

From: Sheets, Mike - Purchasing
Sent: Wednesday, May 8, 2019 3:25 PM
To: 'Dale Malcomb' <Dmalcomb@WVPublic.org>
Cc: Gale, Stephanie L <Stephanie.L.Gale@wv.gov>; Whittaker, Frank M <Frank.M.Whittaker@wv.gov>
Subject: Emergency Request

Dale,

Your emergency request for data circuits is approved, with a few notes:

- 1) This approval is effective for 45 days from today. We do not have legal authority to issue a contract for a date prior to approval of your emergency request.
- 2) This approval is issued without opinion as to the legality of West Virginia Public Broadcasting's use of underwriting as a payment mechanism.
- 3) The continued reliance on emergency purchasing is beginning to stretch the bounds of credibility. We expect that West Virginia Public Broadcasting (WVPB) will, in short order, release these services from the applicable statewide contract. Should WVPB not pursue the statewide contract for valid reasons, you must submit CTO approval along with specifications as quickly as possible in order to allow us to bid and award this service prior to the expiration of the 45-day emergency period.

Please follow emergency purchasing procedures as found in the Handbook and follow up with documentation for award within 30 days.

Regards,
Mike

W. Michael Sheets
Director
WV Purchasing Division
2019 Washington Street, East
Charleston, WV 25305

Phone: (304) 558-0492
Fax: (304) 558-4115

Mike Sheets
Purchasing Director
West Virginia Purchasing Division
Phone: (304) 558-0492
Email: William.M.Sheets@wv.gov

May 6th, 2019

Dale Malcomb
Purchasing Director
Phone: (304) 254-7858
Cell: (304) 222-9252
Email: DMalcomb@WVPublic.Org

Re: Emergency purchase of circuits previously on WVOASIS contract# CCT EBA15*1 between the West Virginia Educational Broadcasting Authority, also known as WV Public Broadcasting, and Lumos Networks.

Mr. Sheets:

Our contract with Lumos Networks, WVOASIS contract# CCT EBA15*1, expired on July 31st, 2018. We have already extended this contract for 9 months while we negotiate changes to our services prior to either switching to the DATATRNSP contract or soliciting a new third-party contract. This pre-solicitation work is taking longer than expected and we need to continue using our current circuits for at least another 45 days.

Our current extension ends at the end of this month, April 30th, 2019 and I have been informed by Central Purchasing that we will need to do an emergency purchase instead of renewing this contract further. We are asking for your approval to make this purchase.

I apologize for the short notice. Please accept my assurances that it was unavoidable. Hopefully we will still be able to accomplish this without undue difficulty. We can't afford to be without these services.

The monthly costs of the circuits for which we are seeking approval for an emergency purchase are \$6,658.95 (\$9,988.43 over 45 days). We have an underwriting agreement with Lumos that decreases our costs for these circuits to \$2,500.00 per month (\$3,750.00 over 45 days).

These circuits are essential to our agency. They are internet and interconnection circuits for all three of our primary sites, Beckley, Charleston, and Morgantown. They are also the primary delivery method of our television and radio broadcasts to our microwave systems and other broadcast partners. If these circuits are shut off it will create a system wide crisis that will effectively shut down our agency's primary functions.

We are requesting your approval for the emergency purchase of an additional 45 days of service using the existing circuits, costs, and contract terms as the expired CCT EBA15*1 contract. Barring unforeseen delays, this should allow us time to either switch to the State DATATRNSP contract or put a new contract in place. I have attached an approval from the CTO for this purchase.

Once again, we apologize for the short notice, and we appreciate your assistance moving this forward. We will endeavor to provide better notice in the future. If you need more information, please let me know. I will be happy to answer any questions you may have.

