



Office of the District Attorney
County of Westchester

MEMORANDUM

40982

TO: HONORABLE MEMBERS
BOARD OF ACQUISITION AND CONTRACT

6/23/14

FROM: JANET DiFIORE
DISTRICT ATTORNEY

RE: AUTHORITY FOR THE COUNTY OF WESTCHESTER TO ENTER INTO AN AGREEMENT WITH APPLE INC., PURSUANT TO WHICH THE COUNTY WILL BECOME A 'REGISTERED APPLE DEVELOPER,' ON THE TERMS OF APPLE INC.'S STANDARD 'REGISTERED APPLE DEVELOPER' AGREEMENT, AT NO COST TO THE COUNTY, FOR A TERM COMMENCING UPON EXECUTION AND CONTINUING UNTIL TERMINATED BY EITHER PARTY.

Authority is hereby requested for the County of Westchester (the "County") to enter into an agreement with Apple Inc. ("Apple"), pursuant to which the County will become a 'Registered Apple Developer,' on the terms of Apple's standard 'registered apple developer' agreement, at no cost to the County, for a term commencing upon execution and continuing until terminated by either party (the "Agreement"). Specifically, under the proposed Agreement, Apple will be able to terminate the Agreement "at any time in Apple's sole discretion," and the County will be able to terminate the Agreement "at any time, for any reason, by notifying Apple of [its] intent to do so."

The proposed Agreement will serve a public purpose by enabling the County to become a 'Registered Apple Developer,' which will give the County access to additional resources for software that is intended to enhance public safety.

The goal and objective of the proposed Agreement is to enable the County to become a 'Registered Apple Developer.'

The goal and objective of the proposed Agreement is in the best interests of the County in terms of public safety, as enabling the County to become a 'Registered Apple Developer' will give the County access to additional resources for software that is intended to enhance public safety.

The goal and objective of the proposed Agreement will be tracked and monitored by the staff of the District Attorney's Office.

As only Apple can permit an entity to become a 'Registered Apple Developer,' based on the proprietary nature of Apple's products, I recommend that this procurement be deemed a sole source procurement pursuant to Section 9 of the Westchester County Procurement Policy.

I respectfully recommend the adoption of the attached Resolution.

JD/PK/bdm/nn

APPROVED BOARD OF ACQUISITION & CONTRACT - 07/17/2014 - JONARY MIERA SECRETARY

RESOLUTION

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

RESOLVED, that the County of Westchester (the “County”) is hereby authorized to enter into an agreement with Apple Inc. (“Apple”), pursuant to which the County will become a ‘Registered Apple Developer,’ on the terms of Apple’s standard ‘Registered Apple Developer’ agreement, at no cost to the County, for a term commencing upon execution and continuing until terminated by either party; and be it further

RESOLVED, that pursuant to Section 9 of the Westchester County Procurement Policy, this procurement is deemed a sole source procurement; and be it further

RESOLVED, that the District Attorney or her duly authorized designee is hereby authorized and empowered to execute any and all documents necessary to effectuate the purposes hereof.

Account to be charged /credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
-	37	0	0	0	0

Budget Funding Year(s): N/A Start Date: Upon Execution End Date: Until Terminated
(must match resolution)

Funding Source

_____ (must match resolution)

Tax Dollars: 0
State Aid: 0
Federal Aid: 0
Other: 0