



George Latimer
County Executive

Department of Social Services

Kevin M. McGuire
Commissioner

78214

DATE: July 17, 2020

TO: Board of Acquisition and Contract

FROM: Kevin M. McGuire
Commissioner
Department of Social Services

Marguerite Beirne
Chief Information Officer
Department of Information Technology

SUBJECT: Authority to enter into an agreement with Eccovia, Inc., pursuant to which it will modify its software if, when, and as instructed by the County in order to meet the evolving needs of the County for its Homeless Management Information System, for a term commencing on August 1, 2020 and continuing through July 31, 2021, for an amount not-to-exceed \$20,000.00.

By a resolution approved on September 6, 2018, your Honorable Board authorized the County of Westchester (the "County") to enter into an agreement with Eccovia, Inc. ("Eccovia"), pursuant to which Eccovia was to provide software-as-a-service, and related professional implementation services, for the operation of the County's Homeless Management Information System ("HMIS"), for the period from August 1, 2018 through July 31, 2020 (the "Initial Term"), with the County having the sole option to extend the term for up to three (3) additional one (1) year terms thereafter, on the same terms and conditions as the Initial Term except for cost (the "Option Terms"), for an amount not-to-exceed \$198,297.08 for the Initial Term and amounts not-to-exceed \$104,527.60, \$108,310.48, and \$112,244.32 for each of the three Option Terms (the "HMIS Agreement"). The HMIS Agreement was subsequently executed.

By a separate resolution, the County is seeking authority from your Honorable Board to exercise its first option under the HMIS Agreement. However, the County has determined that, if that option is exercised, it would be beneficial to have an agreement with Eccovia pursuant to which Eccovia would modify the software provided under the HMIS Agreement, in order to

meet the evolving needs of the County for its HMIS.

Accordingly, authority is requested for the County to enter into an agreement with Eccovia, pursuant to which Eccovia will modify its software if, when, and as instructed by the County in order to meet the evolving needs of the County for its HMIS (the "Services"), for the period from August 1, 2020 through July 31, 2021, for an amount not-to-exceed \$20,000.00, payable an hourly rate (the "Agreement").

The proposed Agreement will serve a public purpose by providing the County with the Services, which will ultimately facilitate the availability to the County of an updated system for its required HMIS.

The goal and objective of the proposed Agreement is to provide the County with the Services, which will ultimately facilitate the availability to the County of an updated system for its required HMIS.

The goal and objective of the proposed Agreement is in the best interests of the County in terms of health and safety, as the availability to the County of an updated system for its required HMIS is anticipated to ultimately help ensure the health and safety of homeless persons within the Westchester County.

The goal and objective of the proposed Agreement will be tracked and monitored by the staff of DSS.

Due to the proprietary nature of the Eccovia software, Eccovia is the only entity that can provide the Services. Accordingly, we recommend that your Honorable Board deem this agreement to be a sole source procurement pursuant to Section 9 of the County Procurement Policy. Section 13 of the Westchester County Procurement Policy specifies that each procurement that is funded, in whole or in part, by federal funds shall be made in accordance with any and all applicable federal laws, regulations, rules, guidance, instructions, or grant terms. Specifically, this procurement complies with 2 C.F.R. 200.320(f)(1), which allows for non-competitive procurement when the service "is available only from a single source".

We respectfully recommend the adoption of the attached resolution.

KMM/CW/bdm/nn

RESOLUTION

Upon a communication from the Commissioner of Social Services and the Chief Information Officer, Department of Information Technology, be it hereby:

RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into an agreement with Eccovia, Inc. ("Eccovia"), pursuant to which Eccovia will modify its software if, when, and as instructed by the County in order to meet the evolving needs of the County for its 'Homeless Management Information System' ("HMIS"), for the period from August 1, 2020 through July 31, 2021, for an amount not to exceed \$20,000.00, payable at an hourly rate (the "Agreement"); and be it further

RESOLVED, this Agreement is deemed to be a sole source procurement pursuant to Section 9 and Section 13 of the Westchester County Procurement Policy; 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 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
263	22	929V	4380	T929	20,000.00

Budget Funding Year(s): 19 Start Date: 08/01/20 End Date: 07/31/21
(must match resolution)

Funding Source
\$20,000.00
(must match resolution)

Tax Dollars: _____
State Aid: _____
Federal Aid: 100%
Other: _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/06/2020 - LISA MARIJAN SECRETARY