

Robert P. Astorino
County Executive

Department of Social Services
Kevin McGuire
Commissioner

23132

TO: Board of Acquisition and Contract

FROM: Kevin M. McGuire
Commissioner
Department of Social Services

Marguerite Beirne
Chief Information Officer
Department of Information
Technology

DATE: October 1, 2011

RE: Authorization for the County of Westchester, acting by and through its Department of Social Services, to enter into an agreement with the New York State Industries for the Disabled (“NYSID”) for document scanning and indexing services at the Westchester County Department of Social Services for the three (3) year period December 1, 2011 to November 30, 2014 for a total amount not to exceed \$3,313,870, subject to appropriations; to approve Westchester ARC and eDocNY as subcontractors; and to exempt NYSID from the County’s Performance and Payment Bond requirement

Authorization is hereby requested for the County of Westchester (the “County”), acting by and through its Department of Social Services (“DSS”) to enter into an agreement with the New York State Industries for the Disabled (“NYSID”) for document scanning and indexing services at DSS for the three (3) year period December 1, 2011 to November 30, 2014, for a total amount not to exceed \$3,313,870 subject to appropriations; to approve Westchester ARC and eDocNY as subcontractors, and to exempt NYSID from the County’s Performance and Payment Bond requirement. In 2011, said services shall be paid at the following

rates: **\$433,870 (\$240,000 for setup & \$193,870 For Task 1 – Cleanup of existing documents).**

The State of New York enacted legislation (New York State Finance Law § 162) which not only exempts the procurement of certain products and services from competitive procurement provisions, but also requires the County to give designated preferred sources an opportunity to provide these commodities or services. The exemption applies to the provision of document scanning and indexing services and NYSID is a preferred source.

NYSID is a non-profit organization established in 1976 by the New York State Commissioner of Education to act as the central coordinator for member organizations, which serve people with disabilities by making those organizations eligible for State contracts as preferred providers. As of today, approximately one hundred twenty five (125) organizations are certified for NYSID membership, and Westchester ARC, 265 Saw Mill River Road, Hawthorne, New York 10532 is such a member agency. eDocNY, 388 Tarrytown Road, White Plains, New York 10607 is a subsidiary of Westchester ARC.

In accordance with, and pursuant to the provisions contained in State Finance Law § 162, the County notified NYSID describing the requirements of this contract, and NYSID submitted a notice of intent within the requisite ten (10) days to provide the services. In accordance with State Finance Law § 162, the County has reviewed the information provided by NYSID and has determined that the services are available in the “form, function and utility” required by the County.

Pursuant to State Finance Law § 162, the Commissioner of the New York State Office of General Services (“OGS”) sets the fair market price for services and determines whether a proposed price is within fifteen percent (15%) of the fair market price. The County must utilize that preferred provider as long as the price for the services does not exceed fifteen percent (15%) of the fair market price for such services as determined by OGS (in situations where the total amount of the agreement is less than \$50,000, the County must make the determination whether or not the proposed price is reasonable). OGS has determined that the proposed price under this contract is reasonable based on the applicable Prevailing Wage Schedule as set by the New York State Commissioner of Labor and taking into account the provisions of the Westchester County Living Wage Law.

NYSID will perform the document preparation services by utilizing Westchester ARC and eDocNY, as subcontractors. The utilization of Westchester ARC and eDocNY and the population they serve, individuals with disabilities, as

subcontractors on this contract, is precisely the arrangement that was envisioned when NYSID was set up and the preferred source procurement was adopted.

NYSID has provided services to the County for a number of years and currently has other contracts with the County. Accordingly, authority is requested to eliminate the requirement that NYSID provide a Performance and Payment Bond.

This contract is in the public's best interest because it will maintain operational efficiencies while reducing costs in DSS. DSS will track the agreement's progress by performing quality control for indexed documents to ensure legibility and correct categorization.

If this resolution is not approved, the County would be in violation of State Finance Law §162 which requires the County to utilize a designated preferred source to provide these services. Accordingly, authorization to award the contract for document scanning and indexing services at DSS to NYSID is requested. I recommend approval of the attached resolution.

KMM/JPI
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION
12/22/2011 - SUMMARY SECRETARY

RESOLUTION

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

RESOLVED, that the County of Westchester (the "County"), acting by and through the Department of Social Services (the "DSS") is hereby authorized to enter into an agreement with the New York State Industries for the Disabled ("NYSID") for document scanning and indexing services at DSS for the three (3) year period December 1, 2011 to November 30, 2014 for a total amount not to exceed \$3,313,870; and be it further

RESOLVED, that Westchester ARC, 265 Saw Mill River Road, Hawthorne, New York 10532, and eDocNY, 388 Tarrytown Road, White Plains, New York 10607 are approved as subcontractors; and be it further

RESOLVED, that a Performance and Payment Bond will not be required based on NYSID's preferred source status and that NYSID has provided services to the County for a number of years and currently has other contracts with the County; 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 authorized designee be and hereby is authorized and empowered to execute any and all documents necessary and appropriate to effectuate the purposes hereof.

Account to be
Charged/Credited

	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
2011	101	22	4000	4420	_____	\$340,000
2011	101	22	5000	4200	_____	\$93,870
2012	101	22	4000	4420	_____	\$960,000
2013	101	22	4000	4420	_____	\$960,000
2014	101	22	4000	4420	_____	\$960,000

Budget Funding Year(s): 2011-2014 Start Date: 12/01/2011 End Date: 11/30/2014
(must match resolution)

Funding Source

\$3,313,870
(must match resolution)

Tax Dollars: 29%
State Aid: 26%
Federal Aid: 45%
Other:

APPROVED BOARD OF ACQUISITION & CONTRACTS - 12/22/2011 - JOMARY VEIRA, SECRETARY