



**Office of the District Attorney
County of Westchester**

MEMORANDUM

34989

July 10, 2013

TO: Board of Acquisition and Contract

FROM: Janet DiFiore
District Attorney

RE: Resolution authorizing the County of Westchester to further amend an agreement with Firefly Ltd., d/b/a Firefly Migration, for the provision of consulting services in connection with the migration of its case management software system, by extending the term of the agreement through September 1, 2015, to enable Firefly to deliver the training component of the agreement at no additional cost to the County

By resolution approved on November 18, 2010 (the "November 18th Resolution"), your Honorable Board authorized the County of Westchester, acting by and through the Westchester County District Attorney's Office (the "DA's Office"), to enter into an agreement with Firefly Ltd., d/b/a Firefly Migration ("Firefly"), to provide consulting services in connection with the migration of its case management software system for a one (1) year term commencing upon the date of execution thereof for an amount not to exceed \$150,000 (the "Agreement"). The Agreement was subsequently executed on December 20, 2010.

The scope of services under the Agreement consisted of two main components. The first component involved the migration of the DA's Office case management system from the Magic platform to the Microsoft .NET platform. The second component consisted of training services to introduce the DA's Office .NET programmer to the migrated .NET application. Although Firefly completed the migration portion of the contract within the one (1) year contract term, it was unable to complete the training portion within this time frame. This was due to heavy cuts in DOIT staff at the end of 2011 which resulted in the DA's Office not having a qualified programmer available who could devote the necessary time to complete the training. As such, it became necessary to delay the training portion of the contract until the DA's Office was able to obtain such an individual. After several months of interviewing candidates, no full-time programmers could be found that were viewed qualified by the DA's Office to receive this training. An attempt was also made to hire a consultant to work as a programmer. However, after 4 months of interviews, no qualified candidate was found. As a final measure, the DA's Office Director of Technology (the "Director"), who spent the past year teaching himself .NET

programming off-hours in order to provide backup to whomever was hired full time, convinced Firefly to train him.

In light of these circumstances, Firefly agreed to extend the term of the contract through September 2, 2013 for the sole purpose of providing additional time necessary for Firefly to deliver the training sessions needed for the DA's Office to be able to maintain the migrated applications. Accordingly, by resolution approved on November 8, 2012, your Honorable Board authorized the County to amend the Agreement with Firefly to retroactively extend the term thereof from December 20, 2011 through September 2, 2013 (the "First Amendment"). The First Amendment was subsequently executed.

As training with Firefly progressed, it was mutually agreed upon that training would be most beneficial to the DA's Office if given in small increments over a longer period of time, rather than in larger increments over a shorter period of time, to provide the Director with enough time to immediately utilize the newly learned skill by working on the application until the necessary task was completed. This not only allows the Director to thoroughly incorporate the new knowledge, but keeps Firefly available if he runs into any glitches. The DA's Office estimates, based on its utilization of Firefly's services thus far, that an extension of an additional two (2) years would enable Firefly to complete the delivery of training services at a pace manageable to the Director. Firefly has agreed to these terms. It should be noted that there remain sufficient funds under the Agreement to pay Firefly for these services and no increase in the NTE will be required.

Accordingly, authority is now respectfully requested to amend the Agreement with Firefly, as previously amended, for the provision of consulting services in connection with the migration of its case management software system for a term commencing December 20, 2010 and continuing through September 2, 2013 in an amount not to exceed \$150,000, by extending the term of the Agreement from September 3, 2013 through September 1, 2015, to enable Firefly to complete the training portion of the contract, at no *additional* cost to the County.

Except as specifically amended hereby, all remaining terms and conditions of the Agreement, as previously amended, shall remain in full force and effect.

I recommend your favorable consideration of the annexed proposed Resolution.

JD/DR/SV/jpg
Attachment

RESOLUTION

Upon a communication from Janet DiFiore, District Attorney of Westchester County, be it hereby

RESOLVED, that the County of Westchester, acting by and through the Westchester County District Attorney's Office, is authorized to amend an agreement with Firefly Ltd., d/b/a Firefly Migration ("Firefly"), as previously amended, for the provision of consulting services in connection with the migration of its case management software system for a term commencing December 20, 2010 and continuing through September 2, 2013 in an amount not to exceed \$150,000, by extending the term of the Agreement from September 3, 2013 through September 1, 2015, to enable Firefly to complete the training portion of the contract, at no *additional* cost to the County; and be it further

RESOLVED, that except as specifically amended hereby, all remaining terms and conditions of the Agreement shall remain in full force and effect; and be it further

RESOLVED, that the County Executive or his authorized designee is authorized and empowered to execute and deliver all instruments and take all actions necessary or appropriate to effectuate the purposes hereof.

| Account to be Charged/Credited | Fund | Agency | Capital Project Or Org | Object/ Sub Object | Trust Account | Activity | Dollars |
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Budget Funding Year(s) _____ Start Date Upon Exec End Date 9/1/15
 (must match resolution)

Funding Source Tax Dollars _____
 State Aid _____
 Federal Aid _____
 Other _____