

**59246**

DATE: October 4, 2017

TO: Board of Acquisition and Contract

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

SUBJECT: Authority to amend an agreement with Xerox Corporation (IT-1245), pursuant to which it was to lease to the County digital monochrome printing equipment and related equipment and software, and was to provide maintenance therefor, by extending its term by up to three (3) months, to the sooner of January 2, 2018 or the removal of said leased equipment, and increasing its not-to-exceed amount by \$43,357.32, to pay for services during the extended term.

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On August 3, 2012, pursuant to authority from a resolution approved by your Honorable Board on June 21, 2012, the County of Westchester (the "County") entered into an agreement ("IT-1245") with Xerox Corporation ("Xerox"), pursuant to which Xerox was to lease to the County certain digital black and white (i.e., monochrome) printing equipment and related equipment and software, and to provide maintenance therefor, for a total amount not-to-exceed \$867,146.40, payable monthly in an amount not-to-exceed \$14,452.44, for a term commencing on August 3, 2012 and continuing through June 2, 2017.

On or about August 22, 2017, pursuant to authority from a resolution approved by your Honorable Board on August 17, 2017, the County entered into an agreement with Xerox to amend IT-1245 by extending its term by up to four (4) months, to the sooner of October 2, 2017 or the removal of the equipment leased under IT-1245, and increasing its not-to-exceed amount by \$46,932.00, to new a total amount not-to-exceed \$914,078.40, to pay for services during the extended term (the "First Amendment").

As was noted in the cover memo of the above-referenced August 17, 2017 resolution, the County negotiated with Xerox to lease newer models of equipment and software, and to receive maintenance therefor, at lower costs than under IT-1245, and the County was prepared to proceed with such an agreement. However, negotiations between the County and Xerox on various particular terms of such an agreement have taken longer than reasonably anticipated. Accordingly, the County will continue to require use of the old equipment under IT-1245 until it is removed as part of the preparation for the installation of the new equipment to be installed under the negotiated new agreement.

Therefore, authority is respectfully requested from your Honorable Board for the County

to amend IT-1245, as amended by the First Amendment, ("Amended IT-1245") by extending its term by up to three (3) months, to the sooner of January 2, 2018 or the removal of the equipment leased under Amended IT-1245, and increasing its not-to-exceed amount by \$43,357.32, to pay for services during the extended term (the "Second Amendment").

Except as specifically described above, all terms and conditions of Amended IT-1245 shall remain in full force and effect.

The proposed Second Amendment will serve a public purpose by ensuring that the County has continuous use of the digital monochrome printing equipment and related equipment and software it needs in order to accomplish tasks for various County operations, including items that are distributed to the public.

The goal and objective of the proposed Second Amendment is to ensure that the County has continuous use of the digital monochrome printing equipment and related equipment and software it needs in order to accomplish tasks for various County operations, including items that are distributed to the public.

The goal and objective of the proposed Second Amendment is in the best interests of the County in terms of fiscal responsibility, as it will enable the County to continue performing monochrome printing in-house at existing monthly costs, until the existing equipment is removed.

The goal and objective of the proposed Second Amendment will be tracked and monitored by the staff of the Department of Information Technology.

Authority to exempt the proposed Second Amendment from the requirements of the Westchester County Procurement Policy, pursuant to Section 3(a)(xxi) thereof, has been submitted to your Honorable Board in accordance with a separate resolution of even date herewith.

I respectfully recommend the adoption of the attached resolution.

JBM/SF/bdm/nn

**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 ("IT-1245") with Xerox Corporation ("Xerox"), pursuant to which Xerox was to lease to the County certain digital black and white (i.e., monochrome) printing equipment and related equipment and software, and to provide maintenance therefor, for a total amount not-to-exceed \$914,078.40, payable monthly in an amount not-to-exceed \$14,452.44, for a term commencing on August 3, 2012 and continuing through the sooner of October 2, 2017 or the removal of said leased equipment, by extending its term by up to three (3) months, to the sooner of January 2, 2018 or the removal of said leased equipment, and increasing its not-to-exceed amount by \$43,357.32, to pay for services during the extended term; and be it further

**RESOLVED**, that except as specifically hereby authorized to be modified, all terms and conditions of IT-1245 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.

Account to be Charged/Credited

Year	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
2017	101	16	6000	4070		\$43,357.32

Budget Funding Year(s): 2017 Start Date: 10/03/17 End Date: Sooner of installation of new equipment or 1/2/18  
 (must match resolution)

Funding Source	Tax Dollars: <u>\$43,357.32</u>
<u>\$43,357.32</u>	State Aid: _____
(must match resolution)	Federal Aid: _____
	Other: _____