

38804

DATE: February 28, 2014

TO: Board of Acquisition and Contract

FROM: John B. McCaffrey,
Chief Information Officer

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

RE: AUTHORIZATION TO ENTER INTO A LICENSE AGREEMENT (IT-1326) WITH T-MOBILE USA INC., FOR THE CONTINUED INSTALLATION, OPERATION AND MAINTENANCE OF THE LICENSEE'S RADIO EQUIPMENT AT THE COUNTY'S RADIO COMMUNICATION SITE FACILITIES AT 3800 CROMPOND ROAD, YORKTOWN, NEW YORK, FOR A FIVE YEAR PERIOD COMMENCING SEPTEMBER 25, 2012 AND TERMINATING SEPTEMBER 24, 2017 FOR AN ANNUAL FEE IN THE FIRST YEAR OF \$43,980.72, WITH AN ANNUAL INCREASE OF FIVE PERCENT (5%) UPON EACH ANNIVERSARY DATE

BACKGROUND:

- T-Mobile USA Inc. ("T-Mobile") has radio equipment at the County's radio communication site facilities at 3800 Crompond Road, Yorktown, New York and has been utilizing these facilities since 2002.
- This license agreement (the "License") enables T-Mobile to continue its operation of the existing equipment and antennas at the Yorktown site, and also allows for the installation of new equipment.
- The License shall commence September 25, 2012 (the "Commencement Date") and shall have a term of five (5) years. T-Mobile, 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.
- Both parties have the right to terminate on six (6) month's written notice to the other.
- During the term of the License, T-Mobile shall pay to the County annual License fees in the amount of Forty-Three Thousand Nine Hundred Eighty and 72/100 (\$43,980.72) Dollars. 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 Six Hundred Sixty-Five and 06/100 (\$3,665.06) Dollars. The annual License fee will automatically increase by five percent (5%) each year on the anniversary of the Commencement Date.

- This agreement is in the best interest of the County since it produces revenue and helps cellular carriers improve cell coverage in the Yorktown area.
- 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-1326) with T-Mobile USA Inc. for the operation of radio equipment at the County’s radio communication site facilities at 3800 Crompond Road, Yorktown, New York, for a five year period commencing September 25, 2012 and terminating September 24, 2017, for an annual fee of \$43,980.72 for the first year of the license agreement, which will increase annually by five percent (5%) on the anniversary of the Commencement Date.

Accordingly, the attached resolution is submitted for your consideration.

APPROVED BOARD OF ACQUISITION & COMMERCE - 03/27/2014 - JOMARY VIEIRA 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-1326) with T-Mobile USA Inc. ("T-Mobile") for the continued operation by T-Mobile of its existing equipment and antennas at the County's radio communication site facilities at 3800 Crompond Road, Yorktown, New York, and also for the installation of new equipment, for a five (5) year term commencing September 25, 2012 (the "Commencement Date"); and be it further

RESOLVED, that T-Mobile, 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 both parties have the right to terminate on six (6) month's written notice to the other; and be it further

RESOLVED, that T-Mobile shall pay to the County an annual License fee in the amount of Forty-Three Thousand Nine Hundred Eighty and 72/100 (\$43,980.72) Dollars 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 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-1326
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		\$14,660.24
2013	101	16	6000	9065		\$44,713.72
2014	101	16	6000	9065		\$46,949.40
2015	101	16	6000	9065		\$49,296.92
2016	101	16	6000	9065		\$51,761.80
2017	101	16	6000	9065		\$35,639.28

Budget Funding Year(s): 2012-2017 Start Date: September 25, 2012 End Date: September 24, 2017
(must match resolution)

Funding Source Tax Dollars: _____
State Aid _____
\$234,021.36 Federal Aid _____
(must match resolution) Other: Revenue \$243,021.36