



Office of the District Attorney
County of Westchester

MEMORANDUM

77483

Date: June 17, 2020

To: Board of Acquisition and Contract

From: Anthony A. Scarpino, Jr.
District Attorney

Re: Authority to exempt from the Westchester County Procurement Policy, pursuant to Section 3(a)(xxi) thereof, the procurement of an amendment to 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.

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 amendment (the "Amendment") to 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"), which Amendment will add to the scope of work of the Agreement the performance of additional services in order to add new functionality and features to the Portal (the "Enhancements").

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 the Enhancements.

Based upon its work to create the Portal, as well as its work to create the WCDA's new enterprise case management system and its electronic discovery functions in connection with

which the Portal operates, DVG will be able to most quickly and expertly perform the work necessary in order to provide the Enhancements. It would take additional time, and quite possibly cause the County to incur additional cost, to have another contractor familiarize itself with the programming of the New System and the Portal, which would be expected to occur before it could begin to perform the work necessary in order to provide the Enhancements.

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

APPROVED BOARD OF ACQUISITION & CONTRACT - 07/02/2020 - USF PRIJAS SECRETARY

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, 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 amendment (the "Amendment") to 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 Office of the District Attorney, (the "Agreement") which Amendment will add to the scope of work of the Agreement the performance of additional services in order to provide enhancements to the Portal by adding new functionality and features to it.

APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION SECRETARY