

RE: Additional Information RE: Confidential - HarpData

Kuzma, Nathaniel <NKuzma@buffaloschools.org>

Tue 12/3/2019 12:10 PM

To: Fanton, Richard J <RJFanton@buffaloschools.org>; Pritchard, Geoffrey <GPritchard@buffaloschools.org>; Soler, Anibal <ASoler@buffaloschools.org>

Thanks, Rik. It is my understanding that this rec has been approved by the Board and we have a contract. We do have a 30 day notice requirement to get out of the Contract. Prior to doing so, I suggest we discuss the matter with Dr. Cash to get him feedback as cancelling the Contract will create some noise. We also have a to CTO starting soon, and they may want to review this to determine if it conforms with the District's IT Plan and the direction she wants to take the Department.

Nate

Nathaniel J. Kuzma

General Counsel
Buffalo Public Schools
717 City Hall, 65 Niagara Sq.
Buffalo, New York 14202
Ph. 716-816-3671
Fax: 716-851-3030
njkuzma@buffaloschools.org

From: Fanton, Richard J**Sent:** Tuesday, December 03, 2019 7:07 AM**To:** Kuzma, Nathaniel; Pritchard, Geoffrey; Soler, Anibal**Subject:** Additional Information RE: Confidential - HarpData

All,

Nate thanks you for the response; some additional background data below.

Not sure if everyone is aware of this or not, but HarpData was the winner of the SECOND bid for this.

The initial RFP had only one responsible bidder (which was not HarpData) and IT made the determination that it should be re-bid. HarpData was deemed non-responsive due to their failure to provide a bid bond or other surety.

I also have an e-mail from a potential respondent that states "I feel compelled to urge the avoidance of the technical implementation this RFP is requesting". In other words he does not feel the RFP as defined would result in a successful implementation.

With that said it appears that the primary difference between RFP#1 and RFP#2 was the removal of the performance bond requirement in RFP#2....John has no idea why this was done, and unfortunately, no one currently working for the District was involved in the decision. HarpData's second proposal was identical to their first; which makes me believe that the technical specs from RFP#1 to RFP#2 were unchanged.

So from where I sit:

- We have 1 potential bidder who did not bid because they felt the project was technically flawed
- Our primary risk hedge was removed
- I have concerns about the fiscal stability of the vendor

(please note I didn't even mention the ex-employee aspect)

We have a \$1.3M dollar project that I have doubts our vendor can deliver...and even if they do we have an indicator that it may not work....and we have no hedge against either the failure of the vendor or the project.

I absolutely think we need to step back, have someone from outside evaluate the technical aspects of the plan and re-bid the whole project WITH the performance bond requirement. I would rather delay this and get it right... than move forward and waste \$1.3M.

My \$0.02.

Regards

Richard Fanton
Director of Purchase
Buffalo Board of Education
716-816-4107
rjfanton@buffaloschools.org

From: Kuzma, Nathaniel
Sent: Monday, December 02, 2019 9:00 PM
To: Pritchard, Geoffrey <GPritchard@buffaloschools.org>; Fanton, Richard J <RjFanton@buffaloschools.org>; Soler, Anibal <ASoler@buffaloschools.org>
Subject: RE: Confidential - HarpData

Geoff:

It certainly would be an issue if we had evidence that members of the evaluation team were working with HARP during the procurement process because they employed the former CTO. If we have evidence of that, we should scrap it and rebid. Absent evidence, I do not think employing the former CTO in and of itself is a fatal issue. In order for it to be, we would need that made explicit in the solicitation (no employment of former employees of less than a year for example) or we would need to have a commitment from the former employee not to work with any vendors of the District for a period of time.

Nate

Nathaniel J. Kuzma
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[njkuзма@buffaloschools.org](mailto:njkuzma@buffaloschools.org)

From: Pritchard, Geoffrey
Sent: Monday, December 02, 2019 12:33 PM
To: Fanton, Richard J; Soler, Anibal
Cc: Kuzma, Nathaniel
Subject: RE: Confidential - HarpData

Rik,

you should speak to them and see if you can get some handle on how the invoicing will work and see if you can get a handle on their capacity.

