

38881

March 5, 2014

To: Board of Acquisition and Contract

From: Kathleen M. O'Connor
Commissioner of Parks, Recreation and Conservation

Re: **Resolution authorizing the County of Westchester to enter into an agreement with MCImetro Access Transmission Services, LLC for a license to operate and maintain two fiber optic conduits beneath the Bronx River Parkway for a five (5) year term commencing on March 30, 2014**

Authority is requested for the County of Westchester to enter into a five-year agreement with MCImetro Access Transmission Services, LLC ("MCImetro"), 2400 North Glenville Drive, Richardson, Texas 75082 for a license to maintain and operate two fiber optic conduits consisting of four (4) 1 1/4" Quad-Duct of approximately 1,345 linear feet under the Bronx River Parkway in the vicinity of Virginia Road in North White Plains. The term of the agreement will be March 30, 2014 through March 29, 2019.

For this privilege, MCImetro will pay the following annual license fees to the County:

| <u>Period</u> <u>Fee</u> | <u>Fee Per Linear Foot</u> | <u>License</u> |
|-----------------------------|----------------------------|----------------|
| 3/30/14 – 3/29/15 | \$7.99 | \$10,747 |
| 3/30/15 – 3/29/16 | \$8.23 | \$11,069 |
| 3/30/16 – 3/29/17 | \$8.48 | \$11,406 |
| 3/30/17 – 3/29/18 | \$8.73 | \$11,742 |
| 3/30/18 – 3/29/19 | \$8.99 | \$12,092 |

The public purpose of this agreement is to allow MCImetro to maintain and operate fiber optic cables which will benefit the residents of Westchester County. The goal of this agreement is to provide revenue to the County. The objective of this agreement will be tracked and monitored by revenue reports and interaction with staff from MCImetro.

This agreement is exempt from the Westchester County procurement policy pursuant

to Section 3(b), thereof.

Accordingly, approval of the attached resolution by your Honorable Board is most respectfully requested.

KOC/JMC

APPROVED BOARD OF ACQUISITION & CONTRACT - 03/27/2014 - JOMARY VIEIRA, SECRETARY

RESOLUTION

Upon a communication from the Commissioner of Parks, Recreation and Conservation, be it hereby

RESOLVED, that the County of Westchester is hereby authorized to enter into a license agreement with MCImetro Access Transmission Services, LLC, 2400 North Glenville Drive, Richardson, Texas 75082 to maintain and operate two (2) fiber optic conduits consisting of four (4) 1 1/4" Quad-Duct of approximately 1,345 linear feet under the Bronx River Parkway in the vicinity of Virginia Road in North White Plains; and be it further

RESOLVED, that the term of the license shall be March 30, 2014 through March 29, 2019; and be it further

RESOLVED, that in consideration for the privilege of this license, MCImetro shall pay to the County the following annual license fees:

| <u>Period</u> | <u>Fee Per Linear Foot</u> | <u>License</u> |
|-------------------|----------------------------|----------------|
| <u>Fee</u> | | |
| 3/30/14 – 3/29/15 | \$7.99 | \$10,747 |
| 3/30/15 – 3/29/16 | \$8.23 | \$11,069 |
| 3/30/16 – 3/29/17 | \$8.48 | \$11,406 |
| 3/30/17 – 3/29/18 | \$8.73 | \$11,742 |
| 3/30/18 – 3/29/19 | \$8.99 | \$12,092; |

and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized to take such action and execute such documents as may be necessary and proper to effect the purposes hereof.

Original Agreement \$57,056
 First Amendment \$
This Amendment \$
 TOTAL \$57,056

Agreement #

Account to be Charged/Credited

| Fund | Dept | Major Program, Program & Phase Or Unit | Object/ Sub-Object | Trust Account | Dollars | |
|------|------|--|--------------------|---------------|----------|------|
| 165 | 42 | 1100 | 9542 | | \$10,747 | 2014 |
| 165 | 42 | 1100 | 9542 | | \$11,069 | 2015 |
| 165 | 42 | 1100 | 9542 | | \$11,406 | 2016 |
| 165 | 42 | 1100 | 9542 | | \$11,742 | 2017 |
| 165 | 42 | 1100 | 9542 | | \$12,092 | 2018 |

Budget Funding Year(s) 2014-2018 Start Date 3/30/14 End Date 3/29/19
 (must match resolution)

Funding Source Tax Dollars _____

State Aid _____

\$ 57,056 Federal Aid _____

(must match resolution)

Other Revenue

APPROVED BY THE BOARD OF ACQUISITION & CONTRACT - 03/27/2014 - JOMARY VIEIRA, SECRETARY