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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

October 11, 2018

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

RE: Amendment to Existing Agreement between SUNY Erie and Nuventive, LLC

Dear Honorable Members:

Please find enclosed a resolution from SUNY Erie seeking approval to amend its existing agreement with Nuventive, LLC for services and software in support of the college's planning, assessment, accreditation, and data distribution efforts. The value of the original contract was over \$50,000 and required your approval.

Should your Honorable Body require further information, I encourage you to contact SUNY Erie President Dr. Dan Hocoy. Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in blue ink, reading "Mark C. Poloncarz", with a long horizontal flourish extending to the right.

Mark C. Poloncarz, Esq.
Erie County Executive

RCW/jc
Enclosure

cc: Dr. Dan Hocoy, President SUNY Erie

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Dr. Dan Hocoy, President of SUNY Erie
Re: Addendum to agreement between SUNY Erie and Nuventive, LLC
Date: October 11, 2018

SUMMARY

In July of 2017, the Erie County Legislature approved a SUNY Erie agreement with Nuventive, LLC as it was over \$50,000. In May of 2018, the SUNY Erie Board of Trustees approved an addendum to this established agreement to amend and supplement through the addition of a new software module and to add an additional year (Year 4) to the agreement. The college requests Erie County Legislature approval of the addendum that exceeds the previously authorized 'not to exceed amounts of \$55,200' for Years Two and Three and adds the Year Four to the contract with a cost of \$63,200.

FISCAL IMPLICATIONS

Year	Increased costs	Cost totals per year (include increased costs)
Year One	\$0	\$87,800.00
Year Two	\$8,512.93	\$63,712.93
Year Three	\$8,000.00	\$63,200.00
Year Four (new)	\$8,000.00	\$63,200.00
	<u>\$24,512.93</u>	<u>\$277,912.93</u>

REASONS FOR RECOMMENDATION

The addendum to the agreement includes:

- The delivery of a new software module, with the new module change beginning in Year Two and extending through Year Four with the increased cost of \$8,000;
- Year Two additional cost of \$512.93 incurred during the summer of 2018;
- An extension to the agreement to add an additional year or Year Four with the same increased cost of \$8,000.

CONSEQUENCES OF NEGATIVE ACTION

A greater-than-necessary time and salary expense would be incurred by the college without the enhancements.

STEPS FOLLOWING APPROVAL

The SUNY Erie President or his designee is hereby approved to award the software license agreement addendum to Nuventive, LLC as outlined above.

A RESOLUTION SUBMITTED BY:
SUNY ERIE

RE: Addendum to existing agreement between SUNY Erie and Nuventive, LLC

WHEREAS, as noted in the SUNY Erie Professional Services and Specialized Products RFP Policy, professional services or specialized products in excess of \$50,000 in addition to being subject to the formal RFP process and requiring the approval of the college's Board of Trustees, also require the approval of the Erie County Legislature. These approvals are required prior to the hiring of the professional or purchase of the product; and

WHEREAS, the determination of whether the professional service or specialized product exemption for bidding is applicable must be made on a case-by-case basis, examining the particular services or goods needed. Generally professional services include the specialized expertise of interpreters, consultants, lawyers, doctors, engineers and so forth. Specialized products include but are not limited to software and other technology related products; and

WHEREAS, the goals of the chosen vendor's software and services are to centralize accreditation services at the college, to build a consistent data warehouse that is used by all of its units and standardizes data at the college, and to improve the college's assessment efforts as required by its accrediting agency the Middle States Commission on Higher Education; and

WHEREAS, on July 27, 2017, the Erie County Legislature resolved that the college was approved to award a software license agreement to Nuventive, LLC as the vendor for a maximum contract not to exceed \$87,800 in Year One of the contract (including one-time implementation costs) and \$55,200 in Years Two and Three; and

WHEREAS, in order to facilitate better management of data-based action planning, SUNY Erie has identified changes included in an addendum to the existing software license agreement that will facilitate the delivery of unit-specific data to improve the college's planning and assessment system and deliver actionable and relevant data to units; and

WHEREAS, the proposed addendum amends and supplements the software license agreement with the requested module in Years Two and Three and through the new Year Four for a total annual maximum cost of \$63,200; and

WHEREAS, the addendum amends and supplements the software license agreement in the Year Two and includes an additional pro-rated amount of \$512.93 for the delivery of services during the last month of Year One; and

WHEREAS, SUNY Erie has budgeted funds available to pay for this expenditure; and

WHEREAS, at its May 31, 2018 meeting, the SUNY Erie Board of Trustees approved the addendum to the software license agreement and on September 27, 2018 also approved seeking Erie County Legislature approval of the same addendum; and

