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**GOVERNMENT OPERATIONS, PERSONNEL,  
INFORMATION TECHNOLOGY & HOUSING COMMITTEE**

**OF THE**

**SUFFOLK COUNTY LEGISLATURE**

**MINUTES**

A meeting of the Government Operations, Personnel, Information Technology & Housing Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on February 1, 2017.

**MEMBERS PRESENT:**

Legislator Robert Calarco - Chairperson  
Legislator William J. Lindsay, III - Vice Chair  
Legislator Kara Hahn  
Legislator Leslie Kennedy  
Legislator Kevin J. McCaffrey

**ALSO IN ATTENDANCE:**

George M. Nolan - Counsel to the Suffolk County Legislature  
Amy Ellis - Chief Deputy Clerk/Suffolk County Legislature  
Benny Pernice - Budget Review Office  
William O'Brien - Budget Review Office  
TJ Corcoran - Budget Review Office  
John Kennedy - Suffolk County Comptroller  
Louis Necroto - Chief Deputy Comptroller  
Danish Nagpaul - Suffolk County Comptroller's Office/IFMS Consultant  
Doug Segall - Suffolk County Comptroller's Office  
Scott Mastellon - Commissioner/Information Technology  
Robert Braun - Deputy Bureau Chief/County Attorney's Office  
Michael Pitcher - Aide to Presiding Officer Gregory  
Robert Fonti - Aide to Presiding Officer Gregory  
Brian Sapp - Aide to Legislator Lindsay  
Ali Nazir - Aide to Legislator Kennedy  
Zachary Giglio - Aide to Legislator McCaffrey  
Zachary Baum - Aide to Legislator Hahn  
Katie Horst - County Executive's Office  
John Marafino - County Executive's Office  
Paul Michael - Intern/County Executive's Office  
Joe Callari - AME/2nd VP  
Lou-Ann Rinde - Resident of Lindenhurst  
And all other interested parties

**MINUTES TAKEN BY:**

Diana Flesher - Court Stenographer

**MINUTES TRANSCRIBED BY:**

Kim Castiglione - Legislative Secretary

1                    (*\*The meeting was called to order at 10:01 A.M.\**)

2  
3     **CHAIRMAN CALARCO:**

4     Good morning, everyone, and welcome to the Government Operations,  
5     Personnel, Housing and Information Technology Committee. It's the  
6     first one of the new year. We're going to get started with the  
7     Pledge of Allegiance led by Legislator McCaffrey.

8  
9                    ***Salutation***

10  
11    **CHAIRMAN CALARCO:**

12    Okay. Thank you. We have no new members of the committee this  
13    year I don't believe so there's nobody new to introduce. We have  
14    no correspondence on the agenda. We will move right into the  
15    Public Portion. I have one card, Lou-Ann Rinde.

16  
17    **MS. RINDE:**

18    Good morning. I'd like to thank you for serving our community.  
19    I'm not here to complain. We all are aware of the need for  
20    affordable housing on Long Island, and I'd like to thank the Chair  
21    for 1898 of which is making it an incentive for developers to have  
22    affordable housing, and I look forward to more things that are done  
23    like that in our community that would not tax sewer systems and so  
24    forth where it's an opportunity. And I want to thank you and I  
25    hope that you don't give up the fight for more affordable housing,  
26    and I look forward to all of your communication in regard to how  
27    individuals, residents, can be a part of the equation. I know it's  
28    not a simple addition, subtraction, multiplication, division  
29    problem; it's a trigonometry problem, okay. But if you can empower  
30    residents as to what they can do about that equation, how they can  
31    be a part of that equation, more than just calling offices, writing  
32    letters and complaining. We want to empower people to be a part of  
33    the solution in whatever small or significant way that they can and  
34    work as a team. And I hope that I will be informed of how I can be  
35    a part of that process.

36  
37    **CHAIRMAN CALARCO:**

38    Okay. Thank you very much for coming today and we appreciate the  
39    comments. My staff will actually get your name and they'll stay in  
40    touch about what ways we can cooperate. I know that you actually  
41    are from Lindenhurst so that's Legislator McCaffrey's district.

42  
43    Okay. I have no other cards. Would anybody else like to address  
44    the committee this morning? Seeing none, we are going to move  
45    right into Tabled Resolutions.

46  
47                    **Tabled Resolutions**

48  
49    ***IR 1851 - Adopting Local Law No. -2016, A Local Law to authorize***  
50    ***the indemnification and defense of traffic prosecutors providing***  
51    ***services at the Suffolk County Traffic and Parking Violations***  
52    ***Agency (Co. Exec.).***

53  
54    **LEG. LINDSAY:**

55    Motion to table.

1 **CHAIRMAN CALARCO:**

2 Motion to table by Legislator Lindsay. Second by Legislator  
3 Kennedy. Anybody on the motion? Seeing none, all those in favor?  
4 Opposed? Abstentions? IR 1851 is tabled. (VOTE: 5-0-0-0).  
5 Moving into Introductory Resolutions.  
6

7 **Introductory Resolutions**  
8

9 **IR 1000 - Appropriating funds in connection with the Suffolk County**  
10 **Financial Management System (CP 1782) (McCaffrey).** We do have the  
11 Comptroller here. I figured since we only had one agenda item  
12 before you, John, we would just get right into the agenda. If you  
13 want to come on forward. I know that Comptroller Kennedy has a few  
14 comments to make about why this system is very much needed.  
15

