

INDIANA STATEWIDE 911 BOARD

RESOLUTION NO. 2019-4

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
INDIANA STATEWIDE 911 BOARD DETERMINING THE AMOUNT OF
ADJUSTMENT TO THE MONTHLY RECURRING CHARGES PAID
TO INDIGITAL**

WHEREAS, the Indiana Statewide 911 Board (the "Board") is a separate public body corporate and politic of the State of Indiana (the "State") created and existing under the authority of IND. CODE § 36-8-16.7-24;

WHEREAS, the Board is responsible for overseeing the statewide 911 system and the statewide 911 fund;

WHEREAS, on February 15, 2019, INdigital, one of the vendors under contract to build out and implement the NG911 network, experienced an outage as a result of a network failure within its system;

WHEREAS, the Board established a Systems Review Committee (the "Committee") pursuant to Resolution 2019-2 to exercise the Board's responsibilities with respect to reviewing the outage report and analysis prepared by the Board's consultants (the "Report") and to make certain recommendations for Board actions as permitted by the Contract for Services, dated July 13, 2015 (the "Contract"), between the Board and INdigital to the full Board;

WHEREAS, one of the actions the Board is permitted to take pursuant to the Contract is to make an adjustment to the monthly recurring service costs paid to INdigital as set forth in Exhibit B to the Contract ("Monthly Recurring Charges"), in the event one of the systems or services provided by INdigital experiences a Critical or Major Event (as defined in Section 2 of the Service Level Agreements ("SLAs"));

WHEREAS, as outlined in the Report, the Board's consultants determined INdigital's system and services experienced a Critical Outage on February 15, 2019;

WHEREAS, the Committee met on July 26, 2019 and again on August 30, 2019 to consider whether it is appropriate to adjust the Monthly Recurring Charges as a result of the outage, and, if so, the appropriate amount of such adjustment;

WHEREAS, the Committee recommended to the full Board on September 10, 2019 to impose an adjustment to the Monthly Recurring Charges, and also made a recommendation regarding the appropriate amount of such adjustment;

WHEREAS, the Board considered the Committee's recommendations on September 10, 2019, and, pursuant to Resolution 2019-3, voted to impose an adjustment to the Monthly Recurring Charges paid to INdigital; and

WHEREAS, the Board now desires to determine the specific amount of such adjustment to the Monthly Recurring Charges.

NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA STATEWIDE 911 BOARD, THAT:

Section 1. Determination of Specific Amount of Adjustment to Monthly Recurring Charges. Pursuant to Sections 1 and 2 of the SLAs included in Exhibit A to the Contract, the Board hereby determines that the Monthly Recurring Charges paid to INdigital under the Contract shall be reduced in an amount equal to 51% of the Monthly Recurring Charges paid in one month, as a result of the February 15, 2019 outage. The Board finds such adjustment reasonable based on the findings in the Report, the duration of the outage, the number of calls dropped, statements from stakeholders and other circumstances surrounding the outage.

Approved and adopted this 10th day of September, 2019, in Indianapolis, Indiana.



Kelly M. Mitchell, Board Chairperson

ATTEST:



Edward Reuter, Executive Director