



Office of the District Attorney
County of Westchester

MEMORANDUM

70823

Date: July 19, 2019

To: Board of Acquisition and Contract

From: Anthony A. Scarpino, Jr.
District Attorney

Re: Authority to enter into an agreement with Data Vision Group, LLC, pursuant to which it will provide custom programming, implementation, and support and maintenance services for a new law enforcement agency portal that will allow local law enforcement agencies to upload discovery materials to the Office of the District Attorney.

Chapter 59 of the New York State laws of 2019 made significant changes in the timing and scope of discovery of evidence by defendants in criminal trials (the "Discovery Law"). Effective January 1, 2020, the Office of the District Attorney (the "WCDA"), and all other prosecutors in New York State, will be required to turn over more evidence to criminal defendants, and do so sooner, than was required under the previous applicable law. Much of the material that will be covered by the Discovery Law will initially be held by local law enforcement agencies, rather than the WCDA. Therefore, the WCDA has determined that, in order to quickly and efficiently obtain the necessary materials from the numerous local law enforcement agencies in Westchester County, and thereafter timely disclose them to defendants, a technological solution is required.

Accordingly, authority is hereby requested from your Honorable Board for the County of Westchester (the "County"), acting by and through the WCDA, to enter into an agreement (the "Agreement") with Data Vision Group, LLC ("DVG"), pursuant to which DVG will provide custom programming, implementation, and support and maintenance services for a new law enforcement agency portal, which will allow local law enforcement agencies to upload discovery materials to the WCDA (the "Portal"). The Portal will integrate with the WCDA's new enterprise case management system and its electronic discovery functions, such that WCDA's receipt and disclosure of the materials from local law enforcement agencies in compliance with the Discovery Law will not present a significant new administrative burden.

The term of the proposed Agreement will be from August 5, 2019 through October 15, 2022, in order to cover the period of both the initial programming and implementation and three (3) years of subsequent support and maintenance, which will start after the completion of the work on the Portal. DVG will be required to complete its work on the Portal by October 15,

2019, in order to give the WCDA and local law enforcement entities time to become familiarized with it and further test its operation before the Discovery Law takes effect. Accordingly, the period of support and maintenance will begin on October 16, 2019 and continue through October 15, 2022.

Under the proposed Agreement, DVG will be paid an amount not-to-exceed \$176,900.00, which will be payable pursuant to an approved budget.

The proposed Agreement will serve a public purpose by providing the WCDA with the Portal, which will facilitate compliance with the Discovery Law.

The goal and objective of the proposed Agreement is to provide the County with the Portal, which will facilitate compliance with the Discovery Law.

The goal and objective of the proposed Agreement is in the best interests of the County in terms of public safety, as compliance with the Discovery Law will be necessary in order to ensure the proper prosecution of criminal cases by the WCDA.

The goals and objectives of the proposed Agreement will be tracked and monitored by the WCDA.

Authority to exempt the proposed 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.

I respectfully recommend the adoption of the attached resolution.

AAS/PD/bdm/nn

RESOLUTION

Upon a communication from the District Attorney, be it hereby

RESOLVED, that the County of Westchester (the “County”), acting by and through the Office of the District Attorney (the “WCDA”), is hereby authorized to enter into an agreement (the “Agreement”) with Data Vision Group, LLC (“DVG”), pursuant to which DVG will provide custom programming, implementation, and support and maintenance services for a new law enforcement agency portal, which will allow local law enforcement agencies to upload discovery materials to the WCDA, and which will be integrated with the WCDA’s new enterprise case management system and its electronic discovery functions; and be it further

RESOLVED, the Agreement will be for a term from August 5, 2019 through October 15, 2022; and be it further

RESOLVED, that under the Agreement, DVG will be paid an amount not-to-exceed \$176,900.00, which will be payable pursuant to an approved budget; and be it further

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

RESOLVED, that the 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 the 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 the 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 the 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 any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this Resolution.

Account to be
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
264	37	8002	2300		176,900

Budget Funding Year(s): 2019 -2022
(must match resolution)

Start Date: 08/05/19 End Date: 10/15/22

Funding Source
\$176,900.00
(must match resolution)

Tax Dollars: 0
State Aid: 0
Federal Aid: 0
Other: \$176,900.00

APPROVED BOARD OF ACQUISITION & CONTRACT - 07/25/2019 - LISA MRIJAJ, SECRETARY