

53549

Date: November 23, 2016

To: Board of Acquisition and Contract

From: Daniel D. Angiolillo
Executive Director, Solid Waste Commission

Re: Resolution to exempt from the Westchester County Procurement Policy and Procedures, pursuant to Section 3(a)(xxi) thereof, two (2) agreements with West Publishing Corporation, pursuant to which it will provide the County with five (5) user licenses for its "CLEAR for Government Fraud" product, as follows:

- 1.) An agreement for a term commencing on November 1, 2016 and continuing until the date on which West Publishing Corporation processes the executed three-year agreement described below; and
- 2.) An agreement for a term commencing on the date on which West Publishing Corporation processes the executed agreement and continuing for three (3) years thereafter.

Authority is hereby requested from your Honorable Board to exempt from the Westchester County Procurement Policy and Procedures two (2) agreements (collectively, the "Agreements") between the County of Westchester (the "County"), acting on behalf of its Solid Waste Commission (the "Commission"), and West Publishing Corporation ("West"), pursuant to which West will provide the County with five (5) user licenses for West's "CLEAR for Government Fraud" product ("CLEAR"), as follows:

- 1.) An agreement for a term commencing on November 1, 2016 and continuing until the date on which West processes the executed Three-Year Agreement (as defined below); and
- 2.) An agreement (the "Three-Year Agreement") for a term commencing on the date on which West processes the executed Three-Year Agreement and continuing for three (3) years thereafter.

The Commission has used CLEAR for the past three years to perform background checks on both its current licensees and new applicants. As a result, the Commission's users are experienced with CLEAR's interface and feel very comfortable navigating the system quickly and effectively. The Commission's users have found that the tools that CLEAR provides are outstanding at locating information pertaining to businesses and individuals, including prior criminal records, civil suits, liens, and other records. This allows users to easily and efficiently perform all necessary background checks.

Changing to a new system for such background checks would require re-training users, which would be expected to cause a delay during the training and transition period. In addition, the Commission's users believe that West's chief competitor in this field—which the County used prior to West—previously offered a system that was not as helpful to them as CLEAR has been, despite being comparable in terms of cost.

Based upon the foregoing, it is proposed that the best interests of the County would be served by exempting the Agreements from the Westchester County Procurement Policy and Procedures, pursuant to Section 3(a)(xxi) thereof. Therefore, a resolution to exempt the procurement of the Agreements is hereby submitted for your consideration.

DDA/bdm/nn

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/22/2010
USA MARIJAS SECRETARY

RESOLUTION

Upon a communication from the Executive Director of the Solid Waste Commission, be it hereby:

RESOLVED, that pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, it is hereby determined that application of the procedural requirements contained therein, including the necessity of soliciting proposals, is neither cost effective nor expedient, and accordingly, not in the best interests of the County of Westchester (the "County") in connection with the procurement of two (2) agreements between the County, acting on behalf of its Solid Waste Commission, and West Publishing Corporation ("West"), pursuant to which West will provide the County with five (5) user licenses for West's "CLEAR for Government Fraud" product, as follows:

- 1.) An agreement for a term commencing on November 1, 2016 and continuing until the date on which West processes the executed Three-Year Agreement (as defined below).
 - 2.) An agreement (the "Three-Year Agreement") for a term commencing on the date on which West processes the executed Three-Year Agreement and continuing for three (3) years thereafter.
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APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION
12/22/2016
LESLIE J. SECRETARY