

40649

DATE: June 3, 2014

TO: Board of Acquisition and Contract

FROM: Jay T. Pisco, P.E.
Commissioner, Department of Public Works and Transportation

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

SUBJECT: Resolution authorizing the County of Westchester to enter into License Agreement #14-925 with the Town of Bedford in order to access the property located at 75 Guard Hill Road in the Town of Bedford, to undertake the design phase of the project to replace the existing radio tower, generator, and certain electrical equipment, for a one year term.

Authority is requested for the County of Westchester (the "County") to enter into a License Agreement with the Town of Bedford in order to access the property located at 75 Guard Hill Road in the Town of Bedford, to undertake the design phase of the project to replace the existing radio tower, generator, and certain electrical equipment. The Agreement shall commence upon execution and continue for a term of one (1) year or the date on which the design work is completed, if sooner. As consideration for the grant of the license, the County shall pay the sum of One (\$1.00) Dollar and shall, except for the amount, if any, of damage attributable to, caused by or resulting from the negligence of the Town of Bedford, indemnify and hold harmless the Town, its officers, employees and agents from and against any and all liability, claims, demands, costs, judgments, fees and attorneys' fees or loss arising directly or indirectly out of acts or omissions of the County, its employees, agents, contractors, and subcontractors. In connection with the design phase of the project, a separate resolution is being submitted seeking authority to enter into an agreement with the design consultant.

The proposed radio tower will support multiple communication antennas to be used by both the Westchester County Department of Emergency Services and the Department of Public Safety. The radio tower will be maintained by the Westchester County Department of Information Technology.

The goal and objective of the Agreement is to gain access to the property in order to carry out the design work. This Agreement will benefit the public as it will allow for the necessary design work to undertake this valuable project which will insure the uninterrupted and secure transmission of information during both normal and emergency situations, thus addressing the County Executive's priority area of Safety and Security. The Department of Public Works and Transportation will track scheduling and accomplishments by the consultant and perform on-site inspections to ensure the successful completion of this project.

The Agreement is exempt from the County of Westchester Procurement Policy and Procedures pursuant to Section 3(b), which states that this policy shall not apply to real property, leases, licenses and concessions.

I recommend the approval of the attached proposed Resolution.

JTP/MJM/TSA
Attachment

RESOLUTION

UPON A COMMUNICATION FROM THE COMMISSIONER OF THE DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION 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 with the Town of Bedford in order to access the property located at 75 Guard Hill Road in the Town of Bedford, to undertake the design phase of the project to replace the existing radio tower, generator, and certain electrical equipment. The Agreement shall commence upon execution and continue for a term of one (1) year or the date on which the design work is completed, if sooner; and, be it further

RESOLVED, as consideration for the grant of the license, the County shall pay the sum of One (\$1.00) Dollar and shall, except for the amount, if any, of damage attributable to, caused by or resulting from the negligence of the Town of Bedford, indemnify and hold harmless the Town, its officers, employees and agents from and against any and all liability claims, demands, costs, judgments, fees and attorneys' fees or loss arising directly or indirectly out of acts or omissions of the County, its employees, agents, contractors, and subcontractors; and, be it further

RESOLVED, that the County Executive or his authorized designee be and hereby is authorized to execute any and all documents necessary and appropriate to effectuate the purposes hereof.

Agreement No. 14-925

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
263	20	390M	4380	T390	\$ 1.00

Budget Funding Year(s) 2014 Start Date Upon Execution End Date 1 Year After Execution
 (must match resolution)

Funding Source	Tax Dollars	_____
<u>\$ 1.00</u>	State Aid	_____
(must match resolution)	Federal Aid	<u>\$1.00</u>
	Other	_____