

58218

DATE: July 25, 2017

TO: Board of Acquisition and Contract

FROM: John McCaffrey, Chief Information Officer

RE: AUTHORIZATION FOR THE COUNTY TO 1) RETROACTIVELY CONSENT TO THE ASSIGNMENT OF AN AGREEMENT (IT-1211) WITH SPX CORPORATION FOR RADIO TOWER STROBE LIGHT MONITORING SERVICES AND PARTS REPLACEMENT, TO FLASH TECHNOLOGIES, LLC; AND 2) FURTHER AMEND THE AGREEMENT BY A) EXTENDING THE TERM THEREOF FOR TWO ADDITIONAL YEARS FROM JANUARY 1, 2018 THROUGH DECEMBER 31, 2019; AND, B) INCREASING THE TOTAL NOT TO EXCEED AMOUNT AUTHORIZED THEREUNDER BY AN ADDITIONAL \$6,120 TO A NEW TOTAL NOT TO EXCEED CONTRACT AMOUNT OF \$19,420.

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.
- On December 8, 2011, your Honorable Board approved a resolution which authorized the County to enter into an agreement (IT-1211) with SPX Corporation, acting by and through Flash Technology, a Division of SPX Corporation ("SPX") for radio tower strobe light monitoring services provided through their subsidiary Flash Technologies ("Flash") for a thirty-seven (37) month period commencing on December 1, 2011 and terminating December 31, 2014 for a total not to exceed contract amount of \$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 for radio tower strobe light monitoring services by 1) extending the term thereof for a three year period commencing January 1, 2015 and terminating December 31, 2017; 2) expanding the scope of services to include parts replacement; and 3) increasing the total not-to-exceed amount thereunder by an additional \$9,600 for a new total not to exceed contract amount of \$13,300, subject to County appropriations (the "First Amendment").
- On September 30, 2014, the Department of Information Technology (the "Department") was informed by SPX that the legal name of the company had changed from SPX Corporation, acting by and through Flash Technology, a Division of SPX Corporation, to simply "Flash Technology, LLC".

- On October 30, 2014 your Honorable Board approved a resolution to amend the August 22nd Resolution for the limited purpose of reflecting the change to the contractor's name from SPX Corporation, acting by and through Flash Technology, a Division of SPX Corporation, to simply "Flash Technology, LLC". The First Amendment was thereafter executed.
- On August 4, 2017, the Department was informed that contrary to the information it received from SPX on September 30, 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.

ACTION REQUESTED:

- Authorization for the County to retroactively consent to the assignment of the Agreement with SPX to Flash Technology, LLC, effective retroactive to October 1, 2013.
- Authorization to further amend the Agreement for the purpose of 1) extending the term thereof for two additional years, from January 1, 2018 through December 31, 2019, and 2) increasing the total not to exceed amount thereunder by an additional \$6,120, comprised of \$1,200 per year for strobe light monitoring services and \$1,860 per year for parts replacement, to a new total not to exceed contract amount of \$19,420.
- Except as specifically amended hereby, all remaining terms and conditions set forth in the Agreement, as previously amended, shall remain in full force and effect.

Accordingly, the attached resolution is submitted for your consideration.

JBM/PJ/jpg
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACTS - 08/24/2017 - LISA MRINA, SECRETARY

RESOLUTION

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

RESOLVED, that the County of Westchester ("County") is authorized to retroactively consent to the assignment of an Agreement (IT-1211) with SPX Corporation, acting by and through Flash Technology, a Division of SPX Corporation ("SPX"), for radio tower strobe light monitoring services and parts replacement (the "Agreement), to Flash Technology, LLC, effective retroactive to October 1, 2013; and be it further

RESOLVED, that the County is hereby further authorized to amend the Agreement with Flash Technology, LLC (Formerly SPX), as previously amended, by 1) extending the term thereof for an additional two year period commencing on January 1, 2018 and terminating on December 31, 2019; and 2) increasing the total not-to-exceed amount thereunder by an additional \$6,120, comprised of \$1,200 per year for strobe light monitoring services and \$1,860 per year for parts replacement, for a new total aggregate not to exceed contract amount of \$19,420; and be it further

RESOLVED, that except as specifically amended hereby, all other terms and conditions of the Agreement, as previously amended, 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 and deliver any and all documents and to take all action necessary and appropriate to effectuate the purposes hereof.

Agreement # IT-1211

Original Agreement	\$3,700
First Amendment	\$9,600
This Amendment	<u>\$6,120</u>
TOTAL	\$19,420

Account to be Charged/Credited:

Year	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars
2018	101	16	2500	4200		\$3,060
2019	101	16	2500	4200		\$3,060

Budget Funding Years: 2018-2019
(must match resolution)

Start Date: January 1, 2018

End Date: December 31, 2019

Funding Source	Tax Dollars: <u>\$6,120</u>
	State Aid _____
<u>\$6,120</u>	Federal Aid _____
(must match resolution)	Other _____