Sincerely,



C. Dale Malcomb, Purchasing Director
West Virginia Educational Broadcasting Authority

Enclosures

CC Steven Grindstaff, Purchasing Agent, WV Educational Broadcasting Authority

CC Frank Whitaker, Assistant Director, WV Purchasing Division

CC Stephanie L Gale, Buyer, Purchasing Division

Joshua Spence
Chief Technology Officer
WV Office of Technology

April 30th, 2019

Dale Malcomb
Purchasing Director
Phone: (304) 254-7858
Cell: (304) 222-9252
Email: DMalcomb@WVPublic.Org

Re: Emergency purchase of circuits previously on WVOASIS contract# CCT EBA15*1 between the West Virginia Educational Broadcasting Authority, also known as WV Public Broadcasting, and Lumos Networks.

Mr. Spence:

Our contract with Lumos Networks, WVOASIS contract# CCT EBA15*1, expired on July 31st, 2018. We have already extended this contract for 9 months while we negotiate changes to our services prior to either switching to the DATATRNSP contract or soliciting a new third-party contract. This pre-solicitation work is taking longer than expected and we need to continue using our current circuits for at least another 6 months.

Our current extension ends at the end of this month, April 30th, 2019 and I have been informed by Central Purchasing that we will need to do an emergency purchase instead of renewing this contract further. We are asking for your approval to make this purchase.

I apologize for the short notice. Please accept my assurances that it was unavoidable. Hopefully we will still be able to accomplish this without undue difficulty. We can't afford to be without these services.

Even though there is not enough time to switch to the State contract, I have attached a spreadsheet documenting our current costs versus the State contract costs. Even if we had time to switch, our current costs are significantly lower. This is why we did the initial three-year contract in the first place. The monthly costs of the circuits for which we are seeking approval for an emergency purchase are \$6,658.95 (\$39,953.70 over six months). We have an underwriting agreement with Lumos that decreases our costs for these circuits to \$2,500.00 per month (\$15,000.00 over six months). The monthly costs for the same circuits off the DATATNSP contract are \$40,952.50 (\$245,715.00 over six months). A six-month difference of \$230,715.00.

These circuits are essential to our agency. They are internet and interconnection circuits for all three of our primary sites, Beckley, Charleston, and Morgantown. They are also the primary delivery method of our television and radio broadcasts to our microwave

systems and other broadcast partners. If these circuits are shut off it will create a system wide crisis that will effectively shut down our agency's primary functions.

We are requesting your approval for the emergency purchase of an additional six-month's service using the existing circuits, costs, and contract terms as the expired CCT EBA15*1 contract. Barring unforeseen delays, this should allow us time to either switch to the State DATATRNSP contract or put a new contract in place.

Once again, we apologize for the short notice, and we appreciate your assistance moving this forward. We will endeavor to provide better notice in the future. If you need more information, please let me know. I will be happy to answer any questions you may have.

Sincerely,



C. Dale Malcomb, Purchasing Director
West Virginia Educational Broadcasting Authority

Enclosures

CC Steven Grindstaff, Purchasing Agent, WV Educational Broadcasting Authority
CC Frank Whitaker, Assistant Director, WV Purchasing Division
CC Donna M Lipscomb

