

Law & Major Contracts Meeting Agenda



Committee Chair: Damon Maher

800 Michaelian Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Monday, March 27, 2023

10:00 AM

Committee Room

CALL TO ORDER

Joint with Budget & Appropriations committee.

Please note: Meetings of the Board of Legislators and its committees are held at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601, and remotely via the WebEx video conferencing system. Legislators may participate in person or via Webex. Members of the public may attend meetings in person at any of its locations, or view it online on the Westchester County Legislature's website: <https://westchestercountyny.legistar.com/> This website also provides links to materials for all matters to be discussed at a given meeting.

Chairwoman Catherine Borgia will be participating remotely from Clear View School and Day Treatment Center, 480 Albany Post Road, Briarcliff, NY 10510.

Committee Chairman Damon Maher will be participating remotely from Joe Coffee, 10 Lecount Place, New Rochelle, NY 10801.

MINUTES APPROVAL

Monday, March 20, 2023 at 10:00 a.m.

I. ITEMS FOR DISCUSSION

[2023-104](#) ACT - Enter into Agreement re: FCC Licenses

AN ACT authorizing the County of Westchester to retain, at County's expense, The Law Office of Alan S. Tilles ("Alan Tilles"), to serve in an "of counsel" capacity to the County Attorney, on an as needed basis, in connection with the licensing of new and/or the modification of existing FCC licenses in the County's name in order to permit the County to expand the County's existing UHF T-Band trunked radio system and the UHF paging system.
COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

Guests: DoIT: Marguerite Bierne, Chief Information Officer and Adam Epstein, Program Coordinator, Radio Systems; Law Dept: Tami Altschiller, Assistant Chief Deputy County Attorney and Carla Chaves, Senior Assistant County Attorney

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT



George Latimer
County Executive

Office of the County Attorney

John M. Nonna
County Attorney

March 7, 2023

Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

Transmitted herewith is an Act which, if adopted by your Honorable Board, would authorize the County of Westchester, acting by and through its Department of Information and Technology (the "County") to enter into an agreement (the "Agreement") with The Law Offices of Alan S. Tilles ("Alan Tilles"), to serve in an "of counsel" capacity to the County Attorney, as needed, in connection with the licensing of new and/or the modification of existing Federal Communications Commission ("FCC") licenses in the County's name in order to permit the County to expand the County's existing Ultra-High Frequency ("UHF") T-Band trunked radio system and the UHF paging system.

As a way of background, the County operates large multi-site, multi-frequency, conventional and trunked, voice and data, public safety, transportation, and other government radio systems under approximately 100 FCC licenses for frequencies in the VHF Low Band, VHF High Band, UHF (including T-Band), 700 MHz, 800 MHz, and microwave bands. These licenses cover more than fifteen (15) primary infrastructure sites, a similar number of secondary infrastructure sites, approximately 130 location-specific control station sites, and numerous mobile and 6.1m control stations. Several of the County's large systems were recently replaced and/or expanded. As such, the County is faced with the need to hire counsel to identify and license a number of new frequencies, as well as to modify certain existing licenses.

Under the proposed Agreement, Alan Tilles will provide insight, guidance, advice, and interpretation of FCC rules and regulations, prepare and submit FCC and Federal Aviation Administration filings related to radio tower and other antenna support structure registration, including with respect to the licensing of UHF frequencies, and provide assistance with other related matters, on an ongoing and as as-needed basis ("Services"). The term of the proposed Agreement will be for five (5) years, commencing upon execution of the Agreement by both parties, unless terminated earlier pursuant to the terms of the Agreement.

Under the proposed Agreement, Alan Tilles will be paid a total amount not-to-exceed Seventy-Five Thousand and 00/100 Dollars (\$75,000.00), payable at a rate of Five Hundred and Seventy-Five and 00/100 Dollars (\$575.00) per hour. Alan Tilles may bill the County for the cost of frequency coordination fees paid to FCC-certified frequency coordinators on behalf of the County and charge an administrative fee of not more than 10% of the amount of the frequency coordination fees paid. In addition, Alan Tilles may bill the County for other expenses incurred on the County's behalf provided it obtains written approval from the County Attorney in advance.

