



Legislation Text

File #: 21-0002, **Version:** 1

PROPOSED AGREEMENT

Vendor: Wireless EDGE Towers II, LLC, Rhinebeck, New York

Request: Requesting authorization for the Forest Preserves of Cook County (the “Forest Preserves”) to enter into an agreement

Reason: The Forest Preserves desires to engage a Communication Tower Manager to perform certain marketing, site evaluation and development, sublicensing, revenue collection, and other related site management services related to the use of Forest Preserves property by the commercial wireless telecommunication industry.

To accomplish this goal, the Forest Preserves issued a Request for Proposals for permitting, site development, preparation, erection, installation, and maintenance of a small footprint, self-supporting, stealth communication tower and related cellular telephone communication equipment at multiple sites. Wireless EDGE Towers II, LLC (“Wireless Edge”) was deemed to be the most responsive out of two (2) total respondents.

Under the proposed contract, Wireless Edge will market space for wireless carriers to install antennae on cell towers at locations that have been preapproved by the internal Forest Preserves Land Use Committee. Wireless Edge then intends to subsequently enter separate, twenty-five (25) year license agreements with the Forest Preserves, subject to approval of the Forest Preserves Board of Commissioners, for the construction of the cell towers at preapproved locations. The towers will be owned by Wireless Edge. Wireless Edge will pay revenue to the Forest Preserves under both the proposed agreement and any future licenses for individual sites. Wireless Edge will receive compensation directly from carriers through sublicense agreements to be negotiated between the carriers and Wireless Edge. Wireless Edge will oversee construction and installation by its contractors and sublicensees, and will have access to the designated sites twenty-four (24) hours per day, seven (7) days per week.

The terms, conditions, and procedures of the Forest Preserves’ licensing ordinances found at Title 5 (Public Utilities) and any other applicable licensing provisions of the Forest Preserves Code of Ordinances may be waived in whole or in part by the Forest Preserves with respect to the proposed agreement. The Forest Preserves would enter into the proposed agreement not in its regulatory capacity but in its proprietary capacity as a market participant. In the highly regulated arena of wireless communications, however, state and federal law may in some instances supersede contractual provisions with respect to the wireless facilities once installed.

Wireless Edge will indemnify the Forest Preserves for any claims arising from its performance of the agreement and will maintain insurance policies naming the Forest Preserves as an additional insured. The proposed agreement cannot be unilaterally terminated by the Forest Preserves without cause.

Contract Period: Five (5) years from the date of execution with a five-year optional extension

Estimated Fiscal Impact: (Revenue Generating)

Wireless Edge has agreed to pay the following:

Agreement Signing Bonus: \$20,000.00

Agreement Extension Term Signing Bonus: \$25,000.00

Each Tower License

Lump Sum Payment - Tower Licensee Bonus: \$5,000.00

Lump Sum Payment - Tower Permit Bonus: \$20,000.00

Annual Sublicense Fee (Co-location License Fee): Greater of \$31,914.00 increased by 3% compounded annually on each anniversary of the effective date or 50% of revenue

Narrowband (Public Service) Revenue Share: 50%

Account(s): N/A (Revenue Generating)

Concurrence(s):

The Chief Financial Officer has approved this item. Final agreement is subject to legal review and approval.

District(s): 4, 5, 6, 9, 10, 15, 17