



**Office of the District Attorney**  
County of Westchester

**MEMORANDUM**

**70824**

Date: July 19, 2019

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 law enforcement agency portal that will allow local law enforcement agencies to upload discovery materials to the Office of the District Attorney.

---

Authority is hereby requested from your Honorable Board to exempt from the Westchester County Procurement Policy, pursuant to Section 3(a)(xxi) thereof, the procurement by the County of Westchester (the "County"), acting by and through the Office of the District Attorney (the "WCDA"), of an agreement (the "Agreement") with Data Vision Group, LLC ("DVG"), pursuant to which DVG will provide custom programming, implementation, and support and maintenance services for a new law enforcement agency portal (the "Portal"), which will allow local law enforcement agencies to upload discovery materials to the WCDA, and which will integrate with WCDA's new enterprise case management system (the "New System") and its electronic discovery functions.

Chapter 59 of the New York State laws of 2019 made significant changes in the timing and scope of discovery of evidence by defendants in criminal trials (the "Discovery Law"). Effective January 1, 2020, the WCDA, and all other prosecutors in New York State, will be required to turn over more evidence to criminal defendants, and do so sooner, than was required under the previous applicable law. Much of the material that will be covered by the Discovery Law will initially be held by local law enforcement agencies, rather than the WCDA. Therefore, the WCDA has determined that, in order to quickly and efficiently obtain the necessary materials from the numerous local law enforcement agencies in Westchester County, and thereafter timely disclose them to defendants, a technological solution is required. The Portal, with its integration with the New System, will serve as that solution.

Under a separate agreement with the County, DVG has worked to create the New System for the WCDA, including the aforementioned electronic discovery functions. If the WCDA can receive and disclose materials from local law enforcement agencies, in compliance with the

Discovery Law, in connection with the New System, the WCDA can leverage the New System and its electronic discovery functions to avoid a significant new administrative burden. DVG, as the consultant for the New System, is in a unique position to quickly and expertly create the Portal and integrate it with the New System. It would take another consultant a period of at least several weeks, if not longer, to familiarize itself with the programming of the New System, and to thereafter program and integrate the Portal. Based upon the January 1, 2020 effective date of the Disclosure Law, the County cannot reasonably afford that amount of start-up time for a different consultant.

Therefore, it is proposed that the best interests of the County would be served by exempting the procurement of 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.

AAS/PD/bdm/nn

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/20/20 LISA M. PASQUALE

**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 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 law enforcement agency portal, which will allow local law enforcement agencies to upload discovery materials to the Office of the District Attorney.

---

APPROVED BOARD OF ACQUISITION & CONTRACT - 07/25/2019 - DISTRICT ATTORNEY'S SECRETARY