

76145



Memorandum  
Department of Information Technology

DATE: April 20, 2020

TO: Board of Acquisition and Contract

FROM: Marguerite Beirne  
Chief Information Officer

Gary Friedman  
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) APPROVE NEW CINGULAR'S REQUEST TO REPLACE ANTENNAS AND ASSOCIATED EQUIPMENT AT THE SITE; 2) EXTEND THE TERM OF THE AGREEMENT; AND 3) APPROVE NEW CINGULAR'S CONTRACTOR AND SUBCONTRACTORS FOR THE WORK.

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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 23<sup>rd</sup> Resolution"), your Honorable Board authorized an agreement (the "Original 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 23<sup>rd</sup> 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 23<sup>rd</sup> 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 increased, New Cingular would be responsible to pay the increased amount.
- By resolution approved on October 31, 2013 (the "October 31<sup>st</sup> Resolution"), your Honorable Board authorized the County to amend the August 23<sup>rd</sup> 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 Original License Agreement was duly executed.
- By resolution approved on August 3, 2017, your Honorable Board approved amending the License Agreement (“First Amendment”) in order to permit New Cingular to contract directly with a third party electricity supplier for electricity consumed by the operation of its equipment at the Site and to permit New Cingular to replace certain antennas and associated equipment at the Site.
- On or about November 6, 2017, the First Amendment was duly executed.

The Original License Agreement and the First Amendment shall hereinafter collectively be referred to as the “License Agreement.”

ACTION REQUESTED:

- Authorization to further 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.
- Authorization to amend the License Agreement with New Cingular by granting New Cingular an option to extend the term of the License Agreement for an additional five (5) year period, upon ninety (90) days prior written notice to the County, to commence on June 1, 2022 and expire on May 31, 2027.
- Authorization to amend the License Agreement with New Cingular by approving the following New Cingular Contractor and Subcontractors to perform the modification work: SAC Wireless, LLC, 540 W. Madison, 9<sup>th</sup> Floor, Chicago, IL 60661, to oversee any and all construction in relation to this Site; Beeline Telecommunications, Inc., 20 Cobblers Lane, Staten Island, NY 10304, for antenna and related equipment changes on the roof; and Atlas Pro Construction, LLC, 23 Strauss Street, Staten Island, NY 10305, for the temporary installation and removal of safety scaffolding.
- 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.

MB/GF/CMC

## 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 ("Second Amendment") 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 (the "License Agreement"), in order to 1) modify its equipment at the Site in accordance with approved schedules; 2) grant New Cingular an option to extend the Agreement for an additional five (5) year period, upon ninety (90) days' prior written notice to the County, to commence on June 1, 2022 and expire on May 31, 2027; and 3) approve the following New Cingular contractor and subcontractors for the modification work: SAC Wireless, LLC, 540 W. Madison, 9<sup>th</sup> Floor, Chicago, IL 60661, to oversee any and all construction in relation to this Site; Beeline Telecommunications, Inc., 20 Cobblers Lane, Staten Island, NY 10304, for antenna and related equipment changes on the roof; and Atlas Pro Construction, LLC, 23 Strauss Street, Staten Island, NY 10305, for the temporary installation and removal of safety scaffolding; 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.

Original agreement \$373,558.68  
 First amendment (\$11,938.08)  
 This amendment \$936,615.35  
 Total \$1,298,235.95

Contract No. IT-1248  
 Account to be Charged/Credited:

Year	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars
2017	101	16	6000	9065		\$43,438.04
2018	101	16	6000	9065		\$76,637.11
2019	101	16	6000	9065		\$80,468.96
2020	101	16	6000	9065		\$84,492.41
2021	101	16	6000	9065		\$88,717.03
2022	101	16	6000	9065		\$93,152.88
2023	101	16	6000	9065		\$ 97,810.53
2024	101	16	6000	9065		\$ 102,701.05
2025	101	16	6000	9065		\$ 107,836.11
2026	101	16	6000	9065		\$ 113,227.91
2027	101	16	6000	9065		\$48,133.32

Budget Funding Year(s): 2017-2027 Start Date: June 1, 2017 End Date: May 31, 2027

Funding Source

Tax Dollars: \_\_\_\_\_

State Aid \_\_\_\_\_

**Revenue \$936,615.35**

Federal Aid \_\_\_\_\_

(Must match resolution)

Other: **REVENUE: \$936,615.35**