



Office of the District Attorney
County of Westchester

MEMORANDUM

62951

Date: May 1, 2018

To: Board of Acquisition and Contract

From: Anthony A. Scarpino, Jr.
District Attorney

Re: Authority to exempt from the Westchester County Procurement Policy and Procedures, pursuant to Section 3(a)(xxi) thereof, an agreement with Data Vision Group, LLC, pursuant to which it will provide custom programming, implementation, and support and maintenance services for a new enterprise case management system.

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"), acting by and through the Office of the District Attorney (the "WCDA"), and Data Vision Group, LLC ("DVG") pursuant to which DVG will provide custom programming, implementation, and support and maintenance services for a new enterprise case management system that will replace the WCDA's existing case management system (the "Agreement").

The WCDA is currently using the "Criminal History Info and Events File" case management software, known as "CHIEF". CHIEF was developed in-house, written in MAGIC, and has been in use since the late 1990s. It is a Windows-based client/server system that currently utilizes SQL 2008 as its database engine and Crystal Reports for custom reporting. CHIEF is both a person-based and case-based case management system. It provides case management, person searching, case searching, archive management (used by the Records Room), and report generation functions. As explained in connection with a previous resolution, which was approved by your Honorable Board on January 18, 2018, the WCDA desires to procure new enterprise case management software to replace CHIEF.

The WCDA has extensively studied the issue of the new enterprise case management system in order to select the contractor with which it would seek to contract for the provision of that system.

The WCDA assembled its CHIEF Advisory Team (the "Team") in early 2017. The Team investigated the two main replacement options for the core of the software that the WCDA needed: a case management system that was commercially available as an off-the-shelf software item and a completely custom-programmed system. The WCDA was fully willing to consider

both options, as well as anything that might fall in between, such as an off-the-shelf product that would then be customized, to some extent, in order to meet the needs of the WCDA.

The Team worked to prepare specifications for a procurement solicitation that would invite proposals for both of the above-described options. However, at the end of August 2017, First Deputy District Attorney Eileen McCarthy and the WCDA's information technology manager, Marguerite Beirne, conferred with staff in the County Attorney's Office regarding the procurement of the new enterprise case management system and were advised by then-Assistant Chief Deputy County Attorney James Robertson and Assistant County Attorney Brian Miller that, based upon the applicable procurement rules, it would not be possible to solicit proposals for both a fully-custom system and an off-the-shelf software item via a single procurement method and document. Accordingly, the WCDA was advised to conduct a further, informal investigation of the marketplace, and discuss the County's functional requirements with all interested prospective vendors, to determine which of the two approaches would be in the best interests of the WCDA and the County.

The Team initially met with three (3) prospective vendors that provide commercially-available case management software. The Team held in-depth demonstrations and hands-on training with test access for the software offered by each of those three (3) companies, as follows: 1.) eProsecutor by Journal Technologies, Inc., 2.) Prosecutor by Karpel from Karpel Computer Systems, Inc. d/b/a Karpel Solutions, and 3.) Admit Computer Services, Inc. d/b/a IMPACT ("Admit"). During this information-gathering stage, Admit decided not to move forward in the process, as its case management software was tailored towards police departments, rather than prosecutors.

The Team also met with another prospective vendor—DVG—which offered a custom-built solution. Using an approach similar to that which was used with the off-the-shelf software providers, the Team asked DVG to meet with it, listen to the case intake process, and return a working model of case intake, to demonstrate DVG's understanding of case intake.

All of the prospective vendors were asked to submit pricing. During several meetings, the Team had passionate discussions about this matter, and the Team ultimately narrowed the selection to two (2) prospective vendors. The solutions offered by those two (2) prospective vendors were further reviewed and debated by the Team, with DVG becoming its unanimous recommendation.

Subsequent to that recommendation, the WCDA sought to ensure that, for the only part of the proposed new system that had an uncertain cost and an uncertain work plan—the migration and retention of the tremendous amount of data that is currently stored in CHIEF (the "Migration Work")—DVG could prepare a comprehensive work plan that would account for, a.) all of the custom programming that will be necessary in order to, establish a direct connection between the data fields in CHIEF and those in the new case management system; b.) the related tests and validations that will be needed in order to first verify that the custom programming is ready for the migration of data, and then testing and validating that the data has all been successfully migrated; and c.) the provision of a reporting system to provide for exception reports to facilitate remediation of any and all issues that remain after the migration, (the "Plan for the Migration

Work”) and that all of the foregoing work could be done by DVG on a reasonably economical basis.

After securing the exemption granted by your Honorable Board by a resolution approved on January 18, 2018, the County entered into an agreement with DVG, pursuant to which DVG developed and provided to the County the Plan for the Migration Work. After internal discussions, and discussions with, and clarifications by, DVG, the WCDA determined that DVG’s Plan for the Migration Work demonstrated that DVG can, in working with CHIEF and the proposed new case management system, adequately account for all of the myriad technical elements involved in the Migration Work, both as a general matter and on a reasonably economical basis.

DVG has a contract with the United States General Services Administration (“GSA”) under GSA Schedule 70. Pursuant to New York General Municipal Law Section 103(1-b), the County could conduct a procurement through the applicable procedures concerning GSA Schedule 70 and thereby potentially ultimately contract with DVG on the terms of its contract under GSA Schedule 70. However, the County has negotiated with DVG both, a.) flat-fee costs that yield better effective hourly rates, based on the currently-anticipated work effort, than those that would be available under GSA Schedule 70, and also ensure that the County is not at financial risk if the work effort required is greater than anticipated, and b.) other contract terms that are more favorable to the County than those that would be available under GSA Schedule 70.

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 and Procedures, pursuant to Section 3(a)(xxi) thereof. Accordingly, a resolution to exempt this procurement is hereby submitted for your consideration.

AAS/PD/bdm/nm

RESOLUTION

Upon a communication from the District Attorney, 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 Data Vision Group, LLC ("DVG"), pursuant to which DVG will provide custom programming, implementation, and support and maintenance services for a new enterprise case management system that will replace the existing case management system used by the Office of the District Attorney.

APPROVED BOARD OF ACQUISITION & CONTRACT - 05/19/2016 - DISTRICT ATTORNEY'S SECRETARY