

# Mayor and Council Communication

**DATE:** 02/28/23

**M&C FILE NUMBER:** M&C 23-0138

**LOG NAME:** 04AMEND MOTOROLA SYSTEM UPGRADE AGREEMENT

**SUBJECT**

(ALL) Authorize Execution of an Amendment to the Public Safety Radio Communications System Upgrade Agreement with Motorola Solutions, Inc., with an Increase of \$111,764.28 for the Total Cost of the Agreement Not to Exceed \$16,263,701.89 Using Houston-Galveston Area Council Contract No. RA05-21

**RECOMMENDATION:**

It is recommended that the City Council authorize the execution of an amendment to the public safety radio communications system upgrade agreement with Motorola Solutions, Inc. with an increase of \$71,790.97 for a total cost of the agreement not to exceed \$16,263,701.89 using Houston-Galveston Area Council Contract No. RA05-21.

**DISCUSSION:**

The City of Fort Worth has established a Public Safety Communications System that currently provides primary and mutual aid communications to more than 150 agencies in North Central Texas. Agencies external to Fort Worth that utilize the system for their primary communications help offset the system costs through user fees and allocations.

In December 2014, Council approved Mayor & Council Communications (M&C) C-27127 authorizing execution of a System Upgrade Agreement (Agreement), in the amount of \$7,377,132.09, to provide biennial upgrades to radio system infrastructure and Police and Fire dispatch centers for 10 years. The long-term Agreement and consolidation of all agencies' Agreements into the Fort Worth Agreement resulted in savings of more than 15 percent. Interlocal Agreements executed between the City and its partner agencies require the agencies' participation in the System Upgrade Agreement.

In September 2016, Council approved M&C C-27918 to amend the Agreement to increase the cost by \$1,511,535.00 to cover equipment additions by the City and its partner agencies. Due to an error in the Motorola document City Secretary Contract 46251-CO2, the amount of the authorization was \$40,000.34 more than the actual contract increase of \$1,471,534.66. The total amount of the contract following approval of M&C C-27918 was \$8,848,666.75.

In March 2019, Council approved M&C P-12308 to increase the cost by \$280,502.81 to cover equipment additions by the City's partner agencies. The amount of the contract was actually increased by \$280,529.81, \$27.00 more than the authorization. The total amount of the contract following approval of M&C P-12308 was \$9,129,196.56.

In March 2020, Council approved M&C 20-0191 to amend the Agreement to extend the Agreement for an additional five years through December 31, 2029, and increase the cost by \$5,969,688.83 for a total cost of the agreement not to exceed \$15,098,885.42 using Houston-Galveston Area Council (H-GAC) Contract No. RA05-21. The total amount of the contract on City Secretary Contract 46251-CO3 was \$15,098,885.39, \$.03 less than the authorization.

In April 2022, Council approved M&C 22-0264 to amend the Agreement adding partner agencies which included additional equipment with increased costs of \$1,053,052.19 to the System Upgrade Agreement. The Interlocal Agreements with these agencies require the agencies to subscribe to the Agreement and to reimburse the City for those additional costs. External agencies are invoiced their portions of the System Upgrade Agreement costs annually. These mechanisms will remain in place through the life of the System Upgrade Agreement. The actual amount of the increase for City Secretary Contract (CSC) 46251-CO4 was \$1,053,052.22, \$.03 more than the authorization.

Due to the differences between M&C authorizations and contract documents since September 2016, this M&C requests an actual increase of \$71,790.97 in authorization. The amount of the approved contract amendment will be \$111,764.28 and the new total contract amount will be \$16,263,701.89.

Upon City Council approval, the contract will be amended to reflect the removal of several agencies and apply the terms of CSC 46251 Section 7.4 Annual Contract Price Adjustment based on Consumer Price Index (CPI) exceeding three (3) percent. Beginning in Calendar Year 2023, the CPI increase is 5.4 percent.

