47147

DATE: June 5, 2015

TO: Board of Acquisition and Contract

FROM: John B. McCaffrey, Chief Information Officer
Department of Information Technology

RE: AUTHORIZATION TO AMEND CONTRACT IT-1214 WITH ORACLE AMERICA, INC. BY, 1) EXTENDING THE TERM BY ONE (1) YEAR, TO A NEW TERMINATION DATE OF JUNE 25, 2016, AND 2) INCREASING THE AUTHORIZED NOT-TO-EXCEED AMOUNT BY $258,361, FROM $1,189,167 TO $1,447,528, IN ORDER TO PAY FOR THE SERVICES TO BE PROVIDED DURING THE EXTENDED TERM

By a resolution approved on November 17, 2011, your Honorable Board authorized the County of Westchester (the "County") to enter into an agreement ("IT-1214") with Oracle America, Inc. ("Oracle"), pursuant to which Oracle would provide on-site technical support services, for a term commencing November 1, 2011 and terminating October 31, 2012, for a total amount not–to-exceed $315,000, payable pursuant to an approved budget and payable as required by New York State Office of General Services ("NYS OGS") Contract Number PT64000. IT-1214 was subsequently executed.

By a resolution approved on October 11, 2012, your Honorable Board authorized the County to amend IT-1214 by, 1) extending the term by seven (7) months and twenty-five (25) days, to a new termination date of June 25, 2013, and 2) increasing the authorized not-to-exceed amount by $315,000, to a new amount not-to-exceed $630,000, in order to pay for the services to be provided during the extended term (the "First Amendment"). The First Amendment was subsequently executed.

By a resolution approved on July 18, 2013, your Honorable Board authorized the County to amend IT-1214, as amended by the First Amendment, by, 1) extending the term by one (1) year, to a new termination date of June 25, 2014, and 2) increasing the authorized not-to-exceed amount by $315,000, to a new amount not-to-exceed $945,000, in order to pay for the services to be provided during the extended term (the "Second Amendment"). The Second Amendment was subsequently executed.

By a resolution approved on August 21, 2014, your Honorable Board authorized the County to amend IT-1214, as amended by the First Amendment and the Second Amendment, by, 1) extending the term by one (1) year, to a new termination date of June 25, 2015, and 2) increasing the authorized not-to-exceed amount by $244,167, to a new amount not-to-exceed $1,189,167, in order to pay for the services to be provided during the extended term (the "Third Amendment"). The Third Amendment was subsequently executed.

Oracle databases and application servers are the foundation for many computer systems in the County. The County has deployed Oracle database and application server software on more than 100 servers, including those for the Departments of Finance, Budget, and Human Resources, as well as numerous other enterprise-level systems that run the Oracle database or application server software.

The County retains consultants from Oracle in various capacities to support various Oracle database management and application server software products. Oracle consultants are familiar with Oracle tools and products, and have access to Oracle's Internal Engineering with the knowledge of proprietary information (including source code) of the company. They also help County staff apply industry best practices.

The on-site technical support services that have been provided under IT-1214, as amended, have helped the County address its database needs; deliver technical resources primarily tasked to identify ways to ensure the optimal performance and stability of Oracle systems; address existing technical issues via access to Oracle's Internal Engineering; assist Department of Information Technology ("DoIT") staff with the deployment of new Oracle products; and deploy and maintain the County's application servers.

It continues to be important for the County to receive these on-site technical support services in order to maintain the integrity of the County's critical Oracle based applications.

Therefore, the County respectfully requests that your Honorable Board authorize the County to amend IT-1214, as amended, by, 1) extending the term by one (1) year, to a new termination date of June 25, 2016, and 2) increasing the authorized not-to-exceed amount by $258,361, to a new amount not-to-exceed $1,447,528, in order to pay for the services to be provided during the extended term (the "Fourth Amendment").

Except as specifically amended hereby, all terms and conditions of IT-1214, as amended, shall remain in full force and effect.

The public purpose of the proposed Fourth Amendment is to obtain technical services, for an additional period, that will help keep County systems operating efficiently. As stated above, these systems support numerous departmental programs, including the County Financial systems, Emergency Services dispatch, Public Works and Transportation's building maintenance and Parks' recreational facility scheduling and point of sale functions, among others, all of which benefit the public good.