Current Circuit Breakdown

													Current Cost	DATATRNSP Cost
Location	EBA LAN Number	Lumos UNI #	UNI Speed	Lumos EVC #	EVC Speed	EVC Service Type	PSR	BAN# (Billing Account Number)		Equipment port	Circuit ID	Additional Notes		
WV EBA Beckley / Beaver - 124 Industrial Park Rd. Ciena 5142	1	1	1Gb				15851	304-092-0569	Transport	1	10.ETTA.605195.1.CFW	E-Line Beaver to Charleston	\$ 75.00	\$ 570.00
		B'Cast to Chas	1	100Mb	E-Line		304-092-0570	E-Line			11.LOPP.605196.1.CFW		\$ 15.00	\$ 935.00
	2	2	1Gb				15855	304-092-0571	Transport	2	10.ETTA.605199.1.CFW	E-Line Beaver to Morgantown	\$ 75.00	\$ 570.00
		B'Cast to Mgtm	2	100Mb	E-Line		304-092-0572	E-Line			11.LOPP.605198.1.CFW		\$ 15.00	\$ 935.00
	4	3	1Gb				15878	304-092-0577	Transport	3	10.ETTA.605214.1.CFW	E-LAN Beaver, Charleston, Morgantown	\$ 75.00	\$ 235.00
		Engineering/Radio	4	20Mb	E-LAN		304-092-0578	E-LAN			13.LOPP.605217.1.CFW		\$ 11.50	\$ 538.00
	5	4	1Gb				15834	304-092-0573	Transport	4	10.ETTA.605178.1.CFW	E-Line Beaver to Charleston	\$ 75.00	\$ 302.00
		Chas-Beck Internet	5	50Mb	E-Line		304-092-0574	E-LINE			11.LOPP.605179.1.CFW		\$ 11.50	\$ 810.00
	6	5	1Gb				15838	304-092-0575	Transport	5	10.ETTA.605181.1.CFW	E-Line Beaver to Morgantown	\$ 75.00	\$ 302.00
		Mgtm-Beck Internet	6	50Mb	E-Line		304-092-0576	E-LINE			11.LOPP.605182.1.CFW		\$ 11.50	\$ 810.00
	7	6	1Gb				15830	304-092-0568	DIA	6	10.ETTA.605174.1.CFW	Dedicated Internet Access (DIA)	\$ 250.50	\$ 1,054.50
									DIA		DH.605175.1.CFW			\$ 302.00
11	7	1Gb				15878	304-092-0579	Transport	7	10.ETTA.605215.1.CFW	E-LAN Beaver, Charleston, Morgantown	\$ 75.00	\$ 2,014.00	
	IT	11	400Mb	E-LAN		304-092-0580	E-LAN			13.LOPP.605217.2.CFW		\$ 25.00	\$ 1,202.00	
12	8	1Gb				15878	304-092-0581	Transport	8	10.ETTA.605216.1.CFW	E-LAN Beaver, Charleston, Morgantown	\$ 75.00	\$ 1,390.00	
	TV Production	12	300Mb	E-LAN		304-092-0582	E-LAN			13.LOPP.605217.3.CFW		\$ 20.00	\$ 1,103.00	
Beckley Circuit Totals													\$ 885.00	\$ 13,072.50
WV EBA Charleston - 600 Capital St. Ciena 5142	1	1	1Gb				15854	304-090-0024	Transport	1	10.ETTA.605197.1.CFW	E-Line Charleston to Beaver	\$ 75.00	\$ 570.00
		B'Cast to Beaver	1	100Mb	E-Line		304-090-0025	E-Line			11.LOPP.605196.1.CFW		\$ 15.00	\$ 935.00
	3	2	1Gb				15858	304-090-0026	Transport	2	10.ETTA.605202.1.CFW	E-Line Charleston to Morgantown	\$ 75.00	\$ 570.00
		B'Cast to Mgtm	3	100Mb	E-Line		304-090-0027	E-Line			11.LOPP.605201.1.CFW		\$ 15.00	\$ 935.00
	4	3	1Gb				15879	304-090-0044	Transport	3	10.ETTA.605223.1.CFW	E-LAN Beaver, Charleston, Morgantown	\$ 75.00	\$ 235.00
		Engineering/Radio	4	20Mb	E-LAN		304-090-0045	E-LAN			13.LOPP.605220.3.CFW		\$ 11.50	\$ 538.00
	5	4	1Gb				15837	304-090-0028	Transport	4	10.ETTA.605180.1.CFW	E-Line Charleston to Beaver	\$ 75.00	\$ 302.00
		Chas-Beck Internet	5	50Mb	E-Line		304-090-0029	E-Line			11.LOPP.605179.1.CFW		\$ 11.50	\$ 810.00
	8	5	1Gb				15841	304-090-0038	Transport	5	10.ETTA.605185.1.CFW	E-Line Charleston to WVNet Charleston	\$ 75.00	\$ 302.00
		WVNet Internet	8	50Mb	E-Line		304-090-0039	E-Line			11.LOPP.605184.1.CFW		\$ 11.50	\$ 810.00
	9	6	1Gb				15843	304-090-0040	Transport	6	10.ETTA.605188.1.CFW	E-Line Charleston to Morgantown	\$ 75.00	\$ 302.00
		Chas-Mgtm Internet	9	50Mb	E-Line		304-090-0041	E-Line			11.LOPP.605187.1.CFW		\$ 11.50	\$ 810.00
11	7	1Gb				15879	304-090-0046	Transport	7	10.ETTA.605224.1.CFW	E-LAN Beaver, Charleston, Morgantown	\$ 75.00	\$ 2,014.00	
