

52461

DATE: July 25, 2016

TO: Board of Acquisition and Contract

FROM: John B. McCaffrey, Chief Information Officer
Department of Information Technology

RE: AUTHORITY TO ENTER INTO AN AGREEMENT (IT-1399) WITH ORACLE AMERICA, INC., PURSUANT TO WHICH IT WILL PROVIDE ON-SITE TECHNICAL SUPPORT SERVICES, FOR A TERM COMMENCING ON MAY 26, 2016 AND CONTINUING THROUGH MAY 25, 2017, FOR A TOTAL AMOUNT NOT-TO-EXCEED \$197,450.

Databases and application servers from Oracle America, Inc. ("Oracle") are the foundation for many computer systems for the County of Westchester (the "County"). The County has deployed Oracle database and application server software on more than 100 servers, including those for the Departments of Finance, Budget, and Human Resources, as well as numerous other enterprise-level systems that run the Oracle database or application server software.

The County retains consultants from Oracle in various capacities to support various Oracle database management and application server software products. Oracle consultants are familiar with Oracle tools and products, and have access to Oracle's Internal Engineering with the knowledge of proprietary information (including source code) of the company. They also help County staff apply industry best practices.

Through May 25, 2016, on-site technical support services were provided to the County by Oracle under County contract IT-1214, as amended. Such services have helped the County address its database needs; deliver technical resources primarily tasked to identify ways to ensure the optimal performance and stability of Oracle systems; address existing technical issues via access to Oracle's Internal Engineering; assist Department of Information Technology ("DoIT") staff with the deployment of new Oracle products; and deploy and maintain the County's application servers.

County contract IT-1214 was procured based upon New York State Office of General Services ("NYS OGS") Contract Number PT64000 and shared its termination date of May 25, 2016. The County has learned that the services that were available under NYS OGS Contract Number PT64000 and provided through County contract IT-1214 are now being offered by Oracle through NYS OGS Contract Number PM20940.

It continues to be important for the County to receive these on-site technical support

services in order to maintain the integrity of the County's critical Oracle based applications.

Therefore, the County respectfully requests that your Honorable Board authorize the County to enter into an agreement (IT-1399) with Oracle, pursuant to which Oracle will provide on-site technical support services, for a term commencing on May 26, 2016 and continuing through May 25, 2017, for a total amount not-to-exceed \$197,450, payable at the rates set forth in, and payable as required by, NYS OGS Contract Number PM20940.

The proposed agreement will serve a public purpose by providing the County with technical services that will help keep County systems operating efficiently. As stated above, these systems support numerous departmental programs, including the County Financial systems, Emergency Services dispatch, Public Works, and Transportation's building maintenance and Parks' recreational facility scheduling and point of sale functions, among others, all of which benefit the public good.

The goal and objective of the proposed agreement is to provide the County with technical services that will help keep County systems operating efficiently. The specific goals and objectives to be achieved with those technical services during the term of the proposed agreement will be established by a committee of DoIT professionals who discuss various projects that require the specialized knowledge that Oracle can provide. From these discussions, priorities and schedules are established and each DoIT staff member monitors the progress achieved on the project related to their areas of responsibilities.

The goal and objective of the proposed agreement is in the best interests of the County in terms of fiscal responsibility, as obtaining these services through NYS OGS Contract Number PM20940 is understood to represent a cost savings over independent procurement, and obtaining these services from Oracle will provide valuable access to Oracle's Internal Engineering and avoid unexpected additional costs and problems that might be associated with assistance provided by an entity that does not have the top experts in Oracle systems.

The goal and objective of the proposed agreement will be tracked and monitored by various assigned DoIT staff members, with progress measured based upon the aforementioned committee's discussions and establishment of priorities and schedules. The assigned DoIT staff members will review monthly progress reports.

The proposed agreement is exempt from the County Procurement Policy pursuant to Section 3(a)(i) thereof, as the County is making this procurement through Oracle's NYS OGS Contract Number PM20940, pursuant to New York General Municipal Law 104. It should be noted that the not-to-exceed amount requested for the proposed agreement is based upon the rates available through NYS OGS Contract Number PM20940.

I respectfully recommend adoption of the proposed resolution.

JBM/bdm/nn

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 enter into an agreement (IT-1399) with Oracle America, Inc. ("Oracle"), pursuant to which Oracle will provide on-site technical support services, for a term commencing on May 26, 2016 and continuing through May 25, 2017, for a total amount not-to-exceed \$197,450, payable at the rates set forth in, and payable as required by, New York State Office of General Services ("NYS OGS") Contract Number PM20940 (the "Agreement"); and be it further

RESOLVED, that this Agreement is subject to County appropriations; and be it further

RESOLVED, that this Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized and empowered to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this Resolution.

Agreement: **IT-1399**

Account to be Charged/Credited:

Year	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
2016	101	16	6000	4420		\$115,180
2017	101	16	6000	4420		\$82,270

Budget Funding Year(s): 2016&2017 Start Date: May 26, 2016 End Date: May 25, 2017
(must match resolution)

Funding Source Tax Dollars: \$197,450.00
State Aid: _____
\$197,450.00 Federal Aid: _____
(must match resolution) Other: _____