

Mayor and Council Communication

DATE: 06/27/23

M&C FILE NUMBER: M&C 23-0532

LOG NAME: 04SCIENTEL MICROWAVE FINLEY TOWER REPAIRS

SUBJECT

(ALL) Authorize Execution of Amendment No. 6 to City Secretary Contract No. 46273 with Scientel Solutions, LLC, Using a Cooperative Contract, in the Amount of \$33,492.55, for a Total Contract Amount of \$7,466,664.43 for the Information Technology Solutions Department

RECOMMENDATION:

It is recommended that the City Council authorize the execution of a sixth amendment to City Secretary Contract No. 46273 with Scientel Solutions, LLC, using Houston-Galveston Area Council Cooperative Contract No. CW10-19 in the amount of \$33,492.55, for a total contract amount of \$7,466,664.43 for the Information Technology Solutions Department.

DISCUSSION:

The purpose of this Mayor and Council Communication (M&C) is to request authorization to execute Amendment No. 6 to City Secretary Contract (CSC) 46273 in the amount of \$33,492.55 and correct a previous M&C, clarifying the amount and history of a long-term contract previously authorized by City Council.

On December 9, 2014, City Council approved Mayor and Council Communication (M&C) C-27128 for a ten-year professional services agreement with Scientel Wireless, LLC (Scientel), by and through cooperative contract Houston-Galveston Area Council (HGAC) Cooperative Contract No. CW10-14, in an amount not to exceed \$2,097,700.00 for maintenance of the City's Public Safety Microwave System. City Secretary Contract (CSC) 46273 was executed beginning January 1, 2015.

On June 26, 2018, City Council, through M&C P-12212, authorized a second amendment for additional maintenance services and an upgrade to the City's Public Safety Microwave System in the amount of \$381,037.60. CSC 46273 Amendment No. 2 was executed on July 20, 2018 and increased the total amount of the contract to \$2,478,737.60.

On April 30, 2020, the City executed CSC 46273 Amendment No. 3 to upgrade the microwave system software at a one-time cost of \$9,500.00. The total contract amount increased to \$2,488,237.60.

On October 12, 2021, City Council, through M&C 21-0775, authorized a fourth amendment for additional maintenance services and to further upgrade the City's Public Safety Microwave System using HGAC Contract No. CW10-19. The M&C authorized a one-time cost of \$76,618.55 and an additional maintenance cost of \$8,000.00. However, M&C 21-0775 neglected to mention the new total amount of the contract. CSC 46273 Amendment No. 4 and M&C 21-0775 should have stated the total not-to-exceed amount of the contract, as authorized by the council, was \$2,572,856.15.

On August 9, 2022, City Council approved M&C 22-0549 for additional maintenance services and upgrades to the City's Public Safety Microwave system, increasing the cost of the contract through 2032 by \$4,860,315.73. However, M&C 22-0549 did not mention the new total contract amount, considering the previous amendments and M&Cs. CSC 46273 Amendment No. 5 and M&C 22-0549 should have stated the total not-to-exceed amount of the contract as \$7,433,171.88.

On March 2, 2023, a major weather event caused significant damage to the microwave equipment located at the City of Irving Finley Tower, part of the City's Public Safety Microwave system. This M&C is to request authorization to execute a contract amendment to CSC 46273 to purchase the required replacement hardware to fully restore microwave services between the City of Fort Worth and the City of Irving, in the amount of \$33,492.55. Upon City Council approval, the new total cost of CSC 46273 will be \$7,466,664.43. CSC No. 46273 is still operating by and through cooperative contract HGAC No. CW10-19 and, therefore, competitive bidding is not required.

COOPERATIVE PURCHASE: State law provides that a local government purchasing an item under a cooperative purchasing agreement satisfies State laws requiring that the local government seek competitive bids for purchase of the item. Cooperative contracts have been competitively bid to increase and simplify the purchasing power of local government entities across the State of Texas.

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

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

SUCCESSOR CONTRACTS: In the event the Houston-Galveston Area Council (HGAC) agreement is not renewed, staff would cease purchasing at the end of the last purchase agreement coinciding with a valid HGAC agreement. 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.

The City will initially use the HGAC contract to make purchases authorized by this M&C. The Cooperative Contract is set to expire on September 30, 2023. If HGAC CW10-19 is extended, this M&C authorizes the City to purchase similar equipment and services under the extended contract. If HGAC CW10-19 is not extended but HGAC executes a new cooperative contract with Scientel Solutions, LLC and with substantially similar terms, this M&C authorizes the City to purchase the equipment and services under the new HGAC contract.

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 TERM: Upon City Council's approval, City Secretary Contract 46273 will expire December 31, 2027.

RENEWAL OPTIONS: The Agreement may be renewed for one additional three-year term beginning January 1, 2028 and expiring December 31, 2030 and for one additional two-year term beginning January 1, 2031 and expiring December 31, 2032.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that upon approval of the recommendation, funds are available in the current operating budget, as previously appropriated, in the Info Technology Systems Fund. Prior to an expenditure being incurred, the Information Technology Solutions Department has the responsibility to validate the availability of funds.

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