	IT	11	400Mb	E-LAN		304-090-0047	E-LAN			13.LOPP.605220.2.CFW		\$ 25.00	\$ 1,202.00	
12	8	1Gb				15879	304-090-0048	Transport	8	10.ETTA.605225.1.CFW	E-LAN Beaver, Charleston, Morgantown	\$ 75.00	\$ 1,390.00	
	TV Production	12	300Mb	E-LAN		304-090-0049	E-LAN			13.LOPP.605220.1.CFW		\$ 20.00	\$ 1,103.00	
Charleston Circuit Costs													\$ 721.00	\$ 12,828.00
WV EBA Morgantown - 191 Scott Ave. Cisco 3600 (to be changed to 5142 later)	2	1	1Gb				15857	304-084-7280	Transport	1	10.ETTA.605200.1.CFW	E-Line Morgantown to Beaver	\$ 75.00	\$ 570.00
		B'Cast to Beaver	2	100Mb	E-Line		304-084-7281	E-Line			11.LOPP.605198.1.CFW		\$ 15.00	\$ 935.00
	3	2	1Gb				15861	304-084-7282	Transport	2	10.ETTA.605203.1.CFW	E-Line Morgantown to Charleston	\$ 75.00	\$ 570.00
		B'cast to Chas	3	100Mb	E-Line		304-084-7283	E-Line			11.LOPP.605201.1.CFW		\$ 15.00	\$ 935.00
	4	3	1Gb				15880	304-084-7290	Transport	3	10.ETTA.605229.1.CFW	E-LAN Beaver, Charleston, Morgantown	\$ 75.00	\$ 235.00
		Engineering/Radio	4	20Mb	E-LAN		304-084-7291	E-LAN			11.LOPP.605226.1.CFW		\$ 11.50	\$ 538.00
	6	4	1Gb				15839	304-084-7284	Transport	4	10.ETTA.605183.CFW	E-Line Morgantown to Beaver	\$ 75.00	\$ 302.00
		Beck-Mgtm Internet	6	50Mb	E-Line		304-084-7285	E-Line			11.LOPP.605182.1.CFW		\$ 11.50	\$ 810.00
	9	5	1Gb				15844	304-084-7286	Transport	5	10.ETTA.605189.1.CFW	E-Line Morgantown to Charleston	\$ 75.00	\$ 302.00
		Mgtm-Chas Internet	9	50Mb	E-Line		304-084-7287	E-Line			11.LOPP.605187.1.CFW		\$ 11.50	\$ 810.00
	10	6	1Gb				15845	304-084-7288	Transport	6	10.ETTA.605190.1.CFW	E-Line Morgantown to WVNET Morgantown	\$ 75.00	\$ 302.00
		WVNet Internet	10	50Mb	E-Line		304-084-7289	E-Line			11.LOPP.605191.1.CFW		\$ 11.50	\$ 810.00
11	7	1Gb				15880	304-084-7292	Transport	7	10.ETTA.605230.1.CFW	E-LAN Beaver, Charleston, Morgantown	\$ 75.00	\$ 2,014.00	
	IT	11	400Mb	E-LAN		304-084-7293	E-LAN			11.LOPP.605226.3.CFW		\$ 25.00	\$ 1,202.00	
12	8	1Gb				15880	304-084-7294	Transport	8	10.ETTA.605231.1.CFW	E-LAN Beaver, Charleston, Morgantown	\$ 75.00	\$ 1,390.00	
	TV Production	12	300Mb	E-LAN		304-084-7295	E-LAN			11.LOPP.605226.2.CFW		\$ 20.00	\$ 1,103.00	
WVNet Charleston - 1900 Kanawha Blvd.	8	1	1Gb			15842	304-081-1171	Transport		10.ETTA.605186.1.CFW	E-Line WVNET Charleston to EBA Charleston	\$ 75.00	\$ 302.00	
Charleston Internet		8	50Mb	E-Line		304-082-1172	E-Line			11.LOPP.605184.1.CFW		\$ 11.50	\$ 810.00	
WVNet Morgantown - 837 Chestnut Ridge Rd.	10	1	1Gb			15846	304-095-0107	Transport		10.ETTA.605192.1.CFW	E-Line WVNet Morgantown to EBA Morgantown	\$ 75.00	\$ 302.00	
Morgantown Internet		10	50Mb	E-Line		304-095-0108	E-Line			11.LOPP.605191.1.CFW		\$ 11.50	\$ 810.00	
Morgantown Circuit Costs													\$ 894.00	\$ 15,052.00
*This DATATRNSP cost includes \$810.00 for the 50 Mb circuit plus \$244.50 for Internet Access based on WVNet costs.														
**The DATATRNSP contract had no 400 Mb offering. Closest acceptable circuit was 450 Mb, so this cost was used on the 400 Mb circuits.														
***The DATATRNSP contract had no 400 Mb offering. Closest acceptable circuit was 500 Mb, so this cost was used on the 400 Mb circuits.														
Subtotal													\$ 2,500.00	\$ 40,952.50
Plus services trade-out													\$ 4,158.95	\$ -
Total Monthly Circuit Cost													\$ 6,658.95	\$ 40,952.50



