



Memorandum
Department of Information Technology

DATE: June 21, 2019

TO: Board of Acquisition and Contract

FROM: Marguerite Beirne, Chief Information Officer

RE: **Resolution to exempt from the application of the Westchester County Procurement Policy pursuant to Section 3(a) xxi thereof the procurement of an agreement (IT-1563) with ATC Tower Services LLC ("ATC") pursuant to which ATC will perform engineering analyses and/or radio frequency studies at several tower sites owned and/or managed by American Tower Corporation to determine whether the County may install certain radio communications equipment on the towers.**

BACKGROUND:

Authority is hereby requested from your Honorable Board to exempt from the Westchester County Procurement Policy the procurement of a "short form" contract between the County of Westchester ("County") and ATC (the "Agreement"), pursuant to which ATC will perform engineering analyses and/or radio frequency studies at a number of tower sites owned and/or managed by American Tower Corporation to determine whether the County may install County radio communications equipment, e.g.: antennas, microwave dishes, related equipment ("Equipment") at the sites, pursuant to Section 3(a)xxi of the Westchester County Procurement Policy as it is in the best interest of the County. The proposed Agreement will be for a term commencing on March 1, 2019 and continuing through February 28, 2020 in an amount not-to-exceed \$ 20,000.

American Tower Corporation owns and/or manages a number of radio towers in Westchester County. The County is already a tenant at several of these sites and is seeking to become a tenant at one or more additional sites. In connection with another communications project, the County needs to install certain Equipment at some of the radio tower sites owned and/or managed by American Tower Corporation. However, before American Tower Corporation will allow any Equipment to be installed on its towers, it requires radio tower engineering analyses and/or radio frequency studies to be performed. American Tower Corporation requires that its own engineers perform these assessments and studies and will not allow third-party vendors to do so.

Ordinarily, under Section 5(a) of the Procurement Policy, the County is required to solicit oral or written quotations from no fewer than three persons customarily providing the required services in order to authorize such services. However, American Tower Corporation will only allow its own engineers to conduct radio tower engineering analyses and/or radio frequency studies before it will allow the County to install the Equipment.

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Pursuant to Section 3(a) xxi, the Westchester County Procurement Policy is not applicable to any procurement for which this Honorable Board determines, by resolution passed prior to commencing such procurement, that compliance with the policy would not be in the best interests of the County. For the reasons set forth above, it is proposed that the best interests of the County would be served by exempting the procurement of this agreement from the County Procurement Policy. Accordingly, a Resolution is hereby submitted for your Honorable Board's consideration.

MCB/PJ/jpg

Att:

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/09/2019 - JOAN GOSWAMI, SECRETARY

RESOLUTION

Upon a communication from Chief Information Officer, be it hereby

RESOLVED, that pursuant to Section 3(a) xxi of the Westchester County Procurement Policy, it is hereby determined that application of the procedural requirements contained therein, including the necessity of soliciting price quotations, is neither cost effective nor expedient, and accordingly, not in the best interests of the County of Westchester in connection with the procurement of an agreement (IT-1563) with ATC Tower Services LLC for the performance of engineering analyses and radio frequency studies on certain radio towers owned and/or managed by American Tower Corporation to determine whether the County may install County radio communications equipment, e.g.: antennas, microwave dishes, related equipment on such towers.

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/09/2019 - DAN COCCICARDI, SECRETARY