Nate,

anything we should do with respect to the possibility that HARP is employing our former CTO, who was integral starting the original RFP process, and certainly close with the members of the evaluation team? I don't know that this is an established fact, and maybe he is just helping out to see things through, but it is a concern at least with respect to appearances, if not providing direct assistance in preparing their proposal.

thanks.

Geoffrey F Pritchard, CPA, Chief Financial Officer
Buffalo Public Schools, 708 City Hall, Buffalo, NY 14202
Phone: 716-816-3032 Fax: 716-851-3650

From: Fanton, Richard J
Sent: Sunday, December 01, 2019 10:24 AM
To: Soler, Anibal; Pritchard, Geoffrey
Cc: Kuzma, Nathaniel
Subject: Confidential - HarpData

Hello Anibal / Geoff,

Please see e-mail below; HarpData is requesting "net 15" payment terms...which I am going to reject.

I've got some real concerns about their cash flow; I can't quantify this, but they are giving me a gut feeling I'm really not liking. I would consider this the second indication that they are concerned about their ability to float our contract with them; the first indicator being the effective "pre-payment" they requested in the rejected contract draft.

And in our infinite wisdom we EXPLICITLY rejected a Performance Bond for this RFP.

So we have a vendor with NO history with the district, that I have been told is employing our old CTO, and the RFP they won explicitly removes one of our primary risk management hedges.....

As I understand it any time we require a performance bond we actually cover the cost; they secure the bond and bill us for it.

Do we still have the opportunity to get one in this instance? In my mind if we are paying for it it should be a non-issue....the cost of the Bond would not have affected the selection of HarpData; their Bid was so much lower than the others it would have made any bonding cost negligible in terms of the evaluation.

Thoughts?

Rik

From: Accountspayable
Sent: Wednesday, November 27, 2019 2:23 PM

To: Fanton, Richard J
Cc: Carbone, Juliette M; Galante, Stephen
Subject: FW: Vendor Application

FYI got this in the AP email. net 15 is not possible. not sure what the contract says or if you can send our standard language.

Accounts Payable- Buffalo Board of Education
(716)816-3683
818 City Hall
Buffalo, NY 14202

From: Felisha Smith [Felisha@harpdata.com]
Sent: Wednesday, November 27, 2019 1:57 PM
To: Accountspayable
Subject: FW: Vendor Application

Good Afternoon,

I've notice that there is no net terms set with BPS in our contract agreement. I would like to establish net terms before I invoice. We normally invoice at net 15. Please advise what needs to be done to establish net terms.

Thank you !



FELISHA SMITH

Accountant

716-309.3408
felisha@harpdata.com
www.harpdata.com

285 Delaware Ave Suite 120
Buffalo, NY 14202



From: Erica Tyler <erica.tyler@harpdata.com>
Date: Monday, October 21, 2019 at 3:04 PM
To: Felisha Smith <Felisha@harpdata.com>
Subject: FW: Vendor Application

From: "Colston, Talisha" <TColston@buffaloschools.org>
Date: Monday, September 9, 2019 at 1:07 PM
To: Erica Tyler <erica@harpdata.com>
Subject: Vendor Application

Good afternoon Erica,

Please complete and send back the attached vendor application and W9 form.

Thank you

Talisha Colston
Assistant Management Analyst/ IT Department
City Hall Room 807
Buffalo, NY 14202
p. 716-816-3143
f. 716-851-3916
email: tcolson@buffaloschools.org

From: Colston, Talisha
Sent: Friday, September 06, 2019 3:46 PM
To: Stockmeyer, Eric <EStockmeyer@buffaloschools.org>
Subject: RE: Re: BPS Community Wireless Contract

Hi Eric,

Can you please send me the completed RFP

Thank you

From: Stockmeyer, Eric <EStockmeyer@buffaloschools.org>
Sent: Wednesday, September 04, 2019 8:59 AM
To: Colston, Talisha <TColston@buffaloschools.org>
Subject: Fwd: Re: BPS Community Wireless Contract

Hello Talisha,

Please look at the proposed SOW from Harp Data for Connected Communities and see how it can be incorporated into our standard contract template. I want to see what is missing.

