

52744

October 4, 2016

To: Board of Acquisition and Contract

From: Vincent F. Kopicki, P.E.  
Commissioner of Public Works and Transportation

Adam Rodriguez  
Director of Real Estate

Re: Authority to enter into intermunicipal agreements with municipalities located within the County in connection with the County-wide bus shelter program (Agreement No. DOTOP12-16)

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Authority is requested to enter into intermunicipal agreements (“IMAs”) with municipalities located within the County in connection with the County-wide bus shelter program. The IMAs will provide for the continued operation of existing bus shelters and the addition of new shelters in the municipalities on an as-needed basis. The shelters are erected and maintained by Clear Channel Outdoor, Inc. (“Clear Channel”) pursuant to a license agreement with the County, which was amended to extend from April 1, 2016 through June 30, 2016 and by Signal Outdoor Advertising, LLC (“Signal”) for the term July 1, 2016 through June 30, 2021. Clear Channel and Signal in turn sell advertising space on the shelters. In consideration for allowing the County to erect and maintain bus shelters in public rights-of-way and other authorized areas, participating municipalities will receive 50% of the County’s share of advertising revenue derived from the shelters, after a deduction to cover the County’s administrative costs.

Authority is being requested to enter into two (2) IMA’s with each municipality: 1) a First Amendment IMA to extend the IMA for three (3) months to run concurrently with the license with Clear Chanel, from April 1, 2016 through June 30, 2016; and 2) a five (5) year IMA to run concurrently with the Signal license agreement from July 1, 2016 through June 30, 2021. Authority is being requested to enter into two (2) sets of IMAs because Section 119-o(j) of the New York General Municipal Law limits the maximum term of an IMA to five (5) years.

On July 18, 2016, the Westchester County Board of Legislators approved these IMAs by Act Nos. 2016-241 and 2016-242. These agreements are exempt from the operation of the Westchester County Procurement Policy pursuant to Section 3(a)(iii) of such Policy.

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

TJL/AR/di  
Encl.

# RESOLUTION

Upon a communication from the Commissioner of Public Works and Transportation and the Director of Real Estate, be it hereby

RESOLVED, that the County of Westchester (the "County") is authorized to enter into First Amendment intermunicipal agreements ("First Amendment IMAs") with municipalities located within the County for a three (3) month term from April 1, 2016 through June 30, 2016, in connection with the County-wide bus shelter program; and be it further

RESOLVED, that the County is further authorized to enter into intermunicipal agreements ("IMAs") with municipalities located within the County for a five (5) year term from July 1, 2016 through June 30, 2021, in connection with the County-wide bus shelter program; and be it further

RESOLVED, that the First Amendment IMAs and IMAs will provide for the continued operation of existing bus shelters and the addition of new shelters in the municipalities on an as-needed basis. In consideration for allowing the County to erect and maintain bus shelters in public rights-of-way and other authorized areas, participating municipalities will receive 50% of the County's share of advertising revenue derived from the shelters, after a deduction to cover the County's administrative costs; and be it further

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

Agreement No. DOTOP12-16

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	101	44	2100	5125		\$ 96,875.00 (2016)
	101	44	2100	5125		\$300,000.00 (2017)
	101	44	2100	5125		\$312,500.00 (2018)
	101	44	2100	5125		\$325,000.00 (2019)
	101	44	2100	5125		\$337,500.00 (2020)
	101	44	2100	5125		\$350,000.00 (2021)

Budget Funding Year(s) 2016-2021 Start Date 04/01/16 End Date 06/30/21  
 (must match resolution)

Funding Source: Tax Dollars 1,721,875.00  
 State Aid \_\_\_\_\_  
\$1,721,875.00 Federal Aid \_\_\_\_\_  
 (must match resolution) Other \_\_\_\_\_