

32887

DATE: March 19, 2013

TO: Board of Acquisition and Contract

FROM: John B. McCaffrey, Chief Information Officer  
Department of Information Technology

Sherlita Amler, M.D., Commissioner  
Department of Health

RE: AUTHORITY TO RESCIND A RESOLUTION APPROVED ON FEBRUARY 28, 2013,  
AND AUTHORIZE THE COUNTY OF WESTCHESTER TO ENTER INTO AN  
AGREEMENT (IT-1302) WITH KRONOS INCORPORATED, PURSUANT TO  
WHICHIH KRONOS INCORPORATED WILL PROVIDE SOFTWARE  
CONFIGURATION AND TRAINING SERVICES, FOR A TERM COMMENCING  
APRIL 1, 2013 AND CONTINUING THROUGH DECEMBER 31, 2013, FOR AN  
AMOUNT NOT-TO-EXCEED \$48,246

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By a resolution approved on February 28, 2013 (the "February 28<sup>th</sup> Resolution"), your Honorable Board authorized the County of Westchester (the "County") to enter into an agreement with Kronos Incorporated ("Kronos"), pursuant to which Kronos was to provide a time and attendance management system to be utilized by the Department of Health, for a term commencing February 14, 2013 and terminating one year after receipt of hardware, for a total amount not-to-exceed \$82,048, payable pursuant to an approved schedule as services are provided as required in accordance with New York State Office of General Services ("NYS OGS") Contract Number PT62619.

The County has recently determined that the agreement authorized by the February 28<sup>th</sup> Resolution cannot be executed. This is primarily because Kronos has unexpectedly not yet completed the process that would add the necessary services to NYS OGS Contract Number PT62619, and the County cannot wait for that process to conclude, as any delays will jeopardize the federal funds the County intends to use for this procurement, which must be fully expended by June 30, 2013.

The County has also determined that a portion of what Kronos was to provide under the agreement authorized by February 28<sup>th</sup> Resolution can, instead, be procured through the Bureau of Purchase and Supply as off-the-shelf hardware and software licenses.

Therefore, the County has determined that it would be desirable for your Honorable Board to rescind the February 28<sup>th</sup> Resolution and, instead, authorize the County to enter into an agreement with Kronos, with a different procurement basis, for the necessary software configuration and training services.

Accordingly, the County respectfully requests that your Honorable Board rescind the February 28<sup>th</sup> Resolution, and authorize the County to enter into an agreement (IT-1302) with Kronos, with the procurement basis recited below, pursuant to which Kronos will provide software configuration and training services, for a term commencing April 1, 2013 and continuing through December 31, 2013, for an amount not-to-exceed \$48,246, pursuant to an approved budget (the "Agreement").

The proposed Agreement will serve a public purpose by providing the County with the services it needs to implement a new time and attendance management system and thereby improve the efficiency and accuracy of attendance reporting, which will reduce the time spent by Department of Health staff on these functions, so they can focus on their core purpose.

The goal and objective of the proposed Agreement is to provide the County with the services it needs to implement a new time and attendance management system for the Department of Health.

The goal and objective of the proposed Agreement is in the best interests of the County in terms of fiscal responsibility, as implementing a new time and attendance management system will save the time of Department of Health staff through the efficiency of an automated system, thereby allowing those staff to focus on their core purpose. The new system will also minimize human error resulting from the current manual system.

The goal and objective of the proposed Agreement will be tracked and monitored by the management staff of the Department of Health, in conjunction with the Department of Information Technology.

Authority to exempt this agreement from the requirements of the Westchester County Procurement Policy, pursuant to Section 3(a)(xxi) thereof, has been submitted to your Honorable Board in accordance with a separate resolution of even date herewith.

Accordingly, the attached resolution is submitted for your consideration.

JBM/RJL/bdm/nn

## RESOLUTION

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

**RESOLVED**, that the resolution approved on February 28, 2013, which authorized the County of Westchester (the "County") to enter into an agreement with Kronos Incorporated ("Kronos"), pursuant to which Kronos was to provide a time and attendance management system to be utilized by the Department of Health, for a term commencing February 14, 2013 and terminating one year after receipt of hardware, for a total amount not-to-exceed \$82,048, payable pursuant to an approved schedule as services are provided as required in accordance with New York State Office of General Services Contract Number PT62619, is hereby rescinded; and be it further

**RESOLVED**, that the County is hereby authorized to enter into an agreement (IT-1302) with Kronos, pursuant to which Kronos will provide software configuration and training services, for a term commencing on April 1, 2013 and continuing through December 31, 2013, for an amount not-to-exceed \$48,246, pursuant to an approved budget (the "Agreement"); 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 the County Executive or his duly authorized designee is hereby authorized to execute and deliver any and all documents and to take all action necessary and appropriate to effectuate the purposes hereof.

Account to be Charged/Credited:

(Agreement IT-1302)

Year	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
2013	263	27	550M	4380	T-550	\$48,246

Budget Funding Year(s): 2013 Start Date: April 1, 2013 End Date: December 31, 2013

Funding Source Tax Dollars: \_\_\_\_\_  
State Aid \_\_\_\_\_  
**\$48,246** Federal Aid (pass thru \$48,246)  
(must match resolution) Other: \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACTS 03/28/2013 - JOMARY VIEIRA, SECRETARY