

**32886**

DATE: March 19, 2013

TO: Board of Acquisition and Contract

FROM: John B. McCaffrey, Chief Information Officer  
Department of Information Technology

Sherlita Amler, M.D., Commissioner  
Department of Health

RE: Resolution to exempt from the Westchester County Procurement Policy, pursuant to Section 3(a)(xxi) thereof, an agreement (IT-1302) with Kronos Incorporated, pursuant to which Kronos Incorporated will provide software configuration and training services

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Authority is respectfully requested from your Honorable Board to exempt from the Westchester County Procurement Policy an agreement between the County of Westchester (the "County") and Kronos Incorporated ("Kronos"), pursuant to which Kronos will provide software configuration and training services, for a term commencing April 1, 2013 and continuing through December 31, 2013, for an amount not-to-exceed \$48,246, pursuant to an approved budget (the "Agreement").

The Department of Health is seeking to implement a new time and attendance management system and thereby improve the efficiency and accuracy of attendance reporting, which will reduce the time spent by Department of Health staff on these functions, so they can focus on their core purpose. On February 28, 2013, your Honorable Board approved a resolution (the "February 28<sup>th</sup> Resolution") that authorized the County to enter into an agreement with Kronos for the purpose of implementing such a system.

However, the County has recently determined that the agreement authorized by the February 28<sup>th</sup> Resolution cannot be executed. This is primarily because Kronos has unexpectedly not yet completed the process that would add the necessary services to NYS OGS Contract Number PT62619, and the County cannot wait for that process to conclude, as any delays will jeopardize the Federal funds the County intends to use for this procurement, which must be fully expended by June 30, 2013.

The County has, therefore, determined that in order to avoid the possibility of losing these Federal funds, it must use a different basis for procuring the necessary services from Kronos.

Kronos is the owner of the software for which it would be providing the software configuration and training services under the proposed Agreement. Accordingly, Kronos' staff are the experts in the software for which they would be providing the configuration and training

services. The County is not aware of any other vendor that provides these services for the software. However, if any undiscovered vendor also provides such services, their staff would, of necessity, not be as qualified as Kronos' staff to render these specialized services within the tight timeframe and schedule under which the County is currently operating for this project. In addition, delaying the procurement of these services in an attempt to find such an undiscovered vendor would jeopardize the federal funds intended to be use to pay for these services.

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

JBM/RJL/bdm/nn

APPROVED BOARD OF ACQUISITION & CONTRACT - 03/28/2013 - COUNTY WEICHA SECRETARY

## RESOLUTION

UPON A COMMUNICATION FROM THE CHIEF INFORMATION OFFICER,  
DEPARTMENT OF INFORMATION TECHNOLOGY, AND THE COMMISSIONER,  
DEPARTMENT OF HEALTH, 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 in connection with the procurement of an agreement with Kronos Incorporated ("Kronos"), pursuant to which Kronos will provide software configuration and training services.

APPROVED BOARD OF ACQUISITION & CONTRACT - 03/28/2016 - JONATHAN VIEIRA SECRETARY