16 **COMPTROLLER KENNEDY:**

17 Mr. Chair, good morning and thank you for the opportunity for us to  
18 be before you. I'll keep my comments brief, but I did just want to  
19 have the opportunity to update the committee a little bit on where  
20 progress has gone from when you last committed to this initiative  
21 last June with the adoption of the 2017 Capital Budget. We have  
22 proceeded and are at the point where contract is just about ready  
23 for execution. As a matter of fact, if it's the will of the  
24 committee to support this resolution and then we have approval on  
25 Tuesday, we will move directly to contract execution and we'll  
26 commence the actual meeting process and on-site development  
27 schedule with CGI next week I believe.  
28

29 There have been a variety of additional things that we have been  
30 able to determine with the current status of IFMS, just that  
31 candidly it is even worse than where we portrayed it to you last  
32 June. We have literally had hundreds of work tickets that have  
33 been put in, in some cases some have gone on for two and  
34 three months without the ability to go ahead and address or remedy,  
35 simply because the system is so far outdated.  
36

37 We have also been very fortunate that we have been able to engage a  
38 project manager. He is here with us today. If the good Doctor  
39 would join us here. I'm just going to ask him to briefly introduce  
40 himself. He comes with a tremendous background for us, a certified  
41 Oracle Database provider. He is an IT expert as well as a  
42 financial professional with a deep accounting background as well.  
43 He's been able to identify very quickly coming on with us quite a  
44 few issues, but also several opportunities. Doctor, if you could  
45 just introduce yourself, and also I'm going to ask you if you can  
46 just speak very briefly about what we're doing with the culling of  
47 records and culling of data.  
48

49 **MR. NAGPAUL:**

50 Hello. My name is Danish Nagpaul. I am the appointed project  
51 manager for the IFMS upgrade project. You know, I've been engaged  
52 since November of last year and since then, as Mr. Kennedy said, we  
53 have been able to identify a lot of issues within the IFMS system  
54 because of the fact that it is so outdated with incumbrances. As  
55 an example, you know, we have positive encumbrances being posting  
56 into our system which is causing some issues within the budgeting,

1 so there's a lot of manual intervention that needs to take place to  
2 fix that. And if we do the upgrade and it is upgraded on a timely  
3 fashion we can remedy the problem and fix it prior to it getting  
4 any worse.

5  
6 Having said that, we also have data sitting in the system from 2004  
7 onward, which is outdated data and is causing some performance  
8 issues, and we have been engaged in processes of doing cleansing of  
9 this data by writing queries and also by doing some archiving,  
10 which we started lately.

10:08AM

11  
12 So having said all those things, I feel that it is imperative that  
13 this system get upgraded and brought to a supportable version where  
14 we can -- where we can get regular patches from the manufacturer of  
15 the system. Thank you.

16  
17 **COMPTROLLER KENNEDY:**

18 Again, Mr. Chair, I just wanted to make sure that I took the  
19 opportunity to be before you to again support the initiative. This  
20 body recognized the importance of this when you adopted the 2017  
21 Capital Budget. So I would say if the panel has any questions at  
22 this point we're happy to go ahead and respond.

10:08AM

23  
24 **CHAIRMAN CALARCO:**

25 Legislator Lindsay.

26  
27 **LEG. LINDSAY:**

28 Good morning, Mr. Comptroller. How are you?

29  
30 **COMPTROLLER KENNEDY:**

31 Good morning, Legislator Lindsay. Very well, thank you.

32  
33 **LEG. LINDSAY:**

34 I'm sorry, the Doctor, is he an outside contractor?

35  
36 **COMPTROLLER KENNEDY:**

37 Yes, he is. As a matter of fact, one of the things that we  
38 identified early on was that because of the magnitude of the  
39 upgrade the fact that we are actually going through five versions,  
40 that -- and this was confirmed -- I thought we were going to have  
41 our IT Director here with us.

10:09AM

42  
43 **MR. NAGPAUL:**

44 He's here.

45  
46 **COMPTROLLER KENNEDY:**

47 Oh, he is, okay. In concurrence with IT, we collectively  
48 identified that the skill set necessary to take us through these  
49 five iterations was beyond anything that we had in-house. And  
50 because of the fact that we are dealing with in essence the whole  
51 of the system that governs the daily operations of a \$2.9 billion  
52 corporation it was critical that we had somebody who, A, had  
53 hands-on experience interacting and working with the software and  
54 the vendor, CGI, and, B, had the financial acumen to go ahead and  
55 make sure that we did not lose, strand, or somehow run afoul with  
56 the upgrade process. That prompted us to go through the

10:09AM

1 solicitation.

2

3 **LEG. LINDSAY:**

4 Okay. Yeah, and I wasn't questioning the choice of going to an  
5 outside contractor, more just clarification because of how he  
6 presented. My question would be on the -- once this new system is  
7 implemented, will it adhere to our initiative to make more of this  
8 information public and accessible to the taxpayers on-line where  
9 they can go to a web page and pull this up through the County  
10 database system?

10:11AM

11

12 **COMPTROLLER KENNEDY:**

13 Yes. As a matter of fact, most of what we do here in County  
14 government, as you know, is public by definition. The lion's share  
15 of what we do in our office, both here in our East End functions  
16 and what we have here in Hauppauge is public as well. One of the  
17 most exciting initiatives that we're going to be able to go ahead  
18 and engage with this upgrade is vendor self-service. So not only  
19 will the public at large be able to see, but a critical subset of  
20 those entities that transact and do business with us, vendors will  
21 now simply be able to log on and status where their voucher is in  
22 the approval process, rather than doing what they do now, which is  
23 call your office, call my office, call Public Works, for things as  
24 simple as buying pads to doing bridges over the Great South Bay.

