

36134

DATE: September 17, 2013

TO: Board of Acquisition and Contract

FROM: John B. McCaffrey, Chief Information Officer

RE: AUTHORIZATION TO EXEMPT FROM THE WESTCHESTER COUNTY PROCUREMENT POLICY AND PROCEDURES THE PROCUREMENT OF RADIO FREQUENCY ENGINEERING AND LICENSING SERVICES FROM THE SPECTRUM FIRM, INC.

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BACKGROUND:

- The Department of Information Technology ("DoIT") continues its effort to build and maintain effective radio communication systems for use by the Department of Emergency Services for dispatching Fire and EMS agencies, by the Department of Public Works and Transportation in the operation of its bus fleet, and by the Department of Public Safety for dispatching police officers. In support of this effort, DoIT has utilized consultant services to perform radio frequency searches and radio frequency engineering and licensing work.
- Contract IT-942 with The Spectrum Firm, Inc. ("TSF") for radio frequency licensing services, authorized in a resolution approved by your Honorable Board on January 31, 2008 and amended by resolutions approved on May 1, 2008, March 26, 2009, April 22, 2010, November 4, 2010, and November 10, 2011, will expire on December 31, 2013.
- DoIT has been pleased with the consulting services provided by TSF in the past and wishes to amend Contract IT-942 with TSF for these services. Such services are required in order to allow DoIT to continue to acquire and maintain Federal Communications Commission ("FCC") licenses for radio systems that first responders and other government personnel rely upon to ensure safety of life and property and enable delivery of vital services to the citizens of Westchester County.
- TSF is thoroughly familiar with the County's radio projects and pending license applications. In order for another firm to be able to take over work already in progress, it would be necessary to pay the firm to become familiar with the details of work already performed. This process would be neither cost effective in terms of fees paid nor efficient in terms of the consultant and County staff time required to accomplish it.
- DoIT used TSF for preparation of a major license application filed in January 2011 which is still pending. Licenses of this type are awarded after a competitive review process which may take eighteen to thirty-six months to complete. During this process DoIT plans to call upon TSF as needed to support the application and defend the engineering and regulatory analyses upon which it is based. We would not expect another firm to be able support the application as effectively as the firm responsible for its underlying analyses. It would not be in the County's best interest to put the time and money invested in the application at risk by attempting to have another firm support it.

- Therefore, pursuant to Section 3 (a) xxi, the Westchester County Procurement Policy and Procedures are not applicable to any procurement for which this Honorable Board determines, by resolution passed prior to commencing such procurement, that compliance with the policy would not be in the best interest of the County. Based on the reasons described above, it is proposed that the best interest of the County would be served by exempting the procurement of radio frequency engineering and licensing services from TSF from the County Procurement Policy.
- TSF will consult with DoIT staff via email and teleconference on an ongoing basis as needed, and will supply DoIT with monthly progress reports via email by project with details and timelines.
- Services provided by TSF will have a public purpose because they will affect the coverage, capacity, and capability of radio communication systems which are used by Police, Fire, EMS, and Public Works and Transportation officials to assure the safety and general welfare of County residents during routine and emergency situations.
- The goals and objectives of the services requested in the attached resolution are to maintain and improve radio communication services. TSF will assist the County of Westchester in acquiring and maintaining radio licenses from the FCC for the many systems that the County owns, operates and is in the process of building. This will help to improve the communications ability of the County, in particular for the Departments of Public Safety, Emergency Services, and Public Works and Transportation.

**ACTION REQUESTED:**

- Authorization to exempt from the Westchester County Procurement Policy and Procedures, the procurement of radio frequency engineering and licensing services from The Spectrum Firm, Inc.

Accordingly, the attached resolution is submitted for your consideration.

## **RESOLUTION**

UPON A COMMUNICATION FROM THE CHIEF INFORMATION OFFICER, DEPARTMENT OF INFORMATION TECHNOLOGY, BE IT HEREBY

RESOLVED, that pursuant to Section 3 (a) xxi, of the Westchester County Procurement Policy and Procedures, it is hereby determined that application of the procedural requirements contained therein, including the necessity of soliciting proposals, is not in the best interest of the County in connection with the procurement of radio frequency engineering and licensing services from The Spectrum Firm, Inc.

APPROVED BOARD OF ACQUISITION & CONTRACT - 10/17/2013 JOMARY WEIRA, SECRETARY