

39988

DATE: April 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-1341) WITH SPRINT SPECTRUM, L.P., FOR THE CONTINUED INSTALLATION, OPERATION AND MAINTENANCE OF THE LICENSEE'S RADIO EQUIPMENT AT THE COUNTY'S RADIO COMMUNICATION SITE FACILITIES AT THE PUBLIC SAFETY HEADQUARTERS RADIO TOWER LOCATED AT 1 SAW MILL RIVER PARKWAY HAWTHORNE, NEW YORK, FOR A FIVE YEAR PERIOD COMMENCING JUNE 1, 2012 AND TERMINATING MAY 31, 2017 FOR AN ANNUAL FEE OF \$45,687.36 IN THE FIRST YEAR OF THE LICENSE AGREEMENT, WITH AN ANNUAL INCREASE OF FIVE PERCENT (5%) UPON EACH ANNIVERSARY DATE

---

BACKGROUND:

- Sprint Spectrum, L.P. ("Sprint") has radio equipment at the County's radio communication site facilities at the Public Safety Headquarters Radio Tower, located at 1 Saw Mill River Parkway, Hawthorne, New York and has been utilizing these facilities since 1998.
- This license agreement (the "License") enables Sprint to continue its operation of the existing equipment and antennas at the Hawthorne 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. Sprint, 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, Sprint shall pay to the County annual License fees in the amount of Forty-Five Thousand, Six Hundred Eighty-Seven and 36/100 (\$45,687.36) Dollars. Such fees shall be payable in monthly installments equal to one-twelfth (1/12) of the annual fee beginning on the Commencement Date. The monthly fee that the Licensee shall pay to the County for the first year of this License equals Three Thousand Eight Hundred Seven and 28/100 (\$3,807.28) 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 Hawthorne 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-1341) with Sprint Spectrum, L.P. for the operation of radio equipment at the County's radio communication site facilities at the Public Safety Headquarters Radio Tower, located at 1 Saw Mill River Parkway, Hawthorne, New York, for a five year period commencing June 1, 2012 and terminating May 31, 2017, for an annual fee of \$45,687.36 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 & CONTRACTS - 01/22/14 - 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-1341) with Sprint Spectrum, L.P. ("Sprint") for the continued operation by Sprint of its existing equipment and antennas at the County's radio communication site facilities at the Public Safety Headquarters Radio Tower located at 1 Saw Mill River Parkway, Hawthorne, New York, 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 Sprint, 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 Sprint shall pay to the County an annual License fee in the amount of Forty-Five Thousand, Six Hundred Eighty-Seven and 36/100 (\$45,687.36) 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-1341  
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		\$26,650.96
2013	101	16	6000	9065		\$47,019.88
2014	101	16	6000	9065		\$49,370.84
2015	101	16	6000	9065		\$51,839.40
2016	101	16	6000	9065		\$54,431.39
2017	101	16	6000	9065		\$23,138.85

Budget Funding Year(s): 2012-2017  
(must match resolution)

Start Date: June 1, 2012

End Date: May 31, 2017

Funding Source  
\$252,451.32  
(must match resolution)

Tax Dollars: \_\_\_\_\_  
State Aid \_\_\_\_\_  
Federal Aid \_\_\_\_\_  
Other: Revenue \$252,451.32