



George Latimer
County Executive

Department of Social Services

Leonard G. Townes
Commissioner

89636

DATE: December 16, 2021

TO: Board of Acquisition and Contract

FROM: Leonard G. Townes
Commissioner, Department of Social Services

Marguerite Beirne
Chief Information Officer, Department of Information Technology

SUBJECT: Authority to enter into an agreement with AssureCare LLC, pursuant to which it will provide the County with use of its software products, as well as documentation, training materials, marketing materials, product support, and enhancements and upgrades related thereto, for the period from January 1, 2021 through December 31, 2021, for an amount not-to-exceed \$60,000.00.

Authority is requested for the County of Westchester (the "County") to enter into an agreement with AssureCare LLC ("AssureCare"), pursuant to which AssureCare will provide the County with use of AssureCare's software products, including the software applications known as the Q Continuum System, as well as documentation, training materials, marketing materials, product support, and enhancements and upgrades related thereto, for the period from January 1, 2021 through December 31, 2021, for an amount not-to-exceed \$60,000.00, payable pursuant to an approved budget (the "Agreement").

The proposed Agreement will serve a public purpose by providing the County with the software and related services it needs in order to comply with applicable guidelines from the New York State Department of Health ("NYSDOH") regarding certain Medicaid payments.

The goal and objective of the proposed Agreement is to provide the County with the software and related services it needs in order to comply with applicable guidelines from NYSDOH regarding certain Medicaid payments.

The goal and objective of the proposed Agreement is in the best interests of the County in terms of public health, as providing the County with the software and related services it needs in order to comply with applicable guidelines from the NYSDOH regarding certain Medicaid payments is expected to ultimately help ensure that payments are made properly and timely, and thereby contribute to public health.

The goal and objective of the proposed Agreement will be tracked and monitored by the staff of the Department of Social Services and the Department of Information Technology.

The services to be provided under the proposed Agreement are only available from AssureCare, as the software products and materials are proprietary to AssureCare. Accordingly, I recommend that the procurement of the proposed Agreement be classified as a sole source procurement pursuant to Section 9 of the Westchester County Procurement Policy.

Section 13 of the Westchester County Procurement Policy specifies that each procurement that is funded, in whole or in part, by federal funds shall be made in accordance with any and all applicable federal laws, regulations, rules, guidance, instructions, or grant terms. Specifically, this procurement complies with 2 C.F.R. 200.320(c)(2), which allows for non-competitive procurement when "[t]he item is available only from a single source", based upon the above-mentioned proprietary nature of the software at issue.

I respectfully recommend the adoption of the attached resolution.

LGT/MDR/bdm/nn

RESOLUTION

Upon a communication from the Commissioner of Social Services and the Chief Information Officer, Department of Information Technology, be it hereby:

RESOLVED, that the County of Westchester ("County") is authorized to enter into an agreement with AssureCare LLC ("AssureCare"), pursuant to which AssureCare will provide the County with use of AssureCare's software products, including the software applications known as the Q Continuum System, as well as documentation, training materials, marketing materials, product support, and enhancements and upgrades related thereto, for the period from January 1, 2021 through December 31, 2021, for an amount not-to-exceed \$60,000.00, payable pursuant to an approved budget (the "Agreement"); and be it further

RESOLVED, that pursuant to Section 9 of the Westchester County Procurement Policy, the procurement of the Agreement is deemed a sole source procurement; and be it further

RESOLVED, that this Agreement is subject to County appropriations; and be it further

RESOLVED, that this Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate this Agreement upon reasonable prior written notice; 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
101	22	8900	5650		\$60,000

Budget Funding Year(s): _____ Start Date: 01/01/21 End Date: 12/31/21
(must match resolution)

Funding Source Tax Dollars: _____ 0% _____
State Aid: _____ 50% _____
\$60,000.00 Federal Aid: _____ 50% _____
(must match resolution) Other: _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/13/2022 - RAYMOND SOULKY, SECRETARY