

Office of School Facilities
Raul F. Perez, Chief Facilities Design & Construction Officer

SUBJECT: AUTHORIZATION FOR THE SUPERINTENDENT TO EXECUTE AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE SCHOOL BOARD AND CELLCO PARTNERSHIP, A DELAWARE GENERAL PARTNERSHIP (“VERIZON”), AUTHORIZED TO TRANSACT BUSINESS IN THE STATE OF FLORIDA, TO EXTEND THE LEASE TERM THROUGH DECEMBER 31, 2022 FOR CONTINUED USE BY VERIZON OF A PORTION OF THE RECREATION FIELD AT SOUTHWEST MIAMI SENIOR HIGH SCHOOL, LOCATED AT 8855 S.W. 50 TERRACE, UNINCORPORATED MIAMI-DADE COUNTY, FOR VERIZON TO PROVIDE CELLULAR COMMUNICATIONS SERVICES

COMMITTEE: FACILITIES AND CONSTRUCTION

LINK TO STRATEGIC BLUEPRINT: EFFECTIVE AND SUSTAINABLE BUSINESS PRACTICES

Background

Since September 10, 1996, Cellco Partnership, a Delaware general partnership, authorized to transact business in the State of Florida, and successor in interest to Verizon Wireless Personal Communications, LP (“Verizon”), has leased a portion of the recreation field at Southwest Miami Senior High School (“School”), located at 8855 S.W. 50 Terrace, Unincorporated Miami-Dade County, to provide cellular communications services. Under the terms of the lease agreement, Verizon, at its sole cost, constructed and donated to the District eight light poles and attached light fixtures for the School’s baseball field at an estimated expense of \$100,000, with one of the light poles used by Verizon to install its antennas and accessory communications equipment. Under the terms of the lease agreement, Verizon currently pays rent to the District of \$20,736 per year for its use of the facilities, and is responsible for all utility and operating expenses. The current term of the lease agreement expires on September 10, 2021, and there are no renewal options remaining. The South Region Superintendent has recommended that the District issue a public solicitation available to all cellular telecommunications providers, and enter into a new lease agreement for the installation and operation of cellular telecommunications equipment at the School.

School Board Policy 7535 – Submission Of Proposals For Telecommunications Facilities On Board-Owned Sites, establishes a method to solicit bids and select commercial cellular telecommunications providers. The Policy sets forth a process for considering proposals for telecommunications facilities on Board-owned sites, fostering

competition among telecommunications service providers, providing community notification, if appropriate, for proposed facilities, and including community participation in the review and recommendation process. The Policy also establishes a Fact-Finding Telecommunications Committee (“TC”), comprised of District staff and community representatives. The purpose of the TC is to establish a process for considering proposals for telecommunications facilities on Board-owned sites, to ensure facilities comply with all applicable regulations, health and safety standards, and to make recommendations to the Board and Superintendent. In compliance with School Board Policy 9140e and a recent Florida Attorney General Opinion, a physical quorum must be present for all Board Advisory Committee meetings and maintained throughout the meeting. In addition, it is anticipated that one or more public meetings would be held at the impacted school, involving the PTSA, adjacent homeowners and other concerned parties. The ability to establish an in-person quorum for the TC and to hold public meetings with concerned citizens, has been significantly impacted due to the ongoing COVID-19 pandemic. Because of the need to secure citizen participants and convene the TC to establish business and financial criteria to be included as part of an Invitation To Bid, and to determine the apparent responsive and responsible bidder for consideration by the Board, it is highly unlikely that a successor entity will be selected prior to the September 10, 2021 expiration date of the current lease agreement.

Proposed Board Action

As indicated above, the current term of the lease agreement with Verizon will expire on September 10, 2021, and there are no extension periods remaining. Given the significant amount of time necessary to finalize the public solicitation process and select a successor cellular telecommunications provider, staff is recommending that the Board authorize the Superintendent to enter into an amendment to the existing lease agreement for the specific and limited purpose of extending the term for the period ending December 31, 2022, upon its determination that such an agreement would be in the best interest of the Board. This will provide continuity and ongoing collection of rent under the existing lease agreement for the specified period, with staff to be directed to finalize all requirements set forth in Board Policy 7535 in sufficient time to secure Board authorization to enter into a successor lease agreement with a commercial cellular telecommunication provider prior to December 31, 2022.

Proposed Lease Agreement

The Deputy Superintendent/Chief Operating Officer, School Operations, recommends entering into a lease amendment (“Lease Amendment”) with Verizon for this purpose. Accordingly, it is recommended that the Board authorize entering into a Lease Amendment with Verizon, under, substantially, the following terms and conditions:

- the lease term shall be amended to reflect a termination date of December 31, 2022, with no available extension periods beyond that date;
- the current rental rate of \$20,736 per year shall increase by 20% on September 11, 2021 to \$24,883.20 per year, for the remainder of the term;
- the District’s standard language requiring compliance with the Jessica Lunsford Act shall be included;

- for purposes of the Lease Agreement, the Superintendent of Schools or his/her designee shall be the party designated by the Board to grant or deny any and all approvals or waivers under the Lease Agreement relating to routine operational issues; and
- in addition to the above, the Superintendent of Schools shall also be the party designated by the Board to execute amendments to the Lease Agreement within the authority granted to the Superintendent by the Board in the Lease Agreement, and to grant or deny any approvals or waivers required by the Lease Agreement, including placing Verizon in default, and canceling or terminating the Lease Agreement.

A companion agenda item is being brought to the Board at this meeting requesting a similar lease extension with New Cingular Wireless PCS, LLC.

The proposed Lease Amendment will be reviewed by the School Board Attorney's Office and the Office of Risk and Benefits Management for legal sufficiency and risk management issues, respectively, prior to execution.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, upon its determination that entering into the agreement described herein is in the best interest of the Board, authorize the Superintendent to:

- 1) execute an amendment to the Lease Agreement between the School Board and Cellco Partnership, a Delaware general partnership ("Verizon"), authorized to transact business in the State of Florida, to extend the lease term through December 31, 2022 for continued use by Verizon of a portion of the recreation field at Southwest Miami Senior High School, located at 8855 S.W. 50 Terrace, unincorporated Miami-Dade County, for Verizon to provide cellular communications services, and substantially in conformance with the other terms and conditions set forth in the agenda item; and
- 2) grant or deny all approvals or waivers required under the Lease Agreement, including, without limitation, canceling or terminating the Lease Agreement, and placing Verizon in default, as may be applicable.

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