10:11AM

25

26 That alone will not only give us better transparency out in the  
27 world, but it will cut down tremendously on the amount of time that  
28 entities have to engage in. You pick up the phone, your staff  
29 picks up the phone, my staff downstairs stops what they're doing  
30 with processing to status a particular query. It is the most  
31 inefficient way to do business, and yet here we are still in 2017  
32 stuck in that schism. That we will have a radical change in and we  
33 will have the ability to go ahead and have folks see it any time,  
34 you know, where the status is. It will also expand the bidder  
35 pool, hopefully. That is one of our goals as well. As you know,  
36 many bidders will not transact with us because of the seven, eight,  
37 nine-month time frame from when they vend or yield or deliver a  
38 product to when they get payment.

10:12AM

39

40 **LEG. LINDSAY:**

41 Right.

42

43 **COMPTROLLER KENNEDY:**

44 Small folks can't afford that.

45

46 **LEG. LINDSAY:**

47 Absolutely, and I agree with you 100%. Obviously the system we're  
48 currently operating under where they call us, we call you, we wait  
49 for a call back or wait for the information, it's just so  
50 inefficient.

10:13AM

51

52 **LEG. KENNEDY:**

53 It's awful. It's tin cans.

54

55

(\*Laughter\*)

56

1 **LEG. LINDSAY:**

2 So where we would have access in our Legislative offices to that  
3 information, the public would have access --

4  
5 **COMPTROLLER KENNEDY:**

6 Absolutely.

7  
8 **LEG. LINDSAY:**

10:13AM

9 -- to that information, and that was perfectly to my point of I  
10 wanted to make sure that we're moving in that direction while we're  
11 going through this change.

12  
13 **COMPTROLLER KENNEDY:**

14 Absolutely.

15  
16 **LEG. LINDSAY:**

17 So thank you. I appreciate your information.

18  
19 **COMPTROLLER KENNEDY:**

10:13AM

20 Thank you for your support.

21  
22 **CHAIRMAN CALARCO:**

23 And I would say I think what Legislator Lindsay is partly alluding  
24 to is the ability to push this information to our Open Data  
25 Website.

26  
27 **COMPTROLLER KENNEDY:**

10:13AM

28 I appreciate the fact that you've offered our office a seat on that  
29 committee. We will be very grateful to accept and we'll very fully  
30 engage and participate in the committee.

31  
32 **CHAIRMAN CALARCO:**

33 Sounds good. Legislator Kennedy had a question.

34  
35 **LEG. KENNEDY:**

36 I just have a question for the Doctor. If you could estimate a  
37 percentage of the system that is no longer supported?

38  
39 **MR. NAGPAUL:**

10:14AM

40 Well, currently we're on a -- in terms of percentages, you know, I  
41 would say it's well over 80% because of the fact that we're just,  
42 you know, keeping it alive, you know, just breathing at this point  
43 on a ventilator, if you will. But I think we will need to bring it  
44 to a supportable version where CGI comes in and says yes, we have  
45 patches for it. The problem is that, you know, when you have such  
46 an old system even the product company has turnover with their  
47 staff and, you know, the people that actually developed the older  
48 system are no longer available to support it, and that's where this  
49 issue comes in where we're not able to provide the right level of  
50 effort in terms of resolving some of the outdated issues that we  
51 have currently.

10:15AM

52  
53 **LEG. KENNEDY:**

54 Okay. You present us far more than I thought it was so obviously  
55 we need this program. Thank you.

1 **CHAIRMAN CALARCO:**  
2 Nobody else? Legislator Hahn?

3  
4 **LEG. HAHN:**  
5 Did we get the cost? I'm sorry, I missed the full cost estimate  
6 number.

7  
8 **COMPTROLLER KENNEDY:**  
9 I'm sorry. Again, in other words, what the amount of -- the amount  
10 of the resolution or the amount of what we're proposing at this  
11 point as far as the upgrade?

12  
13 **LEG. HAHN:**  
14 Yeah, I mean, it would be good to know the amount of the  
15 resolution, but then the amount -- what else is needed to complete  
16 this and --

17  
18 **COMPTROLLER KENNEDY:**  
19 We do not have full execution on a contract yet. I'm going to  
20 speak in general terms, if you will. It appears we're somewhere in  
21 the 1.8, 1.9 million dollar mark simply to effectuate the actual  
22 upgrade. The vendor self-service is a separate module which we are  
23 still discussing at this point. In addition, we are revisiting  
24 what had been a fairly standard static and unsuccessful or  
25 insufficient maintenance arrangement. Our maintenance was at --

26  
27 **MR. NAGPAUL:**  
28 Three-hundred.

29  
30 **LEG. KENNEDY:**  
31 Three hundred thousand on a recurring basis. We have been paying  
32 that every year since we first implemented back in 2005, and the  
33 cost benefit associated with that maintenance has dropped  
34 precipitously to the point where -- well, as I just alluded to you,  
35 480 work tickets, some that went on beyond four months. Typically  
36 in the software world the maintenance and support packages will  
37 talk about a 24 or 48-hour response and remedy time period. Much  
38 of that has been completely lost, gone, and has brought us to a  
39 point where -- well, it's like a Mexican standoff. You know, the  
40 provider says, "Well, we can't service you because you've not  
41 upgraded". We say, "Well, we pay you, you've got an obligation to  
42 upgrade". So the whole maintenance piece will be renegotiated.

43  
44 In total the resolution is 2.5. My opinion or my estimate at this  
45 point in order to do the upgrade, the maintenance and to get vendor  
46 self-service will probably be 2.6, 2.7, somewhere around there. We  
47 may have to come back for another hundred or 200,000.

48  
49 **LEG. HAHN:**  
50 Wow, I forgot how much you can talk.

51  
52 *(\*Laughter\*)*

53  
54 **COMPTROLLER KENNEDY:**  
55 On and on and on ad nauseam.

