

42644

DATE: October 14, 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-1350) with Sprint Spectrum, L.P. for the installation, operation and maintenance of the Licensee's radio equipment at 3800 Crompond Road, Yorktown, New York for a five (5) year period commencing September 27, 2012 and terminating September 26, 2017, renewable at Licensee's option for an additional five (5) year period, for an annual fee of \$34,385.16, which fee shall increase annually by five (5%) percent

BACKGROUND:

- The County's license agreement with Nextel of New York, Inc. expired September 26, 2012. Sprint Spectrum, L.P. ("Sprint") has been operating the installation at 3800 Crompond Road, Yorktown, New York ("Crompond Road Site") and desires to enter into a new license agreement with the County on the terms set forth below.
- This license agreement (the "License") will allow for the installation, operation and maintenance of radio equipment for a five (5) year period. The License shall commence September 27, 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) months written notice to the other.
- During the term of the License, Sprint shall pay to the County annual license fees payable in monthly installments equal to one-twelfth (1/12) of the annual fee beginning at the Commencement Date. The license fee for the first year shall be in the amount of Thirty-Four Thousand, Three Hundred Eighty-Five and 16/100 (\$34,385.16) Dollars. The annual license fee will automatically increase by five (5%) percent each year on the anniversary of the Commencement Date.
- Sprint shall purchase all electricity required for operation of its equipment at the Crompond Road Site from the local electric utility company or make such other arrangement as it deems necessary and shall be responsible to pay for this electricity directly to the utility company or such other provider.
- 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-1350) with Sprint Spectrum, L.P., for the installation, operation and maintenance of radio equipment at 3800 Crompond Road, Yorktown, New York, for a five (5) year period commencing September 27, 2012 and terminating September 26, 2017, and Sprint will have an option to renew the agreement for an additional five (5) year term. Sprint will pay the County an annual fee of \$34,385.16 for the first year of the license agreement with an increase of five percent (5%) each year on the anniversary of the Commencement Date.

Accordingly, the attached resolution is submitted for your consideration.

JBM/MJM/TSA

APPROVED BOARD OF ACQUISITION & CONTRACT - 11/06/2014 - JOMARY 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 ("County") is hereby authorized to enter into a license agreement (IT-1350) with Sprint Spectrum, L.P., ("Sprint") for the installation, operation and maintenance of radio equipment at 3800 Crompond Road, Yorktown New York, for a five (5) year period commencing September 27, 2012 and terminating September 26, 2017; and, be it further

RESOLVED, that Sprint will have an option to renew the agreement 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) months written notice to the other; and, be it further

RESOLVED, that Sprint shall pay to the County an annual license fee which shall be in the amount of Thirty-Four Thousand Three Hundred Eighty-Five and 16/100 (\$34,385.16) Dollars for the first year of the license, which annual license fee will automatically increase by five (5%) percent each year on the anniversary of the Commencement Date, and be payable in monthly installments equal to one-twelfth (1/12) of the annual fee beginning at 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-1350
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		\$8,137.82
2013	101	16	6000	9065		\$34,792.05
2014	101	16	6000	9065		\$36,531.65
2015	101	16	6000	9065		\$38,358.29
2016	101	16	6000	9065		\$40,276.24
2017	101	16	6000	9065		\$31,903.91

Budget Funding Year(s): 2012-2017 Start Date: 9/27/2012 End Date: 9/26/2017
(must match resolution)

Funding Source

\$ 189,999.96
(must match resolution)

Tax Dollars: _____

State Aid _____

Federal Aid _____

Other: Revenue \$189,999.96