

28387

DATE: July 27, 2012

TO: Board of Acquisition and Contract

FROM: Marguerite Beirne,  
Chief Information Officer

Mary Mahon,  
Director of Real Estate

RE: AUTHORIZATION TO ENTER INTO A LICENSE AGREEMENT (IT-1248) WITH NEW CINGULAR WIRELESS PCS, LLC, FOR THE INSTALLATION AND OPERATION OF RADIO EQUIPMENT AT THE MOUNT VERNON DISTRICT OFFICE FOR A FIVE YEAR PERIOD COMMENCING JUNE 1, 2012 AND TERMINATING MAY 31, 2017 FOR AN ANNUAL LICENSE FEE OF \$58,345.44, WITH AN INCREASE OF FIVE PERCENT PER YEAR

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BACKGROUND:

- New Cingular Wireless PCS, LLC, ("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.
- The proposed agreement for the installation, maintenance and operation of equipment and antennas by New Cingular at the Mount Vernon District Office is for a five-year term commencing June 1, 2012. New Cingular will have an option to renew the agreement for an additional five (5) year term.
- New Cingular will pay the County a monthly license fee \$4,862.12 for a total license fee in year one of \$58,345.44. The license fee will automatically increase by five percent (5%) each year on the anniversary of the commencement date. New Cingular will 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. In the event the rate that the County pays for electricity increases, New Cingular will be responsible to pay the increased amount.
- The primary goal of this contract is to leverage existing County assets (radio towers) to generate additional revenue for the County, thus lessening the burden on taxpayers. This goal is met by the timely submission of rent by the tenant. This is assured through the issuing of monthly invoices and booking of receipts through the Finance Department's Accounts Receivable program. Transactions of this program are monitored by DoIT accounting and program staff, who resolve any issues regarding lateness of or adjustments to payments.
- This agreement is exempt from the Westchester County procurement policy pursuant to section 3(b). "This policy shall not apply to real property leases, licenses, and concessions."

ACTION REQUESTED:

- Authorization to enter into a license agreement (IT-1248) with New Cingular Wireless PCS, LLC, having a mailing address of 12555 Cingular Way, Suite 1300, Alpharetta, GA 30004 for the installation, operation and maintenance of radio equipment at the Mount Vernon District Office located at 100 East First Street in Mount Vernon, New York. The license will be for a five year period commencing June 1, 2012 and terminating May 31, 2017 and New Cingular will have an option to renew the agreement for an additional five year term. New Cingular will pay the County an annual fee of \$58,345.44, which will automatically increase by five percent (5%) each year on

the anniversary of the agreement commencement date. New Cingular will 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. In the event the rate that the County pays for electricity increases, the County shall notify the Licensee and Licensee shall be responsible to pay the increased amount.

A resolution authorizing the above license agreement is submitted herewith for your approval.

MB/MM/TSA

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/23/2012 - JOMARY VIEIRA SECRETARY

## 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 is hereby authorized to enter into a license 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, for a five year period commencing June 1, 2012 and terminating May 31, 2017. New Cingular will have an option to renew for an additional five year term. New Cingular shall pay 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. New Cingular will 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 be responsible to pay an increase in the cost of electricity over the term; 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.

Account to be Charged/Credited:

Year	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
2012	101	16	6000	9065		\$40,003.88
2013	101	16	6000	9065		\$70,279.85
2014	101	16	6000	9065		\$73,282.22
2015	101	16	6000	9065		\$76,434.66
2016	101	16	6000	9065		\$79,744.77
2017	101	16	6000	9065		\$33,813.30

Budget Funding Year(s): 2012-2017

Start Date: June 1, 2012

End Date: May 31, 2017

Funding Source

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

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

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

**\$373,558.68**

(Must match resolution) Other: REVENUE: \$373,558.68