Also, can you send over the form to Harp to be added as a vendor in MUNIS.

Thanks

Eric Stockmeyer
Project Administrator for Information Technology
Buffalo City School District
807 City Hall
Buffalo, NY 14202

----- Forwarded message -----

From: Erica Tyler <erica.tyler@harpdata.com>
Date: Sep 3, 2019 3:48 PM
Subject: Re: BPS Community Wireless Contract
To: "Stockmeyer, Eric" <EStockmeyer@buffaloschools.org>
Cc: Ivory Robinson <ivory@harpdata.com>

Hi Eric,

Hope you have a relaxing and enjoyable holiday as well. The document as requested is attached.

We also need to get ourselves registered and in your system as vendors. Would you be able to send those documents over so that I can get those completed?

That way we are moving as quickly as possible on both ends. 😊

Kind regards,

Erica M Tyler
Chief Operating Officer
Mobile | Text: 716.374.0022 Fax: 716.328.0013
erica@harpdata.com | www.harpdata.com

From: "Stockmeyer, Eric" <EStockmeyer@buffaloschools.org>
Date: Tuesday, September 3, 2019 at 7:15 AM
To: Erica Tyler <erica.tyler@harpdata.com>
Cc: Ivory Robinson <ivory@harpdata.com>
Subject: Re: BPS Community Wireless Contract

Good Morning Erica,

I hope you had an enjoyable holiday weekend. We had a productive conversation with Ivory and his team on Friday. At that meeting he said that you have the first draft of the statement of work completed and ready for review. Please forward a copy so I can give initial feedback. I have found this to be the most productive way to move a contract forward in the BPS approval process as quickly as possible.

Thanks

Eric Stockmeyer
Project Administrator for Information Technology
Buffalo City School District
807 City Hall
Buffalo, NY 14202

Sent from my Verizon Motorola Smartphone

On Aug 23, 2019 10:14 AM, Erica Tyler <erica.tyler@harpdata.com> wrote:

Hi Eric,

Hope all is well.

I am following up on the BPS Community Wireless Contract. I am not sure of the final actions as a result of the protest; however, I want to make sure we are getting things going so that we can get this project kicked-off.

Based on our last discussion, HarpData is waiting for the contract to be sent by BPS to start negotiations. That contract can be sent right to my email address erica.tyler@harpdata.com.

I also believe we need to get some vendor information filled out for you. Are you able to provide the forms needed or do you have the contact information for the individual that would handle that, if necessary?

Respectfully,
Erica M Tyler

Mobile | Text: 716.374.0022 Fax: 716.328.0013

erica@harpdata.com | www.harpdata.com



From: Erica Tyler <erica.tyler@harpdata.com>

Date: Tuesday, July 30, 2019 at 1:55 PM

To: "Stockmeyer, Eric" <ESTockmeyer@buffaloschools.org>

Cc: Ivory Robinson <ivory@harpdata.com>

Subject: BPS Community Wireless Contract

Hi Eric,

Hope all is well.

After our call last Tuesday, July 23, 2019, we discussed the following:

- HarpData Vendor Information – When we did a check there was no information for us in the system
- Contract Negotiation – During our discussion, I believe it was mentioned that we would need to wait for the steering committee meeting (8/5) before contract negotiations.

I am still in need of the Vendor Documents that need to be completed so we do not disrupt the administrative side of the house.

Also, after speaking with Ivory, he indicated that Anibal stated that the steering committee is was an advisory board that we have to report to and shouldn't disrupt our contract negotiations.

Can we touch base to discuss getting these items going. I have the following availability:

Wednesday, July 31, 2019 – 9:00-11:00; 2:00-3:30

Thursday, August 1, 2019 - 9:00-10:00; 2:00-3:00

Friday, August 2, 2019 – 10:00-12:00

Respectfully,

Erica M Tyler

Chief Operating Officer

Mobile | Text: 716.374.0022 Fax: 716.328.0013

erica@harpdata.com | www.harpdata.com



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