

**From:** Sheets, Mike - Purchasing  
**Sent:** Monday, August 26, 2019 6:31 PM  
**To:** Dmalcomb <[Dmalcomb@WVPublic.org](mailto:Dmalcomb@WVPublic.org)>  
**Cc:** Whittaker, Frank M <[Frank.M.Whittaker@wv.gov](mailto:Frank.M.Whittaker@wv.gov)>; Nisbet, Guy L <[Guy.L.Nisbet@wv.gov](mailto:Guy.L.Nisbet@wv.gov)>; Gale, Stephanie L <[Stephanie.L.Gale@wv.gov](mailto:Stephanie.L.Gale@wv.gov)>; Steven Grindstaff <[sgrindstaff@wvpublic.org](mailto:sgrindstaff@wvpublic.org)>; Totten, Mark L <[Mark.L.Totten@wv.gov](mailto:Mark.L.Totten@wv.gov)>  
**Subject:** RE: [External] Emergency request for another month of Lumos circuits.

Dale,

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

Regards,  
Mike

**From:** Dale Malcomb <[dmalcomb@wvpublic.org](mailto:dmalcomb@wvpublic.org)>  
**Sent:** Monday, August 26, 2019 6:16 PM  
**To:** Sheets, Mike - Purchasing <[William.M.Sheets@wv.gov](mailto:William.M.Sheets@wv.gov)>  
**Cc:** Whittaker, Frank M <[Frank.M.Whittaker@wv.gov](mailto:Frank.M.Whittaker@wv.gov)>; Nisbet, Guy L <[Guy.L.Nisbet@wv.gov](mailto:Guy.L.Nisbet@wv.gov)>; Gale, Stephanie L <[Stephanie.L.Gale@wv.gov](mailto:Stephanie.L.Gale@wv.gov)>; Steven Grindstaff <[sgrindstaff@wvpublic.org](mailto:sgrindstaff@wvpublic.org)>  
**Subject:** [External] Emergency request for another month of Lumos circuits.

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and are expecting the content. -- WV Office of Technology

Mike:

We were all hoping our solicitation would get awarded in time to be active by September 1st, but it appears it won't. I believe Segra could reconfigure their existing circuits in a day or two, but it doesn't appear we will have a CPO in time.

Attached is a request to make an emergency purchase of another month of our existing circuits. I certainly hope this is the last one we will need.

As always, thank you for your attention to this. We appreciate it.

Sincerely,

Dale Malcomb

Purchasing Coordinator

Director of Information Technology

Phone: (304) 254-7858

Cell: (304) 222-9252

[dmalcomb@wvpublic.org](mailto:dmalcomb@wvpublic.org)

## West Virginia Public Broadcasting

**"Telling West Virginia's Story"**

[www.wvpublic.org](http://www.wvpublic.org)

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

August 26th, 2019

Dale Malcomb  
Purchasing Director  
Phone: (304) 254-7858  
Cell: (304) 222-9252  
Email: [DMalcomb@WVPublic.Org](mailto: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 31<sup>st</sup>, 2018. We are currently working under an emergency purchase for these services which you granted us through August 31st, 2019. We solicited bids for these circuits under CRFQ 0439 EBA20\*2. The bids have been received, an award letter has been issued, but there is still no CPO allowing us to begin a new contract. At this time there is no way to put the new contract into effect before our current emergency purchase expires.

These circuits are essential to our agency. 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 an approval to purchase an additional 30 days of service under the same terms and conditions as CCT EBA15\*1. This has been a rather lengthy process, but we sincerely believe that this emergency purchase will see us to the new contract. I have attached an approval from the CTO for this purchase.

The monthly costs of the circuits for which we are seeking this approval are \$6,658.95. We have an underwriting agreement with Lumos that decreases our costs for these circuits to \$2,500.00 per month.

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 Guy Nisbet, Buyer Supervisor, 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](mailto: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 31<sup>st</sup>, 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 30<sup>th</sup>, 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



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](mailto:Consulting.Services@wv.gov).