

ID#86329

Date: July 13, 2021

To: Board of Acquisition and Contract

From: Peri A. Kadanoff, Esq.  
Executive Director, Solid Waste Commission

Re: **Authorization to:**

- **Request to rescind a June 17, 2021 Resolution to enter into two (2) agreements with West Publishing Corporation (“West”), pursuant to which it will provide the County with five (5) user licenses for its “CLEAR for Government Fraud” product; and**
- **Request Authorization to Enter into (2) agreements with West, as follows:**
  - **A license to use West’s CLEAR for Government Fraud (“CLEAR”) product for a term commencing retroactively on March 1, 2020 and terminating upon the execution of the three-year agreement described in (ii) below, in an amount not to exceed \$23,910.60; and**
  - **A license to use West’s CLEAR as well as its License Plate Recognition and Pro Alert products for a term commencing upon execution and continuing for three (3) years thereafter, in an amount not to exceed \$40,667.28.**

By a resolution approved on June 17, 2021 (the “June 17, 2021 Resolution”), your Honorable Board authorized the County of Westchester (the “County”), acting by and through its Solid Waste Commission (the “Commission”) to enter into two (2) agreements with West Publishing Corporation (“West”), pursuant to which West would provide the County with five (5) user licenses for West’s “CLEAR for Government Fraud” product (“CLEAR”), which is an online research platform to assist with law enforcement and government investigations.

However, the memorandum to your Honorable Board dated June 1, 2021 contained several inaccuracies regarding the services to be provided under the above-referenced agreements as well as the monetary amounts of each agreement. Accordingly, it is respectfully requested that the June 17, 2021 Resolution be rescinded in its entirety.

Authority is further respectfully requested from your Honorable Board for the County, acting by and through the Commission to enter into two agreements with West (collectively, the “Agreements”) as follows:

- A retroactive agreement (the “Retroactive Agreement”) to commence on March 1, 2020 and terminate upon execution of the “New Agreement”, as defined below, in an amount not to exceed \$23,910.60, pursuant to which West would provide the County with access to CLEAR at the following rates until the New Agreement is executed:

March 1, 2020-February 28, 2021	\$644.65/monthly	\$7,735.80/annually
March 1, 2021-February 28, 2022	\$663.99/monthly	\$7,967.88/annually
March 1, 2022-February 28, 2023	\$683.91/monthly	\$8,206.92/annually

- An agreement to commence upon execution and continue for three years thereafter (the “New Agreement”), in an amount not to exceed \$40,667.28, pursuant to which West would provide the County with two user licenses to access CLEAR as well as West’s License Plate Recognition product (“LPR”) and West’s Pro Alert (“Pro Alert”) product which provides up to fifty alerts per month to alert the Commission when there is any change in the information previously sought, such as a change of address or an incarceration of the subject of an investigation. Under the New Agreement, the County will pay West at the following rates:

Year 1	\$1,075.00/monthly	\$12,900.00/annually
Year 2	\$1,128.75/monthly	\$13,545.00/annually
Year 3	\$1,185.19/monthly	\$14,222.28/annually

The Commission has accessed CLEAR since March 1, 2020 pursuant to an agreement with West which, as a result of an oversight, had not been authorized by your Honorable Board or properly executed. The Department of Finance, upon discovering this oversight, discontinued payments to West. As a result, the County currently owes West a past due amount of over \$4,500.00. If authorized by your Honorable Board, that agreement will be re-executed and become the Retroactive Agreement. This will allow the County to pay the past due amount and continue use of CLEAR until the New Agreement is executed. Once the New Agreement is executed, the Retroactive Agreement will be terminated and the County will only owe West for the services actually used to that point.

The goal and objective of the Agreements is for the Commission to maintain its access to Clear as well as to gain access to LPR and Pro Alert to assist the Commission in its investigations of Solid Waste haulers.

The goal and objective of the proposed Agreements will be tracked and monitored by the staff of the Commission.

Authority to exempt the proposed Retroactive Agreement from the requirements of the Westchester County Procurement Policy, pursuant to Section 3(a)(xxi) thereof, was granted by your Honorable Board in accordance with a separate resolution on June 17, 2021.

Authority to exempt the proposed New Agreement 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.

PAK/SM/jrc

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/05/2021 - JOAN COCCIARDI, SECRETARY

**RESOLUTION**

Upon a communication from the Executive Director of the Solid Waste Commission, be it hereby:

**RESOLVED**, that the June 17, 2021 Resolution authorizing the County of Westchester (the “County”) to enter into two (2) agreements with West Publishing Corporation (“West”), pursuant to which it will provide the County with five (5) user licenses for its “CLEAR for Government Fraud” product is hereby rescinded in its entirety; and be it further

**RESOLVED**, that the County is hereby authorized to enter into an agreement (the “Retroactive Agreement”) to retroactively commence on March 1, 2020 and terminate upon execution of the “New Agreement”, as defined below, in an amount not to exceed \$23,910.60, pursuant to which West would provide the County with access to CLEAR at the following rates until the New Agreement, as defined below, is executed:

March 1, 2020-February 28, 2021	\$644.65/monthly	\$7,735.80/annually
March 1, 2021-February 28, 2022	\$663.99/monthly	\$7,967.88/annually
March 1, 2022-February 28, 2023	\$683.91/monthly	\$8,206.92/annually; and be it further

**RESOLVED**, that the County is hereby authorized to enter into an agreement to commence upon execution and continue for three years thereafter (the “New Agreement”), in an amount not to exceed \$40,667.28, pursuant to which West would provide the County with two user licenses to access CLEAR as well as West’s License Plate Recognition product (“LPR”) and West’s Pro Alert (“Pro Alert”) product. Under the New Agreement, the County will pay West at the following rates:

Year 1	\$1,075.00/monthly	\$12,900.00/annually
Year 2	\$1,128.75/monthly	\$13,545.00/annually
Year 3	\$1,185.19/monthly	\$14,222.28/annually; and be it further

**RESOLVED**, that the County Executive or his duly authorized designee is hereby authorized to execute and deliver any and all documents and to take all action 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
	101	41	1000	4380		64577.88

Budget Funding Year(s): 2020 Start Date: 3/1/20 End Date: UPON WEST PROCESSING 3-YEAR AGREEMENT\_

(must match resolution)

Funding Source  
\$ 64,577.88  
(must match resolution)

Tax Dollars: \_\_\_\_\_  
State Aid: \_\_\_\_\_  
Federal Aid: \_\_\_\_\_  
Other: HAULERS FEES \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/05/2021 - JOAN COCCIARDI, SECRETARY