

59309

DATE: October 10, 2017

TO: Board of Acquisition and Contract

FROM: John B. McCaffrey
Chief Information Officer

Adam Rodriguez
Director of Real Estate

RE: Authorization to enter into a license agreement (IT-1487) with New York SMSA Limited Partnership d/b/a Verizon Wireless, by Cellco Partnership its general partner, for continued installation, operation and maintenance of its radio equipment at the Public Safety Headquarters Radio Tower located at 1 Saw Mill River Parkway, Hawthorne, New York, for a five (5) year term commencing retroactively from October 1, 2011, with two automatic five (5) year renewal terms.

BACKGROUND:

New York SMSA Limited Partnership d/b/a Verizon Wireless, by Cellco Partnership its general partner ("Verizon"), has radio equipment at the County's radio communication site facilities at the Public Safety Headquarters Radio Tower, located at 1 Saw Mill River Parkway, Hawthorne, New York ("Site") and has been utilizing these facilities since 1996.

This license agreement (the "License") enables Verizon to continue its operation of the existing equipment and antennas at the Site, and also allows for the installation of new equipment.

The License shall be for five (5) years and commences retroactively from October 1, 2011 (the "Commencement Date"). The License automatically renews for two additional five (5) year terms unless Verizon terminates on ninety (90) days prior written notice to the County prior to the end of the then current term. The parties acknowledge that the first five (5) year renewal period has already commenced. Both parties have the right to terminate on six (6) month's written notice to the other.

During the term of the License, Verizon shall pay to the County an annual License fee, which for the first year of the license shall be in an amount of Sixty Three Thousand, One Hundred and Three and 56/100 (\$63,103.56) Dollars. The annual License fee will automatically increase by five percent (5%) each year on the anniversary of the Commencement Date.

Verizon has installed an electrical submeter for the measurement of electrical power used by Verizon at the Site. In connection with Verizon's electricity usage prior to the installation of such submeter, Verizon shall pay the County one lump sum payment of \$26,400.00, due within sixty (60) days of the execution of the License.

Verizon shall not assign, sublet, subcontract, or otherwise dispose of this License, or any right, duty or interest herein, without the prior written consent of the County, which shall not be unreasonably withheld or delayed, except that no consent shall be required with respect to an assignment by Verizon to its principal, affiliate, subsidiaries of its principal or any entity which acquires all or substantially all of Verizon's assets in the market defined by the FCC in which the Site is located or any entity which is the successor to Verizon by reason of merger, acquisition, or other business reorganization.

ACTION REQUESTED:

Based upon the foregoing, authorization is requested to enter into a license agreement (IT-1487) with Verizon for the continued installation, operation and maintenance of the licensee's radio equipment and installation of new equipment at the Public Safety Headquarters Radio Tower located at 1 Saw Mill River Parkway, Hawthorne, New York.

This agreement is exempt from the Westchester County procurement policy pursuant to section 3(b) which provides: "This policy shall not apply to real property leases, licenses and concessions."

Accordingly, the attached resolution is submitted for your consideration.

JBM/AQR/TSA

APPROVED BOARD OF ACQUISITION & CONTRACTS 11/02/2011 LISA MARIJAJ, SECRETARY

RESOLUTION

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

RESOLVED, that the County of Westchester is hereby authorized to enter into a license agreement (IT-1487) with New York SMSA Limited Partnership, d/b/a Verizon Wireless, by Cellco Partnership its general partner ("Verizon"), for the continued installation, operation and maintenance of the licensee's radio equipment and installation of new equipment at the Public Safety Headquarters Radio Tower located at 1 Saw Mill River Parkway, Hawthorne, New York. The License shall be for five (5) years and commences retroactively from October 1, 2011. The License automatically renews for two additional five (5) year terms unless Verizon terminates on ninety (90) days prior written notice to the County prior to the end of the then current term. The parties acknowledge that the first five (5) year renewal period has already commenced. Both parties have the right to terminate on six (6) month's written notice to the other; and be it further

RESOLVED, that Verizon shall pay to the County an annual License fee which shall automatically increase by five percent (5%) each year on the anniversary of the Commencement Date and for the first year of the license shall be in the amount of Sixty Three Thousand, One Hundred and Three and 56/100 (\$63,103.56) Dollars; and be it further

RESOLVED; that Verizon has installed an electrical submeter for the measurement of electrical power used by Verizon at the Site. In connection with Verizon's electricity usage prior to the installation of such submeter, Verizon shall pay the County one lump sum payment of \$26,400.00, due within sixty (60) days of the execution of the License; and be it further

RESOLVED, that Verizon shall not assign, sublet, subcontract, or otherwise dispose of this License, or any right, duty or interest herein, without the prior written consent of the County, which shall not be unreasonably withheld or delayed, except that no consent shall be required with respect to an assignment by Verizon to its principal, affiliate, subsidiaries of its principal or any entity which acquires all or substantially all of Verizon's assets in the market defined by the FCC in which the Site is located or any entity which is the successor to Verizon by reason of 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 and deliver any and all documents and to take all action necessary and appropriate to effectuate the purposes hereof.

Contract Number IT-1487
 Account to be Charged/Credited:

Year	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars
2011-2016	101	16	6000	9065		\$368,821.38
2017	101	52	1000	9675		\$26,400.00
2017	101	16	6000	9065		\$81,544.62
2018	101	16	6000	9065		\$85,621.90
2019	101	16	6000	9065		\$89,902.97
2020	101	16	6000	9065		\$94,398.10
2021	101	16	6000	9065		\$73,420.76

Budget Funding Year(s): 2011-2021 Start Date: October 1, 2011 End Date: September 30, 2021
 (must match resolution)

Funding Source Tax Dollars: _____
 State Aid _____
\$ 820,109.73 Federal Aid _____
 (must match resolution) Other: Revenue \$ 820,109.73

APPROVED BOARD OF ACQUISITION & CONTRACT - 1/10/21/2021 - USA MR. SECRETARY