



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <div style="float: right; border: 1px solid black; padding: 2px;"> <small>DocuSigned by:</small> <small>47000790F2D7463...</small> </div>		GENERAL MANAGER ACTION REQ'D:		
DATE: 11/4/2021 6/1/2022		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Monina Salonga Dept: CIO Administration <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> <small>DocuSigned by:</small> <small>230636236DDC46F...</small> </div> Signature/Date: <div style="text-align: right;">5/31/2022</div>	General Counsel <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> <small>DocuSigned by:</small> <small>F8FD7B3A73E74E8...</small> </div> Signature/Date: <div style="text-align: right;">5/31/2022 []</div>	Controller/Treasurer <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> <small>DocuSigned by:</small> <small>EE11C8CEEEA04FD...</small> </div> Signature/Date: <div style="text-align: right;">5/31/2022 []</div>	District Secretary <div style="text-align: right;">[]</div>	BARC <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> <small>DocuSigned by:</small> <small>3BB24D65B8724F5...</small> </div> Signature/Date: <div style="text-align: right;">5/31/2022 []</div>

Agreement No. 6M4788 with ConvergeOne for Data Domain Backup Hardware and Software Upgrade and Support Services

PURPOSE:

To request that the Board authorize the General Manager to negotiate and execute a five (5) year agreement with ConvergeOne in an amount not to exceed \$216,495.85 for the upgrade of Data Domain hardware and software platform and support services.

DISCUSSION:

Data Domain is a storage system that the District uses to perform backup of our Database for our critical Enterprise Applications. Data Domain provides protection to our data and minimizes any risk of data loss. It enables the District to recover data from backup which is essential for business continuity. The Data Domain hardware and software upgrade solution will provide future data storage capacity and support services from Data Domain experts to assist staff.

This purchase is being made through the National Association of State Procurement Officials, (NASPO) cooperative purchasing program approved by the Board in 2016 under Minnesota Master Agreement No. MNWNC-108, Computer Equipment Master Agreement; California Participating Addendum No. 7-15-70-34-003 with DELL MARKETING, L.P. ConvergeOne is an authorized reseller under this Agreement.

NASPO ValuePoint (formerly WSCA-NASPO) is a unified, nationally focused cooperative aggregating the demand of all 50 states, the District of Columbia and the organized US territories, their political subdivisions, and other eligible entities.

Because the State of California is a partner in this cooperative agreement, 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 the NASPO ValuePoint Cooperative without further competitive bidding, pursuant to a Master Agreement and a California Participating Addendum.

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 ConvergeOne, 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.

The Office of General Counsel will approve the Agreement as to form prior to execution.

CAPITAL FISCAL IMPACT:

Funding in the amount of \$216,495.85 to negotiate and execute a five (5) year agreement with ConvergeOne is included in the total project budget for FMS# 65FB000 – Enterprise Business Applications.

The table below lists funding assigned to the referenced project and is included to track funding history against spending authority. Funds needed to meet this request will be expended from the following source:

PRIOR/AVAILABLE FUNDING	
BART CAPITAL ALLOCATIONS – SPENT	\$9,305,662
BART CAPITAL ALLOCATIONS – REMAINING	\$1,691,338
TOTAL	\$10,997,000

As of May 10, 2022, \$10,997,000 is the total budget for this project. BART has expended \$9,305,661.96, committed \$877,183.76, and reserved \$211,634.38 to date. This action will commit \$216,495.85, leaving an available fund balance of \$386,024.05 in these fund sources for this project.

The Office of 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:

Decline to authorize the Agreement through the NASPO program and seek alternative independent proposals by the District. The District would incur substantial delays if it were to procure such services on its own.

RECOMMENDATION:

Approve the following motion:

MOTION:

The General Manager or his designee is authorized to negotiate and execute a NASPO ValuePoint computer equipment agreement with ConvergeOne in an amount not to exceed \$216,495.85 for the upgrade of Data Domain hardware and software platform support services.