

76948

DATE: JUNE 1, 2020

TO: Board of Acquisition and Contract

FROM: Marguerite Beirne, Chief Information Officer

RE: RESOLUTION TO EXEMPT THE PROCUREMENT OF AN AGREEMENT WITH IRON MOUNTAIN INFORMATION MANAGEMENT, LLC, FOR SECURED UNDERGROUND ENVIRONMENTALLY CONTROLLED STORAGE AREA SERVICES, FOR A TERM COMMENCING ON MAY 1, 2020 THROUGH APRIL 30, 2025, PURSUANT TO SECTION 3(A)(XXI) OF THE WESTCHESTER COUNTY PROCUREMENT POLICY

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BACKGROUND:

- On April 23, 2015, your Honorable Board approved a resolution which authorized the County of Westchester ("County"), acting by and through its Department of Information and Technology ("Department" or "DoIT"), to enter into an agreement (IT- 1362) with Iron Mountain, Inc., for the provision of secured underground environmentally controlled storage area services, for the Department's Archives and Records Center ("Archives"), for a five-year period, for a total not to exceed amount of \$70,100.00. The agreement (IT-1362) was subsequently executed.
- The microfilm stored at Iron Mountain Information Maintenance, LLC ("Iron Mountain") serves as the sole off-site backup for all land documents recorded by the Office of the County Clerk. In addition to storage, the terms of the agreement provides other services requested by the County, such as duplication and periodic verification of quality.
- Underground storage continues to be the best means of meeting all the County's storage criteria for temperature, humidity, fire protection and turnaround time. Iron Mountain is the only competent underground storage company east of the Mississippi and we have been extremely pleased with their services in the past. For these reasons, the Department would like to enter into a new agreement (IT-1657) with Iron Mountain for another five (5) year period.
- Ordinarily under Section 6 of the Westchester County Procurement Policy, the County is required to solicit competitive proposals in connection with the procurement of services reasonably expected to cost \$75,000.00 or more, through a request for proposals ("RFP"). However, soliciting competitive proposals through the issuance of an RFP is not in the best interest of the County as Iron Mountain continues to be uniquely qualified to provide these type of services for various reasons, including, without limitation, cost, as well as hazards associated with transport and location:
  - The cost to remove and transport the boxes of microfilm to Elmsford from Pennsylvania (where they are currently stored) would outweigh the cost of keeping records in this facility. This is due to the fact that there is a cost built into the contract, which is quite substantial, stipulating a charge for each box taken out of storage. The Cost of removing the County's boxes would equal approximately six years' worth of underground storage contracts.
  - It would not be prudent of the County to expose the records to the hazard and liability of transport should the records be moved. A majority of the microfilm stored at Iron Mountain is the County's only existing backup, making it more rational to transport as little as possible.
  - Our experience in underground storage facilities has proven that it is very difficult (impossible) to find storage this secure at a reasonable price. Iron Mountain owns every underground

storage facility east of the Mississippi.

