

24745

DATE: February 8, 2012

TO: Board of Acquisition and Contract

FROM: George N. Longworth, Commissioner-Sheriff  
Department of Public Safety

RE: Resolution amending a resolution authorizing the County of Westchester, acting through its Department of Public Safety, to enter into an Agreement with Aircell Business Aviation Services LLC, for satellite phone voice/data service for the ST-3100 Satellite phone installed in the Bell 407 helicopter, for a term commencing September 16, 2011, and terminating September 15, 2016, for an amount not to exceed Five Thousand (\$5,000.00) Dollars by removing the term dates and not-to-exceed amount

Authority was requested and granted by your Honorable Board by a resolution dated October 13, 2011 for the County of Westchester, acting through its Department of Public Safety, to enter into an Agreement with Aircell Business Aviation Services LLC ("Aircell") for satellite phone voice/data service for the ST-3100 satellite phone installed in the Bell 407 helicopter, for a term commencing September 16, 2011, and terminating September 15, 2016, for an amount not to exceed Five Thousand (\$5,000.00) Dollars, payable monthly as invoiced. Thereafter, Aircell informed the County that it is unable to enter into or revise its form agreement to accept the County's term and not-to-exceed amount.

Despite this difficulty, the Department of Public Safety seeks to use Aircell's services because there is always a possibility that an alternate method of communication is needed in the event traditional phone service is disrupted or lost. After lengthy negotiations, AirCell agreed to a sign a rider to the agreement which permits the County to terminate the agreement upon thirty (30) days notice and also states that the agreement is subject to County appropriations, as required by Section 161.11 of the County Charter. Aircell will invoice the Department on a monthly basis at the current rate of service.

By prior resolution, duly adopted by your Honorable Board, it was determined that compliance with the procedures of the Westchester County Procurement Policy was not in the best interest of the County

The goals and objectives of this Agreement are to provide reliable and secure communications to aviation crews which will enable them to fulfill the mission of the Department of Public Safety and other emergency service agencies in Westchester County during emergency and disaster situations.

This program will support public safety and/or welfare by insuring that the Aviation Unit can communicate with police, fire, and emergency management officials even during disasters or other incidents that disrupt regular radio service. The need for this service was discovered during Hurricane Katrina, when traditional radio and telephone communications were disrupted.

Accomplishment of the goals and objectives of this program will be tracked and monitored by routine audits of policy and practices by the Department of Public Safety's Special Operations Division's

Commanding Officer and standard reviews of departmental activity by the Commissioner and/or his designee.

Authority is respectfully sought for the County to enter into this Agreement.

APPROVED BOARD OF ACQUISITION & CONTRACT - 03/01/2012 - JOMARY VIEIRA, SECRETARY

RESOLUTION

Upon a communication from the Commissioner-Sheriff of the Department of Public Safety,  
be it hereby

**RESOLVED**, that a resolution dated October 13, 2011 of the Board of Acquisition and Contract authorizing the County of Westchester, acting through its Department of Public Safety to enter into an Agreement with Aircell Business Aviation Services LLC (“Aircell”) pursuant to which Aircell would provide satellite phone voice/data service for the ST-3100 satellite phone installed in the Bell 407 helicopter for a term commencing September 16, 2011, and terminating September 15, 2016, for an amount not to exceed Five Thousand (\$5,000.00) Dollars, payable monthly as invoiced is hereby amended to remove the dates and not-to-exceed amounts. Aircell will invoice the Department on a monthly basis at the current rate of service, and the agreement will be terminable by the County upon thirty (30) days notice; and be it further

**RESOLVED**, that this Agreement is subject to County appropriations; and be it further

**RESOLVED**, that this Agreement is also subject to further financial analysis of the impact of any New York State Budget (the “State Budget”) proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed budget of the State of New York and/or the adoption of the State budget or any amendments thereto, and after the County has a reasonable period of time to conduct an analysis of the impacts of such budget(s) on County finances, to terminate the agreement authorized herein or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to Aircell, Inc., then Aircell, Inc. shall have the right to terminate the agreement upon reasonable prior written notice; and be it further

**RESOLVED**, that the County Executive or his duly authorized designee is authorized and empowered to execute and deliver all instruments and take all actions necessary or appropriate to effectuate the purposes hereof.

Account to be Charged	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub Object	Dollars
Year 2011	101	38	2000	4380	\$ 250
Year 2012	101	38	2000	4380	\$1,000
Year 2013	101	38	2000	4380	\$1,000
Year 2014	101	38	2000	4380	\$1,000
Year 2015	101	38	2000	4380	\$1,000
Year 2016	101	38	2000	4380	\$ 750

Budget Funding Year(s) 2011 - 2016 Start Sept 16, 2011 End Date Sept 15, 2016

Funding Source      Tax Dollars:           \$5,000            
                                  State Aid:                                     
                                  Federal Aid:                                     
                                  Other: