



WESTCHESTER COUNTY CLERK

Timothy C. Idoni
County Clerk

25139

DATE: February 28, 2012

TO: Honorable Members of the Board of Acquisition & Contract

FROM: Timothy C. Idoni
County Clerk

Marguerite C. Beirne
Chief Information Officer
Department of Information Technology

RE: Resolution authorizing the County of Westchester to amend its agreement with New York State Industries for the Disabled, Inc. for data imaging services for the Office of the Westchester County Clerk in order to add to the scope of services data imaging services for liber books, aperture cards, and microfiche

By resolution approved on December 30, 2009 (the "December 30th Resolution"), your Honorable Board authorized the County of Westchester (the "County") to enter into an agreement with New York State Industries for the Disabled, Inc. ("NYSID"), pursuant to which NYSID was to provide data imaging services for legal records for the Legal Division of the Office of the Westchester County Clerk, for the period January 1, 2010 through December 31, 2012, with the County having the sole option to renew the agreement for up to two (2) consecutive one-year terms, for a total aggregate amount not-to-exceed \$2,220,000 and annual amounts as set forth below, subject to appropriations:

2010	\$470,000
2011	\$425,000
2012	\$425,000
2013	\$450,000
2014	\$450,000

(the "Agreement"). By the December 30th Resolution, your Honorable Board approved Westchester Arc, 388 Tarrytown Road, White Plains, New York 10607 as a subcontractor for the Agreement. The Agreement was subsequently executed.

The Agreement did not include in its scope of services data imaging services for liber books, aperture cards, and microfiche (the "Additional Services"). The County recently determined that it would

procure such services.

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. Among the services subject to this exemption is the provision of data imaging services, for which 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 sources. Westchester Arc, 388 Tarrytown Road, White Plains, New York 10607, is such a member organization.

In accordance with and pursuant to the provisions contained in New York State Finance Law §162, the County notified NYSID, describing the requirements of this agreement, and NYSID submitted a notice of intent within the requisite ten (10) days to provide the services. In accordance with New York 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 New York 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 the OGS. OGS, as required by regulation, has determined that the fee to be paid under this amendment 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.

Accordingly, authority is respectfully requested for the County to amend the Agreement to add to its scope of services the Additional Services, which will be provided at specified rates. Authority is also respectfully requested for the County to authorize NYSID to utilize Westchester Arc as a subcontractor for the Additional Services. The utilization of Westchester Arc and the population it serves—individuals with disabilities— as a subcontractor 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 also requested to eliminate the requirement that NYSID provide a Performance and Payment Bond.

Except as specifically amended hereby, all terms and conditions of the Agreement shall remain in full force and effect.

The proposed amendment will serve a public purpose by increasing public access to records and streamlining records searches for the public and County employees while also alleviating overcrowding in the County Clerk’s office. Further, being able to access images rather than a physical file will reduce operational costs, including fuel consumption, associated with requisitioning and transporting physical files to and from the County Clerk’s Office.

Providing the County Clerk’s customers and employees with efficient access to records meets an Office of the Westchester County Clerk goal of improving service through technology while also facilitating commerce throughout the county. In addition, the proposed amendment advances the Westchester County goals of fiscal responsibility and protection of the environment. The proposed amendment will promote fiscal responsibility as being able to access online images of records, rather than

requisitioning and transporting physical case files to and from the Office of the Westchester County Clerk reduces operational costs through the reduction of items including staff time and fuel consumption. The proposed agreement will also reduce costs, including transportation costs, for our customers who no longer have to travel to our office to review a document, but instead can do so from their home or office. The proposed amendment will promote the protection of the environment by providing records to our customers in the form of an online image rather than a paper copy. In addition, providing images of records online eliminates the need for travel to our office.

The Office of the Westchester County Clerk will monitor the window of time in which records are imaged and made available to the public to insure that our customers have timely access to records filed in our office. Further, the Office of the Westchester County Clerk will monitor the number of online images of documents accessed by our customers to determine how many customers can be served from their home or office by making these images available online. Finally, the Office of the Westchester County Clerk will monitor the number of online images of documents that have been accessed by our staff or other county employees in an effort to measure efficiencies within county government supported by this agreement.

I respectfully recommend your favorable consideration of the annexed proposed Resolution.

TCI/MCB/bdm/nn

APPROVED BOARD OF ACQUISITION & CONTRACT - 03/20/19
DOMINIC VEIRA, SECRETARY

RESOLUTION

Upon a communication from the County Clerk and the Chief Information Officer, Department of Information Technology, be it hereby:

RESOLVED, that the County of Westchester (the "County") is hereby authorized to amend its agreement with New York State Industries for the Disabled, Inc. ("NYSID"), pursuant to which NYSID was to provide data imaging services for records of the Office of the Westchester County Clerk, for the period January 1, 2010 through December 31, 2012, with the County having the sole option to renew the agreement for up to two (2) consecutive one-year terms, for a total aggregate amount not-to-exceed \$2,220,000 and annual amounts as set forth below, subject to appropriations:

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2013	\$450,000
2014	\$450,000

(the "Agreement"), by adding to the scope of services of the Agreement data imaging services for liber books, aperture cards, and microfiche (the "Additional Services"), to be provided at specified rates; and be it further

RESOLVED, that Westchester Arc, 388 Tarrytown Road, White Plains, New York 10607, is approved as a subcontractor for the Additional Services; and be it further

RESOLVED, that NYSID is not required to provide a Performance and Payment Bond for the Additional Services; and be it further

RESOLVED, that except as specifically amended hereby, all terms and conditions of the Agreement shall remain in full force and effect; 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

FY	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
2010	101	21	0300	4420		n/a
2010	263	21	885J	9854	T885	n/a
2011	101	21	0300	4420		n/a
2012	101	21	0300	4420		n/a
2013	101	21	0300	4420		n/a
2014	101	21	0300	4420		n/a

Budget Funding Year(s) 2010-2014 Start Date 01/01/10 End Date 12/31/14
(must match resolution)

Funding Source n/a Tax Dollars n/a
(must match resolution) State Aid n/a
Federal Aid _____
Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 03/22/2012 - JOMARY VIERA, SECRETARY