

77371

DATE: June 15, 2020

TO: Board of Acquisition and Contract

FROM: Marguerite Beirne
Chief Information Officer
Department of Information Technology

RE: AUTHORITY TO AMEND A LICENSE AGREEMENT (IT-781) WITH CABLEVISION LIGHTPATH, INC., PURSUANT TO WHICH IT INSTALLED AND HAS MAINTAINED A TELECOMMUNICATIONS "HUT" ON THE GRASSLANDS CAMPUS, BY, A.) EXTENDING THE TERM OF THE AGREEMENT BY FIVE (5) YEARS, TO A NEW TERMINATION DATE OF DECEMBER 31, 2025, AT NO COST TO THE COUNTY, AND B.) UPDATING THE INSURANCE REQUIREMENTS CONTAINED IN THE AGREEMENT.

BACKGROUND:

- Since 2001, Cablevision Lightpath, Inc. ("Lightpath") has provided the County of Westchester (the "County") with various telecommunications services (the "Telecommunications Services"). The Telecommunications Services were provided under IT-233, as amended, through December 31, 2015 and have been provided under IT-1376 since January 1, 2016. The initial term of IT-1376 will expire on December 31, 2020. However, under IT-1376, the County has the option to renew the agreement for up to two (2) additional five (5) year terms.
- In order to deliver the Telecommunications Services to facilities located on the Grasslands campus, it was necessary for Lightpath to construct a telecommunications "hut" (the "Hut") on the Grasslands campus ("Grasslands"). By a resolution approved on May 11, 2000, your Honorable Board authorized the County to enter into a license agreement (IT-781) with Lightpath, pursuant to which Lightpath was to install and maintain the Hut, for a term commencing on June 1, 2000 and terminating on March 1, 2005 (the "License Agreement"). The License Agreement was subsequently executed.
- By a series of amendments authorized by your Honorable Board on April 1, 2005, December 22, 2010, and December 10, 2015, and subsequently executed by the County and Lightpath, the term of the License Agreement was repeatedly extended to match the extended term of the agreement pursuant to which Lightpath was to provide the Telecommunications Services. Accordingly, the term of the License Agreement is currently set to expire on December 31, 2020.

- By a separate resolution, the County received authority from your Honorable Board to, among other things, exercise the first of its two five-year options under IT-1376 and thereby extend the term of IT-1376 such that will continue through December 31, 2025.
- In order to allow Lightpath to continue to have the Hut be located and maintained at Grasslands, so that the Telecommunications Services can continue to be provided to Grasslands under IT-1376 through its intended extended term, the County requests authority from your Honorable Board to amend the License Agreement, as amended, by, a.) extending its term by five (5) years, to a new termination date of December 31, 2025, at no cost to the County, and b.) updating the insurance requirements contained in the Agreement (the "Amendment"). During the proposed extended term of the License Agreement, all utility fees associated with the Hut will be paid by Lightpath.
- Except as specifically described above, all terms and conditions of the License Agreement shall remain the same and in full force and effect.
- The proposed Amendment will serve a public purpose by ensuring that the County can continue to receive the Telecommunications Services at Grasslands under IT-1376, through its proposed extended term.
- The goal and objective of the proposed Amendment is to ensure that the County can continue to receive the Telecommunications Services at Grasslands under IT-1376, through its proposed extended term.
- The goal and objective of the proposed Amendment is in the best interests of the County in terms of fiscal responsibility, as ensuring that the County can continue to receive the Telecommunications Services at Grasslands under IT-1376, through its proposed extended term, will enable the County to properly receive at Grasslands the Telecommunications Services for which the County would be paying.
- The goal and objective of the proposed Amendment will be tracked and monitored by the staff of the Department of Information Technology.
- The proposed Amendment is exempt from the requirements of the Westchester County Procurement Policy pursuant to Section 3(b) thereof.

ACTION REQUESTED:

- Authority to amend the License Agreement by, a.) extending its term by five (5) years, to a new termination date of December 31, 2025, in order to allow Lightpath to have the Hut be located and maintained Grasslands, at no cost to the County, and b.) updating the insurance requirements contained in the Agreement, with all other terms and conditions to remain the same and in full force and effect.

I respectfully recommend adoption of the proposed resolution.

MB/SF/bdm/nn

RESOLUTION

UPON A COMMUNICATION FROM THE CHIEF INFORMATION OFFICER,
DEPARTMENT OF INFORMATION TECHNOLOGY, BE IT HEREBY

RESOLVED, that the County of Westchester (the "County") is hereby authorized to amend a license agreement (IT-781) with Cablevision Lightpath, Inc. ("Lightpath"), pursuant to which Lightpath installed and has maintained a telecommunications "hut" (the "Hut") on the Grasslands campus ("Grasslands"), in order to deliver various telecommunications services to Grasslands, for a term commencing on June 1, 2000 and continuing through December 31, 2020, (the "Current License Agreement") by, a.) extending its term by five (5) years, to a new termination date of December 31, 2025, in order to allow Lightpath to continue to have the Hut be located and maintained at Grasslands, at no cost to the County, and b.) updating the insurance requirements contained in the Agreement; and be it further

RESOLVED, during the extended term of the License Agreement, all utility fees associated with the Hut will be paid by Lightpath; and be it further

RESOLVED, that except as specifically hereby authorized to be amended, all terms and conditions of the License Agreement shall remain the same and in full force and effect; 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 Agreement IT-781, 4th Amendment

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
					\$0

Budget Funding Year(s): N/A Start Date: January 1, 2021 End Date: December 31, 2025

Funding Source Tax Dollars: N/A
 State Aid: _____
\$0 Federal Aid: _____
 (must match resolution) Other: _____