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DATE: September 3, 2019

TO: Board of Acquisition and Contract

FROM: Marguerite Beirne, Chief Information Officer

RE: RESOLUTION TO EXEMPT FROM THE WESTCHESTER COUNTY PROCUREMENT POLICY AND PROCEDURES THE PROCUREMENT OF AN AMENDMENT TO AN AGREEMENT WITH FLASH TECHNOLOGY, LLC FOR RADIO TOWER STROBE LIGHT MONITORING SERVICES AND PARTS REPLACEMENT (AGREEMENT NO. IT-1211)

BACKGROUND:

- In order to comply with Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) regulations, the aviation obstruction strobe light system on the County's Grasslands radio tower must be monitored in order to ensure that it functions properly on a continuous basis. Any failure of the system to properly function must be immediately corrected or reported to the FAA within 30 minutes.
- By resolution approved on December 8, 2011, your Honorable Board authorized the County to enter into Contract IT-1211 with SPX Corporation, acting by and through Flash Technology, a Division of SPX Corporation ("SPX") for radio tower strobe light monitoring for a term commencing on December 1, 2011 and terminating on December 31, 2014 in an amount not-to-exceed \$3,700 (the "Agreement"). The Agreement was subsequently executed.
- By resolution approved on August 22, 2014 (the "August 22nd Resolution"), your Honorable Board authorized the County to amend the Agreement with SPX by 1) extending the term of the Agreement for three (3) additional years, from January 1, 2015 through December 31, 2017; 2) expanding the scope of services to include parts replacement; and 3) increasing the not-to-exceed amount thereunder by an additional \$9,600 to a new total not-to-exceed amount of \$13,300 (the "First Amendment").
- By resolution approved on October 30, 2014, your Honorable Board authorized the County to amend the August 22nd Resolution by reflecting the Contractor's name change from SPX Corporation, acting by and through Flash Technology, a Division of SPX Corporation, to simply Flash Technology, LLC ("Flash"). The First Amendment was subsequently executed.
- On August 4, 2017, the Department was informed that contrary to the information it received from SPX in 2014, SPX did not actually change its name to Flash Technology, LLC; rather, SPX assigned the Agreement to its wholly-owned subsidiary, Flash Technology, LLC.
- By resolution approved on August 24, 2017 your Honorable Board authorized the County to 1) retroactively consent to the assignment of the Agreement with SPX to Flash effective retroactive to October 1, 2013; 2) extend the term thereof for two additional years, from January 1, 2018 through December 31, 2019; and 3) increase the not to exceed amount authorized thereunder by \$6,120 to a new total not to exceed contract amount of \$19,420.

- DoIT has been pleased with the strobe monitoring services provided by this vendor in the past and wishes to further amend Contract IT-1211 with Flash in order to 1) extend the term thereof for three (3) additional years, from January 1, 2020 through December 31, 2022, and 2) increase the not to exceed amount authorized thereunder by \$9,600 to a new total not to exceed contract amount of \$29,020.
- Having provided strobe light monitoring services for the County for the last nine years, first as a subcontractor to Mid-State Communications, and later pursuant to a direct contract with the County, Flash is thoroughly familiar with the County's strobe light system on the Grasslands radio tower. Because of its experience and familiarity with the County's strobe light system, it would be in the County's best interest to continue to utilize Flash's services rather than invest additional time and money attempting to procure another firm to monitor the system at a possibly higher cost.
- Therefore, pursuant to Section 3 (a) xxi, the Westchester County Procurement Policy and Procedures are not applicable to any procurement for which this Honorable Board determines, by resolution passed prior to commencing such procurement, that compliance with the policy would not be in the best interest of the County. For the reasons described above, it is proposed that the best interest of the County would be served by exempting from the County procurement policy the procurement of an amendment to an agreement with Flash for radio tower strobe monitoring services and parts replacement.

ACTION REQUESTED:

- Authorization to exempt from the Westchester County Procurement Policy and Procedures, the procurement of an amendment to an agreement with Flash Technology, LLC for radio strobe light monitoring services and parts replacement.

Accordingly, the attached resolution is submitted for your consideration.

MB/PJ/jpg
Attachment

RESOLUTION

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

RESOLVED, that pursuant to Section 3 (a) xxi, of the Westchester County Procurement Policy and Procedures, it is hereby determined that application of the procedural requirements contained therein, including the necessity of soliciting proposals, is not in the best interest of the County of Westchester in connection with an amendment to an agreement with Flash Technology, LLC for radio tower strobe light monitoring services and parts replacement.

APPROVED BOARD OF ACQUISITION & CONTRACTS 09/26/2019 - LISA MARIJAJ, SECRETARY