

93155

DATE: May 6, 2022

TO: Board of Acquisition and Contract

FROM: Marguerite Beirne
Chief Information Officer

SUBJECT: Authority to further amend a license agreement (IT-1575) entered into between the County of Westchester and Crown Communication New York, Inc. whereby Crown granted the County a license to install wireless communication service equipment on a tower and in a shelter located on State-owned property adjacent to the Hutchinson River Parkway in the City of New Rochelle, New York, in order to permit the County to (1) abandon in place certain fire suppression and electrical power systems installed in the State shelter, and (2) agree to vacate the State shelter with the exception of these systems within thirty (30) days of execution of the amendment.

On June 3, 2002, your Honorable Board approved a resolution which authorized the County of Westchester (the "County") to enter into a license agreement with Crown Communication New York, Inc. ("Crown") whereby Crown would grant the County a license to place wireless communication service equipment on a tower and in a State shelter located on State-owned property adjacent to the Hutchinson River Parkway in the City of New Rochelle (the "Site") for public safety use for an initial five (5) year term with two (2) automatic five (5) year renewals, at an annual rental of one dollar (\$1.00) (the "Agreement"). The Agreement was subsequently executed on July 16, 2002.

On May 10, 2007, the parties entered into a First Amendment to the Agreement in order to modify the County's inventory of antennas and equipment at the Site.

On December 13, 2016, the parties entered into a Second Amendment to the Agreement in order to further modify the County's inventory of antennas and equipment at the Site.

On October 24, 2019, your Honorable Board approved a resolution, which authorized the County to further amend the Agreement in order to (1) extend the term thereof through December 31, 2040, with an option to renew for ten (10) additional years; (2) authorize the County to

terminate the Agreement, as amended, for convenience on six (6) months' notice to Crown; (3) authorize the County to construct and install user equipment at the Site, including a new County equipment shelter (the "County Shelter"); (4) authorize the County to sublicense space in the County Shelter to third parties; and (5) modify the County's inventory of user equipment (the "Third Amendment"). The Third Amendment was subsequently executed on December 9, 2019.

After the execution of the Third Amendment, the County constructed the County Shelter. The County is in the process of vacating the State shelter and relocating its equipment from the State shelter to the County Shelter. As part of this process, it has come to the County's attention that it needs to remove a certain fire suppression system and uninterruptible power supply system from the County space in the State shelter and restore the State shelter to its original condition. To do such removal and restoration will be costly and inefficient for the County. At the County's request, the State is amenable to the County abandoning these systems in place in the State shelter. Therefore, authorization is now sought to further amend the Agreement to permit the County to abandon in place the fire suppression system and uninterruptible power supply system in the State shelter and agree to vacate the State shelter with the exception of fire suppression system and uninterruptible power supply system within thirty (30) days of execution of the proposed amendment.

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

Except as specifically amended hereby, all remaining terms and conditions set forth in the Agreement shall remain in full force and effect upon the parties.

MB/ran

RESOLUTION

Upon a communication from the Chief Information Officer, Department of Information Technology, be it hereby

RESOLVED, that the County of Westchester ("County"), acting by and through its Department of Information Technology ("DoIT"), is hereby authorized to further amend the license agreement (IT-1575) with Crown Communication New York, Inc. ("Crown"), dated July 16, 2002, as amended by the first amendment to the license agreement, dated May 10, 2007, the second amendment to the license agreement, dated December 13, 2016, and the third amendment to the license agreement, dated December 9, 2019 (collectively, the "Agreement"), whereby Crown granted the County a license to place wireless communication service equipment on a tower and in a shelter located on State-owned property adjacent to the Hutchinson River Parkway in the City of New Rochelle (the "Site") for public safety use in order to permit the County to abandon in place the fire suppression system and uninterruptible power supply system in the State shelter and agree to vacate the State shelter with the exception of fire suppression system and uninterruptible power supply system within thirty (30) days of execution of the amendment; and be it further

RESOLVED, that except as specifically amended hereby, all remaining terms and conditions set forth in 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 and deliver any and all documents and to take all action necessary and appropriate to effectuate the purposes hereof.

Original Agreement: \$15
First Amendment: \$0
Second Amendment: \$0
Third Amendment: \$24
This Amendment: \$0
Total: \$39

Account to be
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
					N/A

Budget Funding Year(s): 2017-2040 Start Date: 01/02/2017 End Date: 12/31/2040
(must match resolution)

Funding Source

NA
(must match resolution)

Tax Dollars: _____
State Aid: _____
Federal Aid: _____
Other: _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 05/19/2022 - RAYMOND SCULKY, SECRETARY