

61207

DATE: February 1, 2018

TO: Board of Acquisition and Contract

FROM: Marguerite Beirne
Interim 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 EXTEND THE TERM OF THE AGREEMENT TO SEPTEMBER 30, 2020 AND INCREASE ITS NOT-TO-EXCEED AMOUNT BY A TOTAL OF \$408,839.76.

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 Playland Park, 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 ("IT-655"). IT-655 was subsequently executed.
- On July 14, 2005, your Honorable Board approved a resolution authorizing the County to amend IT-655 by increasing the not-to-exceed amount by \$20,000, to a new total not-to-exceed amount of \$785,000, for additional equipment and software enhancements to the stored value card system for Playland Park, (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, to a new total not-to-exceed amount of \$1,582,690 (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, to a new total not-to-exceed amount of \$1,673,937, for additional hardware to be used at the County Center, software and related support costs of the stored value card system for Playland Park and the County Center (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 for Playland Park and the County Center (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 contract amount of \$2,011,359.13, for additional hardware, software and related support costs of the stored value card system for Playland Park and the County Center; amend IT-655, as amended, to extend 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, to a new total not to exceed contract amount of \$2,162,782.13, for additional hardware, software and related support costs of the stored value card system for Playland Park and the County Center, 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, to a new total not to exceed contract amount of \$2,314,405.13, for additional hardware, software and related support costs of the stored value card system for Playland Park and the County Center, and to extend 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 for Playland Park and the County Center during that extended term (the "Eighth Amendment"). The Eighth Amendment was subsequently executed.
- On May 3, 2016, the County entered into an agreement with Standard Amusements, LLC ("Standard Amusements") for the day-to-day operation of Playland Park. At the present time, Standard Amusements has not yet taken over day-to-day management of Playland Park and is still in a co-management period with the County. As it is uncertain

what the precise management commencement date will be, the County requires an extension of support and maintenance for the current stored value card system for Playland Park and the County Center.

- Accordingly, authority is requested from your Honorable Board for 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, payable at a rate of \$136,279.92 per year for the additional support costs for the stored value card system for Playland Park and the County Center during the extended term (the "Ninth Amendment"). Under the Ninth Amendment, the County would have the right to terminate the portion of IT-655, as amended, that relates to Playland Park, upon ten (10) days notice, in the event that the day-to-day operations of Playland Park are transferred from the County to a new operator.
- 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 Ninth Amendment to be a sole source procurement pursuant to Section 9 of the County Procurement Policy.
- The public purpose of the proposed Ninth Amendment is to continue to allow Playland Park and the County Center to operate with an automated payment 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 Ninth Amendment are to provide hardware and software support and maintenance for three additional years, to ensure the proper operation of the stored value card system.
- The goals and objectives of the proposed Ninth Amendment are in the best interests of the County in terms of fiscal responsibility, as the stored value card 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 Ninth 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 hardware and software support and maintenance of the stored value card system for Playland Park and the County Center, 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, payable at a rate of \$136,279.92 per year for the additional support costs during the extended term.

I respectfully recommend the adoption of the attached resolution.

MB/SF/bdm/nn

APPROVED BOARD OF ACQUISITION & CONTRACT - 03/01/2018 - LISA MRIJAJ, SECRETARY

RESOLUTION

UPON A COMMUNICATION FROM THE INTERIM 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 hardware and software support and maintenance of the stored value card system for Playland Park and the County Center, for a term from October 1, 2004 through September 30, 2017, for a total amount not-to-exceed \$2,723,244.89, ("IT-655") by extending the term of IT-655 to a new termination date of September 30, 2020, and increasing the not-to-exceed amount of IT-655 by \$408,839.76, to a new total not-to-exceed amount of \$3,132,084.65, payable at a rate of \$136,279.92 per year for the additional support costs during the extended term (the "Amendment"); and be it further

RESOLVED, that the Amendment shall provide that the County will have the right to terminate the portion of IT-655 that relates to Playland Park, upon ten (10) days notice, in the event that the day-to-day operations of Playland Park are transferred from the County to a new operator; and be it further

RESOLVED, that except as specifically amended hereby, 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 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
This Amendment: \$ 408,839.76
 TOTAL: \$ 3,132,084.65

Contract: # IT-655

Account to be Charged/Credited:

| Year | Fund | Dept | Major Program, Program & Phase Or Unit | Object/ Sub-Object | Trust Account | Dollars |
|------|------|------|--|-----------------------|------------------|--------------|
| 2018 | 165 | 42 | 5520 | 4380 | | \$136,279.92 |
| 2019 | 165 | 42 | 5520 | 4380 | | \$136,279.92 |
| 2020 | 165 | 42 | 5520 | 4380 | | \$136,279.92 |

Budget Funding Year(s): 2018-2020 Start Date: October 1, 2017 End Date: September 30, 2020

Funding Source Tax Dollars: \$408,839.76
 State Aid: _____
\$408,839.76 Federal Aid: _____
 (must match resolution) Other: _____

APPROVED BOARD OF ACQUISITION & FINANCE 03/01/2018 - LISA MRIJAJ, SECRETARY