

69751

DATE: May 15, 2019

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 SUCH THAT ITS TERMINATION DATE SHALL MATCH THAT OF NEW YORK STATE OFFICE OF GENERAL SERVICES CONTRACT (PS63766) FOR SAID SERVICES, AS THE TERMINATION DATE OF PS63766 MAY BE MODIFIED FROM TIME TO TIME BY THE NEW YORK STATE OFFICE OF GENERAL SERVICES, AND 2.) INCREASING ITS NOT-TO-EXCEED AMOUNT BY \$355,000.00, TO PROVIDE FUNDING FOR SERVICES THROUGH DECEMBER 31, 2019.

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 2, 2018, your Honorable Board authorized the County to amend its agreement with Verizon such that the agreement, based upon the subsequently-executed amendment, is now for a term commencing on December 3, 2014 and continuing until the sooner of May 15, 2019 or the termination date of New York State Office of General Services ("OGS") Contract Number PS63766 ("PS63766"), for a total amount not-to-exceed \$2,465,000.00, payable monthly by the departments utilizing the services, and in accordance with the terms and conditions of PS63766 ("IT-1348").
- 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.
- PS63766 is one of many individual contracts within OGS Award 20268 for

"Comprehensive Telecommunications Services". By a "Contract Award Notification Update" dated May 10, 2019, OGS's Procurement Services office provided notice that the term of PS63766 had just been extended. Instead of expiring on May 15, 2019, the term of that contract will now continue "through September 15, 2019 or until a new contract is in place".

- Notably, OGS has recently been providing such extension notices very close to, if not after, the existing termination dates for contracts like PS63766. However, the County cannot use the OGS contract as its procurement basis for extending the term of an agreement like IT-1348 unless and until the OGS contract has been extended. That is why the above-mentioned resolution included the condition that the extension of the term "will be contingent upon the term of OGS Contract Number PS63766 being extended" beyond its then-existing termination date. The timing of the extension notices from OGS about PS63766 have put the County in a difficult position in terms of timely extending IT-1348 and ensuring that the County can continue to receive cellular telephone and wireless data services from Verizon.
- Therefore, the County respectfully requests that your Honorable Board authorize the County to amend IT-1348 by, 1.) extending its term such that its termination date shall match that of PS63766, as the termination date of PS63766 may be modified from time to time by OGS, and 2.) increasing its not-to-exceed amount by \$355,000.00, to a new amount not-to-exceed \$2,820,000.00, in order to provide funding for services through December 31, 2019 (the "Third Amendment").
- It should be noted that the requested increase in the not-to-exceed amount of IT-1348 would provide funding beyond the currently-specified termination date of PS63766. If the term of PS63766 ends before December 31, 2019, the County would not expend funds up to the full not-to-exceed amount. However, if the term of PS63766 is extended beyond December 31, 2019, then even though the term of IT-1348 would automatically extend, the County will still have to seek further authority from your Honorable Board to increase the not-to-exceed amount of IT-1348, in order to pay for services beyond December 31, 2019. Nevertheless, by ensuring that the term of IT-1348 matches the term of PS63766, the County expects to no longer have to submit last-minute requests for extensions of the contract term in order to avoid theoretically risking Verizon ending the provision of services.
- Except as specifically described above, all terms and conditions of IT-1348 shall remain in full force and effect.
- The proposed Third 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 Third 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 PS63766, so that County staff can be more readily available, and thereby do their jobs more efficiently.

- The goal and objective of the proposed Third 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 Third Amendment will be monitored by Department of Information Technology 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.
- The procurement of the proposed Third Amendment is exempt from the County Procurement Policy pursuant to Section 3(a)(i) thereof, as it is a procurement made pursuant to General Municipal Law Section 104.

ACTION REQUESTED:

- Authority for the County to amend 11-1348 by, 1.) extending its term such that its termination date shall match that of PS63766, as the termination date of PS63766 may be modified from time to time by OGS, and 2.) increasing its not-to-exceed amount by \$355,000.00, to a new amount not-to-exceed \$2,820,000.00, in order to provide funding for services through December 31, 2019.

I respectfully recommend adoption of the proposed resolution.

APPROVED BOARD OF ACQUISITION CONTRACT - 05/20/2019 - LISA M. H. 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 is to provide the County with cellular telephone and wireless data services, for a term commencing on December 3, 2014 and continuing until the sooner of May 15, 2019 or the termination date of New York State Office of General Services ("OGS") Contract Number PS63766 ("PS63766"), for a total amount not-to-exceed \$2,465,000.00, payable monthly by the departments utilizing the services, and in accordance with the terms and conditions of PS63766, ("IT-1348") by, 1.) extending its term such that its termination date shall match that of PS63766, as the termination date of PS63766 may be modified from time to time by OGS, and 2.) increasing its not-to-exceed amount by \$355,000.00, to a new amount not-to-exceed \$2,820,000.00, in order to provide funding for services through December 31, 2019; 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.

APPROVED BOARD OF ACQUISITION & CONTROL (PS63766) COUNTY SECRETARY

Agreement No. IT-1348

Original Agreement: \$1,700,000.00
First Amendment: \$ 360,000.00
Second Amendment: \$ 405,000.00
This Amendment: \$ 355,000.00
Total: \$2,820,000.00

Account to be Charged/Credited:

Year	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
2019			Various County Departments			\$355,000

Budget Funding Year(s): 2019
(must match resolution)

Start Date: 05/16/19

End Date: 12/31/19, unless sooner
terminated by OGS, or
unless subsequently
extended by OGS

Funding Source

\$355,000.00
(must match resolution)

Tax Dollars: _____
State Aid: _____
Federal Aid: _____
Other: _____

Costs for cellular telephone & wireless data services are charged
directly to the County departments utilizing the service

APPROVED BOARD OF ACQUISITION & CONTRACTING 05/23/2019 LISA MRIJAJ, SECRETARY