

47652

DATE: July 10, 2015

TO: Board of Acquisition and Contract

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

RE: AMENDING A RESOLUTION APPROVED ON JULY 2, 2015, WHICH AUTHORIZED THE COUNTY TO AMEND CONTRACT IT-1214 WITH ORACLE AMERICA, INC., IN ORDER TO SHORTEN THE LENGTH OF THE AUTHORIZED EXTENSION TO MATCH THE EXTENSION AUTHORIZED BY THE NEW YORK STATE OFFICE OF GENERAL SERVICES.

By a resolution approved on July 2, 2015 (the "July 2nd Resolution"), your Honorable Board authorized the County of Westchester (the "County") to amend an agreement with Oracle America, Inc. ("Oracle"), as previously amended, ("IT-1214") 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, 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").

The procurement of IT-1214 and all previous amendments thereto were 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.

At the time the July 2nd Resolution was submitted, NYS OGS Contract Number PT64000 was set to expire on June 25, 2015, and Oracle had advised the County that it had 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").

Accordingly, the July 2nd Resolution was written to authorize the Fourth Amendment only if and when NYS OGS finalized the Extension, and the term of NYS OGS Contract Number PT64000 was thereby extended to June 25, 2016, at which point the County's procurement of the proposed Fourth Amendment would be exempt from the County Procurement Policy pursuant to Section 3(a)(i) thereof.

However, the Extension was not approved by NYS OGS. Instead, NYS OGS authorized an extension of PT64000 only through May 25, 2016.

Therefore, the County now respectfully requests that your Honorable Board amend the July 2nd Resolution by:

1.) modifying the first 'RESOLVED' clause by changing the authorized extension of the term of IT-1214 from and extension of one (1) year (to a new termination date of June 25, 2016), to an extension of eleven (11) months (to a new termination date of May 25, 2016), and

2.) deleting the second 'RESOLVED' clause, which made the authority to execute the Fourth Amendment contingent upon the term of NYS OGS Contract Number PT64000 being extended to a new termination date of June 25, 2016, as NYS OGS Contract Number PT64000 has now been extended only to May 25, 2016, and there is no longer a need to make contingent the County's authority to execute the Fourth Amendment.

Although the authorized extension of the term of IT-1214 will now be eleven (11) months instead of twelve (12) months if your Honorable Board adopts the proposed resolution, the increase in the not-to-exceed amount authorized by the July 2nd Resolution does not need to be modified, as the County will simply receive over a slightly shorter period all of the services for which funds were budgeted.

I respectfully recommend adoption of the proposed resolution.

JBM/RJL/bdm/nm

RESOLUTION

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

RESOLVED, that the resolution approved on July 2, 2015 (the "July 2nd Resolution"), which authorized the County of Westchester (the "County") to amend an agreement with Oracle America, Inc. ("Oracle"), as previously amended, ("IT-1214") 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, 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"), is hereby amended as follows:

- 1.) The text in the first 'RESOLVED' clause that reads "extending the term by one (1) year, to a new termination date of June 25, 2016" is hereby replaced with the following text: "extending the term by eleven (11) months, to a new termination date of May 25, 2016, and
- 2.) The second 'RESOLVED' clause is hereby deleted.

;and be it further

RESOLVED, that except as specifically amended hereby, all terms and conditions of the July 2nd Resolution 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.

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

Agreement: **IT-1214**

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		\$N/A
2016	101	16	6000	4420		\$N/A

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

Funding Source Tax Dollars: \$N/A
 State Aid: _____
\$N/A Federal Aid: _____
 (must match resolution) Other: _____

APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION
 CONTRACT #08121215-40M COCCIAPI, SECRETARY