- The public purpose for the requested contract is that it will ensure off-site, secure storage of critical public records requiring long-term retention and access. The microfilm produced in-house by the Archives' Scanning Unit supports several workflows whereby the image files are produced for access, but the microfilm "eye-legible" record is actually the "copy of record," produced in accord with the New York State Office of Court Administration Standards and acceptable as a true and original document for legal purposes. Some of these records are "born digital." But, paper files that are the subject of this imaging workflow, once incorporated, may be disposed of or returned to the original filing agent.
- DoIT has developed a database tracking program whereby Archives' personnel may recall random microfilm rolls from Iron Mountain annually and re-examine them as to their quality and image resolution, thereby assuring the County of the success of this effort over time.
- The production of Computer Output Microfilm (COM) and its secure storage at Iron Mountain's facility in western Pennsylvania is considered "best practice" in the preservation of records important to the health, safety and general welfare of Westchester County's residents. Microfilm is still the only technology that can boast of good image reproduction over 100 years' time; computer images are dependent on many factors for ensuring their security and complete migration to the next levels of hardware and software.
- The ability to support the safe retention of and access to large volumes of critical data over many years is more cost-efficient and environmentally sound than storage of thousands of cubic feet of paper records in county-owned warehouses.
- The goals of this contract are to:
  - Ensure that best practices in records management are followed with respect to records retention and access, as the County expands its imaging workflows for critically important public records.
  - Promote the use of improved imaging technologies that are cost-effective and environmentally sensitive, while at the same time ensuring the proper retention of and future access to, critically important public records.
  - Ensure that excellent off-site storage is provided to the County's microfilm backup program, which supports the restoration of imaged files of critically important public records.
- The objectives of this contract are:
  - Continued support of the County Clerk's Land Records workflow for imaging and microfilm production in effect since 1998. All imaged files are quality controlled and COM is produced in-house using FujiFilm's Document Archive System AR-1000. Once developed, these rolls are quality controlled and then shipped to Iron Mountain's facility for secure storage and retrieval, if required. Based on statistics from the past 5 years, approximately 40 rolls of microfilm are added to this collection annually. Per New York State's Records Retention and Disposition Schedule CO-2, which is followed by Westchester County, all land records require permanent retention.
  - Continued support of the County Clerk's Legal Records workflow for imaging and microfilm production in effect since 2009. All imaged files are quality controlled and COM is produced in-house using FujiFilm's Document Archive System AR-1000. Once developed, these rolls are quality controlled and then shipped to Iron Mountain's facility for secure storage and retrieval, if required. Based on statistics from the past 5 years, approximately 200 rolls of microfilm are added to this collection annually. Per New York State's Records Retention and Disposition Schedule CO-2, which is followed by Westchester County, all legal records require permanent retention.
  - Support the Finance Department's need for backup to Employee Payroll image files by producing COM, using the same methodology as outlined above. Per CO-2 requirements,

these records must be maintained for 55 years.

- Begin to support the Contracts Management workflow, used by all County departments, by producing COM, using the same methodology as outlined above.
- The microfilm backup program represented by the Iron Mountain's contract meets the Performance Based Management's 3 super measures for the County with respect to fiscal responsibility, safety & security of our residents & improvement to the County's environment as follows:
  - By eliminating the required storage of paper records as backup to the County's image files, cost savings are achieved with respect to warehouse storage and retrieval of records.
  - These particular records are critical to the financial security of the county's land owners, the courts, the County employees' future financial benefits and the support of the county's procurement system.
  - By shredding the paper records no longer required to back up image files, the County meets some of its recycling targets and reduces its carbon footprint (less paper, less warehouse storage).
- If the County was to embark on using new imaging technologies for improved access to these particular records and did not produce and store microfilm backup as additional long-term backup, the County might incur legal and financial exposure if these image files could not be retrieved in 20, 30, 40 or 55 years' time. If imaged records of such import were lost and could not be restored through re-imaging the paper or converting microfilm to new images, the consequences could be real and costly. Not only would the subject of the records be lost and have potentially damaging results for land owners, children with special needs, county employees, or the County procurement systems, but also the legal cases that might ensue could be very costly to Westchester County's taxpayers.

#### ACTION REQUESTED

- Authorization to exempt the procurement of an agreement (IT-1657) between the Department and Iron Mountain Information Management, LLC, for secured underground environmentally controlled storage area services for the Department's Archives and Records Center, for a term commencing on May 1, 2020 and terminating on April 30, 2025, pursuant to Section 3(a)(xxi) of the Westchester County Procurement Policy.

Accordingly, the attached resolution is submitted for your consideration.

## **RESOLUTION**

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

RESOLVED: that pursuant to Section 3 (a) xxi of the Westchester County Procurement Policy and Procedures, it is hereby 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 interest of the County of Westchester in connection with the procurement of an agreement with Iron Mountain Information Management, LLC, for a term commencing on May 1, 2020 and continuing through April 30, 2025, for secured underground environmentally controlled storage area services for the Department of Information Technology, Records and Archives Center.

APPROVED BOARD OF ACQUISITION & CONTRACT 06/04/2020 - LISA MIJAJ, SECRETARY