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DATE: September 9, 2020

TO: Board of Acquisition and Contract

FROM: Norma V. Drummond
Commissioner, Department of Planning

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

SUBJECT: Authorization for the County of Westchester to enter into, and, in the future, amend, internet-based 'terms of use' agreements with various parties, pursuant to which each such party will be given access and/or use of static and real-time County general transit feed specification data concerning the Bee-Line Bus System in exchange for agreeing to certain terms that are intended to protect the County from adverse consequences that might arise out of each entity accessing and/or using the data.

Authority is respectfully requested from your Honorable Board for the County of Westchester (the "County") to enter into internet-based 'terms of use' agreements with various parties, pursuant to which each such party (each a "User"; collectively, the "Users") will be given access and/or use of static and real-time County general transit feed specification data (the "GTFS Data") concerning the Bee-Line Bus System (the "Bee-Line") in exchange for each User agreeing to certain terms that are intended to protect the County from adverse consequences that might arise out of each entity accessing and/or using the data (collectively, the "Agreements").

Under each of the Agreements, the term of each of the Agreements will continue indefinitely, until the County terminates either, a.) any given one of the Agreements by ending the availability of the GTFS Data to a given User, or b.) all of the Agreements between the County and all Users by ending the availability of the GTFS Data to all Users.

Under each of the Agreements, the County will reserve the right to modify the terms of the Agreements at any time, without any prior notice. Accordingly, authority is also respectfully requested from your Honorable Board for the County to amend each of the Agreements as-needed, to modify its terms in the future, by the posting of updated versions of the internet-based 'terms of use' that comprise the Agreements, with each User's continued access to, and use of,

the GTFS Data after such modification signifying its consent to be bound by the modified terms of the Agreements.

The proposed Agreements will serve a public purpose by enabling parties to use the GTFS Data, and thereby facilitating the development and operation of software programs and the like that can be helpful to the public in its use of the Bee-Line.

The goal and objective of the proposed Agreements is to enable parties to use the GTFS Data, and thereby facilitate the development and operation of software programs and the like that can be helpful to the public in its use of the Bee-Line.

The goal and objective of the proposed Agreements is in the best interests of the County in terms of fiscal responsibility, as, 1.) the County will be able to benefit from the development and operation of software programs and the like, which can be helpful to the public in its use of the Bee-Line, without expending any funds on such development and operation work, and 2.) any resulting greater use of the Bee-Line will increase the economy and efficiency of the expenditures made for those bus-related services.

The goal and objective of the proposed Agreements will be tracked and monitored by the staffs of the Department of Planning and the Department of Public Works and Transportation.

I respectfully recommend the adoption of the attached resolution.

NVD/HJG/bdm/nn

RESOLUTION

Upon a communication from the Commissioner of Planning and the Commissioner of Public Works and Transportation, be it hereby:

RESOLVED, that the County of Westchester (the “County”) is hereby authorized to enter into internet-based ‘terms of use’ agreements with various parties, pursuant to which each such party (each a “User”; collectively, the “Users”) will be given access and/or use of static and real-time County general transit feed specification data (the “GTFS Data”) concerning the Bee-Line Bus System (the “Bee-Line”) in exchange for each User agreeing to certain terms that are intended to protect the County from adverse consequences that might arise out of each entity accessing and/or using the data (collectively, the “Agreements”); and be it further

RESOLVED, that, under each of the Agreements, the term of each of the Agreements will continue indefinitely, until the County terminates either, a.) any given one of the Agreements by ending the availability of the GTFS Data to a given User, or b.) all of the Agreements between the County and all Users by ending the availability of the GTFS Data to all Users; and be it further

RESOLVED, that, under each of the Agreements, the County will reserve the right to modify the terms of the Agreements at any time, without any prior notice; and be it further

RESOLVED, that, therefore, the County is authorized to amend each of the Agreements as-needed, to modify its terms in the future, by the posting of updated versions of the internet-based ‘terms of use’ that comprise the Agreements, with each User’s continued access to, and use of, the GTFS Data after such modification signifying its consent to be bound by the modified terms of the Agreements; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this Resolution.

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars

Budget Funding Year(s): _____
(must match resolution)

Start Date: Upon User Acceptance
(each agreement)

End Date: Until Access Ends
(each agreement)

Funding Source
N/A
(must match resolution)

Tax Dollars: _____
State Aid: _____
Federal Aid: _____
Other: _____