

51612

**TO:** Board of Acquisition and Contract

**FROM:** Jay T. Pisco, P.E.  
Commissioner of Public Works and Transportation

**DATE:** March 28, 2016

**SUBJECT:** Authority to extend the term of a License Agreement with Clear Channel Outdoor, Inc. for the operation and maintenance of Westchester County Bus Shelters for the term April 1, 2011, through March 31, 2016 (Contract No. WCT-11BS) for three months from April 1, 2016 through June 30, 2016 at an annual License fee of \$875,000.00, in order to provide the necessary lead time for a new Licensee to begin providing services.

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By Resolution approved on March 3, 2011 (the "Resolution"), your Honorable Board awarded Contract No. WCT-11BS with Clear Channel Outdoor, Inc. ("Clear Channel") to advertise on and operate and maintain Westchester County Bus Shelters for the term April 1, 2011 through March 31, 2016 (the "License Agreement") with a five year renewal term. The License Agreement was subsequently entered into. Although the County did not exercise the five-year option to renew with Clear Channel, it did issue a Request for Proposals for the Operation and Maintenance of Westchester County Bus Shelters (the "RFP"), for which proposals were received and for which the County will by separate Resolution request authority to enter into a License Agreement.

Authority is currently being requested for your Honorable Board to extend the term of the License Agreement with Clear Channel for three additional months at the current annual License fee of \$875,000.00 in order to provide the necessary lead time for a new Licensee to begin providing services pursuant to the recent RFP and to provide time for Clear Channel to adequately maintain the shelters including the provision of lighting.

As part of the proposed extension, Clear Channel will be required to extend the performance and payment bond in the sum of \$775,000.00 provided by Clear Channel pursuant to the License Agreement, for the extended term of the proposed agreement, in a form acceptable to the Office of the County Attorney. In addition, the County will continue to hold in a maintenance and security fund the sum of \$25,000.00 paid by Clear Channel to the County pursuant to the License Agreement, to assure the proper maintenance of bus shelters.

The proposed extension is exempt from the Westchester County Procurement Policy pursuant to Section 3(b) thereof.

All other terms and conditions of the March 3, 2011 Resolution and the License Agreement shall remain in full force and effect.

This contract is in the public's best interest because it will promote the health and safety of the general public by assuring that bus shelters are maintained during the transition from one provider to the next, and will provide a safe environment in bus shelters utilized by the public. In addition, approval of the proposed extension will provide revenue to the County before the new provider can begin operating and maintaining the bus shelters.

Approval of the attached Resolution by your Honorable Board is requested.

JTP/DI  
Encl.

# RESOLUTION

## CONTRACT NO. WCT-11BS

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

**RESOLVED**, that the County is authorized to extend the term of a license agreement with Clear Channel Outdoor, Inc. for the operation and maintenance of Westchester County Bus Shelters for the term April 1, 2011 through March 31, 2016 (Contract No. WCT-11BS) for three months from April 1, 2016 through June 30, 2016 at an annual License fee of \$875,000.00, plus 25% of annual net revenue in excess of \$1,810,000.00, in order to provide the necessary lead time for a new Licensee to begin providing services; and be it further

**RESOLVED**, that except as specifically amended hereby, all remaining terms and conditions of the March 3, 2011 Resolution and the Agreement shall remain in full force and effect; and be it further

**RESOLVED**, that the County Executive or his duly authorized designee is hereby authorized to execute all documents and take all actions necessary to effectuate the purpose hereof.

Original Agreement	\$3,875,000.00
This Extension	\$ 218,750.00
<b>TOTAL</b>	<b>\$4,093,750.00</b>

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	101	44	2100	9289		\$ 218,750.00 (2016)

**Budget Funding Year(s):** 2016  
(must match resolution)

**Start Date:** April 1, 2016

**End Date:** June 30, 2016

**Revenue Source:**      **Tax Dollars**      \$218,750.00

**State Aid**      \_\_\_\_\_

\$218,750.00      **Federal Aid**      \_\_\_\_\_  
(must match resolution)

**Other**      \_\_\_\_\_