1 **LEG. HAHN:**

2 Benny, can you like confirm -- so what I think I took from what --  
3 everything he said, 1.8 million for the upgrade itself, which  
4 involves how many different -- is it a per machine thing or is it a  
5 whole --

6  
7 **MR. PERNICE:**

8 They'll correct me if I'm wrong, but I think a lot of it is, in  
9 addition to licensing and there is some equipment funding that we  
10 would need to replace some equipment, but a lot of it is consulting  
11 from working with CGI to training and implement the new software.  
12 Does that sound right?

13  
14 **COMPTROLLER KENNEDY:**

15 It's -- I'm going to ask the good Doctor to go ahead and speak to  
16 it. He can layout some of what the breakout is between product and  
17 time on-site.

18  
19 **MR. NAGPAUL:**

20 We already have the product, which is on an unsupported version  
21 like I said. So it's just basically an upgrade and so there is the  
22 cost of doing the upgrade from taking the versions that we're on  
23 right now. CGI has come back and said that when they do this  
24 upgrade they're going to use an accelerated system, which means  
25 that they will take all of our configurations and then go ahead and  
26 take it back to their office and do an upgrade there and then bring  
27 it back and reinstall it into our offices here. So in terms of  
28 licensing there is no particular licensing that we're -- additional  
29 licensing with this upgrade that we're buying at this point. It's  
30 mostly the services of getting the versions upgraded to the  
31 supportable version of 3.11.

32  
33 **LEG. HAHN:**

34 So how many licenses do we have?

35  
36 **MR. NAGPAUL:**

37 So we have well over 500 users currently.

38  
39 **COMPTROLLER KENNEDY:**

40 But I think it's important to understand that's a range of users.  
41 Simple query all the way up to input and population of data, so it  
42 does range.

43  
44 **LEG. HAHN:**

45 What does that mean, range of users?

46  
47 **MR. NAGPAUL:**

48 So basically increasing the users is not going to increase the  
49 cost. So if we went to even 10,000 users, the only cost that we  
50 would incur at that point is just making sure that our  
51 infrastructure and our in-house servers are supported to have  
52 10,000 users on the system. In terms of from the product side, you  
53 know, you could have 500 users up to, you know, 10,000 users,  
54 11,000 users. It's unlimited licensing attached with the product  
55 that we're getting. So users -- you can add as many users as you  
56 want.



1 **LEG. HAHN:**

2 I'm sorry if I missed this earlier. How many users currently use  
3 this?

4  
5 **MR. NAGPAUL:**

6 Over 500.

7  
8 **LEG. HAHN:**

9 So there are 500 County employees that log into IFMS. How many  
10 employees do you have in your department?

11  
12 **COMPTROLLER KENNEDY:**

13 We're at 108 now. We have authorized users in all 26 departments.  
14 The way a voucher gets processed is by input into IFMS. So we know  
15 in each department who the individuals are that are authorized to  
16 be on and in the system, because with the degree of approval you  
17 get -- we have a couple of people that are what we call super  
18 users. They have the ability to be right in the heart of all of  
19 the data that's being processed. Others are simply limited to  
20 inputting the data for a voucher, sometimes simply query in order  
21 to drawdown how much has been spent, how much has been booked,  
22 things like that. That's what the range -- it's a range of  
23 privilege I guess, if you will.

24  
25 **MR. NAGPAUL:**

26 Right.

27  
28 **LEG. HAHN:**

29 How much of this cost is recurring?

30  
31 **COMPTROLLER KENNEDY:**

32 Maintenance. The maintenance piece is the only recurring cost, the  
33 only annual cost, and that is something that at this point we are  
34 specifically in the midst of negotiating.

35  
36 **LEG. HAHN:**

37 So we're to approve this not knowing how much our annual recurring  
38 cost is going to be?

39  
40 **MR. NAGPAUL:**

41 Our annual recurring cost currently is at \$386,000 for maintenance.  
42 And the maintenance basically includes any security patches, any  
43 tickets that we open with them after the fact and any upgrades that  
44 come, you know, at a later date which resolve -- to resolve the  
45 issues that we have that are not resolvable in the current version.  
46 So we will be going to 3.11. We're at 3.6 right now and so we are  
47 five versions behind at the current moment. But we're still --  
48 they're still giving us maintenance support at a limited -- as much  
49 as they can in terms of supporting the system that we're on because  
50 they're not putting in new patches to resolve some of the issues  
51 that we currently have. And like Mr. Kennedy said, we currently  
52 have well over 400 tickets, but 177 of them are high and urgent  
53 priority tickets.

54  
55 **LEG. HAHN:**

56 Right, I understand that. But so are you saying that maintenance

1 will go down, annual maintenance costs will go down because this  
2 will require less maintenance, less service?

3  
4 **MR. NAGPAUL:**

5 Currently the maintenance cost we pay now is for the version we're  
6 in, even though we haven't upgraded to it. So where we will now  
7 upgrade into the version we're actually paying for, we will relieve  
8 ourselves of some modules we are not currently using, but we may  
9 pick up some other licenses and some other items that are necessary  
10 for the new system. The Commissioner can speak in more detail  
11 about that. But I don't see anything that's going to drastically  
12 change the cost of the maintenance unless we're adding things or  
13 new functionality to it. Like if we were to add the vendor -- the  
14 vendor self-service. That would be an increased maintenance cost,  
15 but I don't think it would be significant.

16  
17 **LEG. HAHN:**

18 But why wouldn't we know now what we're going to be getting  
19 ourselves into in terms of an -- recurring operating costs. You  
20 know, that's somewhat concerning to me that we're going to improve  
21 something that will come with a rather significant annual cost and  
22 we don't have a dollar figure for that. Are we, you know, painting  
23 ourselves into a corner where it might double for some reasons?

