

DATE: June 28, 2017

TO: Board of Acquisition and Contract

FROM: John McCaffrey,
Chief Information Officer

Adam Rodriguez,
Director of Real Estate

RE: AUTHORIZATION TO AMEND A LICENSE AGREEMENT (IT-1248) WITH NEW CINGULAR WIRELESS PCS, LLC ("NEW CINGULAR") FOR THE INSTALLATION AND OPERATION OF RADIO EQUIPMENT AT THE MOUNT VERNON DISTRICT OFFICE IN ORDER TO 1) REFLECT THAT EFFECTIVE RETROACTIVE TO APRIL 1, 2016, NEW CINGULAR WILL RECEIVE ITS ELECTRICITY DIRECTLY FROM A THIRD-PARTY PROVIDER AND WILL PAY SAID PROVIDER DIRECTLY FOR SAID SERVICES; AND 2) APPROVE NEW CINGULAR'S REQUEST TO REPLACE ANTENNAS AND ASSOCIATED EQUIPMENT AT THE SITE

BACKGROUND:

- New Cingular has been a radio tenant at the County's Mount Vernon District Office located at 100 East First Street, Mount Vernon, New York since 2007. New Cingular wishes to continue its operation at this site.
- By resolution approved on August 23, 2012 (the "August 23rd Resolution"), your Honorable Board authorized an agreement (the "License Agreement") for the installation, maintenance and operation of equipment and antennas by New Cingular at the Mount Vernon District Office (the "Site") for a five-year term commencing June 1, 2012, with New Cingular reserving an option to renew the agreement for an additional five (5) year term.
- The August 23rd Resolution further provided that New Cingular would pay the County a monthly license fee of \$4,862.12 for a total license fee in year one of \$58,345.44. The license fee would automatically increase by five percent (5%) each year on the anniversary of the commencement date. In addition, the August 23rd Resolution provided that New Cingular would pay the County a fixed fee of \$852.72 per month for the cost of electricity consumed by operation of its equipment at the Site and in the event the rate that the County pays for electricity increases, New Cingular will be responsible to pay the increased amount.
- By resolution approved on October 31, 2013 (the "October 31st Resolution"), your Honorable Board authorized the County to amend the August 23rd Resolution by reflecting a new provision to the License Agreement that would pre-authorize an assignment by New Cingular for a change in corporate name only without the need for the further approval of your Honorable Board.
- On or about December 18, 2013 the License Agreement was duly executed.
- Since April 1, 2016, New Cingular has been receiving electricity at the Site directly from a third-party electricity provider and has been paying said third party provider directly for said services instead of the County.
- In accordance with Section 5 of the License Agreement, New Cingular also seeks to replace antennas and associated equipment at the Site.

ACTION REQUESTED:

- Authorization to amend the License Agreement with New Cingular to reflect that effective retroactive to April 1, 2016, New Cingular will no longer receive its electricity at the Site from the County but instead from a third party electricity provider and will pay the third party electricity provider directly for said services instead of paying the County therefore.
- Authorization to amend the License Agreement with New Cingular by approving its request to replace antennas and associated equipment at the Site in accordance with approved schedules.
- Except as specifically amended hereby, all remaining terms and conditions set forth in the License Agreement shall remain unchanged

A resolution authorizing the above amendment to the License Agreement is submitted herewith for your approval.

JBM/AR/JPG

APPROVED BOARD OF ACQUISITION & CONTRACTS 08/03/2017 - LEAMRIJAJ, SECRETARY

RESOLUTION

UPON A COMMUNICATION FROM THE CHIEF INFORMATION OFFICER, DEPARTMENT OF INFORMATION TECHNOLOGY AND THE DIRECTOR OF REAL ESTATE, OFFICE OF THE COUNTY EXECUTIVE, BE IT HEREBY

RESOLVED, that the County of Westchester, acting by and through its Department of Information Technology, is hereby authorized to amend its agreement (IT-1248) with New Cingular Wireless PCS, LLC (“New Cingular”) for the installation, operation and maintenance of radio equipment and antennas at 100 East First Street in Mount Vernon, New York (the “Site”), for a five year period commencing June 1, 2012 and terminating May 31, 2017 with New Cingular having an option to renew the agreement for an additional five year term, for an annual license fee of \$58,345.44, which will automatically increase by five percent (5%) each year on the anniversary of the commencement date of the agreement and pursuant to which New Cingular will pay the County a fixed fee of \$852.72 per month for the cost of electricity consumed by operation of its equipment at the Site (the “License Agreement”), in order to 1) reflect that effective retroactive to April 1, 2016, New Cingular will no longer receive its electricity at the Site from the County but instead from a third party electricity provider and will pay the third party electricity provider directly for said services instead of paying the County therefore; and 2) modify its equipment at the Site in accordance with approved schedules ; and be it further

RESOLVED, that except as specifically amended hereby, all remaining terms and conditions set forth in the License Agreement shall remain unchanged

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 No. IT-1248

Original Agreement \$373,558.68
This amendment (\$11,938.08)

Total \$361,665.60

Account to be Charged/Credited:

Year	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
2016	101	16	6000	9065		(\$7,674.48)
2017	101	16	6000	9065		(\$4,263.60)

Budget Funding Year(s): 2016-2017

Start Date: April 1, 2016

End Date: May 31, 2017

Funding Source

Tax Dollars: _____

State Aid: _____

Federal Aid: _____

(\$ 11,938.08)

(Must match resolution)

Other: REVENUE (\$11,938.08)

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/03/2017
MISA MARIJAJ, SECRETARY