

63096

DATE: May 7, 2018

TO: Board of Acquisition and Contract

FROM: Hugh J. Greechan, Jr., P.E.
Commissioner, Department of Public Works and Transportation

Marguerite Beirne
Chief Information Officer

Gary Friedman
Director of Real Estate

SUBJECT: Authority to amend the license agreement with the American Towers, Inc., in order to extend the term of the agreement for five years commencing July 1, 2018 with the parties having the option to extend the Agreement for up to two additional five-year extensions for an initial quarterly fee of \$4,820.43, which fee shall increase 4% on July 1 by each year thereafter (Agreement No. DOTOP08-18).

On June 12, 2008, your Honorable Board approved a resolution which authorized the County of Westchester ("County") to enter into a license agreement ("Agreement") with American Towers, Inc. ("American Towers") for the installation and operation of radio equipment and antennas at their radio tower located in Alpine, New Jersey, for a ten-year period. The Agreement was subsequently executed with the ten-year term commencing on July 1, 2008.

In September, 2010, the County and American Towers amended the Agreement in order to amend the billing cycle of the Agreement from a monthly payment schedule to a quarterly payment schedule.

Authorization is now sought to amend the Agreement in order to authorize the County to extend the term of the agreement for five years commencing July 1, 2018 and expiring on June 30, 2023 with the parties having the option to extend the Agreement for up to two additional five-year extensions. The initial quarterly fee will be Four Thousand Eight Hundred Twenty and 43/100 Dollars (\$4,820.43). Effective upon July 1, 2019, and each anniversary thereafter during the term, the quarterly license fee shall be increased by four percent (4%). The payments for the initial five-year extension shall be as follows:

Year 1	\$4,820.43/quarterly;	\$19,281.72/annually
Year 2	\$5,013.25/quarterly;	\$20,052.99/annually
Year 3	\$5,213.78/quarterly;	\$20,855.12/annually
Year 4	\$5,422.33/quarterly;	\$21,689.32/annually
Year 5	\$5,639.22/quarterly;	<u>\$22,556.89/annually</u>
		\$104,436.04 total

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.

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

HJG/RGE/JRC
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACTS 03/15/2018 - USA MFG. SECRETARY

RESOLUTION

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

RESOLVED, that the County of Westchester (“County”) is authorized to amend the license agreement with American Towers, LLC., for the operation of radio equipment and antennas at their radio tower located in Alpine, New Jersey in order to extend the term of the agreement for five years commencing July 1, 2018 and expiring on June 30, 2023 with the parties having the option to extend the Agreement for up to two additional five-year extensions; and be it further

RESOLVED that the initial quarterly license fee shall be \$4,820.43, and effective July 1, 2019, and each anniversary thereafter during the term, the quarterly license fee shall be increased by four percent (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 No. DOTOP08-18

Account to be Charged/ credited	Year	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	2018	101	44	2100	4140		\$9,640.86
	2019	101	44	2100	4140		\$19,667.36
	2020	101	44	2100	4140		\$20,454.06
	2021	101	44	2100	4140		\$21,272.22
	2022	101	44	2100	4140		\$22,123.10
	2023	101	44	2100	4140		\$11,278.44

Budget Funding Year(s): 2018-2023
(must match resolution)

Start Date: 7/1/18

End Date: 6/30/23

Funding Source Tax Dollars \$104,436.04
 State Aid _____
 \$ 104,436.04 Federal Aid _____
 (must match resolution)
 Other _____