

82353

DATE: January 28, 2021

TO: Board of Acquisition and Contract

FROM: Marguerite Beirne
Chief Information Officer
Department of Information Technology

Kathleen M. O'Connor
Commissioner
Department of Parks, Recreation
and Conservation

RE: AUTHORITY FOR THE COUNTY OF WESTCHESTER TO AMEND AN AGREEMENT (IT-655) WITH CORE CASHLESS, LLC FOR THE STORED VALUE CARD SYSTEM UTILIZED BY THE DEPARTMENT OF PARKS, RECREATION AND CONSERVATION, IN ORDER TO, A.) EXTEND THE TERM OF THE AGREEMENT BY ONE (1) YEAR, TO SEPTEMBER 30, 2021, AND INCREASE ITS NOT-TO-EXCEED AMOUNT BY A TOTAL OF \$136,279.92, B.) GIVE THE COUNTY THE OPTION TO EXTEND THE TERM BY ONE (1) ADDITIONAL YEAR THEREAFTER, TO SEPTEMBER 30, 2022, FOR AN AMOUNT NOT-TO-EXCEED \$136,279.92, AND C.) ADD A NEW TERMINATION RIGHT.

BACKGROUND:

- On September 17, 2004, your Honorable Board approved a resolution that authorized the County to enter into an agreement with Applied Resources, Inc., for a stored value card system, for a four year period commencing on October 1, 2004 and terminating on September 30, 2008, for a total amount not-to-exceed \$765,000.00 ("IT-655"). IT-655 was subsequently executed.
- On July 14, 2005, your Honorable Board approved a resolution that authorized the County to amend IT-655 by increasing the not-to-exceed amount by \$20,000.00, to a new total not-to-exceed amount of \$785,000.00, for additional equipment and software enhancements to the stored value card system (the "First Amendment"). The First Amendment was subsequently executed.
- On January 31, 2008, your Honorable Board approved a resolution that authorized an assignment of IT-655, as amended, from Applied Resources, Inc. to Core Cashless, Inc.; authorized the County to extend the term of IT-655, as amended, by two years, to a new termination date of September 30, 2010; and authorized the County to increase the not-

to-exceed amount of IT-655, as amended, by \$797,690.00, to a new total not-to-exceed amount of \$1,582,690.00 (the "Assignment and Second Amendment"). The Assignment and Second Amendment were subsequently executed.

- On June 25, 2009, your Honorable Board approved a resolution that authorized the County to amend IT-655, as amended, by increasing the not-to-exceed amount by \$91,247.00, to a new total not-to-exceed amount of \$1,673,937.00, for additional hardware, software and related support costs of the stored value card system (the "Third Amendment"). The Third Amendment was subsequently executed.
- On November 23, 2010, your Honorable Board approved a resolution that authorized the County to amend IT-655, as amended, by increasing the not-to-exceed amount by \$151,422.13, to a new total not-to-exceed amount of \$1,825,329.13, for additional hardware, software and related support costs of the stored value card system (the "Fourth Amendment"). The Fourth Amendment was subsequently executed.
- On January 19, 2012, your Honorable Board approved a resolution that authorized the County to amend IT-655, as amended, by increasing the not-to-exceed amount by \$186,000.00, to a new total not-to-exceed amount of \$2,011,359.13, for additional hardware, software and related support costs of the stored value card system; amend IT-655, as amended, by extending the term of the agreement to a new termination date of September 30, 2012; and assign the agreement from Core Cashless, Inc. to Core Cashless, LLC (the "Second Assignment and Fifth Amendment"). The Second Assignment and Fifth Amendment were subsequently executed.
- On February 28, 2013, your Honorable Board approved a resolution that authorized the County to amend IT-655, as amended, by increasing the not-to-exceed amount by \$151,423.00, to a new total not-to-exceed amount of \$2,162,782.13, for additional hardware, software and related support costs of the stored value card system, and by extending the term of the agreement to a new termination date of September 30, 2013 (the "Sixth Amendment"). The Sixth Amendment was subsequently executed.
- On January 23, 2014, your Honorable Board approved a resolution that authorized the County to amend IT-655, as amended, by increasing the not-to-exceed amount by \$151,623.00, to a new total not-to-exceed amount of \$2,314,405.13, for additional hardware, software and related support costs of the stored value card system, and by extending the term of the agreement to a new termination date of September 30, 2014 (the "Seventh Amendment"). The Seventh Amendment was subsequently executed.
- On January 1, 2015, your Honorable Board approved a resolution that authorized the County to amend IT-655, as amended, by extending the term of the agreement to a new termination date of September 30, 2017 and increasing the not-to-exceed amount of the agreement by \$408,839.76, to a new total not to exceed amount of \$2,723,244.89, to pay for the additional support costs for the stored value card system during that extended term (the "Eighth Amendment"). The Eighth Amendment was subsequently executed.
- On March 1, 2018, your Honorable Board approved a resolution that authorized the County to amend IT-655, as amended, by extending the term of the agreement to a new termination date of September 30, 2020 and increasing the not-to-exceed amount of the

agreement by \$408,839.76, to a new total not to exceed amount of \$3,132,084.65, to pay for the additional support costs for the stored value card system during that extended term (the "Ninth Amendment"). The Ninth Amendment was subsequently executed.

