

50671

January 22, 2016

To: Board of Acquisition and Contract

From: John B. McCaffrey, Adam Rodriguez
Chief Information Officer Acting Director of Real Estate

Re: Authority to amend a site license agreement with the Bedford Central School District for the continued use of the property located in Mount Kisco, New York for the placement of a County owned radio antenna and related equipment in order to extend the term of the agreement for an additional five years (Agreement No. IT-724)

The County of Westchester (the “County”) operates DES and DPS radio systems used by first responders. As part of this system, the County installed multiple radio antennas and related equipment (the “Equipment”) on property owned by the Bedford Central School District (the “School District”) and located at Fox Lane Road and South Bedford Road in Mount Kisco, New York (the “Site”).

By resolution approved on June 16, 2005 (the “June 16th Resolution”), your Honorable Board authorized the County to enter into a license agreement (the “Agreement”) with the School District for use of the Site for placement of the Equipment for a term of five (5) years with an option to extend the term of the Agreement for an additional five (5) year period upon the consent of both parties. The June 16th Resolution further provided that in consideration for the grant of license, the County would 1) pay the School District an annual license fee of \$1.00; 2) relocate the School District’s school bus radio to a new location; and 3) defend and indemnify the School District against any and all claims that may arise out of the Agreement. The Agreement was subsequently executed, and thereafter expired on September 6, 2010.

By resolution approved on November 18, 2010 (the “November 18th Resolution”), your Honorable Board authorized the County to extend the term of the Agreement for an additional five (5) years commencing on September 7, 2010 (the “First Amendment”). The November 18th Resolution further provided that in consideration for extending the term of the Agreement, the County would continue to 1) pay the School District an annual license fee of \$1.00; and 2) defend and indemnify the School District against any and all claims that may arise out of the Agreement. The First Amendment was subsequently executed and thereafter expired on September 6, 2015.

Both parties are desirous of further extending the Agreement for an additional five (5) year term. Accordingly, authority is requested from your Honorable Board to amend the Agreement with the School District for the continued use of the property located in Mount Kisco, New York for the placement of County owned radio antennas and related equipment in order to extend the term of the agreement for an additional five years commencing retroactive to September 7, 2015 and continuing through September 6, 2020. In consideration for extending term of the Agreement, the County will continue to pay an annual license fee of \$1.00 and will defend and indemnify the School District against any and all claims that may arise out of the Agreement.

All other terms and conditions of the Agreement, as amended, shall remain in full force and effect.

The public purpose of this Agreement is the continued operation of the emergency radio system. County staff will monitor the operation of the equipment on a regular basis.

This Agreement is exempt from the operation of the Westchester County Procurement Policy pursuant to Section 3(b) thereof.

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

JM/AR/TSA

APPROVED BOARD OF ACQUISITION & CONTRACTS 02/18/2016 - LISAM J. PI. SECRETARY

RESOLUTION

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

RESOLVED, that the County of Westchester (the "County") is authorized to amend a site license agreement with the Bedford Central School District ("School District") for the continued use of property owned by the School District and located at Fox Lane Road and South Bedford Road in Mount Kisco, New York for the placement of County owned radio antennas and related equipment in order to extend the term of the agreement for an additional five (5) years commencing September 7, 2015; and be it further

RESOLVED, that the County will pay an annual license fee of \$1.00 and as additional consideration the County will defend and indemnify the School District against any and all claims that may arise out of the agreement; and be it further

RESOLVED, that all other terms and conditions to remain the same; and be it further

RESOLVED, that the County Executive or his authorized designee is hereby authorized to execute all instruments and take all actions necessary to implement this Resolution.

Account to be Charged/Credited:
Agreement No. IT-724

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
101	16	2500	4070		\$5.00

Budget Funding Year(s): 2015-2020 Start Date: September 7, 2015 End Date: September 6, 2020

Funding Source:	Tax Dollars:	<u> \$5.00 </u>
	State Aid:	<u> </u>
<u>\$5.00</u>	Federal Aid:	<u> </u>
(must match resolution)	Other:	<u> </u>