



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		DocuSigned by: <i>Michael Jones</i> 47000790F2D7463...		GENERAL MANAGER ACTION REQ'D:	
DATE: 12/22/2022		1/18/2023		BOARD INITIATED ITEM: No	
Originator/Prepared by: Johanna Montilla Dept: OCIO DocuSigned by: <i>Travis Engstrom</i> DA1FD220BBD5468... Signature/Date: 1/17/2023		General Counsel DocuSigned by: <i>Jana Belan</i> F8FD7B3A73E74E8... 1/17/2023 [ ]		Controller/Treasurer DocuSigned by: <i>Chris Gan</i> EE11C8CEEEA04FD... 1/17/2023 [ ]	
				District Secretary DocuSigned by: <i>Pamela Herhold</i> 3BB24D65B8724F5... 1/17/2023 [ ]	

### Software Licenses for Antivirus Detection and Security Tools

#### PURPOSE:

To request Board authorization for the General Manager to agree to purchase from CDW Government LLC (CDW-G), extension of certain existing Sophos software support licenses, and adding licenses for Managed Detection and Response (MDR) services, and Incident Response (IR) for an amount not to exceed \$1,094,837.84.

#### DISCUSSION:

The purpose of this authorization request is to purchase enhanced software support licenses and extend certain existing software licenses for Anti-Virus protection for all District computers and servers.

This procurement is for an amount not to exceed \$1,094,837.84. The new and extended licenses will provide three (3) years of Sophos annual software support and add Sophos Managed Detection and Response (MDR) service for District computers and servers, along with Sophos Incident Response (IR) service.

The procurement will be made through use of the National Association of State Procurement Officials (NASPO) cooperative purchasing program. Use of this program was approved by the Board for software services in 2016. NASPO ValuePoint (formerly WSCA-NASPO) is a cooperative purchasing program, 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 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 if there is California state participation in the specified negotiated NASPO contract.

This procurement will be pursuant to the ValuePoint Master Agreement ADSP016-130652, and the State of California Participating Addendum Number 7-16-70-37 with Sophos Ltd, expiring March 31, 2023. The District will procure the Sophos software from CDW-G, an authorized reseller of software support. NASPO and California policies permit resellers to provide services through the NASPO Master Agreement and California Participating Addendum, subject to the negotiated agreements.

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 and there are no verified Local Small Businesses (LSB) 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). CDW-G 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 all agreements as to form before they are executed.

#### **FISCAL IMPACT:**

Payment for this contract will be made from the District's General fund and expenses will be allocated over the life of the agreement to the Office of the Chief Information Officer (OCIO) as follows:

<b>Proposed Funding</b>	
FY23	\$152,060.80
FY24	\$364,945.95

FY25	\$364,945.95
FY26	\$212,885.14
<b>Total</b>	<b>\$1,094,837.84</b>
<i>*Funding is expected to begin 2/1/2023.</i>	

Approximately \$225,000 of this contract is included in the Adopted FY23 and FY24 Operating Budget of the OCIO, Department 0504463, Account 681355. The remaining \$870,000 is not included in the Adopted FY23 and FY24 Operating Budget. Pending Board approval, it will be included in the FY24 through FY26 Operating Budget.

This action is not anticipated to have any Fiscal Impact on un-programmed District Reserves in the current Fiscal Year.

#### **ALTERNATIVES:**

The District could choose not to implement the software services renewal and added improvements, leaving the District at greater exposure to malicious cyber attacks.

#### **RECOMMENDATION:**

It is recommended that the Board adopt the following motion:

#### **MOTION:**

The General Manager is authorized to purchase licenses from CDW-G to extend for Sophos software support, and add Managed Detection and Response (MDR) services, and Incident Response (IR) for an amount not to exceed \$1,094,837.84.