



Board Agenda Item 45

DATE: June 18, 2019

TO: Board of Supervisors

SUBMITTED BY: Robert W. Bash, Director, Internal Services/Chief Information Officer

SUBJECT: Tower License Agreement for Communication Equipment

RECOMMENDED ACTION(S):

1. **Approve and authorize the Chairman to execute a ten (10) year License Agreement for communication equipment sites located at (1) Panoche Mountain, and (2) Mount Sampson, both in Fresno County, with Cook's Communications Corp., effective July 1, 2019, which includes a five-year base agreement term and five automatic one-year extensions, total not to exceed \$1,445,000.**
2. **Authorize the Director of Internal Services/Chief Information Officer or his designee to add additional equipment to this License Agreement, without modification of any material terms, conditions, or agreement not to exceed amounts, as they are identified, without returning to the Board of Supervisors with amendment(s), subject to the review and approval of County Counsel and the Auditor-Controller/Treasurer-Tax Collector's Office.**

Approval of the recommended actions will permit the County of Fresno to renew its license agreement (the "Agreement") for antenna and communication equipment storage space for its emergency response network and radio communications. Cook's Communications Corp. maintains communications facilities throughout the San Joaquin Valley. The public benefit of entering into this Agreement is a wider communication network, resulting in a faster response to emergency situations. This item is countywide.

ALTERNATIVE ACTION(S):

There is no viable alternative action. If the Agreement is not approved, the County's communications network would have limited radio coverage in eastern and western Fresno County.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The proposed Agreement has a total cost not to exceed \$1,445,000 for the entire possible ten-year term of the Agreement. Contingencies in the amount of \$241,436 are included in the total cost, for potential added equipment and associated escalator costs throughout the term of the Agreement. All costs associated with this Agreement are recovered through charges to user departments. Sufficient appropriations and estimated revenues will be included in the Department's Org 8905 FY 2019-20 Recommended Budget, and will be included in future budget requests.

DISCUSSION:

Approval of the recommended actions will permit Fresno County to continue interagency cooperation, by maintaining upgraded communications equipment at these sites. Cook's Communications Corp. has continued their pricing structure with the County of Fresno below competitive market rates for the last ten (10) years. Pricing rates include rental space on the equipment towers, energy utility rates, and generator backup support in the event of power failure. The County uses a majority of the licensing space on both the Panoche and Sampson towers, which could be otherwise licensed by other entities.

The location of County communication equipment at these sites is integral to maintaining a regional emergency response network to provide faster dissemination of information through direct police officer, deputy sheriff, and firefighter communications. In addition, the communications network interoperability will provide a redundancy factor in case of equipment or network failure. The initial term of the Agreement for the recommended actions will be July 1, 2019 through June 30, 2024. After the five-year base agreement term, the Agreement will automatically renew for one-year periods; the rent will increase by 5% beginning July 1, 2022, and each calendar year thereafter. The Agreement, inclusive of the renewal periods, is for a total possible term of 10 years.

The Agreement will renew automatically on the one-year anniversary date of its commencement, unless one of the parties provides the other with 90 days prior written notice of intent not to renew. The Agreement allows for the County Administrative Officer or Chief Information Officer or one of their designees to provide such notice of non-renewal.

This item has been approved by the Human Resources-Risk Management Division. The Agreement contains mutual hold harmless language and non-standard insurance language, but staff believes that the benefits of this Agreement outweigh the risks, as a prudent business decision.

REFERENCE MATERIAL:

BAI #41, October 6, 2009

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Cook's Communication License Agreement

CAO ANALYST:

Yussel Zalapa