

64127

DATE: July 9, 2018

TO: Board of Acquisition and Contract

FROM: Marguerite Beirne
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 NINE MONTHS, AND 2.) INCREASING ITS NOT-TO-EXCEED AMOUNT BY \$405,000.00, TO PAY FOR SERVICES DURING THE EXTENDED TERM.

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 August 29, 2017, your Honorable Board authorized the County to amend its agreement 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, (the "Original Agreement") 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 was contingent upon the term of OGS Contract Number PS63766 being extended beyond August 15, 2017 (the "First Amendment").
- The First Amendment was subsequently executed. OGS's Procurement Services office, by a "Contract Award Notification Update", provided notice that OGS Contract Number PS63766 had been extended to August 15, 2018. Accordingly, the term of the Original Agreement, as amended by the First Amendment, ("IT-1348") was extended to August 15, 2018.

- 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.
- OGS Contract Number PS63766 is one of many individual contracts within OGS Award 20268 for "Comprehensive Telecommunications Services". By a "Contract Award Notification Update" dated July 6, 2018, OGS's Procurement Services office provided notice that, with regard to OGS Award 20268, it "is in the process of extending these [Comprehensive Telecommunications Services] contracts for an additional 9 months, until May 15, 2019 or until a new [set of Comprehensive Telecommunications Services] contract is in place." This notice also advised authorized users, such as the County, "to plan accordingly."
- Therefore, while the County wishes to seek authority to amend IT-1348 by extending its term by nine (9) months, 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 nine (9) months, to the sooner of May 15, 2019 or the newly-extended termination date of OGS Contract Number PS63766, and 2.) increasing its not-to-exceed amount by \$405,000.00, to a new amount not-to-exceed \$2,465,000.00, 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, 2018 (the "Second Amendment").
- Except as specifically described above, all terms and conditions of IT-1348 shall remain in full force and effect.
- The proposed Second 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 Second 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 Second 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 Second 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 Second 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 nine (9) months, to the sooner of May 15, 2019 or the newly-extended termination date of OGS Contract Number PS63766, and 2.) increasing its not-to-exceed amount by \$405,000.00, to a new amount not-to-exceed \$2,465,000.00, 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, 2018.

I respectfully recommend adoption of the proposed resolution.

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/09/2018 - TASHA MARIJAJ, 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, 2018, for a total amount not-to-exceed \$2,060,000.00, 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 nine (9) months, to the sooner of May 15, 2019 or the newly-extended termination date of OGS Contract Number PS63766, and 2.) increasing its not-to-exceed amount by \$405,000.00, to a new amount not-to-exceed \$2,465,000.00, 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, 2018; 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.

Agreement No: IT-1348

Original Agreement: \$1,700,000.00
First Amendment: \$ 360,000.00
This Amendment: \$ 405,000.00
Total: \$2,465,000.00

Account to be Charged/Credited:

Year	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
2018			Various County Departments			\$180,000
2019			Various County Departments			\$225,000

Budget Funding Year(s): 2018-2019 Start Date: August 16, 2018 End Date: No later than
May 15, 2019

(must match resolution)

Funding Source Tax Dollars: _____
 State Aid: _____

\$405,000.00

(must match resolution) Other: Costs for cellular telephone & wireless data services are
charged directly to the County departments utilizing the service