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie does hereby approve to amend the award for the addendum to the software license agreement with Nuventive, LLC to allow SUNY Erie to enter into a maximum four-year contract cost of \$277,912.93 for an increase of \$87,712.93; and

RESOLVED, that the County of Erie does hereby approve to amend the award for the addendum to the software license agreement with Nuventive, LLC to allow SUNY Erie to make an additional payment for the prorated delivery of services during May through June of 2018 of \$512.93 and that this payment should be included in the Year Two payment at a total cost of \$63,712.93, with a Year 3 payment of \$63,200 and a Year 4 payment of \$63,200; and

RESOLVED, that the SUNY Erie President or his designee is hereby approved to award the software license agreement addendum to Nuventive, LLC as outlined above.

SUNY Erie
Board of Trustees Resolution
The SUNY Erie Board of Trustees Resolution

Specialized Products authorization requested by SUNY Erie through an addendum to amend and supplement a current software license agreement with Nuventive, LLC for the extension of an additional year (Year Four) and for the delivery of a new module. The changes would only apply starting in Year Two. The Year Two invoice will include costs of \$512.93 incurred during Summer 2018.

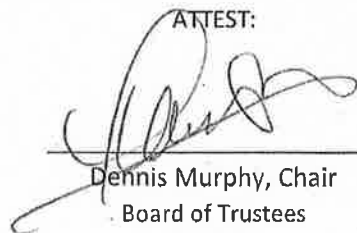
September 27, 2018

- WHEREAS; As noted in the college's Professional Services and Specialized Products RFP Policy, professional services or specialized products in excess of \$50,000 in addition to being subject to the formal RFP process and requiring the approval of the college's Board of Trustees, also require the approval of the Erie County Legislature. These approvals are required prior to the hiring of the professional or purchase of the product; and
- WHEREAS; The determination of whether the professional service or specialized product exemption for bidding is applicable must be made on a case-by-case basis, examining the particular services or goods needed. Generally professional services include the specialized expertise of interpreters, consultants, lawyers, doctors, engineers and so forth. Specialized products include but are not limited to software and other technology related products; and
- WHEREAS; The goals of implementing the chosen vendor's software and services are to centralize accreditation services at the college, to build a consistent data warehouse that is used by all of its units and standardizes data at the college, and to improve the college's assessment efforts as required by its accrediting agency the Middle States Commission on Higher Education; and
- WHEREAS; On July 27, 2017, the Erie County Legislature resolved that the college was authorized to award a software license agreement to Nuventive, LLC as the vendor approved for a maximum contract not to exceed \$87,800 in Year One of the contract (including one-time implementation costs) and \$55,200 in Years Two and Three; and
- WHEREAS; In order to facilitate better management of data-based action planning, SUNY Erie has identified changes included in an addendum to the existing software license agreement that will facilitate the delivery of unit-specific data to improve the college's planning and assessment system and deliver actionable and relevant data to units; and
- WHEREAS; The addendum amends and supplements the software license agreement through a Year Four with a requested module for a total annual maximum cost of \$63,200; and
- WHEREAS; The addendum amends and supplements the software license agreement in the Year Two and includes an additional prorated amount of \$512.93 for the delivery of services during the last month of Year One; and
- WHEREAS; SUNY Erie has budgeted funds available to pay for this expenditure; and
- WHEREAS; At its May 31, 2018 meeting, the SUNY Erie Board of Trustees approved the addendum to the software license agreement; and

NOW, THEREFORE, BE IT

- RESOLVED; That pending approval by the SUNY Erie Board of Trustees, SUNY Erie is hereby authorized to request the Erie County Legislature's approval to amend the award for the addendum to software license agreement to Nuventive, LLC to allow SUNY Erie to enter into a maximum four-year contract cost of \$277,912.93; and
- RESOLVED; That pending approval by the SUNY Erie Board of Trustees, SUNY Erie is hereby authorized to request the Erie County Legislature's approval to amend the award for the addendum to software license agreement to Nuventive, LLC to allow SUNY Erie to make an additional payment for the prorated delivery of services during May through June of 2018, and that this payment should be included in the Year Two payment at a total cost of \$63,712.93, Year 3 of \$63,200 and Year 4 of \$63,200; and
- RESOLVED; That upon approval by the Erie County Legislature, the SUNY Erie President or his designee is hereby authorized to enter into the amended software license agreement with Nuventive, LLC as outlined above.

ATTEST:



Dennis Murphy, Chair
Board of Trustees
SUNY Erie