

58395

DATE: August 7, 2017

TO: Board of Acquisition and Contract

FROM: John B. McCaffrey, Chief Information Officer

RE: AUTHORITY TO AMEND AN AGREEMENT (IT-1348) WITH CELLCO PARTNERSHIP, DOING BUSINESS AS VERIZON WIRELESS, FOR CELLULAR TELEPHONE AND WIRELESS DATA SERVICES, BY, 1.) EXTENDING ITS TERM BY UP TO ONE YEAR, AND 2.) INCREASING ITS NOT-TO-EXCEED AMOUNT BY \$360,000, TO PAY FOR SERVICES DURING THE EXTENDED TERM.

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BACKGROUND:

- Under a series of agreements, which were authorized by a series of resolutions approved by your Honorable Board, the County of Westchester (the "County") has contracted with Cellco Partnership, a Delaware general partnership doing business as Verizon Wireless, ("Verizon") for cellular telephone and wireless data services for a number of years.
- Most recently, by a resolution approved on October 16, 2014, your Honorable Board authorized the County to enter into an agreement (IT-1348) with Verizon, pursuant to which Verizon was to provide the County with cellular telephone and wireless data services, for a term commencing on December 3, 2014 and terminating on August 15, 2017, for a total amount not-to-exceed \$1,700,000.00, payable monthly by the departments utilizing the services, and in accordance with the terms and conditions of New York State Office of General Services ("OGS") Contract Number PS63766. IT-1348 was subsequently executed.
- Cellular telephone and wireless data services continue to be a valuable and essential tool for County staff. Therefore, the County continues to require the cellular telephone and wireless data services provided by Verizon under IT-1348.
- The end date for the term of IT-1348 was specified as August 15, 2017 because OGS Contract Number PS63766—as one of many individual contracts within OGS Award 20268—was set to expire on that date. However, by a "Contract Award Notification Update" dated July 27, 2017, OGS's Procurement Services office provided notice that, with regard to OGS Award 20268, it "is in the process of extending contracts for an additional year." Accordingly, this notice advised authorized users, such as the County,

“to plan accordingly.”

- Therefore, while the County wishes to, accordingly, seek authority to amend IT-1348 by extending its term by one year, and increasing its not-to-exceed amount in order to pay for services during the extended term, the authority for such an amendment must be contingent upon OGS completing the process of extending OGS Contract Number PS63766, and contingent upon the actual length of such an extension.
- Accordingly, the County respectfully requests that your Honorable Board authorize the County to amend IT-1348 by, 1.) extending its term by up to one (1) year, to the sooner of August 15, 2018 or the newly-extended termination date of OGS Contract Number PS63766, and 2.) increasing its not-to-exceed amount by \$360,000.00, to a new amount not-to-exceed \$2,060,000.00, in order to pay for the services to be provided during the extended term, with the condition that such authorization will be contingent upon the term of OGS Contract Number PS63766 being extended beyond August 15, 2017 (the “First Amendment”).
- Except as specifically described above, all terms and conditions of IT-1348 shall remain in full force and effect.
- The proposed First Amendment will serve a public purpose by allowing County staff to continue to use Verizon cellular telephone and wireless data services that enable them to do their jobs more efficiently, to the benefit of the public.
- The goal and objective of the proposed First Amendment is to allow the County to continue to have access to reliable, cost-effective cellular telephone and wireless data services, and to do so through OGS Contract Number PS63766, so that County staff can be more readily available, and thereby do their jobs more efficiently.
- The goal and objective of the proposed First Amendment is in the best interests of the County in terms of fiscal responsibility, as obtaining services through an OGS contract is commonly understood to represent a cost savings over independent procurement.
- The goal and objective of the proposed First Amendment will be monitored by DoIT staff, in conjunction with staff from the departments utilizing the services, in order to ensure that the cellular telephone and wireless data services that are received meet departmental needs, are not abused, and remain cost-effective.
- If and when OGS finalizes the above-described extension of OGS Contract Number PS63766, the County’s procurement of the proposed First Amendment would be exempt from the County Procurement Policy pursuant to Section 3(a)(i) thereof.

**ACTION REQUESTED:**

- Authority for the County to amend IT-1348 by, 1.) extending its term by up to one (1) year, to the sooner of August 15, 2018 or the newly-extended termination date of OGS Contract Number PS63766, and 2.) increasing its not-to-exceed amount by \$360,000.00, to a new amount not-to-exceed \$2,060,000.00, in order to pay for the services to be provided during the extended term, with the condition that such authorization will be contingent upon the term of OGS Contract Number PS63766 being extended beyond

August 15, 2017.

I respectfully recommend adoption of the proposed resolution.

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/29/2017 - LISA MRIJAJ, SECRETARY

**RESOLUTION**

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 Cellco Partnership, a Delaware general partnership doing business as Verizon Wireless, ("Verizon"), pursuant to which Verizon was to provide the County with cellular telephone and wireless data services, for a term commencing on December 3, 2014 and terminating on August 15, 2017, for a total amount not-to-exceed \$1,700,000.00, payable monthly by the departments utilizing the services, and in accordance with the terms and conditions of New York State Office of General Services ("OGS") Contract Number PS63766, ("IT-1348") by, 1.) extending its term by up to one (1) year, to the sooner of August 15, 2018 or the newly-extended termination date of OGS Contract Number PS63766, and 2.) increasing its not-to-exceed amount by \$360,000.00, to a new amount not-to-exceed \$2,060,000.00, in order to pay for the services to be provided during the extended term, with the condition that such authorization will be contingent upon the term of OGS Contract Number PS63766 being extended beyond August 15, 2017; and be it further

**RESOLVED**, that except as specifically hereby authorized to be amended, all terms and conditions of IT-1348 shall remain in full force and effect; and be it further

**RESOLVED**, that the County Executive or his duly authorized designee is hereby authorized to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this Resolution.

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Agreement No: IT-1348

Original Agreement: \$1,700,000.00  
This Amendment: \$ 360,000.00  
**Total: \$2,060,000.00**

Account to be Charged/Credited:

Year	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
2017			Various County Departments			\$90,000
2018			Various County Departments			\$270,000

Budget Funding Year(s): 2017-2018      Start Date: August 16, 2017      End Date: No later than August 15, 2018

(must match resolution)

Funding Source      Tax Dollars: \$360,000.00  
State Aid: \_\_\_\_\_  
Federal Aid: \_\_\_\_\_  
**\$360,000.00**      Other: Costs for cellular telephone & wireless data services are charged directly to the County departments utilizing the service  
(must match resolution)