

# Mayor and Council Communication

**DATE:** 12/14/21

**M&C FILE NUMBER:** M&C 21-0937

**LOG NAME:** 04AMEND CITY SECRETARY CONTRACT 50054

## **SUBJECT**

(ALL) Authorize Execution of an Amendment to City Secretary Contract No. 50054 to Allow Continued Procurement of Radios, Other System Equipment, and Services for the Information Technology Solutions Department from Motorola Solutions, Inc. for Three One-Year Terms with a First Year Amount of \$1,462,800.00, Second Year Amount of \$1,609,080.00 and Third Year Amount of \$1,769,988.00 for a Cumulative Contract Total of \$4,841,868.00

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## **RECOMMENDATION:**

It is recommended that the City Council authorize the execution of an amendment to City Secretary Contract No. 50054 for the existing System Purchase Agreement for additional radios and other system equipment and services for the Information Technology Solutions Department with Motorola Solutions, Inc. using Houston-Galveston Area Council Contract No. RA05-21, or its successors, for three one-year terms with a first-year amount of \$1,462,800.00, second year amount of \$1,609,080.00 and third year amount of \$1,769,988.00 for a cumulative contract total of \$4,841,868.00.

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## **DISCUSSION:**

The City of Fort Worth maintains a radio communications system, the North Texas Interoperable Radio Network (NTIRN), utilized by most City departments and almost 180 external government entities.

Mayor and Council Communication (M&C) C-28495 authorized a System Purchase Agreement with Motorola Solutions, Inc. (Motorola) in an amount of \$1,602,101.00 using Houston-Galveston Area Council (H-GAC) Contract RA05-15 for the acquisition and implementation of radio related capabilities, and establishment of a four-year discount program for the purchase of radios, other system equipment and services. The discount program includes additional discounts of up to 20% off H-GAC pricing for radio equipment and a discount of up to 5% for services.

M&C C-28495 also authorized the City to purchase similar equipment and services under successive contracts, stating if H-GAC Contract RA05-15 is not extended but H-GAC executes a new cooperative contract with Motorola Solutions, Inc. with substantially similar terms as H-GAC Contract RA05-15, that M&C authorizes the City to purchase equipment and services under the new H-GAC contract. The successive contracts are:

H-GAC Contract RA05-21 is successive to H-GAC Contract RA05-18

H-GAC Contract RA05-18 is successive to H-GAC Contract RA05-15

This M&C will authorize the City to continue purchasing radios, repair services, parts and accessories on an as-needed basis from Motorola using H-GAC Contract RA05-21, in an amount of \$1,462,800.00 for the first year. Future years' expenditures are expected to rise 10 percent each year as follows: \$1,602,080.00 in year two and \$1,769,988.00 in year three for a three-year total authorization of \$4,841,868.00.

Other terms and conditions of the existing agreement remain the same.

**PRICE ANALYSIS** - H-GAC provides up to a 25 percent discount off list price for products commonly acquired by the City with no significant pricing increase compared to the last agreement approved by City Council on December 6, 2016 (M&C P-11978). In addition, Information Technology Solutions staff negotiated additional discounts of up to 20% off H-GAC pricing in an agreement with Motorola approved by City Council on December 5, 2017 (M&C C-28495).

**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.

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 - An M/WBE 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 will be renewed beginning December 17, 2021 through July 31, 2022 in accordance with H-GAC RA05-21.

RENEWAL OPTIONS – The agreement may be renewed for two (2) additional one-year terms 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.

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**FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that upon approval of the recommendations, funds are available in the current operating budget, as appropriated, of the General Fund and that, prior to an expenditure being made, the participating department has the responsibility to validate the availability of funds.

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Expedited