

71434

DATE: September 3, 2019

TO: Board of Acquisition and Contract

FROM: Marguerite Beime, Chief Information Officer

RE: AUTHORIZATION FOR THE COUNTY TO FURTHER AMEND AN AGREEMENT WITH FLASH TECHNOLOGY, LLC (IT-1211) BY 1) EXTENDING THE TERM THEREOF FOR THREE ADDITIONAL YEARS FROM JANUARY 1, 2020 THROUGH DECEMBER 31, 2022; AND, 2) INCREASING THE TOTAL NOT TO EXCEED AMOUNT AUTHORIZED THEREUNDER BY AN ADDITIONAL \$9,600 TO A NEW TOTAL NOT TO EXCEED CONTRACT AMOUNT OF \$29,020.

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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 22<sup>nd</sup> 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 22<sup>nd</sup> 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.
- By resolution approved on August 24, 2017 your Honorable Board authorized the County to 1) retroactively consent to the assignment of the Agreement with SPX to Flash effective retroactive to October 1, 2013; 2) amend the Agreement to extend the term thereof for two additional years, from January 1, 2018 through December 31, 2019, and 3) increase the not to exceed amount authorized thereunder by \$6,120 to a new total not to exceed contract amount of \$19,420 (the "Second Amendment"). The Second Amendment was subsequently executed.

ACTION REQUESTED:

- Authorization to further amend the Agreement for the purpose of 1) extending the term thereof for three (3) additional years, from January 1, 2020 through December 31, 2022, and 2) increasing the total not to exceed amount thereunder by an additional \$9,600, to a new total not to exceed contract amount of \$29,020.
- A resolution to exempt the procurement of this amendment from the requirements of the Westchester County Procurement Policy and Procedures has been submitted to your Honorable Board by separate resolution of even date herewith.
- Except as specifically amended hereby, all remaining terms and conditions set forth in the Agreement, as previously amended and assigned, shall remain in full force and effect.

Accordingly, the attached resolution is submitted for your consideration.

MB/PJ/jpg  
Attachment

**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 amend the Agreement with Flash Technology, LLC, as previously amended, by 1) extending the term thereof for an additional three (3) year period commencing on January 1, 2020 and terminating on December 31, 2022; and 2) increasing the total not-to-exceed amount thereunder by an additional \$9,600, for a new total aggregate not to exceed contract amount of \$29,020; and be it further

RESOLVED, that except as specifically amended hereby, all other terms and conditions of the Agreement, as previously amended and assigned, 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        |
| Second Amendment      | \$6,120        |
| <u>This Amendment</u> | <u>\$9,600</u> |
| TOTAL                 | \$29,020       |

Account to be Charged/Credited:

| Year | Fund | Dept | Major Program,<br>Program & Phase<br>Or Unit | Object/ Sub-<br>Object | Trust<br>Account | Dollars |  |
|------|------|------|--|------------------------|------------------|---------|--|
| 2020 | 101  | 16   | 2500   | 4200                   |                  | 3,200   |  |
| 2021 | 101  | 16   | 2500   | 4200                   |                  | 3,200   |  |
| 2022 | 101  | 16   | 2500   | 4200                   |                  | 3,200   |  |

Budget Funding Years: 2020-2022  
(must match resolution)

Start Date: January 1, 2020

End Date: December 31, 2022

Funding Source            Tax Dollars: \$9,600  
   State Aid \_\_\_\_\_  
\$9,600                        Federal Aid \_\_\_\_\_  
(must match resolution) Other \_\_\_\_\_