, therefore, they are the sole source for the maintenance thereof.
- The objective of Contract IT-943 is to assure stability and business continuity for Department of Probation staff who depend on this application to maintain and track critical information regarding probationers. Timely access to information in this case management application is critical to the efficient delivery of probation services, therefore promoting public safety. Any reported application issues are tracked via a tracking process to assure compliance. Regular status meetings are held between the vendor and the Departments of Information Technology and Probation to review and promote timely resolution to these issues.
- This contract will serve a public purpose because tracking information on probationers promotes public safety of County residents by allowing for quick access to pertinent information by Probation staff, allowing them to perform their job duties related to the welfare of their clients and community more efficiently.
- The contracted system supports all the stated County Performance Measures. The system supports the fiscal responsibility measure by assisting Probation in tracking and processing restitution, fine and fee collections. The system supports the safety and security measure by promoting the public safety of County residents as stated in the contract's public purpose. The system supports the health and environment measure by providing Probation with data necessary to make informed decisions regarding activities and programs that will result in successful supervision of probationers.

ACTION REQUESTED:

- Authorization to amend Contract IT-943 with Syscon Justice Systems Ltd., having an office located at 230-8211 Sea Island Way, Richmond, British Columbia, Canada V6X 2W3, for software support and maintenance services for the Probation Criminal Court Information Management System, by extending the term one year commencing on February 1, 2011 and terminating on January 31, 2012, and by increasing the amount by \$101,457, payable in a lump sum payment, subject to County appropriations, to a new total not to exceed contract amount of \$455,334, with all other terms and conditions of the agreement to remain the same.

A resolution authorizing the aforementioned amendment to the agreement is submitted herewith for your consideration.

RESOLUTION

UPON A COMMUNICATION FROM THE CHIEF INFORMATION OFFICER, DEPARTMENT OF INFORMATION TECHNOLOGY AND THE COMMISSIONER, DEPARTMENT OF PROBATION, BE IT HEREBY

RESOLVED, that the County of Westchester is hereby authorized to amend Contract IT-943 with Syscon Justice Systems Ltd., having an office located at 230-8211 Sea Island Way, Richmond, British Columbia, Canada, V6X 2W3, for software support and maintenance services for the Probation Criminal Court Information Management System, by extending the term one year commencing on February 1, 2011 and terminating on January 31, 2012, and by increasing the amount by \$101,457, payable in a lump sum payment, to a new total not to exceed contract amount of \$455,334; and be it further

RESOLVED, that subject procurement qualifies as a sole source procurement and is exempt from the procedures of the Procurement Policy under Section 9 of said Policy; and be it further

RESOLVED, that this Agreement is subject to County appropriations; and be it further

RESOLVED, that this Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

RESOLVED, that all other terms and conditions of the agreement shall remain the same; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized and empowered to execute any and all documents necessary to effectuate the purposes hereof.

Original Agreement:	\$125,618
First Amendment:	\$131,359
Second Amendment:	\$ 96,900
<u>This Amendment:</u>	<u>\$101,457</u>
Total:	\$455,334

Contract No. **IT-943**

Account to be Charged/Credited:

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars
101	16	6000	4070		\$101,457

Budget Funding Year(s): 2011 Start Date: February 1, 2011 End Date: January 31, 2012
(must match resolution)

Funding Source	Tax Dollars	<u>\$101,457</u>
	State Aid	_____
<u>\$101,457</u>	Federal Aid	_____
(must match resolution)	Other:	_____