



Office of the District Attorney
County of Westchester

MEMORANDUM

77479

Date: June 17, 2020

To: Board of Acquisition and Contract

From: Anthony A. Scarpino, Jr.
District Attorney

Re: Authority to amend an agreement with Data Vision Group, LLC, pursuant to which it was to provide custom programming, implementation, and support and maintenance services for a new law enforcement agency portal that was to allow local law enforcement agencies to upload discovery materials to the Office of the District Attorney, in order to add services to provide enhancements to the portal.

By a resolution approved on July 25, 2019, your Honorable Board authorized the County of Westchester (the "County"), acting by and through the Office of the District Attorney (the "WCDA"), to enter into an agreement with Data Vision Group, LLC ("DVG"), pursuant to which DVG was to provide custom programming, implementation, and support and maintenance services for a new law enforcement agency portal (the "Portal"), which was to allow local law enforcement agencies to upload discovery materials to the WCDA (the "Agreement"). The Agreement was subsequently executed.

The WCDA sought to enter into the Agreement and procure the Portal in order to help facilitate its compliance with Chapter 59 of the New York State laws of 2019, which made significant changes in the timing and scope of discovery of evidence by defendants in criminal trials (the "Discovery Law"). The Portal has been successful in achieving its intended purpose. However, in the course of its first few months of operation, the staff of the WCDA and the outside entities that use the Portal have made a series of recommendations as to how it could be enhanced. Accordingly, the WCDA has decided to pursue modifications to the Portal to add new functionality and features to it (the "Enhancements").

Accordingly, the County respectfully requests authority from your Honorable Board for the County to amend the Agreement by, 1.) modifying its scope of work in order to include the work to be performed by DVG in order to provide the Enhancements, 2.) increasing its not-to-exceed amount by \$53,725.00, from a not-to-exceed amount of \$176,900.00 to a new not-to-exceed amount of \$230,625.00, in order to pay for the work to be performed by DVG in order to provide the Enhancements, and 3.) modifying its budget in order to allocate the additional funds (the "Amendment").

Except as described above, all terms and conditions of the Agreement shall remain in full force and effect.

The proposed Amendment will serve a public purpose by providing the WCDA with the Enhancements to the Portal, which will enhance the Portal's facilitation of the WCDA's compliance with the Discovery Law.

The goal and objective of the proposed Amendment is to provide the County with the Enhancements to the Portal, which will enhance the Portal's facilitation of the WCDA's compliance with the Discovery Law.

The goal and objective of the proposed Amendment is in the best interests of the County in terms of public safety, as the Enhancements will enable the Portal to best facilitate the WCDA's compliance with the Discovery Law and thereby ensure the proper prosecution of criminal cases by the WCDA.

The goals and objectives of the proposed Amendment will be tracked and monitored by the staff of the WCDA.

Authority to exempt the procurement of the proposed Amendment from the requirements of the Westchester County Procurement Policy, pursuant to Section 3(a)(xxi) thereof, has been submitted to your Honorable Board in accordance with a separate resolution of even date herewith.

I respectfully recommend the adoption of the attached resolution.

AAS/PD/bdm/nn

RESOLUTION

Upon a communication from the District Attorney, be it hereby:

RESOLVED, that the County of Westchester (the "County"), acting by and through the Office of the District Attorney (the "WCDA"), is hereby authorized to amend an agreement with Data Vision Group, LLC ("DVG"), pursuant to which DVG was to provide custom programming, implementation, and support and maintenance services for a new law enforcement agency portal (the "Portal"), which was to allow local law enforcement agencies to upload discovery materials to the WCDA, for a term from August 5, 2019 through October 15, 2022, for a total amount not-to-exceed \$176,900.00, (the "Agreement") by, 1.) modifying its scope of work in order to include the work to be performed by DVG in order to add new functionality and features to the Portal (the "Enhancements"), 2.) increasing its not-to-exceed amount by \$53,725.00, from a not-to-exceed amount of \$176,900.00 to a new not-to-exceed amount of \$230,625.00, in order to pay for the work to be performed by DVG in order to provide the Enhancements, and 3.) modifying its budget in order to allocate the additional funds; and be it further

RESOLVED, that except as hereby authorized to be amended, 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

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
264	37	8002	2300		\$53,725

Budget Funding Year(s): 2020 Start Date: Upon Execution End Date: End of the Agreement
(must match resolution) of the Amendment

Funding Source
\$53,725.00
(must match resolution)

Tax Dollars: _____
State Aid: _____
Federal Aid: _____
Other: \$53,725

APPROVED BOARD OF ACQUISITION & CONTRACT - 07/02/2020 - LISA MRIJAJ, SECRETARY