

24749

DATE: February 8, 2012

TO: Board of Acquisition and Contract

FROM: George N. Longworth, Commissioner-Sheriff
Department of Public Safety

RE: Resolution to amend a resolution exempting from the Westchester County Procurement Policy an Agreement with Aircell Business Aviation Services LLC for satellite phone voice/data service for the ST-3100 Satellite phone installed in the Bell 407 helicopter, pursuant to Section 3(a)xxi of the Westchester County Procurement Policy and Procedures

Authority was requested of and granted on October 13, 2011 by your Honorable Board to exempt from the Westchester County Procurement Policy an agreement with Aircell Business Aviation Services LLC ("Aircell") for the provision of satellite phone voice/data service for the ST-3100 Satellite phone installed in the Bell 407 helicopter, for a term commencing September 16, 2011 and terminating September 15, 2016, for an amount not to exceed Five Thousand (\$5,000.00) Dollars. Thereafter, Aircell informed the County that it is unable to enter into or revise its form agreement to accept the County's term and not-to-exceed amount.

Despite this difficulty, the Department of Public Safety seeks to use Aircell's services because there is always a possibility that an alternate method of communication is needed in the event traditional phone service is disrupted or lost. After lengthy negotiations, AirCell agreed to sign a rider to the agreement which permits the County to terminate the agreement upon thirty (30) days notice and also states that the agreement is subject to County appropriations, as required by Section 161.11 of the County Charter. Aircell will invoice the Department on a monthly basis at the current rate of service.

Ordinarily, under Section 6 of the Procurement Policy, the County is required to issue a Request For Proposals (RFP) for such services. However, The Aircell ST-3100 satellite phone is the only satellite phone that met the Department of Public Safety's requirements for voice/data capabilities and was approved for installation in the Bell 407 helicopter. The phone is permanently installed in the helicopter and must be serviced by its manufacturer per FAA requirements and FCC regulations.

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 interests of the County. Given Aircell's unique service and equipment, it is proposed that the best interests of the County would be served by exempting the procurement of this agreement from the County Procurement Policy.

Accordingly, a resolution to exempt the procurement with Aircell is hereby submitted for your consideration.

RESOLUTION

Upon a communication from the Commissioner-Sheriff of the Department of Public Safety, be it hereby:

RESOLVED, that a resolution dated October 13, 2011 exempting an agreement with Aircell Business Aviation Services LLC ("Aircell") from the Westchester County Procurement Policy pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy and Procedures, whereby it was determined that application of the procedural requirements contained therein, including the necessity of soliciting proposals, is neither cost effective nor expedient, and accordingly, not in the best interests of the County, is hereby amended to remove the dates and not-to-exceed amounts. Aircell will invoice the Department on a monthly basis at the current rate of service, and the agreement will be terminable by the County upon thirty (30) days notice.

APPROVED BOARD OF ACQUISITION & CONTRACT - 03/01/2012 - DONALD VIEIRA, SECRETARY