

81335

DATE: January 22, 2021

TO: Board of Acquisition and Contract

FROM: Marguerite Beirne
Chief Information Officer
Department of Information Technology

RE: Authority to amend an agreement (IT-1376) with Cablevision Lightpath, Inc. for telecommunications services, for the period from January 1, 2016 through December 31, 2025, in order to modify its scope of services to make available additional telecommunications services on specified terms.

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 on specified terms (the "Additional Services"). 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. Therefore, the County is not seeking an increase in the existing not-to-exceed amount of IT-1376.

Therefore, authority is respectfully requested from your Honorable Board for the County to amend IT-1376 in order to modify its scope of services to make available the Additional Services.

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.

Except as specifically described above, all terms and conditions of IT-1376 shall remain in full force and effect.

The proposed amendment will serve a public purpose by ensuring that the County (and each of the Interested Participants) will have access to additional economical, reliable, and efficient telecommunications services.

The goal and objective of the proposed amendment is to ensure that the County (and each of the Interested Participants) will have access to additional economical, reliable, and efficient telecommunications services.

The goal and objective of the proposed amendment is in the best interests of the County in terms of fiscal responsibility, as it will ensure that additional reliable and efficient telecommunications services will be made available to the County (and each of the Interested Participants) in an economical fashion.

The goal and objective of the proposed amendment will be tracked and monitored by the staff of the Department of Information Technology.

Authority to exempt the procurement of the Additional Services from the requirements of the Westchester County Procurement Policy and Procedures, pursuant to Section 3(a)(xxi) thereof, has been submitted to your Honorable Board by a separate resolution of even date herewith.

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 the County of Westchester (the "County") is hereby authorized to amend 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, for an amount not to exceed \$40,191,031.00, payable pursuant to an approved price schedule, with the County having the option to renew the agreement for up to one (1) additional five (5) year term on the same terms and conditions, ("IT-1376") by modifying its scope of services to make available additional telecommunications services, including certain 'Optimum Internet' services and related services, on specified terms; and be it further

RESOLVED, that except as specifically hereby authorized to be amended, all terms and conditions of IT-1376 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.

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/14/2016 - 10:41 AM - SECRETARY

Contract No. **IT-1376**

Original Agreement: \$17,564,566.00
First Amendment: \$22,626,465.00
This Amendment: \$ 0.00
TOTAL: \$40,191,031.00

Accounts to be charged:

Year	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
						N/A

Budget Funding Year(s): N/A Start Date: January 1, 2016 End Date: December 31, 2025
(must match resolution)

Funding Source Tax Dollars: N/A
State Aid: _____
\$0.00 Federal Aid: _____
(must match resolution) Other: _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/18/2021 - LISA MARIJAJ, SECRETARY