24  
25 **COMPTROLLER KENNEDY:**

26 Legislator Hahn, if I can. We have our Commissioner of IT here,  
27 who actually has wide expertise in a multitude of software programs  
28 that we have and the maintenance expense as well. As I said to  
29 you, we are in the midst of negotiating right now. To be candid  
30 with you, my perspective is we're not going to negotiate up based  
31 on the fact that in fact what we've had is less than satisfactory  
32 service. However, if in fact we add additional new modules, very  
33 vendor self-service, electronic pay, some of the other types of  
34 opportunities that are there, I don't want to say that there may  
35 not be expense. But the Commissioner would be better able to speak  
36 to that.

37  
38 **LEG. HAHN:**

39 Excuse me, but I would argue that, you know, you create a -- from a  
40 negotiating standpoint, you know, if we've approved it you're stuck  
41 in a -- you know, you're stuck in a hole there needing -- needing  
42 it, needing the service contract. So wouldn't it be better to  
43 negotiate that before we've approved?

44  
45 **COMPTROLLER KENNEDY:**

46 Why don't you speak.

47  
48 **COMMISSIONER MASTELLON:**

49 Just as, you know, with regard to additional potential maintenance.  
50 Typical cost associated with maintenance is approximately 20 to 25%  
51 of the initial purchase price. So let's say, for example, we were  
52 to go ahead and purchase an additional \$100,000 worth of software  
53 for -- pick the module. The additional maintenance that would come  
54 on top of that would be approximately 20 to \$25,000. That would be  
55 tacked on to our annual maintenance on a yearly basis. So, for  
56 example, if we're paying \$380,000 now and we were to go ahead and

1 purchase an additional \$100,000 module, which would be a one-time  
2 upfront cost, it would be an additional 20,000 to 25,000 on top of  
3 that, so we'd be in the \$400,000 range from a maintenance  
4 standpoint.

5  
6 So, you know, as far as knowing what the maintenance is, before any  
7 additional purchases is made we have a clear understanding of the  
8 impact associated with the overall maintenance that that purchase  
9 would have. So at this point in time I think that we are  
10:27AM 10 evaluating a number of different modules that would ultimately  
11 effectively support much more efficiencies and improved, you know,  
12 capabilities, and with that we would have a clear understanding of  
13 what that maintenance is.

14  
15 Now, that all being said, as individuals here have identified, we  
16 are looking to take that \$385,000 and further lower it. I think we  
17 are in a good point from a negotiating standpoint and we've had a  
18 significant amount of success with Danish and others at the table  
19 here. We have really made inroads here in trying to bring this  
10:27AM 20 down and I think we're very close to getting to the point where  
21 we'll be effectively bringing this down.

22  
23 **LEG. HAHN:**

24 Is this customary that we would approve something like this without  
25 knowing the ongoing operating costs? This is to Benny, sorry, I  
26 was looking at him.

27  
28 **MR. PERNICE:**

29 It does happen. Sometimes, you know, you have more information  
10:28AM 30 than other times. Typically -- obviously you asked for that  
31 information and it's usually provided but sometimes, you know,  
32 these types of projects are approved without that information.

33  
34 **COMPTROLLER KENNEDY:**

35 Legislator Hahn, there's just one other piece I guess that I would  
36 offer to you. We currently are obligated under the existing  
37 contract, which runs through 2018, at that amount, the existing  
38 maintenance amount.

39  
40 **COMMISSIONER MASTELLON:**

41 It actually -- it progressively goes up each and every year from  
42 over the last, you know, three years. This is the fourth year  
43 going into '17 and then '18 will be the fifth year. So in IT we  
44 currently have budgeted dollars associated with the maintenance  
45 costs, the 386 this year and then closer to the 400 next year.  
46 But, again, as we mentioned, any additional potential modules that  
47 we will purchase we will have a clear understanding as to what the  
48 impact will be.

49  
10:29AM 50 And I would have so say that, you know, we're not looking -- we  
51 have -- if you're talking about, you know, 1.9 as far as what's  
52 available, there's a couple hundred thousand dollars that are -- it  
53 would be available within the overall project here and then, again,  
54 if we look at that calculation of about 20% potentially from a  
55 maintenance standpoint. This is where we can kind of figure out  
56 what the worst case scenario would be for impacting overall

1 maintenance, yearly that is.

2

3 **COMPTROLLER KENNEDY:**

4 The other item that I would add, too, is that there has been  
5 extensive evaluation that has gone on up to this day examining  
6 whether or not we should have abandoned the existing program and  
7 provider and candidly for us to make or move to any other type of  
8 similarly situated software solution runs north of 15 to \$20  
9 million. So we are attempting to go ahead and bring ourself into  
10 the 21st century, and at the same time I would offer to you I think  
11 we have a pretty good understanding of -- we know exactly what the  
12 ceiling is right now, 386. Our efforts, if you will, are to drive  
13 it south.

10:30AM

14  
15 **LEG. HAHN:**

16 Right, but I have heard the complaints, you know, over the years  
17 about working with this provider, or at least you referencing them.  
18 You know, as much as it might cost somewhere else, I just want to  
19 make sure that we're not throwing good money after bad and  
20 committing to excessive -- you know, hopefully we don't get taken  
21 on the -- you know, this hopefully is not too good to be true and  
22 therefore will shoot up our maintenance costs.

10:30AM

23  
24 **COMPTROLLER KENNEDY:**

25 And I think that your concerns are prudent. As a matter of fact,  
26 it is one of the things that I always was concerned about when I  
27 sat on the other side of the horseshoe. I'll offer this to you.  
28 First of all, most software problems and issues when it comes to  
29 departmental operations is a two part process. We have some sense  
30 of ownership here in that we allowed a system to deteriorate and  
31 turn into something that was originally supposed to, 13, 14 years  
32 ago, revolutionize the way the County was going to transact  
33 business. And just like our automobiles, we never changed the oil,  
34 we never put in new spark plugs, we never did the maintenance, and  
35 so lo and behold we got a hulking wreck sitting in the driveway.  
36 So while we can complain about the software provider we have to  
37 look in the mirror, too, and say we collectively did a lousy job in  
38 keeping abreast of 14 years ago in the IT world was like when  
39 Columbus came across.