- Playland Park is the only County location that currently uses the stored value card system. Standard Amusements, LLC ("Standard Amusements") will take over the day-to-day operation of that facility on December 1, 2021. The County requires an extension of support and maintenance for the current stored value card system during this current period of co-management with Standard Amusements, and such services may be required beyond the point at which Standard Amusements takes over operation of Playland Park, to allow for a transition period to any new system.
- Therefore, authority is requested from your Honorable Board for the County to amend IT-655, as amended, by, a.) extending the term of the agreement to a new termination date of September 30, 2021 and increasing the not-to-exceed amount of the agreement by \$136,279.92, to a new total not-to-exceed amount of \$3,268,384.57, to pay for the additional support costs for the stored value card system during that extended term, and b.) giving the County the option, in its sole discretion, to extend the term of the agreement by one (1) additional year thereafter, to a new termination date of September 30, 2022, for an amount not-to-exceed \$136,279.92 for the additional support costs for the stored value card system that would be provided during that option term (the "Tenth Amendment"). In addition, the Tenth Amendment will specify that, separate and apart from the County's existing termination rights under the agreement, either the County or Core Cashless can terminate the agreement, upon ten (10) days' notice, as long as notice is provided by August 31, 2021
- Except as specifically described above, all terms and conditions of IT-655, as amended, shall remain in full force and effect.
- Due to the proprietary nature of the stored value card system, Core Cashless, LLC is the only entity that can provide support. Accordingly, we recommend that your Honorable Board deem the procurement of the proposed Tenth Amendment to be a sole source procurement pursuant to Section 9 of the County's Procurement Policy and Procedures.
- The public purpose of the proposed Tenth Amendment is to continue to allow Playland Park to operate with an stored value card system, which was originally implemented to reduce operating costs of the park, improve cash control and reduce revenue losses.
- The goals and objectives of the proposed Tenth Amendment are to continue to allow Playland Park to operate with an automated payment system.
- The goals and objectives of the proposed Tenth Amendment are in the best interests of the County in terms of fiscal responsibility, as continuing to allow Playland Park to operate with an automated payment system provides the benefits of reducing operating costs of the park, improving cash control, and reducing revenue losses.
- The goals and objectives of the proposed Tenth Amendment will be tracked and monitored by the staff of the Department of Information Technology and the staff of the Department of Parks, Recreation and Conservation.

ACTION REQUESTED:

Authority to amend IT-655, as amended, pursuant to which Core Cashless, LLC, was to provide a stored value card system, by, a.) extending the term of the agreement to a new termination date of September 30, 2021 and increasing the not-to-exceed amount of the agreement by \$136,279.92, to a new total not-to-exceed amount of \$3,268,384.57, to pay for the additional support costs for the stored value card system during that extended term; b.) giving the County the option, in its sole discretion, to extend the term of the agreement by one (1) additional year thereafter, to a new termination date of September 30, 2022, for an amount not-to-exceed \$136,279.92 for the additional support costs for the stored value card system that would be provided during that option term; and c.) specify that, separate and apart from the County's existing termination rights under the agreement, either the County or Core Cashless can terminate the agreement, upon ten (10) days' notice, as long as notice is provided by August 31, 2021.

I respectfully recommend the adoption of the attached resolution.

MB/SF/KMO/bdm/nn

APPROVED BOARD OF ACQUISITION & CONTRACT - COUNTY CLERK/PROPERTY SECRETARY

RESOLUTION

UPON A COMMUNICATION FROM THE CHIEF INFORMATION OFFICER,
DEPARTMENT OF INFORMATION TECHNOLOGY, AND THE COMMISSIONER,
DEPARTMENT OF PARKS, RECREATION AND CONSERVATION, BE IT HEREBY

RESOLVED, that the County of Westchester (the "County") is hereby authorized to amend an agreement with Core Cashless, LLC, pursuant to which it was to provide a stored value card system, for a term from October 1, 2004 through September 30, 2020, for a total amount not-to-exceed \$3,132,084.65, ("IT-655") by, a.) extending the term of IT-655 to a new termination date of September 30, 2021 and increasing the not-to-exceed amount of IT-655 by \$136,279.92, to a new total not-to-exceed amount of \$3,268,384.57, to pay for the additional support costs for the stored value card system during that extended term, and b.) giving the County the option, in its sole discretion, to extend the term of the agreement by one (1) additional year thereafter, to a new termination date of September 30, 2022, for an amount not-to-exceed \$136,279.92 for the additional support costs for the stored value card system that would be provided during that option term, and c.) specify that, separate and apart from the County's existing termination rights under IT-655, either the County or Core Cashless can terminate IT-655 upon ten (10) days' notice, as long as notice is provided by August 31, 2021 (the "Amendment"); and be it further

RESOLVED, that except as specifically amended hereby authorized to be amended, all terms and conditions of IT-655 shall remain in full force and effect; and be it further

RESOLVED, this Amendment is deemed to be a sole source agreement pursuant to Section 9 of the Westchester County Procurement Policy and Procedures; 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.

Original Agreement: \$ 765,000.00
 First Amendment: \$ 20,000.00
 Second Amendment: \$ 797,690.00
 Third Amendment: \$ 91,247.00
 Fourth Amendment: \$ 151,422.13
 Fifth Amendment: \$ 186,000.00
 Sixth Amendment: \$ 151,423.00
 Seventh Amendment: \$ 151,623.00
 Eighth Amendment: \$ 408,839.76
 Ninth Amendment: \$ 408,839.76
This Amendment: \$ 136,279.92
 TOTAL: \$ 3,268,384.57

Contract: # IT-655

Account to be Charged/Credited:

Year	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
2021	165	42	5520	4380		\$136,279.92

Budget Funding Year(s): 2021 Start Date: October 1, 2020 End Date: September 30, 2021

Funding Source Tax Dollars: \$136,279.92
 State Aid: _____
\$136,279.92 Federal Aid: _____
 (must match resolution) Other: _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/25/2021 - LISA MRIJAJ, SECRETARY