Due to the complex and specialty nature of FCC rules and regulations and the applicable laws with respect to the licensing of UHF frequencies, it is in the best interests of the County to retain counsel qualified to handle such matters. In accordance with the Westchester County Procurement Policy on January 20, 2023, the County solicited written quotes from the following law firms: (i) Alan Tilles, 350 Fortune Terrace, Suite C, PMB 115, Potomac, MD 20854; (ii) Hogan Lovells US LLP, 555 Thirteenth Street, NW, Washington, DC 20004 ("Hogan Lovells"); and (iii) Wilkinson Barker Knauer, LLP, 1800 M Street, NW, Suite 800 N, Washington, DC 20036. The County received two (2) quotes, one from Alan Tilles and another from Hogan Lovells.

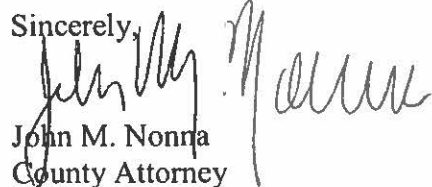
Alan Tilles specializes in this type of work. Alan Tilles is well known for his work in the public safety land mobile radio field. His proposal includes a list of ~90 city, county, and state agencies for whom he has provided services in this field. He has 35+ years of experience representing clients before the FCC in rule makings, applications and contested proceedings. He is a sole proprietor, and his quoted rate is \$575 per hour was the lowest of the two (2) proposals received.

After careful evaluation of the two proposals, the County has determined that it is in its best interest to award a contract to Alan Tilles based on his level of expertise in FCC matters and significant experience in dealing with government entities.

The Planning Department has advised that the proposed Agreement does not meet the definition of an "action" under the State Environmental Quality Review Act, 6 NYCRR part 617. As such, no environmental review is required. Please refer to the memorandum from the Department of Planning dated January 12, 2023, which is on file with the Clerk of the Board of Legislators.

I respectfully recommend your Honorable Board's approval of the attached Act.

Sincerely,


John M. Nonna
County Attorney

JMN/cmc

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Attorney recommending the approval of an Act which, if adopted by your Honorable Board, would authorize the County of Westchester, acting by and through its Department of Information and Technology (the “County”), to enter into an agreement (the “Agreement”) with The Law Office of Alan S. Tilles (“Alan Tilles”), to serve in an “of counsel” capacity to the County Attorney, as needed, in connection with the licensing of new and/or the modification of existing Federal Communications Commission (“FCC”) licenses in the County’s name in order to permit the County to expand the County’s existing Ultra-High Frequency (“UHF”) T-Band trunked radio system and the UHF paging system.

As a way of background, the County operates large multi-site, multi-frequency, conventional and trunked, voice and data, public safety, transportation, and other government radio systems under approximately 100 FCC licenses for frequencies in the VHF Low Band, VHF High Band, UHF (including T-Band), 700 MHz, 800 MHz, and microwave bands. These licenses cover more than fifteen (15) primary infrastructure sites, a similar number of secondary infrastructure sites, approximately 130 location-specific control station sites, and numerous mobile and 6.1m control stations. Several of the County’s large systems were recently replaced and/or expanded. As such, the County is faced with the need to hire counsel to identify and license a number of new frequencies, as well as to modify certain existing licenses.

The County Attorney has advised your Committee, that, pursuant to the Agreement, Alan Tilles will provide insight, guidance, advice, and interpretation of FCC rules and regulations, prepare and submit FCC and Federal Aviation Administration filings related to radio tower and other antenna support structure registration, including with respect to the licensing of UHF frequencies, and provide assistance with other related matters, on an ongoing and as as-needed basis (“Services”). The term of the proposed Agreement will be for five (5) years, commencing upon execution of the Agreement by both parties, unless terminated earlier pursuant to the terms of the Agreement.

The County Attorney has also advised your Committee that under the proposed Agreement, Alan Tilles will be paid a total amount not-to-exceed Seventy-Five Thousand and 00/100 Dollars (\$75,000.00), payable at a rate of Five Hundred and Seventy-Five and 00/100 Dollars (\$575.00) per hour. Alan Tilles may bill the County for the cost of frequency coordination fees paid to FCC-certified frequency coordinators on behalf of the County and charge an administrative fee of not more than 10% of the amount of the frequency coordination fees paid. In addition, Alan Tilles may bill the County for other expenses incurred on the County's behalf provided it obtains written approval from the County Attorney in advance.