STATE OF WEST VIRGINIA
DEPARTMENT OF ADMINISTRATION
OFFICE OF TECHNOLOGY

State Capitol
Charleston, West Virginia 25305

Allan L. McVey
Cabinet Secretary

Joshua D. Spence
Chief Technology Officer

M E M O R A N D U M

TO: Dale Malcomb
West Virginia Public Broadcasting

FROM: Joshua D. Spence, Chief Technology Officer
Office of Technology

A handwritten signature in blue ink, appearing to read "J.D.S.", positioned to the right of the "FROM:" field.

SUBJECT: INFORMATION TECHNOLOGY PROCUREMENT
REQUISITION NUMBER: EBA15*1 - IS&C NUMBER: 2019-1016

DATE: May 1, 2019

West Virginia Code §5A-6-4(a)(3) permits the Chief Technology Officer to “evaluate the economic justification, system design and suitability of information equipment and related services, and review and make recommendations on the purchase, lease or acquisition of information equipment and contracts for related services by the state spending units.”

West Virginia Code §5A-6-4c requires that the Chief Technology Officer review and approve “a major information technology project.”

West Virginia Code §5A-6-5 requires that “any state spending unit that pursues an information technology purchase that does not meet the definition of a ‘major technology project’ and that is required to submit a request for proposal to the State Purchasing Division prior to purchasing goods or services shall obtain the approval of the Chief Technology Officer, in writing, of any proposed purchase of goods or services related to its information technology and telecommunication systems.

After conducting a review of your request for an emergency purchase with Lumos Networks for and additional six month service for circuits, the Office of Technology has determined:

X That your request is approved.

That your request is not subject to the review and approval provisions contained in Chapter 5A, Article 6 of the Code, therefore, it does not need approval by the Office of Technology.

This memorandum constitutes this office's official review and a copy should be attached to your purchase order and any other correspondence related to this request.

If you have questions, or need additional information, please contact Consulting Services at Consulting.Services@wv.gov.