To accommodate these changes, cost of the System Upgrade Agreement will be revised as follows:

	Year	Current Contract Amount
Year 1	2015	\$ 200,210.47

Year 2	2016	\$ 568,224.84
Year 3	2017	\$ 922,471.11
Year 4	2018	\$ 956,952.86
Year 5	2019	\$ 1,070,925.86
Year 6	2020	\$ 1,078,102.27
Year 7	2021	\$ 1,124,522.79
Year 8	2022	\$ 1,151,144.03
Year 9	2023	\$ 1,295,796.04
Year 10	2024	\$ 1,302,615.97
Year 11	2025	\$ 1,297,385.14
Year 12	2026	\$ 1,305,459.18
Year 13	2027	\$ 1,314,631.22
Year 14	2028	\$ 1,329,893.27
Year 15	2029	\$ 1,345,366.83
<b>Total</b>		<b>\$ 16,263,701.89</b>

**SUCCESSOR CONTRACTS** - To facilitate planning and budgeting, Staff would prefer to have annual agreements that align with the Fiscal Year. However, the H-GAC agreements are out of alignment with the City's Fiscal Year and the current terms will expire on July 31, 2023. In order for these agreements to align with the City's Fiscal Year, adoption of this Mayor and Council Communication technically authorizes (i) a series of Purchase Agreements, each of which will align to a term of the H-GAC agreement to ensure legal authority exists for the contract, and (ii) an annual spend amount, future years of which would be subject to City Council appropriation. In the event that a Cooperative Agreement is not renewed, Staff would cease purchasing at the end of the last Purchase Agreement coinciding with the valid Cooperative Agreements. If the City Council were to not appropriate funds for a future year, Staff would stop making purchases when the last appropriation expires, regardless of whether the then-current Purchase Agreement has expired.

**RENEWAL OPTIONS** – The agreement may be renewed at the City's option, in accordance with H-GAC RA05-21. If H-GAC Contract RA05-21 is not extended but H-GAC executes a new cooperative contract with Motorola Solutions, Inc. with substantially similar terms as H-GAC Contract RA05-21, this M&C authorizes the City to purchase equipment and services under the new H-GAC contract. This action does not require specific City Council approval provided that the City Council has appropriated sufficient funds to satisfy the City's obligations during the renewal term.

The City will initially use H-GAC Contract No. RA05-21 to make purchases authorized by this M&C. As noted, H-GAC Contract No. RA05-21 expires on July 31, 2023. If H-GAC Contract No. RA05-21 is extended, this M&C authorizes the City to purchase similar equipment and supplies under the extended contracts. If H-GAC Contract No. RA05-21 is not extended, but H-GAC executes a new cooperative contract with Motorola Solutions, Inc. with substantially similar terms as H-GAC Contract No. RA05-21, this M&C authorizes the City to purchase the equipment and supplies under the new H-GAC contract.

**BUSINESS EQUITY** - A goal is not assigned when purchasing from an approved purchasing cooperative or public entity.

**COOPERATIVE PURCHASE** - State law provides that a local government purchasing an item under a Cooperative Purchasing Agreement satisfies any state law requiring that the local government seek competitive bids for the purchase of the item. The contract was competitively bid to increase and simplify the purchasing power of government entities across the State of Texas.

**ADMINISTRATIVE CHANGE ORDER:** An administrative change order or increase may be made by the City Manager up to the amount allowed by relevant law and the Fort Worth City Code and does not require specific City Council approval as long as sufficient funds have been appropriated.

AGREEMENT TERMS: Upon City Council's approval, the existing agreement shall be amended upon execution and expire December 31, 2023, with annual renewals through December 31, 2029.

Funding is budgeted in the Other Contractual Services account of the ITS Radio Services Department's Info Technology Systems Fund.

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**FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that funds are available in the current operating budget, as previously appropriated, in the Info Technology Systems Fund to support the approval of the above recommendation and execution of the contract amendment. Prior to any expenditure being incurred, the IT Solutions Department has the responsibility to validate the availability of funds.

**Submitted for City Manager's Office by:** Valerie Washington 6192

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