

34558

DATE: June 19, 2013

TO: Board of Acquisition and Contract

FROM: John B. McCaffrey,
Chief Information Officer

Mary Mahon,
Senior Assistant to County Executive/Director
of Real Estate

RE: AUTHORIZATION TO ENTER INTO A LICENSE AGREEMENT (IT-1311) WITH CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. FOR THE INSTALLATION, OPERATION AND MAINTENANCE OF THE LICENSEE'S RADIO EQUIPMENT AT 100 EAST FIRST STREET, MOUNT VERNON, NEW YORK FOR A FIVE YEAR PERIOD COMMENCING JUNE 1, 2012 AND TERMINATING MAY 31, 2017 FOR AN ANNUAL FEE OF \$34,205.64 WITH AN ANNUAL INCREASE OF FIVE PERCENT (5%) UPON EACH ANNIVERSARY DATE.

BACKGROUND:

- Consolidated Edison Company of New York, Inc. ("Con Ed") has radio equipment at the 100 East First Street in Mount Vernon site which was installed before the County acquired ownership of the building. Con Ed has been a rent paying tenant of the County since 1999.
- This license agreement (the "License") will extend the operation of the existing equipment and antennas by Con Ed at the Mount Vernon site, and allow for the installation of new equipment, for another five year period.
- The License shall commence June 1, 2012 (the Commencement Date") and shall have a term of five (5) years. Con Ed, at its sole option, may renew the License for an additional five (5) year term upon ninety (90) days prior written notice to the County.
- During the term of the License, Con Edison shall pay to the County annual License fees in the amount of Thirty-Four Thousand Two Hundred Five and 64/100 (\$34,205.64) Dollars. Such fees shall be payable in monthly installments equal to one-twelfth (1/12) of the annual fee beginning at the Commencement Date. The monthly fee that Licensee shall pay to the County for the first year of this License equals Two Thousand Eight Hundred Fifty and 47/100 (\$2,850.47) Dollars. The annual License fee will automatically increase by five percent (5%) each year on the anniversary of the Commencement Date.
- In addition, Con Edison shall pay the County a fixed fee of One Hundred Thirty Nine and 54/100 Dollars (\$139.54) per month for the cost of electricity consumed by operation of its equipment at the Mount Vernon site. In the event the rate that the County pays for electricity increases, the County shall notify Con Edison who shall be responsible to pay the increased amount.

- 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-1311) with Consolidated Edison Company of New York, Inc., having a place of business located at 4 Irving Place, New York, New York 10003, for the operation of radio equipment at 100 East First Street in Mount Vernon, for a five year period commencing June 1, 2012 and terminating May 31, 2017, for an annual fee of \$34,205.64 for the first year of the license agreement with an increase of five percent (5%) each year on the anniversary of the Commencement Date.

Accordingly, the attached resolution is submitted for your consideration.

APPROVED BOARD OF ACQUISITION & CONTRACT - 06/20/2013
CONFIDENTIAL, SECRET

RESOLUTION

UPON A COMMUNICATION FROM THE CHIEF INFORMATION OFFICER, DEPARTMENT OF INFORMATION TECHNOLOGY, AND THE SENIOR ASSISTANT TO COUNTY EXECUTIVE/DIRECTOR OF REAL ESTATE BE IT HEREBY

RESOLVED: that the County of Westchester is hereby authorized to enter into a license agreement (IT-1311) with Consolidated Edison Company of New York, Inc. ("Con Ed"), having a place of business located at 4 Irving Place, New York, New York 10003, for the installation, operation and maintenance of radio equipment at 100 East First Street in Mount Vernon, for a term of five (5) years commencing June 1, 2012; and be it further

RESOLVED, that Con Ed, at its sole option, may renew the License for an additional five (5) year term upon ninety (90) days prior written notice to the County; and be it further

RESOLVED, that Con Edison shall pay to the County annual License fees in the amount of Thirty-Four Thousand Two Hundred Five and 64/100 (\$34,205.64) Dollars. Such fees shall be payable in monthly installments equal to one-twelfth (1/12) of the annual fee beginning at the Commencement Date. The monthly fee that Licensee shall pay to the County for the first year of this License equals Two Thousand Eight Hundred Fifty and 47/100 (\$2,850.47) Dollars. The annual License fee will automatically increase by five percent (5%) each year on the anniversary of the Commencement Date; and be it further

RESOLVED, that Con Edison shall pay the County a fixed fee of One Hundred Thirty-Nine and 54/100 Dollars (\$139.54) per month for the cost of electricity consumed by operation of its equipment at the Mount Vernon site. In the event the rate that the County pays for electricity increases, the County shall notify Con Edison who shall be responsible to pay the increased amount; 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.

Contract Number IT-1311

Account to be Charged/Credited:

Original Agreement: \$ 197,380.15

Total \$ 197,380.15

Year	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
2012	101	16	6000	9065		\$19,953.29
2012	101	46	3300	9107		\$ 976.78
2013	101	16	6000	9065		\$35,203.30
2013	101	46	3300	9107		\$1,674.48
2014	101	16	6000	9065		\$36,963.47
2014	101	46	3300	9107		\$1,674.48
2015	101	16	6000	9065		\$38,811.64
2015	101	46	3300	9107		\$1,674.48
2016	101	16	6000	9065		\$40,752.23
2016	101	46	3300	9107		\$1,674.48
2017	101	16	6000	9065		\$17,323.82
2017	101	46	3300	9107		\$ 697.70

Budget Funding Year(s): 2012-2017
(must match resolution)

Start Date: June 1, 2012

End Date: May 31, 2017

Funding Source

\$ 197,380.15
(must match resolution)

Tax Dollars: _____

State Aid _____

Federal Aid _____

Other: Revenue \$ 197,380.15

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