



## EXECUTIVE DECISION DOCUMENT

<b>GENERAL MANAGER APPROVAL:</b>		DocuSigned by:  <small>47000790F2D7463...</small>	<b>GENERAL MANAGER ACTION REQ'D:</b>		
<b>DATE:</b> 6/14/2022		7/20/2022		<b>BOARD INITIATED ITEM:</b> No	
<b>Originator/Prepared by:</b> Melissa Damelio <b>Dept:</b> AFC/Computers/Communications <b>Signature/Date:</b>  <small>DA5F2B766AE946E...</small> 7/13/2022	<b>General Counsel</b> DocuSigned by:  <small>F8FD7B3A73E74E8...</small> 7/14/2022 [ ]	<b>Controller/Treasurer</b> DocuSigned by:  <small>EE11C8CEEEA04FD...</small> 7/18/2022 [ ]	<b>District Secretary</b>  [ ]	<b>BARC</b> DocuSigned by:  <small>8128A2EB2F014F3...</small> 7/18/2022 [ ]	

### CALNET TELECOMMUNICATIONS AND INTERNET SERVICES PURCHASE AUTHORIZATION.

#### PURPOSE:

To request that the Board authorize the General Manager to purchase Internet, telecommunications services and Information Technology products (“Services”) from AT&T through the State of California Department of Technology’s California Network and Telecommunications (CALNET) Program for an amount not to exceed \$7,720,000.

#### DISCUSSION:

The CALNET Program, established in the California Department of Technology, establishes competitively bid Service Level Agreements (SLA) for use by California government entities, including BART. BART’s participation in the CALNET Program is allowed by California Public Contract Code section 10298 if BART completes a Participating Agreement (NESPA) for the program. Approval of funding in the not-to-exceed amount of \$7,720,000, is necessary to purchase Services for the next three (3) years plus an additional two (2) 1-year-options.

Pursuant to the District’s Non-Federal Small Business Program, the District conducted an analysis and determined that there are no certified Small Businesses certified by the California Department of General Services available for proposing this Agreement. Therefore, no Small Business Prime Preference was set for this Agreement.

Pursuant to the District’s Non-Discrimination Program for Subcontracting, the Availability Percentages for this Agreement are 5.5% for Minority Business Enterprises (MBEs) and 2.8% for Women Business Enterprises (WBEs). AT&T 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 the General Counsel will approve all agreements to which the District is a party as to form.

**FISCAL IMPACT:**

District expenditures for this contract are estimated as follows:

FY23 \$1,544,000.

FY24 \$1,544,000.

FY25 \$1,544,000.

FY26 \$1,544,000.

FY27 \$1,544,000.

In FY22, the current contract will spend an estimated \$1.1M in telecommunications and internet service. The new contract will increase by a little over \$400K attributed to BART expansion and service growth over the past five years which includes EBART, S-Line & BHQ additions.

Funding for this contract will be provided through the FY23 to FY27 Operating budget for Department # 0802851, Account #682423 at \$1,544,000.00 annually. Funding is currently in place for FY23 expenditures. Funding for the subsequent years FY24-FY27 will be requested in upcoming operating budget cycles. 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:**

The alternative is to decline to authorize funding for the CALNET Program and proceed to use the District's standard authorized procurement procedures to purchase Services. This alternative could impact service continuity due to the time necessary to conduct the procurement.

**RECOMMENDATION:**

Adopt the following motions:

**MOTION:**

The General Manager is authorized to purchase Internet, telecommunications services, and Information Technology products (“Services”) from AT&T through the State of California Department of Technology’s California Network and Telecommunications (CALNET) Program.

The General Manager or his designee is authorized to execute a Services agreement with AT&T for Information Technology products, telecommunications, and internet services for an amount not to exceed \$7,720,000.