

21828

DATE: September 19, 2011

TO: Board of Acquisition and Contract

FROM: Marguerite Beirne, Chief Information Officer, Department of Information Technology

Thomas J. Lauro, P.E., Commissioner, Department of Environmental Facilities

John J. Hsu, P.E., Commissioner, Department of Public Works and Transportation

RE: AUTHORIZATION TO AMEND CONTRACT IT-743 WITH INFOR GLOBAL SOLUTIONS (MICHIGAN), INC. FOR SOFTWARE MAINTENANCE AND SUPPORT, EXTENDING THE TERM TO A NEW TERMINATION DATE OF SEPTEMBER 29, 2012 AND INCREASING THE AMOUNT BY \$34,597 TO A NEW TOTAL NOT TO EXCEED CONTRACT AMOUNT OF \$344,719

BACKGROUND:

- On September 8, 2005 your Honorable Board approved a resolution which authorized entering into an agreement with Datastream Systems, Inc., for the licensing, support and maintenance of upgraded software, Datastream 7i to the existing Computerized Maintenance Management System (CMMS) for the Departments of Environmental Facilities (DEF) and Public Works (DPW), for a total amount not to exceed \$148,504 for a term commencing on September 30, 2005 and terminating on October 30, 2006. The contract (IT-743) authorized in this resolution was subsequently executed and approved.
- On August 31, 2006, a resolution was approved which authorized amending Contract IT-743 with Datastream Systems, Inc. for additional software, support and maintenance, by increasing the amount by \$33,023 to a new total not to exceed contract amount of \$181,527 and to extend the term to a new termination date of August 31, 2007. The 1st amendment to the agreement authorized in this resolution was executed and approved.
- On August 16, 2007 ("the August 16th resolution"), your Honorable Board approved a resolution authorizing an amendment to Contract IT-743 with Datastream Systems, Inc. for one year of software support and maintenance commencing on September 1, 2007 and terminating on August 31, 2008 and by increasing the amount by \$31,434 to a new total not to exceed contract amount of \$212,961 and to change the name of the company to Infor.
- Due to the fact that the contract amendment authorized in the August 16th was not yet executed, on January 10, 2008 ("the January 10th resolution"), your Honorable Board approved a resolution to amend the August 16th resolution to include an additional mobile software license, maintenance and support costing \$1,794, thereby increasing the amount of the contract by \$33,228 (not \$31,434) to a new total not to exceed contract amount of \$214,755 (not \$212,961) and to change the name of the vendor to Infor Global Solutions (Michigan), Inc. ("Infor"). The second amendment authorized in the January 10th resolution was subsequently executed and approved.

- On October 9, 2008, your Honorable Board approved a resolution authorizing an amendment to Contract IT-743 with Infor, extending the termination date of the contract for software support and maintenance to September 29, 2011 and by increasing the amount by \$95,367 to a new total not to exceed contract amount of \$310,122.
- Pursuant to Section 9 of the Westchester County Procurement Policy and Procedures, it is our recommendation that after reasonable investigation, it has been determined that CMMS support services from Infor is the only one practicable source for the provision of these services. Infor, which designed and implemented the CMMS system, is a sole source provider of support and maintenance services of its proprietary application software licensed to and in use by the County; therefore they are the sole source for CMMS support services. For this reason, it is our recommendation that the subject procurement qualifies as a sole source procurement and is exempt from the procedures of the Procurement Policy under Section 9 of said Policy.
- It is critical to continue support of the CMMS utilized by DEF and DPWT in order to maintain the integrity of the system. Therefore we now come before your Honorable Board requesting approval to amend Contract IT-743 with Infor for software maintenance/support by extending the term until September 29, 2012 and increasing the amount by \$34,597, with all other terms and conditions to remain the same.
- The public purpose of this amendment is to continue to receive support from Infor that will allow DPWT and DEF to continue to efficiently maintain County facilities and plants.
- The goals and objectives of this amendment are to continue an agreement that provides telephone support related to efficient use of the system, as well as upgrades to the system when they become available and solutions to problems as they occur. Issues that are not resolved quickly will be escalated at Infor by DPWT, DEF and DoIT staff and monitored until resolved.

ACTION REQUESTED:

- Authorization to amend Contract IT-743 with Infor Global Solutions (Michigan), Inc., having a place of business located at 50 Datastream Plaza, Greenville, South Carolina 29605, for software support and maintenance by extending the term to a new termination date of September 29, 2012 and increasing the amount by \$34,597, payable annually pursuant to an approved schedule, to a new total not to exceed contract amount of \$344,719, with all other terms and conditions of the agreement to remain the same.

Accordingly, the attached resolution is submitted for your consideration.

RESOLUTION

UPON A COMMUNICATION FROM THE CHIEF INFORMATION OFFICER, DEPARTMENT OF INFORMATION TECHNOLOGY, THE COMMISSIONER, DEPARTMENT OF ENVIRONMENTAL FACILITIES AND THE COMMISSIONER, DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION, BE IT HEREBY

RESOLVED: that the County of Westchester is hereby authorized to amend Contract IT-743 with Infor Global Solutions (Michigan), Inc., having a place of business located at 50 Datastream Plaza, Greenville, South Carolina 29605, for software support and maintenance, by extending the term to a new termination date of September 29, 2012 and increasing the amount by \$34,597, payable annually pursuant to an approved schedule, to a new total not to exceed amount of \$344,719; 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 all other terms and conditions of the Agreement shall remain the same; 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 hereof.

RESOLUTION

Original Agreement: \$148,504
First Amendment: \$ 33,023
2nd Amendment: \$ 33,228
3rd Amendment: \$ 95,367
This Amendment: \$ 34,597
TOTAL: \$344,719

Contract: **IT-743**

Account to be Charged/Credited:

Year	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
2011	101	16	6430	4070		\$ 8,649
2012	101	16	6430	4070		25,948

Budget Funding Year(s): 2011-2012

Start Date: September 30, 2011

End Date: September 29, 2012

Funding Source:

Tax Dollars: \$34,597

State Aid _____

\$34,597
(must match resolution)

Federal Aid _____

Other: _____