

43745

DATE: December 17, 2014

TO: Board of Acquisition and Contract

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

John B. McCaffrey
Chief Information Officer
Department of Information Technology

RE: 1.) Amending a resolution approved on April 29, 2010, which authorized the County to enter into a license agreement with New York SMSA Limited Partnership d/b/a Verizon Wireless that would allow it to install and operate at Playland Amusement Park microcell(s), rerad(s) or other similar or comparable in-building radio-distribution devices and appurtenant infrastructure, in order to change the authorized term for the license agreement from June 1, 2010 through May 31, 2015 to August 23, 2010 through August 22, 2015; and

2.) Authority to enter into a license agreement with New York SMSA Limited Partnership d/b/a Verizon Wireless that will allow it to install, maintain and operate at Playland Amusement Park microcell(s), rerad(s) or other similar or comparable in-building radio-distribution devices and appurtenant infrastructure, for the period from August 23, 2015 through August 22, 2020.

Staff members of the County of Westchester's (the "County's") Department of Parks, Recreation and Conservation ("PRC") and Department of Public Safety ("DPS") utilize wireless phone service provided by New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless") at Playland Amusement Park ("Playland"). In the past, wireless phone service has, at times, been spotty at Playland, which had a negative impact on both DPS and PRC staff performing their duties at Playland.

In order to improve the wireless service, Verizon Wireless agreed to install and operate equipment on County property at Playland that would boost wireless phone service

from Verizon Wireless in the area, at no cost to the County. Accordingly, with the authority from a resolution approved by your Honorable Board on April 29, 2010 (the "April 29th Resolution"), the County and Verizon Wireless entered into a license agreement, which would allow Verizon Wireless to install and operate at Playland microcell(s), rerad(s) or other similar or comparable in-building radio-distribution devices and appurtenant infrastructure, for a five year period, at no cost to the County, with Verizon reimbursing the County for the cost of its electricity usage at the rate of Seventy-Five (\$75.00) Dollars per month (the "2010-2015 License Agreement").

Due to a delay during the execution of the 2010-2015 License Agreement, it was executed for a five year term, but it commenced August 23, 2010 and continues through August 22, 2015 instead of commencing June 1, 2010 and continuing through May 31, 2015, as had been specified in the April 29th Resolution.

Accordingly, the County respectfully requests that your Honorable Board amend the April 29th Resolution in order to change the authorized term from June 1, 2010 through May 31, 2015 to August 23, 2010 through August 22, 2015.

In addition, the County is seeking authority from your Honorable Board to enter into a new license agreement with Verizon Wireless (the "New License Agreement"), as the 2010-2015 License Agreement will soon expire. Under the New License Agreement, Verizon Wireless will be allowed to install, maintain, and operate at Playland microcell(s), rerad(s) or other similar or comparable in-building radio-distribution devices and appurtenant infrastructure, for the five-year period from August 23, 2015 through August 22, 2020, at no cost to the County, with Verizon Wireless reimbursing the County for the cost of its electricity usage at the rate of Seventy-Five (\$75.00) Dollars per month.

Under the New License Agreement, PRC will have the right, upon thirty (30) days written notice, to terminate the New License Agreement or assign the New License Agreement to a private operator, when PRC deems such termination or assignment to be in the best interest of the County. PRC had the same right under the 2010-2015 License Agreement.

Under the New License Agreement, Verizon Wireless will have the right to assign the New License Agreement to any of its principals, affiliates, subsidiaries of its principal or to any entity which acquires all or substantially all of its assets in the applicable Federal Communications Commission license area by reason of a merger, acquisition or other business reorganization. Verizon Wireless had the same right under the 2010-2015 License Agreement.

The proposed New License Agreement will serve a public purpose by facilitating improved wireless phone service at Playland and thereby enabling PRC and DPS staff to more efficiently carry out their responsibilities.

The goal and objective of the proposed New License Agreement is to facilitate improved wireless phone service at Playland, which will enable PRC and DPS staff to more

efficiently carry out their responsibilities.

The goal and objective of the proposed New License Agreement is in the best interests of the County in terms of public safety, as the improved wireless phone service at Playland will increase the ability of PRC and DPS to provide a secure and comfortable environment for the patrons of Playland.

The goal and objective of the proposed New License Agreement will be tracked and monitored through site visits from PRC staff members.

The proposed New License Agreement is exempt from the Westchester County Procurement Policy pursuant to Section 3(b) thereof, as it is a license agreement.

I respectfully recommend the adoption of the attached Resolution.

APPROVED BOARD OF ACQUISITION & CONTRACTS 01/22/2015 - JONARY VIERI, SECRETARY

RESOLUTION

Upon a communication from the Commissioner of the Department of Parks, Recreation and Conservation and the Chief Information Officer of the Department of Information Technology, be it hereby

RESOLVED, that the resolution approved on April 29, 2010 (the "April 29th Resolution"), which authorized the County of Westchester (the "County") to enter into a license agreement (the "2010-2015 License Agreement") with New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless") for the installation and operation at Playland Amusement Park ("Playland") of microcell(s), rerad(s) or other similar or comparable in-building radio-distribution devices and appurtenant infrastructure at no cost to the County, is hereby amended to change the authorized term for the 2010-2015 License Agreement from June 1, 2010 through May 31, 2015 to August 23, 2010 through August 22, 2015; and be it further

RESOLVED, that except as specifically amended hereby, all terms and conditions of the April 29th Resolution shall remain the same and in full force and effect; and be it further

RESOLVED, that the County is hereby authorized to enter into a license agreement with Verizon Wireless, which will allow Verizon Wireless to install, maintain, and operate at Playland microcell(s), rerad(s) or other similar or comparable in-building radio-distribution devices and appurtenant infrastructure, for the five-year period from August 23, 2015 through August 22, 2020, at no cost to the County (the "New License Agreement"); and be it further

RESOLVED, that under the New License Agreement, Verizon Wireless will reimburse the County for the cost of its electricity usage at the rate of Seventy-Five (\$75.00) Dollars per month; and be it further

RESOLVED, that under the New License Agreement, PRC will have the right, upon thirty (30) days written notice, to terminate the New License Agreement or assign the New License Agreement to a private operator, when PRC deems such termination or assignment to be in the best interest of the County; and be it further

RESOLVED, that under the New License Agreement, Verizon Wireless will have the right to assign the New License Agreement to any of its principals, affiliates, subsidiaries of its principal or to any entity which acquires all or substantially all of its assets in the applicable Federal Communications Commission license area by reason of a merger, acquisition or other business reorganization; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this Resolution.

Original Agreement \$4,500
 First Amendment \$
This Amendment \$ _____
 TOTAL \$4,500

Agreement # PRC-978

Account to be
 Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars	
165	42	5520	9219		\$300.00	2015
165	42	5520	9219		\$900.00	2016
165	42	5520	9219		\$900.00	2017
165	42	5520	9219		\$900.00	2018
165	42	5520	9219		\$900.00	2019
165	42	5520	9219		\$600.00	2020

Budget Funding Year(s): 2015-2020 Start Date: 8/23/2015 End Date: 8/22/2020
 (must match resolution)

Funding Source Tax Dollars: _____
 State Aid: _____
\$4,500.00 Federal Aid: _____
 (must match resolution) Other: Revenue

APPROVED BOARD OF ACQUISITIONS CONTRACT # 2015-08-001 - JOMARY VIEIRA, SECRETARY