

37218

DATE: November 26, 2013

TO: Board of Acquisition and Contract

FROM: John B. McCaffrey,
Chief Information Officer

Mary Mahon,
Senior Assistant to County Executive/Director
of Real Estate

RE: AUTHORIZATION TO ENTER INTO A LICENSE AGREEMENT (IT-1324) WITH ENTERGY NUCLEAR OPERATIONS, INC., SOLELY AS AGENT FOR INDIAN POINT ENERGY CENTER 2, LLC AND INDIAN POINT ENERGY CENTER 3, LLC FOR THE CONTINUED INSTALLATION, OPERATION AND MAINTENANCE OF THE LICENSEE'S RADIO EQUIPMENT AT THE COUNTY'S GRASSLANDS RADIO TOWER, VALHALLA, NEW YORK, FOR A FIVE YEAR PERIOD COMMENCING JUNE 1, 2012 AND TERMINATING MAY 31, 2017 FOR AN ANNUAL FEE IN THE FIRST YEAR OF \$38,288.50, WHICH FEE WILL INCREASE YEARLY BY FIVE (5%) PERCENT

BACKGROUND:

- Entergy Nuclear Operations, Inc. solely as agent for Indian Point Energy Center 2, LLC and Indian Point Energy Center 3, LLC ("Entergy") has radio equipment at the County's Grasslands Radio Tower, Valhalla, New York site and has been utilizing these facilities since 2007.
- This license agreement (the "License") enables Entergy to continue its operation of the existing equipment and antennas at the Grasslands Radio Tower site, and also allows for the installation of new equipment.
- The License shall commence June 1, 2012 (the "Commencement Date") and shall have a term of five (5) years. Entergy, at its sole option, may renew the License for an additional five (5) year term upon ninety (90) days prior written notice to the County.
- During the term of the License, Entergy shall pay to the County annual License fees in the amount of Thirty-Eight Thousand Two Hundred Eighty-Eight Dollars and 50/100 (\$38,288.50). Such fees shall be payable in monthly installments equal to one-twelfth (1/12) of the annual fee beginning at the Commencement Date. The monthly fee that Licensee shall pay to the County for the first year of this License equals Three Thousand One Hundred Ninety Dollars and 71/100 (\$3,190.71). The annual License fee will automatically increase by five percent (5%) each year on the anniversary of the Commencement Date.
- Entergy shall pay the County a fixed fee of Seventy-Seven Dollars and 51/100 (\$77.51) per month for the cost of electricity consumed by operation of its Equipment at the Site. In the event the rate that the County pays for electricity increases, Entergy will be responsible to pay the increased amount.

- This agreement is exempt from the Westchester County procurement policy pursuant to section 3(b) which provides: “This policy shall not apply to real property leases, licenses and concessions.”

ACTION REQUESTED:

- Authorization to enter into a license agreement (IT-1324) with Entergy Nuclear Operations, Inc. solely as agent for Indian Point Energy Center 2, LLC and Indian Point Energy Center 3, LLC having a place of business located at 450 Broadway, Buchanan, NY 10511, for the operation of radio equipment at the County’s Grasslands Radio Tower in Valhalla, New York, for a five year period commencing June 1, 2012 and terminating May 31, 2017, for an annual fee of \$38,288.50 for the first year of the license agreement which will increase annually by five percent (5%) on the anniversary of the Commencement Date. In addition, Entergy shall pay the County \$77.51 per month for the cost of electricity consumed.

Accordingly, the attached resolution is submitted for your consideration.

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/19/2013 JUAN P. VEIRA, SECRETARY

RESOLUTION

UPON A COMMUNICATION FROM THE CHIEF INFORMATION OFFICER, DEPARTMENT OF INFORMATION TECHNOLOGY, AND THE SENIOR ASSISTANT TO COUNTY EXECUTIVE/ DIRECTOR OF REAL ESTATE, BE IT HEREBY

RESOLVED, that the County of Westchester is hereby authorized to enter into a license agreement (IT-1324) with Entergy Nuclear Operations, Inc. solely as agent for Indian Point Energy Center 2, LLC and Indian Point Energy Center 3, LLC ("Entergy") for the continued operation by Entergy of its existing equipment and antennas at the Grasslands Radio Tower site, and also for the installation of new equipment, for a five (5) year term commencing June 1, 2012 (the "Commencement Date"); and be it further

RESOLVED, that Entergy, at its sole option, may renew the License for an additional five (5) year term upon ninety (90) days prior written notice to the County; and be it further

RESOLVED, that Entergy shall pay to the County an annual License fee in the amount of Thirty Eight Thousand Two Hundred Eighty-Eight Dollars and 59/100 (\$38,288.50) for the first year of the license which annual license fee will automatically increase by five percent (5%) each year on the anniversary of the Commencement Date; and be it further

RESOLVED, that Entergy shall pay the County a fixed fee of Seventy-Seven Dollars and 51/100 (\$77.51) per month for the cost of electricity consumed by operation of its Equipment at the Site, and in the event the rate that the County pays for electricity increases, Entergy will be responsible to pay the increased amount.

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.

Contract Number IT-1324
 Account to be Charged/Credited:

Year	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars
2012	101	16	6000	9065		\$22,334.96
2012	101	46	3300	9107		\$542.57
2013	101	16	6000	9065		\$39,405.22
2013	101	46	3300	9107		\$930.12
2014	101	16	6000	9065		\$ 41,375.45
2014	101	46	3300	9107		\$930.12
2015	101	16	6000	9065		\$ 43,444.23
2015	101	46	3300	9107		\$930.12
2016	101	16	6000	9065		\$ 45,616.44
2016	101	46	3300	9107		\$930.12
2017	101	16	6000	9065		\$19,391.60
2017	101	46	3300	9107		\$387.55

Budget Funding Year(s): 2012-2017 Start Date: June 1, 2012 End Date: May 31, 2017
 (must match resolution)

Funding Source Tax Dollars: _____
 State Aid _____
 Federal Aid _____
 Other: Revenue \$ 216,218.50

\$ 216,218.50
 (must match resolution)

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/19/2013 DOMARY VIEIRA, SECRETARY