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DATE: January 22, 2021

TO: Board of Acquisition and Contract

FROM: Marguerite Beirne  
Chief Information Officer  
Department of Information Technology

RE: Resolution to exempt from the Westchester County Procurement Policy and Procedures, pursuant to Section 3(a)(xxi) thereof, the procurement of an amendment to an agreement (IT-1376) with Cablevision Lightpath, Inc., pursuant to which additional telecommunications services will be made available on specified terms.

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By a resolution approved on December 10, 2015, your Honorable Board authorized the County of Westchester (the "County") to enter into an agreement with Cablevision Lightpath, Inc. ("Lightpath"), pursuant to which Lightpath was to provide the County with telecommunications services, for a five-year term commencing on January 1, 2016 and continuing through December 31, 2020, for an amount not to exceed \$17,564,566.00, payable pursuant to an approved price schedule, with the County having the option to renew the agreement for up to two (2) additional five (5) year terms on the same terms and conditions, except that Centrex voice services will not be offered (the "Original Agreement").

Thereafter, by a resolution approved on June 11, 2020, your Honorable Board authorized the County to exercise its first option under the Original Agreement and amend the Original Agreement by, 1.) extending its term by five (5) years, to a new termination date of December 31, 2025; 2.) increasing its not-to-exceed amount by \$22,626,465.00, from a not-to-exceed amount of \$17,564,566.00 to a new not-to-exceed amount of \$40,191,031.00; 3.) modifying, effective July 1, 2020, its existing pricing and volume discounts; 4.) modifying, effective July 1, 2020, its scope of services to make available additional telecommunications services on specified terms; and 5.) modifying its terms to provide that, a.) 'Interested Participants' will be allowed to contract with Lightpath for a shorter term than the County's term and still obtain favorable pricing, and b.) give the County the right, during the period from January 1, 2021 through December 31, 2023, to have Lightpath perform, at no cost to the County, 'new builds' at twelve (12) additional locations (outside of New York City) that are mutually agreeable to the County and Lightpath (the "First Amendment"). The First Amendment was subsequently executed.

The County now desires to amend the Original Agreement, as amended by the First Amendment, ("IT-1376") in order to modify its scope of services to make available additional telecommunications services (the "Additional Services") on specified terms (the "Second Amendment"). Specifically, the Additional Services will include certain 'Optimum Internet' services and related services.

The County anticipates that the Additional Services will primarily be used by the other municipal entities that receive services based upon IT-1376 ("Interested Participants"), rather than primarily be used by the County. However, the Additional Services will nevertheless be available to both the County and Interested Participants. The Second Amendment will ensure that the County and Interested Participants will have access to these additional economical, reliable, and efficient telecommunications services based upon their inclusion in, and availability based upon, the terms and framework already set up under IT-1376.

It must be noted that Lightpath recently informed the County that Cablevision Lightpath, Inc. has conducted a conversion from a corporation to a limited liability company, under the Laws of the State of Delaware that are applicable to it, and it is therefore now known as Cablevision Lightpath LLC, rather than Cablevision Lightpath, Inc., for all purposes. Accordingly the proposed amendment will reflect that the contractor for IT-1376 is now Cablevision Lightpath LLC.

Accordingly, it is proposed that the best interests of the County would be served by exempting the procurement of the Second Amendment from the Westchester County Procurement Policy and Procedures, pursuant to Section 3(a)(xxi) thereof. Therefore, a resolution to exempt this procurement is hereby submitted for your consideration.

I respectfully recommend adoption of the proposed resolution.

MB/SF/bdm/nn

## 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 interests of the County of Westchester (the "County") in connection with the procurement of an amendment to an agreement with Cablevision Lightpath, Inc., which has converted to, and is now known as, Cablevision Lightpath LLC, ("Lightpath"), pursuant to which Lightpath was to provide telecommunications services to the County, for term commencing on January 1, 2016 and continuing through December 31, 2025, by modifying its scope of services to make available additional telecommunications services, including certain 'Optimum Internet' services and related services, on specified terms.

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APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION SECRETARY