10:31AM

10:32AM

40  
41 *(\*Laughter\*)*  
42

43 So I agree with you we should be prudent and weary, but I also  
44 would say to you we're taking ownership of trying to make better  
45 what was something that simply was ignored.

46  
47 **COMMISSIONER MASTELLON:**

48 And if I can just interject with regard to the vendor management as  
49 a whole. It is definitely one of the -- as Commissioner I'm  
50 looking at that as a top priority to ensure that all of our vendors  
51 are held accountable with regard to what they're providing to us  
52 and the cost that they're giving to us, and we're looking at each  
53 and every one of our vendors to determine where there's  
54 opportunities to bring down costs, to get what we're supposed to be  
55 getting, in addition to getting the service that we're getting. So  
56 I'm thankful for the Comptroller's Office and Comptroller Kennedy

10:32AM

1 to come forward here and we really are a partnership here in  
2 bringing this forward to ensure that we are going to get the level  
3 of service that's necessary out of this vendor to bring this  
4 product to where it needs to be.

5  
6 **LEG. HAHN:**

7 Scott, it's not you that I'm concerned about. I have full  
8 confidence in your abilities. I thank you for all that you do.  
9 It's the vendor that, you know, I'm a little concerned about and  
10 don't want to have you coming back two years, three years from now  
11 telling us we need to spend 15 million because this clunker just  
12 couldn't be --

13  
14 **LEG. McCAFFREY:**

15 Saved.

16  
17 **LEG. HAHN:**

18 Saved, yeah, whatever. And so, you know, I'm just -- I'm also  
19 concerned that the deal that you're saying, "Oh, we're going to get  
20 this for 2.5" may be too good to be true, and our annual recurring  
21 costs will shoot up somehow and that's why I would like to see the  
22 contract for the maintenance and make sure it's not shooting up in  
23 a significant way, because operating is going to be tight and we  
24 have to count every penny right now. And, you know, I'm not  
25 entirely convinced about it but I know it's needed from the, you  
26 know, standpoint of operation so, you know, we're in a tough spot  
27 here.

28  
29 **COMPTROLLER KENNEDY:**

30 We'll make sure that we get to you what we ultimately negotiate  
31 with maintenance and that we keep your concerns in mind. Trust me  
32 when I tell you we all have the same concerns. We are beating the  
33 software provider on a daily basis and everybody at this table has  
34 been on those calls and we've had face to face where we've said it  
35 pretty close. I've almost blown the project up, what, about three  
36 times? Yeah. They still want to do business with us.

37  
38 **CHAIRMAN CALARCO:**

39 Legislator Lindsay.

40  
41 **LEG. LINDSAY:**

42 I just want to shift gears a little bit and go more towards cyber  
43 security.

44  
45 **COMPTROLLER KENNEDY:**

46 Sure.

47  
48 **LEG. LINDSAY:**

49 This might be more towards the Commissioner as well. Since we're  
50 going to be conducting financial transactions over the system, what  
51 is in place to prevent a data breach. And I know it's a huge  
52 concern not only in the private sector, but obviously in the  
53 government sector as well.

54  
55 **COMMISSIONER MASTELLON:**

56 The upgrade of the system itself will simply provide us with

1 upgraded technology both from a server standpoint in addition to  
2 obviously a software standpoint. The current security measures and  
3 practices and policies and systems we currently have in place right  
4 now will continue to act in the same way that they're doing it now,  
5 so we're not actually adding, you know, additional stuff, if you  
6 will, from a financial standpoint, transactional standpoint, that  
7 will require an additional level of security. And, again, the  
8 security level that we have at this point in time is significant in  
9 support of ensuring that all transactions are secure.

10:36AM 10

11 **LEG. LINDSAY:**

12 But does the fact that the system is so antiquated, is that  
13 sometimes more difficult for them to hack because there's not as  
14 much information that's available on it?

15  
16 **COMMISSIONER MASTELLON:**

17 Yes and no.

18  
19 **LEG. LINDSAY:**

10:36AM 20

21 I'm not advocating that we stick with the same system. I'm just  
22 saying that are there other measures that we would need to take  
23 part in now in order to help prevent some type of future breach at  
24 some point.

25 **COMMISSIONER MASTELLON:**

26 We also have another Capital Project for security.

27  
28 **LEG. LINDSAY:**

29 Okay.

10:36AM 30

31 **COMMISSIONER MASTELLON:**

32 One of the things we do on a yearly basis is to ensure that we are  
33 as up-to-date as possible as it relates to the various security  
34 requirements, technical requirements and software and hardware. So  
35 we just actually had a meeting about it yesterday to talk about  
36 what are the different things that we need to keep up with this and  
37 that is something that we're going to do in parallel with this. So  
38 as we advance our technology we'll continue to advance our security  
39 measures to ensure that all transactions are protected to the best  
40 of our ability.

10:37AM 41

42 **LEG. LINDSAY:**

43 As part of these contracts as we negotiate them, is there any  
44 guarantees that are put in place by the vendors that in case the  
45 breach is a result of either some vulnerability that's built into  
46 their program or if it occurs on their end and ends up accessing  
47 our records.

48  
49 **COMMISSIONER MASTELLON:**

10:37AM 50

51 Honestly, I don't know off the top of my head is whether or not  
52 that's incorporated as part of the current contract we're  
53 evaluating, but we could certainly look into that if anybody  
54 doesn't know off the top of their head.