The goal and objective of the proposed Fourth Amendment is to obtain technical services, for an additional period, that will help keep County systems operating efficiently. The specific goals and objectives to be achieved with those technical services during the term of the proposed Fourth Amendment will be established by a committee of DoIT professionals who discuss various projects that require the specialized knowledge that Oracle can provide. From these discussions, priorities and schedules are established and each DoIT staff member monitors the progress achieved on the project related to their areas of responsibilities.

The goal and objective of the proposed Fourth Amendment is in the best interests of the County in terms of fiscal responsibility, as obtaining these services through NYS OGS Contract Number PT64000 is understood to represent a cost savings over independent procurement, and obtaining these services from Oracle will provide valuable access to Oracle's Internal

Engineering and avoid unexpected additional costs and problems that might be associated with assistance provided by an entity that does not have the top experts in Oracle systems.

The goal and objective of the proposed Fourth Amendment will be tracked and monitored by various assigned DoIT staff members, with progress measured based upon the aforementioned committee's discussions and establishment of priorities and schedules. The assigned DoIT staff members will review monthly progress reports.

The procurement of IT-1214, the First Amendment, the Second Amendment, and the Third Amendment was exempt from the County Procurement Policy pursuant to Section 3(a)(i) thereof, as the County was making each procurement through Oracle's NYS OGS Contract Number PT64000, pursuant to New York General Municipal Law §104. IT-1214 and each of the three amendments was based upon the rates available through NYS OGS Contract Number PT64000.

NYS OGS Contract Number PT64000 is currently set to expire on June 25, 2015. However, Oracle has advised the County that it has processed and submitted to NYS OGS the paperwork necessary to have the term of NYS OGS Contract Number PT64000 extended by one year, to a new termination date of June 25, 2016 (the "Extension"). If and when NYS OGS finalizes the Extension, and the term of NYS OGS Contract Number PT64000 is extended to June 25, 2016, the County's procurement of the proposed Fourth Amendment would be exempt from the County Procurement Policy pursuant to Section 3(a)(i) thereof. The proposed Fourth Amendment would also be based upon the rates that would continue to be available through NYS OGS Contract Number PT64000.

However, since the Extension has not yet been finalized, the authority from your Honorable Board to enter into the proposed Fourth Amendment will be contingent upon the term of NYS OGS Contract Number PT64000 being extended to a new termination date of June 25, 2016.

Accordingly, I respectfully recommend adoption of the proposed resolution.

JBM/RJL/bdm/nn

R E S O L U T I O N

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

RESOLVED, that the County of Westchester (the "County") is hereby authorized to amend an agreement with Oracle America, Inc. ("Oracle"), pursuant to which Oracle was to provide on-site technical support services, for a term commencing November 1, 2011 and terminating June 25, 2015, for a total amount not-to-exceed $1,189,167, payable pursuant to an approved budget and payable as required by New York State Office of General Services ("NYS OGS") Contract Number PT64000 ("IT-1214"), by 1) extending the term by one (1) year, to a new termination date of June 25, 2016, and 2) increasing the authorized not-to-exceed amount by $258,361, to a new amount not-to-exceed $1,447,528, in order to pay for the services to be provided during the extended term (the "Fourth Amendment"); and be it further

RESOLVED, that the County's authority to execute the Fourth Amendment is contingent upon the term of NYS OGS Contract Number PT64000 being extended to a new termination date of June 25, 2016; and be it further

RESOLVED, that except as specifically amended hereby, all terms and conditions of IT-1214 shall remain in full force and effect; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized and empowered to execute any and all documents necessary and appropriate to effectuate the purpose hereof.

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Agreement: **IT-1214**

Original Agreement:	$ 315,000
First Amendment:	$ 315,000
Second Amendment:	$ 315,000
Third Amendment:	$ 244,167
This Amendment:	**$ 258,361**
Total:	$1,447,528

Account to be Charged/Credited:

Year	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
2015	101	16	6000	4420		$134,348
2016	101	16	6000	4420		$124,013

Budget Funding Year(s): 2015 & 2016   Start Date: June 26, 2015   End Date: June 25, 2016
(must match resolution)

Funding Source   Tax Dollars: _____$258,361_____
                   State Aid: _____
$258,361   Federal Aid: _____
(must match resolution) Other: _____