



Robert P. Astorino
County Executive

Department of Finance

Ann Marie Berg
Commissioner

47762

DATE: July 21, 2015

TO: Honorable Members of the Board of Acquisition and Contract

FROM: Ann Marie Berg
Commissioner of Finance

RE: Resolution to exempt from the Westchester County Procurement Policy and Procedures, pursuant to Section 3(a) (xxi) thereof, an agreement between the County of Westchester (the "County") with TALX Corporation, a provider of Equifax Workforce Solutions ("EWS"), a Missouri corporation which will provide the necessary software and services to the County of Westchester for compliance with The Affordable Care Act.

Authority is hereby requested from your Honorable Board to exempt from the Westchester County Procurement Policy and Procedures an agreement between the County of Westchester (the "County") and TALX Corporation, a provider of Equifax Workforce Solutions ("EWS"), a Missouri corporation, pursuant to which EWS will provide the necessary software and services to the County for compliance with the Affordable Care Act's employer mandates discussed below. The initial agreement is for the period August 1, 2015 through July 31, 2016 with an additional two option periods of one year each.

The Affordable Care Act (ACA) brings unprecedented change and complexity to employers such as the County of Westchester and ultimately to their employees. While these regulations are intended to reduce the total uninsured population and decrease healthcare costs, the employer mandate has created 3 significant compliance challenges for employers:

- 1) Offering coverage to full-time employees as defined by the legislation;

- 2) Reporting to the IRS and to employees;
- 3) Responding to regulators and key stakeholders.

Successful compliance with the ACA reporting requirements is dependent on identifying where required data resides and successfully collecting the data from various sources in a repeatable manner. ACA reporting requires aggregating a significant amount of data from numerous disparate systems (HRIS, payroll, LOA, benefits and others such as unions). Once collected and validated, employers are required to merge this data and apply complex calculations to determine eligibility/affordability and report back to employees, exchanges and the IRS to ensure compliance and protect the organization from potential penalties. Employers are being challenged to manage the ACA “ecosystem” and bring process and compliance to an evolving and challenging legislation.

EWS will provide the services in order for the County to comply with the abovementioned employer mandates of the ACA and also avoid potential significant penalties. Due to the short time frame the vendor has in order to comply with the IRS reporting deadlines, timing is of the essence. In addition, EWS capacity to take on additional clients is diminishing rapidly in order to meet all of the ACA reporting requirements. EWS is the only vendor that has direct interface with the Center of Medicare and Medicaid to verify subsidies given to employees potentially qualifying for insurance in the health insurance marketplace through ACA. This interface is a sole source platform maintained by EWS.

Special Note: The Westchester Community College has an agreement with TALX to be in compliance with the employer mandate of the ACA.

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

AMB/DCK
Attachment

RESOLUTION

UPON A COMMUNICATON FROM COMMISSIONER OF FINANCE, 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 of Westchester (the "County") in connection with the procurement of an agreement with TALX Corporation, a provider of Equifax Workforce Solutions ("EWS"), a Missouri corporation, pursuant to which EWS will provide the necessary software and services to the County of Westchester for compliance with The Affordable Care Act. The Initial agreement is for the period August 1, 2015 through July 31, 2016 with an additional two option periods of one year each.