55 **COMPTROLLER KENNEDY:**

56 Legislator Lindsay, just so that you're aware, we have been, it's

1 one of the categories that we've been working with County  
2 Attorney's Office on and drilling down for specificity about who,  
3 in fact, bears liability in the event that we have a breach or we  
4 have a removal or things like that. And candidly, we are really  
5 getting down to who has the data at what point and who has what  
6 degree of responsibility if, in fact, for whatever reason it gets  
7 out there. I've shared with this committee before, and you're wise  
8 to look at this, that unfortunately you know the primary identifier  
9 under all those vouchers, and as a matter of fact, under each one  
10 of our travel reimbursements, meal vouchers, is a nine digit Social  
11 Security number.

10:38AM

12  
13 **LEG. LINDSAY:**  
14 Right.

15  
16 **COMPTROLLER KENNEDY:**

17 That, in fact, actually is violation of State Statute as I've  
18 shared with everybody at this point. One of this key elements of  
19 this project will be to migrate off social as the primary  
20 identifier. But but if were to ask me could somebody, a Russian,  
21 get it right now and have the ability to look into that? I'm not  
22 going to lie. There are Social Security numbers embedded in the  
23 system associated with specific transactions. If we did nothing  
24 else, if we did nothing else, if we kept the same lousy sixth  
25 version out system we have now, we have to address that. We  
26 absolutely have to address that.

10:38AM

27  
28 We have -- IT has tight walls and rings around the system right now  
29 and we have pretty good specificity in the contract as to who will  
30 bear what liability and responsibility for the data as it's  
31 massaged up and we get that walk-through from the currently  
32 identifier to whatever the new one is. And undoubtedly the 3.11  
33 has better internal and external security than what we have right  
34 now.

10:39AM

35  
36 **LEG. LINDSAY:**  
37 Okay. Thank you.

38  
39 **COMMISSIONER MASTELLON:**

40 And if I can just add. You know, the actual - one of the issues we  
41 have with the current software it that it's working off an older  
42 database. The ability to upgrade our database will also provide us  
43 with enhanced functionality capabilities specific around the  
44 security that will further ensure and improve our security of the  
45 whole, you know, all the data.

10:39AM

46  
47 **LEG. LINDSAY:**

48 Okay, but Commissioner, once the software is implemented does the  
49 vendor have any of the information on their side? So that if a  
50 breach did occur it would have to occur on our side of the system.

10:40AM

51  
52 **COMMISSIONER MASTELLON:**

53 That's correct. They would have no access to our data. It would  
54 be -- it's on prem, installed here locally within our four walls  
55 would be protecting that and no one would have access to it unless  
56 we obviously authorized that access.

1 **LEG. LINDSAY:**  
2 Okay. Thank you.

3  
4 **CHAIRMAN CALARCO:**  
5 Legislator Hahn.

6  
7 **LEG. HAHN:**  
8 Just I forgot to ask the specifics. How long would it take to get  
9 the contract on the annual maintenance, the recurring costs?

10:40AM 10  
11 **COMPTROLLER KENNEDY:**  
12 Well, okay, so let's begin at the beginning. Currently right now  
13 we are in contract through December 31st of 2018 with a fixed cost  
14 of 386 whatever it's going to be.

15  
16 **MR. NAGPAUL:**  
17 Three-hundred and sixty-eight.

18  
19 **COMPTROLLER KENNEDY:**  
10:41AM 20 Three-hundred and sixty-eight. We have most of the essential terms  
21 and conditions negotiated regarding the upgrade from 3-5 to 3-11.  
22 We are currently in the process of negotiating what the maintenance  
23 expense will be beginning in 2019. I am reluctant to tell you that  
24 we will have that done in the next week. I would be confident to  
25 tell you we would have it done in the next.

26  
27 **MR. NAGPAUL:**  
10:42AM 28 So currently in terms of maintenance and inflation in 2015 it was  
29 350, in 2016 it was 368, so it goes up by about 12 to 13,000 every  
30 year. So -- and roughly estimating going up, you know, around that  
31 much, each year following that. However, we are still trying to  
32 work with them to find out if like to your point, if we have a more  
33 supportable version right now why are we paying the higher  
34 maintenance and that is our argument in terms of negotiating the  
35 price down from the vendor, so that we can have a more efficient  
36 system at a lesser cost of maintenance with that.

37  
38 **LEG. HAHN:**  
10:42AM 39 Right. I would feel more comfortable knowing that before approving  
40 this, not in any way suggesting this isn't necessary, but trying to  
41 be the responsible fiscal, you know, watchdog that we all want to  
42 be. I would feel more comfortable knowing those terms, knowing  
43 that amount, before we committed the money and paid them.

44  
45 **MR. NAGPAUL:**  
10:43AM 46 So just to clarify. Maintenance is usually a separate contract  
47 from the upgrade contract, and the upgrade contract will have  
48 everything in terms of, you know, getting us to a point where we  
49 can then like to Mr. Kennedy's point, we are paying maintenance  
50 through 2018, so after 2018 we want to -- at this point if you  
51 wanted a rough estimate I would say, you know, worst case scenario  
52 it would stay the same as what we're paying right now, and best  
53 case scenario we would probably try to get 20 to 25% discount from  
54 them.



1 **CHAIRMAN CALARCO:**  
2 Legislator Kennedy and then Legislator McCaffrey.

3  
4 **LEG. KENNEDY:**  
5 The Doctor just answered what I was going to ask. Thank you.

6  
7 **CHAIRMAN CALARCO:**  
8 Go ahead, Legislator McCaffrey.

