

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

June 16th, 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 are currently working under a 45-day emergency purchase for these services which you granted us through June 22nd, 2019. As of today, we are still awaiting approval from the Office of Technology to bypass the DATATRNSP contract and solicit bids for these circuits. There is no way to either purchase circuits from the DATATRNSP contract or complete a bid process in the remaining time, so we are requesting another emergency purchase.

An additional 45 days would end on August 6th, 2019; however, we are requesting a purchase through August 31st, 2019. This would be 70 days. We don't believe 45 more days will be sufficient to complete the solicitation process and have the winning vendor provide circuits. We expect it would take even longer if we switch to the DATATRNSP contract.

The monthly costs of the circuits for which we are seeking approval for an emergency purchase are \$6,658.95. We have an underwriting agreement with Lumos that decreases our costs for these circuits to \$2,500.00 per month or \$83.33 per day. This would be \$5,833.10 over 70 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 70 days of service using the existing circuits, costs, and contract terms as the expired CCT EBA15*1 contract. Hopefully this will 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.

Sincerely,



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

Enclosures

CC Chuck Roberts, Executive Director, WV Educational Broadcasting Authority
CC Steven Grindstaff, Purchasing Agent, WV Educational Broadcasting Authority
CC Frank Whitaker, Assistant Director, WV Purchasing Division
CC Stephanie L Gale, Buyer, Purchasing Division



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.

From: Sheets, Mike - Purchasing
Sent: Wednesday, June 19, 2019 9:31 AM
To: Dale Malcomb <dmalcomb@wvpublic.org>
Cc: Chuck Roberts <croberts@wvpublic.org>; Steven Grindstaff <sgrindstaff@wvpublic.org>; Whittaker, Frank M <Frank.M.Whittaker@wv.gov>; Gale, Stephanie L <Stephanie.L.Gale@wv.gov>
Subject: RE: [External] Need approval for another emergency purchase of Lumos circuits.

Dale,

Your emergency is approved through August 31, 2019. As before, this approval is issued without opinion as to the legality of West Virginia Public Broadcasting's use of underwriting as a payment mechanism. 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

From: Dale Malcomb <dmalcomb@wvpublic.org>
Sent: Sunday, June 16, 2019 11:37 PM
To: Sheets, Mike - Purchasing <William.M.Sheets@wv.gov>
Cc: Chuck Roberts <croberts@wvpublic.org>; Steven Grindstaff <sgrindstaff@wvpublic.org>; Whittaker, Frank M <Frank.M.Whittaker@wv.gov>; Gale, Stephanie L <Stephanie.L.Gale@wv.gov>
Subject: [External] Need approval for another emergency purchase of Lumos circuits.

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Mr. Sheets:

Attached is another request for an emergency purchase of our interconnection and internet access circuits. We were all hoping this would be further along, however situations beyond our control have dictated otherwise.

The attached request should provide any details you require. If you need anything else please let me know.

Sincerely,

Dale Malcomb

Purchasing Coordinator

Director of Information Technology

Phone: (304) 254-7858

Cell: (304) 222-9252

dmalcomb@wvpublic.org

West Virginia Public Broadcasting

"Telling West Virginia's Story"

www.wvpublic.org

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