

48065

DATE: August 11, 2015

TO: Board of Acquisition and Contract

FROM: John B. McCaffrey,
Chief Information Officer

Mary J. Mahon,
Special Assistant to County Executive &
Director of Real Estate

Re: Authority to amend the license agreement (IT-558) with the American Towers, LLC, in order for the County to modify its equipment and add a microwave dish at the site, for an additional license fee of \$616.50 per month, commencing on the earlier of installation or January 1, 2016, bringing the total monthly amount not to exceed to \$4,510.26 which fee shall increase each year on July 1st by 4%.

On December 24, 2003 your Honorable Board approved a resolution which authorized the County of Westchester ("County") to enter into a license agreement ("Agreement") with American Towers, Inc. for the installation and operation of radio equipment and antennas at their radio tower located Pines Bridge Road in Ossining, New York, for a five year period commencing on April 1, 2004 for an annual license fee of \$9,600, with a 4% annual increase, and a \$2,000 one time site inspection fee. The Agreement was subsequently executed.

On February 9, 2006 your Honorable Board approved a resolution which authorized an amendment to the Agreement in order to increase the number of antennas from 4 to 8, as well as to install a shelter and generator at the radio tower site. In addition, the annual rent was increased to \$28,800 with a 4% increase each year. This resolution was subsequently amended on May 18, 2006 to reflect that the new annual rent was increased to \$29,184. The First Amendment was subsequently executed.

On December 23, 2008 your Honorable Board approved a resolution which authorized the County to renew the Agreement for a five (5) year period commencing on April 1, 2009, for a monthly fee of \$2,735.67 with a 4% annual increase on each July 1st. All other terms and conditions of the Agreement, as amended remained the same.

On October 13, 2011 your Honorable Board approved a resolution in order to update the engineering details to reflect the extension of the radio tower and the new type and location of the County's equipment installed at the radio tower, and to change the name of American Towers,

Inc. to American Towers, LLC. All other terms and conditions of the Agreement, as amended remained the same. The Second Amendment was subsequently executed.

On July 10, 2014 your Honorable Board approved a resolution which authorized the County to extend the term of the Agreement for five (5) years commencing April 1, 2014 for a monthly license fee of \$3,600, which fee increases yearly on July 1st by 4%. The Agreement was subsequently executed.

Authorization is now sought to amend the Agreement in order for the County to modify its equipment and add a microwave dish at the site, for an additional license fee of \$616.50 per month, commencing on the earlier of installation or January 1, 2016, bringing the total monthly amount not to exceed to \$4,510.26 which fee shall increase each year on July 1st by 4%. All other terms and conditions of the Agreement, as amended, shall remain unchanged and in full force and effect.

The space rented from American Towers houses equipment and antennas that are critical components of County radio systems used for Police, Fire, and EMS communications and for operation of the Bee Line bus system. These radio systems serve a public purpose because they allow first responders and other government personnel to serve Westchester's residents by safeguarding their property and health and by coordinating the operation of the County's public bus system.

The goals and objectives of the agreement are to continue to operate critical County first responder and public transportation radio systems which require the use of antennas and equipment placed at strategically located sites that best cover Westchester. The Department of Information Technology ("DoIT"), along with the Departments of Emergency Services, Public Safety, and Public Works and Transportation monitor the radio systems that utilize the Ossining radio site to make sure that it best suits the County's needs. DoIT audits the invoices to make sure they comply with the terms of the Agreement.

Approval of the attached resolution by your Honorable Board is requested.

JBM/MJM/TSA
Attachment

RESOLUTION

Upon a communication from the Chief Information Officer, and the Real Estate Director, be it hereby

RESOLVED, that the County of Westchester (“County”) is authorized to amend Contract IT-558 with American Towers, LLC., for the operation of radio equipment and antennas at their radio tower on Pines Bridge Road in Ossining, New York in order for the County to modify its equipment and add a microwave dish at the site, for an additional license fee of \$616.50 per month, commencing on the earlier of installation or January 1, 2016, bringing the total monthly amount not to exceed to \$4,510.26 which fee shall increase each year on July 1st by 4%; and be it further

RESOLVED that all other terms and conditions of the Agreement, as amended, shall remain unchanged and in full force and effect; 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.

Agreement # IT-558

Original Agreement	\$ 9,600
First Amendment	\$ 19,200
Renewal	\$ 183,141
Second Amendment	\$ 0
Third Amendment	\$ 241,009
This Amendment	<u>\$ 32,160</u>
TOTAL	\$ 485,110

Account to be Charged/ credited

Year	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
2015	101	20	1000	4070		\$709
2015	101	44	1000	4070		\$733
2015	101	38	2000	4070		\$438
2016	101	20	1000	4070		\$2,891
2016	101	44	1000	4070		\$2,991
2016	101	38	2000	4070		\$1,787
2017	101	20	1000	4070		\$3,007
2017	101	44	1000	4070		\$3,110
2017	101	38	2000	4070		\$1,858
2018	101	20	1000	4070		\$3,127
2018	101	44	1000	4070		\$3,235
2018	101	38	2000	4070		\$1,933
2019	101	20	1000	4070		\$2,391
2019	101	44	1000	4070		\$2,474
2019	101	38	2000	4070		\$1,476

Budget Funding Year(s) 2015-2019 Start Date 10/1/15 End Date 3/31/19
 (must match resolution)

Funding Source Tax Dollars \$32,160
 State Aid _____
\$ 32,160 Federal Aid _____
 (must match resolution) Other _____

APPROVED BOARD OF EDUCATION & CONTRACT 08/19/2015 JOHN COCCIARDI SECRETARY