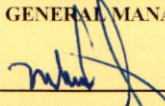
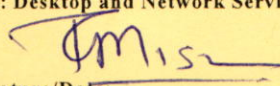
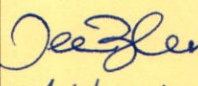
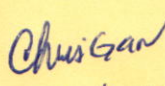
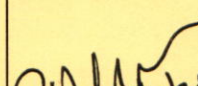




## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  10/5/21		GENERAL MANAGER ACTION REQ'D:		
DATE: 9/20/2021		BOARD INITIATED ITEM: No		
Originator/Prepared by: Steve Thomas Dept: Desktop and Network Services  Signature/Date: 10/4/21	General Counsel  10/4/2021 [ ]	Controller/Treasurer  10/4/2021 [ ]	District Secretary [ ]	BARC  10/4/21 [ ]

### Fortinet Software Support Agreement

#### PURPOSE:

To request that the Board authorize the General Manager to execute an information technology software support contract with Transource Services Corp. ("Transource"), a reseller of Fortinet products, for an amount not to exceed \$226,377.00.

#### DISCUSSION:

This EDD seeks authority to enter into a licensing and maintenance agreement with Transource, a reseller of Fortinet online security computer equipment.

This purchase will be made through the National Association of State Officials (NASPO) cooperative purchasing program approved by the Board 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 suppliers and authorized resellers awarded contracts by NASPO without further competitive bidding, pursuant to an approved 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 Transource Services Corp. 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 contract as to legal form prior to execution.

#### **FISCAL IMPACT:**

The proposed agreement is for an amount not to exceed \$226,377.00.

The purchase price funds will be from the BART Office of the Chief Information Officer (OCIO) Operating budget (Dept 0504463, Account 681355) as follows:

<b>Proposed Funding</b>	
<b>FY22</b>	<b>\$226,377.00</b>
<b>Total</b>	<b>\$226,377.00</b>
<i>*Funding is expected to begin 10/22/2021.</i>	

Funding for support in this Fiscal Year is included in the existing Department Operating budget outlined above.

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

#### **ALTERNATIVES:**

Decline to contract through the NASPO program and seek alternative independent proposals. This alternative would create substantial delay to duplicate the technology procurements done at the various State levels.



**RECOMMENDATION:**

Approve the following motion:

**MOTION:**

The General Manager or his designee is authorized to execute an information technology software support contract with Transource Services Corp. for an amount not to exceed \$226,377.00.