9  
10 **LEG. McCAFFREY:**  
11 Thank you. John, to the extent that you can not guarantee, but  
12 reassure us that that is -- we expect that to be a ceiling on those  
13 maintenance costs?

14  
15 **COMPTROLLER KENNEDY:**  
16 Absolutely, yes, Legislator McCaffrey. And again, let's be very  
17 clear. The maintenance is an operating expense not coming out of  
18 what we have as far as the capital expense in front of you now.  
19 That being said, we are in essence negotiating for the maintenance  
10:44AM 20 predicated on the contract for the upgrade, and then finally we  
21 have gotten an agreement, a tacit agreement on their part, for  
22 roughly about a \$30,000 reduction based on what had been one  
23 component that was in the existing maintenance package that, in  
24 fact, had never been activated by us and was only recently  
25 discovered when we started in the investigatory process. So to  
26 your point, absolutely I view that as a ceiling. As I said before,  
27 we are negotiating down. We are not negotiating up.

28  
29 **LEG. McCAFFREY:**  
10:45AM 30 Thank you.

31  
32 **CHAIRMAN CALARCO:**  
33 Legislator Hahn.

34  
35 **LEG. HAHN:**  
36 So what kind of out do you have in the contract in case the service  
37 is not up to par?

38  
39 **COMPTROLLER KENNEDY:**  
10:45AM 40 Well--

41  
42 **MR. NAGPAUL:**  
43 I can answer that.

44  
45 **COMPTROLLER KENNEDY:**  
46 Every County contract, every County software contract, as a matter  
47 of fact, has a Termination for Convenience Clause. And as a matter  
48 of fact, I was part of that process when we put the FileNet System  
49 into place in the County Clerk's Office. Xerox was the original  
10:45AM 50 selected vendor. Xerox selected a subcontractor. The  
51 subcontractor held us hostage and wanted a 10% increase, blew the  
52 timeframes, procured equipment that was not within the terms and  
53 ultimately secured it in New York City and wouldn't release it to  
54 us. The County Clerk terminated the contract and did so under the  
55 convenience clause.

56

1 Typically there are also termination rights for cause if a vendor  
2 leaves, if they go out of business, if they stop answering our  
3 phone calls, if they don't hit the timeline which we are developing  
4 right now and deliver on certain dates with measurables we can go  
5 through an escalation process. First what we do is, is we put them  
6 on notice. Second they start to lose money, and third if they  
7 really screw it up, we have the ability to whack them without cause  
8 and, as a matter of fact, we'll get recovery.

9  
10 **COMPTROLLER KENNEDY:**

11 Pretty much along those lines, right?

12  
13 **MR. NAGPAUL:**

14 Yes.

15  
16 **LEG. HAHN:**

17 I was going to ask what whack them meant and recovery. Go ahead.

18  
19 *(\*Laughter\*)*

20  
21 **COMPTROLLER KENNEDY:**

22 We fire them.

23  
24 **MR. NAGPAUL:**

25 So we have -- we're -- within the contract we are not paying them  
26 until they deliver, so the payment schedule has been set per  
27 deliverable. So when they take the -- and the way it's divided up  
28 is when they take the data away, you know, they come here, they  
29 successfully get our configurations and take it away. That's when  
30 they get their first payment. When they deliver it back then they  
31 get another percentage. When we test it and we're satisfied with  
32 the testing they get another percentage. In any of the -- in any  
33 of these theories if we're not satisfied with the level of service  
34 that we're providing -- that is provided by them, the first thing  
35 that happens is that they don't get paid until we're satisfied and  
36 Mr. Kennedy and Mr. Necroto signs on it.

37  
38 **LEG. HAHN:**

39 Right, but the whack them, what I heard when you continued, was  
40 that we could recover. You know, part of the concern is we're  
41 going to invest in these upgrades and then, you know, be stuck  
42 having paid the significant bulk of the upfront cost, you know, so  
43 that you're saying that could potentially be recoverable.

44  
45 **COMPTROLLER KENNEDY:**

46 We would have a cause of action, as a matter of fact, that we could  
47 do recovery if, in fact, they had completely failed our processes.  
48 But I'll also offer to you we will not be in that position in that  
49 we've got a project manager who will be vetting and we have an IT  
50 Commissioner working in tandem, who will be assessing each level of  
51 implementation, and until such time as they say it's good, we won't  
52 pay them.

53  
54 **LEG. HAHN:**

55 Okay. I still, you know, I still think we should wait for the  
56 terms of the contract, but I'm willing to support a discharge

10:47AM

10:48AM

1 without recommendation so that the full, you know, Legislature  
2 knows the concern expressed here.

3  
4 **CHAIRMAN CALARCO:**

5 Okay. I have a discharge without recommendation. I guess I will  
6 second that motion. Any other questions on this matter? Okay.  
7 All those in favor? Opposed?

8  
9 **LEG. McCAFFREY:**

10:49AM 10 Opposed to discharge without recommendation.

11  
12 **CHAIRMAN CALARCO:**

13 Abstentions? One opposed. Okay, discharged. (VOTE: 4-1-0-0  
14 **Opposed - Legislator McCaffrey**)

15  
16 **LEG. McCAFFREY:**

17 Are you going to make a motion to approve?

18  
19 **CHAIRMAN CALARCO:**

10:49AM 20 It passed. The DWR passed.

21  
22 **LEG. McCAFFREY:**

23 I can try.

24  
25 **CHAIRMAN CALARCO:**

26 Okay. The resolution is discharged. I have no other items on the  
27 agenda today so we are adjourned.

28  
29 **COMPTROLLER KENNEDY:**

10:49AM 30 Okay, thank you.

31

32 *(\*The meeting was adjourned at 10:50 A.M.\*).*

33

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