

89027

DATE: November 19, 2021

TO: Board of Acquisition and Contract

FROM: Richard Wishnie
Acting Commissioner, Department of Emergency Services

RE: Resolution authorizing the County of Westchester to enter into a license agreement with the Village of Pelham Manor to grant permission to the Village to connect its subscriber equipment to the County radio communications system and utilize the County radio communications system for communicating with fire agencies, emergency medical services, law enforcement agencies, hospitals and other emergency services agencies.

Authority is requested for the County of Westchester (the "County") to enter into a license agreement with the Village of Pelham Manor (the "Village") to grant the Village permission to connect its subscriber equipment to the County radio communications system and utilize the County radio communications system for communicating with fire agencies, emergency medical services, law enforcement agencies, hospitals and other emergency services agencies (the "Agreement")

Pursuant to a resolution approved on February 27, 2020, your Honorable Board authorized the County to enter into a license agreement with local municipalities, fire districts and hospitals in and around the County for the distribution, at no charge, of emergency communications equipment for use on primary first line emergency response equipment, authorized law enforcement dispatch locations and hospital facilities (the "February 27th Resolution").

Pursuant to the February 27th resolution, the County offered to purchase, furnish and install the emergency communication equipment for the Village, and the Village declined the offer.

The Village instead prefers to purchase the subscriber equipment directly at its sole cost and obtain permission from the County to connect its subscriber equipment to the County radio communications system.

Only subscriber equipment approved by the County may be connected to the County radio communications system. The Village shall be responsible for programming the subscriber equipment using a vendor who is authorized in writing by the County to program the subscriber equipment on to the County radio communications system ("Authorized Vendor"). The purchase and programming shall be at the expense of the Village. The County will provide the Village with a list of Authorized Vendors.

The proposed Agreement would commence upon execution and continue in full force and effect unless sooner terminated as provided in the Agreement, which includes, but is not limited to, the right by either party to terminate upon five (5) days' notice when they deem it to be in their best interest.

The Village shall be responsible for the purchase, operation, maintenance, repair, programming, reprogramming, modification, connection, use and disconnection of the subscriber equipment at its sole cost. The Village shall comply with the County's mandatory user guidelines and operating procedures for all subscriber equipment. The Village shall provide defense and indemnification to the County.

The Village will acknowledge and agree that the County is going to obtain and hold the FCC license for the subscriber equipment to operate on the County radio communications system. The Village will take no action(s) with regard to the subscriber equipment that causes the County to be in violation of its FCC license.

The Westchester County Procurement Policy and Procedures does not apply to this License under Section 3(b) thereof.

Approval of the attached resolution by your Honorable Board is respectfully requested.

RW/RAN
Enc.

RESOLUTION

Upon a communication from the Acting Commissioner of Emergency Services, be it hereby

RESOLVED, that the County of Westchester (“County”) is authorized to enter into a license agreement with the Village of Pelham Manor (“License”) to grant the Village permission to connect its subscriber equipment to the County radio communications system and utilize the County radio communications system for communicating with fire agencies, emergency medical services, law enforcement agencies, hospitals and other emergency service agencies; and be it further

RESOLVED, that pursuant to the License, the Village shall (1) be responsible for the purchase, operation, maintenance, repair, programing, reprograming, modification, connection, use and disconnection of the subscriber equipment at its sole cost, (2) comply with the County’s mandatory user guidelines and operating procedures for all subscriber equipment, and (3) provide defense and indemnification to the County; and be it further

RESOLVED, that the Village will acknowledge and agree that the County is going to obtain and hold the FCC license for the subscriber equipment to operate on the County radio communications system, and the Village will take no action(s) with regard to the subscriber equipment that causes the County to be in violation of its FCC license, and be it further

RESOLVED, that the term the License will commence upon execution and continue unless sooner terminated in accordance with its terms, which will include, but is not limited to, the right by either party to terminate upon five (5) days notice when it deems it to be in its best interest; and be it further

RESOLVED, that the County Executive or his authorized designee is hereby authorized to execute all instruments and take all actions necessary to implement this Resolution.

Account to be Charged/ credited	Year	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars

Budget Funding Year(s) (must match resolution) Start Date End Date

Funding Source

Tax Dollars \$ _____
 State Aid \$ _____
 Federal Aid \$ _____
 Other \$ _____

