

21827

Date: September 20, 2011

To: Board of Acquisition and Contract

From: Marguerite Beirne
Chief Information Officer

Mary Mahon
Director of Real Estate

Re: Authority to amend the license agreement (IT-558) with the American Towers, Inc. in order to update the engineering details to reflect the extension of the radio tower and the new type and location of the County's equipment installed at the radio tower and to change the name from American Towers, Inc. to American Towers, LLC

On December 24, 2003 your Honorable Board approved a resolution which authorized the County of Westchester to enter into a license agreement ("Agreement") with American Towers, Inc., Delaware for the installation and operation of radio equipment and antennas at their radio tower located Pinesbridge Road in Ossining, New York, for a five year period commencing on April 1, 2004 for an annual license fee of \$9,600, with a 4% annual increase, and a \$2,000 one time site inspection fee. The Agreement was subsequently executed.

On February 9, 2006 your Honorable Board approved a resolution which authorized an amendment to the Agreement in order to increase the number of antennas from four (4) to eight (8), as well as to install a shelter and generator at the radio tower site. In addition, the annual rent was increased to \$28,800 with a 4% increase each year. The First Amendment was subsequently executed.

On December 23, 2008 your Honorable Board approved a resolution which authorized the County to renew the Agreement for a five year period commencing on April 1, 2009, for a monthly fee of \$2,735.67 with a 4% annual increase on each July 1st. All other terms and conditions of the Agreement, as amended remained the same.

Authorization is now sought to amend the Agreement (IT-558) in order to update the engineering details to reflect the extension of the radio tower and the new type and location of the County's equipment installed at the radio tower. Additionally, authority is sought to change the name of American Towers, Inc. to American Towers, LLC. The County was advised that a Certificate of Conversion was filed in the office of the Delaware Secretary of State effective June 30, 2011. All other terms and conditions of the Agreement, as amended, shall remain unchanged and in full force and effect.

The space rented from American Towers houses radio equipment used by the Departments of Emergency Services and Public Safety to dispatch Fire, EMS, and Police personnel, and by the Department of Public Works and Transportation to coordinate operation of the Bee Line bus system. This critical radio infrastructure serves a public purpose in that it is used by first responders and other government personnel to protect the safety of life and property and deliver vital services to the citizens of Westchester County.

The goal and objective of the requested amendment is to continue use of a radio tower site that best covers the surrounding area in order to ensure that County Fire, EMS, Police, and Bee Line radio systems operate reliably in this area. The Department of Information Technology (DoIT) and the Department of Emergency Services monitor the operation of radio systems housed at the Ossining site in order to ensure that the site continues to best suit the County's needs, and DoIT audits invoices in order to ensure that they comply with the terms of the Agreement.

Approval of the attached resolution by your Honorable Board is requested.

RESOLUTION

Upon a communication from the Chief Information Officer, and the Real Estate Director, be it hereby

RESOLVED, that the County of Westchester is authorized to amend Contract IT-558 with American Towers, Inc., Delaware, Licensor, for the operation of radio equipment and antennas at their radio tower on Pinesbridge Road in Ossining, New York in order to change the name of the Licensor, from American Towers, Inc. to American Towers, LLC, and to update the engineering details to reflect the extension of the radio tower and the new type and location of the County's equipment installed at the radio tower; and be it further

RESOLVED that all other terms and conditions of the Agreement, as amended, shall remain unchanged and in full force and effect; and be it further

RESOLVED that the County Executive or his duly authorized designee is hereby authorized to execute and deliver any and all documents and to take all action necessary and appropriate to effectuate the purposes hereof.

Agreement # IT-558

Original Agreement	\$ 9,984
First Amendment	\$ 19,200
Renewal	\$183,141
This Amendment	\$ <u>0</u>
TOTAL	\$212,325

Account to be Chrgd./Credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
						N/A

Budget Funding Year(s) _____ Start Date _____ End Date _____
 (must match resolution)

Funding Source Tax Dollars _____ N/A _____

State Aid _____

\$ N/A Federal Aid _____
 (must match resolution)

Other _____