The County Attorney has further advised your Committee that due to the complex and specialty nature of FCC rules and regulations and the applicable laws with respect to the licensing of UHF frequencies, it is in the best interests of the County to retain counsel qualified to handle such matters. In accordance with the Westchester County Procurement Policy on January 20, 2023, the County solicited written quotes from the following law firms: (i) Alan Tilles, 350 Fortune Terrace, Suite C, PMB 115, Potomac, MD 20854; (ii) Hogan Lovells US LLP, 555 Thirteenth Street, NW, Washington, DC 20004 ("Hogan Lovells"); and (iii) Wilkinson Barker Knauer, LLP, 1800 M Street, NW, Suite 800 N, Washington, DC 20036. The County received two (2) quotes, one from Alan Tilles and another from Hogan Lovells.

Your Committee is further advised that Alan Tilles specializes in this type of work. Alan Tilles is well known for his work in the public safety land mobile radio field. His proposal includes a list of ~90 city, county, and state agencies for whom he has provided services in this field. He has 35+ years of experience representing clients before the FCC in rule makings, applications and contested proceedings. He is a sole proprietor, and his quoted rate is \$575 per hour was the lowest of the two (2) proposals received.

Your Committee is also advised that after careful evaluation of the two proposals, the County has determined that it is in its best interest to award a contract to Alan Tilles based on his level of expertise in FCC matters and significant experience in dealing with government entities.

The Planning Department has advised that the proposed Agreement does not meet the

definition of an “action” under the State Environmental Quality Review Act, 6 NYCRR part 617. As such, no environmental review is required. Please refer to the memorandum from the Department of Planning dated January 12, 2023, which is on file with the Clerk of the Board of Legislators.

Your Committee has been advised that the adoption of the proposed Act requires an affirmative vote of a majority of the members of your Honorable Board.

After due consideration, your Committee recommends adoption of the proposed Act.

Dated: _____, 2023
White Plains, New York

COMMITTEE ON

C.CMC.02.28.2023

ACT NO. 2023 - _____

AN ACT authorizing the County of Westchester to retain, at County's expense, The Law Office of Alan S. Tilles ("Alan Tilles"), to serve in an "of counsel" capacity to the County Attorney, on an as needed basis, in connection with the licensing of new and/or the modification of existing FCC licenses in the County's name in order to permit the County to expand the County's existing UHF T-Band trunked radio system and the UHF paging system.

BE IT ENACTED by the Board of Legislators of the County of Westchester, as follows:

Section 1. The County of Westchester (the "County") is hereby authorized to enter into an agreement (the "Agreement") with The Law Office of Alan S. Tilles ("Alan Tilles") to serve in an "of counsel" capacity to the County Attorney, as needed, in connection with the licensing of new and/or the modification of existing Federal Communications Commission ("FCC") licenses in the County's name in order to permit the County to expand the County's existing Ultra-High Frequency ("UHF") T-Band trunked radio system and the UHF paging system.

§2. Alan Tilles is hereby authorized to provide, inter alia, insight, guidance, advice, and interpretation of FCC and related laws and regulations and prepare and submit FCC and Federal Aviation Administration filings related to radio tower and other antenna support structure registration, including with respect to the licensing of UHF frequencies, and assistance with other related matters, on an ongoing and as as-needed basis ("Services").

§3. The Agreement shall be for a term of five (5) years commencing upon execution of the Agreement by both parties, unless otherwise earlier terminated pursuant to the terms of the Agreement.

§4. For the Services, Alan Tilles will be paid a total amount not-to-exceed Seventy-Five Thousand and 00/100 Dollars (\$75,000.00), payable at a rate of Five Hundred and Seventy-Five and 00/100 Dollars (\$575.00) per hour. Alan Tilles may bill the County for the cost of frequency coordination fees paid to FCC-certified frequency coordinators on behalf of the County and charge an administrative fee of not more than 10% of the amount of the frequency coordination fees paid. In addition, Alan Tilles may bill the County for other expenses incurred on the County's behalf only upon prior written approval from the County Attorney.

§5. The County Attorney or his authorized designee is hereby authorized to execute all instruments and take all actions reasonably necessary to carry out the purposes of this Act.

§6. This Act shall take effect immediately.