



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i> 11/23/21		GENERAL MANAGER ACTION REQ'D:		
DATE: 10/6/2021		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Adam Elsibai Dept: M&E Acquisition Support Signature/Date: <i>[Signature]</i> 11/19/2021	General Counsel <i>[Signature]</i> 11/19/2021 []	Controller/Treasurer <i>[Signature]</i> 11/22/2021 []	District Secretary []	BARC <i>[Signature]</i> 11/22/2021 []
Status: Routed		Date Created: 10/6/2021		

Procurement of Cisco SmartNet Maintenance Services

PURPOSE:

To obtain Board authorization to enter into a one (1) year NASPO ValuePoint contract with Cisco Systems, Inc., San Jose, CA in the amount of \$448,386.39 for the purchase of Cisco SmartNet maintenance services.

DISCUSSION:

Cisco SmartNet support allows BART access to support services such as submitting trouble tickets, 24/7 phone support, and the download of software upgrades for Cisco equipment (hardware & software). Regular software upgrades are required for cybersecurity purposes as they fix issues discovered in previous versions.

The level of service BART requires is unique. BART uses Cisco hardware and software exclusively covering a wide range of important equipment, software, and services. The District's SmartNet agreement with Cisco provides BART with the following crucial service & support features:

1. Firmware and operating system software upgrades related to bug issues that include patches that prevent cybersecurity threats.
2. Same day hardware warranty replacement components and spare parts.
3. 24/7 emergency support & equipment diagnostics through the Cisco Technical Assistance Center.

This purchase will be made through the National Association of State Officials, (NASPO) cooperative purchasing program approved by the Board in 2016. Cisco's NASPO Master Agreement number is AR3227 with the state of Utah. The California Participating Addendum No. is 7-20-70-47-01. The current expiration date of the NASPO Master Agreement per the State of California Participating Addendum is September 30, 2024.

Because the State of California participates in the NASPO program, its local agencies and districts, including BART, are authorized by California Public Contract Code section 10298 to purchase items from the suppliers awarded contracts by NASPO without further competitive bidding, pursuant to a Master Agreement, a California Participating Addendum, and compliance with BART requirements.

Pursuant to the District's Non-Federal Small Business Program, the District conducted an analysis and determined that there are no certified Small Businesses (SB) certified by the California Department of General Services capable of providing the goods and services in this scope of work. Therefore, the Small Business Program does not apply to this NASPO ValuePoint agreement.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Contract are 5.5% for Minority Business Enterprises (MBEs) and 2.8% for Women Business Enterprises (WBEs). Vendor Cisco Systems, Inc. will not be subcontracting any portion of the Work and therefore, the provisions of the District's Non-Discrimination Program for Subcontracting do not apply.

FISCAL IMPACT:

Funds will be budgeted from the Maintenance & Engineering operating budget (Dept. 0802821-Communications and Controls Engineering, Account 681355-Software and Tech Support).

The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves.

ALTERNATIVES:

Not pursuing this procurement will leave the District's operating network and the systems that run on it, vulnerable to cybersecurity threats and it will delay several capital projects that require Cisco's most recent firmware and operating software upgrades. Without the SmartNet agreement and the latest version of firmware software, these critical projects will be adversely impacted, and our current equipment will continue to run on an older version of firmware software that is susceptible to cybersecurity threats.

RECOMMENDATION:

Staff recommends that the Board adopt the following motion.

MOTION:

The General Manager is authorized to enter into a one (1) year NASPO ValuePoint contract with Cisco Systems, Inc. for the procurement of Cisco SmartNet services for an amount of \$448,386.39, pursuant to notification to be issued by the General Manager.