

52020

DATE: May 12, 2016

TO: Board of Acquisition and Contract

FROM: John B. McCaffrey,
Chief Information Officer

Adam Rodriguez
Director of Real Estate

RE: Authorization to enter into a license agreement (IT-1395) with New York SMSA Limited Partnership d/b/a Verizon Wireless, for the continued installation, operation and maintenance of the licensee's radio equipment at the Crompond Road Radio Tower located in Yorktown, New York, for a five year period commencing January 1, 2014 for an annual fee of \$35,961.77 for the first year of the license agreement, with annual increases of five percent (5%) upon each anniversary date.

BACKGROUND:

- New York SMSA Limited Partnership d/b/a Verizon Wireless, ("Verizon") has radio equipment at the County's radio communication site facilities at the Crompond Road Radio Tower, located in Yorktown, New York and has been utilizing these facilities since 2002.
- This license agreement (the "License") enables Verizon to continue its operation of the existing equipment and antennas at the Crompond Road site, and also allows for the installation of new equipment.
- The License shall commence on January 1, 2014 (the "Commencement Date") and shall have a term of five (5) years. The License shall automatically renew for two additional five (5) year terms unless Verizon terminates on ninety (90) days prior written notice to the County prior to the end of the then current term. Both parties have the right to terminate on six (6) month's written notice to the other.
- During the term of the License, Verizon shall pay to the County an annual License fee, which for the first year of the license shall be in an amount of Thirty Five Thousand Nine Hundred and Sixty One and 77/100 (\$35,961.77 Dollars).

The annual License fee will automatically increase by five percent (5%) each year on the anniversary of the Commencement Date.

- Verizon shall not assign, sublet, subcontract, or otherwise dispose of this License, or any right, duty or interest herein, without the prior written consent of the County, which shall not be unreasonably withheld or delayed, except that no consent shall be required with respect to an assignment by Verizon to its principal, affiliate, subsidiaries of its principal or any entity which acquires all or substantially all of Verizon's assets in the market defined by the FCC in which the Site is located or any entity which is the successor to Verizon by reason of merger, acquisition, or other business reorganization.
- This agreement is in the best interest of the County since it produces revenue and helps cellular carriers improve cell coverage in the Yorktown area.
- This agreement is exempt from the Westchester County procurement policy pursuant to section 3(b) which provides: "This policy shall not apply to real property leases, licenses and concessions."

ACTION REQUESTED:

Authorization to enter into a license agreement with New York SMSA Limited Partnership d/b/a Verizon Wireless, for the continued installation, operation and maintenance of the licensee's radio equipment and installation of new equipment at the Crompond Road Radio Tower located in Yorktown, New York, for a five year period commencing January 1, 2014 and Verizon will have an option to renew the agreement for two additional 5 year terms. Verizon will pay the County an annual fee of \$35,961.77 for the first year of the license agreement, with annual increases of five percent (5%) upon each anniversary date.

Accordingly, the attached resolution is submitted for your consideration.

JBM/AR/TSA

RESOLUTION

Upon a communication from the Chief Information Officer, Department of Information Technology, and the Director of Real Estate, be it hereby

RESOLVED, that the County of Westchester is hereby authorized to enter into a license agreement with New York SMSA Limited Partnership d/b/a Verizon Wireless, ("Verizon") for the continued operation by Verizon of its existing equipment and antennas at the County's radio communication site facilities at the Crompond Road radio tower located in Yorktown, New York, and also for the installation of new equipment, for a five (5) year term commencing January 1, 2014 (the "Commencement Date"); and be it further

RESOLVED, that the agreement shall automatically renew for two additional five (5) year terms unless Verizon terminates on ninety (90) days prior written notice to the County prior to the end of the then current term; and be it further

RESOLVED, that both parties have the right to terminate on six (6) month's written notice to the other; and be it further

RESOLVED, that Verizon shall pay to the County an annual License fee in the amount of Thirty Five Thousand Nine Hundred and Sixty One and 77/100 (\$35,961.77) Dollars for the first year of the license, which 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 Verizon shall not assign, sublet, subcontract, or otherwise dispose of this License, or any right, duty or interest herein, without the prior written consent of the County, which shall not be unreasonably withheld or delayed, except that no consent shall be required with respect to an assignment by Verizon to its principal, affiliate, subsidiaries of its principal or any entity which acquires all or substantially all of Verizon's assets in the market defined by the FCC in which the Site is located or any entity which is the successor to Verizon by reason of merger, acquisition, or other business reorganization; 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- 1395
 Account to be Charged/Credited:

Year	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars
2014	101	16	6000	9065		\$35,961.77
2015	101	16	6000	9065		\$37,759.86
2016	101	16	6000	9065		\$39,647.73
2017	101	16	6000	9065		\$41,630.11
2018	101	16	6000	9065		\$43,711.62

Budget Funding Year(s): 2014-2018
2018
 (must match resolution)

Start Date: January 1, 2014

End Date: December 31,

Funding Source

Tax Dollars: _____

State Aid _____

\$198,711.09
 (must match resolution)

Federal Aid _____

Other: Revenue \$198,711.09

APPROVED BOARD OF ACQUISITION & CONTRACT - 06/03/2016 - LISA MERRILL SECRETARY