

CITY OF SANTA ROSA  
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL  
FROM: GINA GIOMI, TECHNICAL SERVICES DIVISION MANAGER  
POLICE DEPARTMENT  
SUBJECT: APPROVAL OF AMENDMENT/CHANGE ORDER NO. 3 TO THE  
COMMUNICATIONS SYSTEM AND SERVICES AGREEMENT  
WITH MOTOROLA SOLUTIONS, INC. TO INCREASE  
COMPENSATION BY \$2,755,731.11, FOR A TOTAL NOT TO  
EXCEED \$8,104,319.80 FOR NINE YEARS OF MAINTENANCE  
AND SOFTWARE SYSTEM UPGRADES

AGENDA ACTION: RESOLUTION

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RECOMMENDATION

It is recommended by the Finance and Police Departments that the Council, by resolution, approve and authorize the City Manager to negotiate and execute, subject to approval as to form by the City Attorney, an Amendment/Change Order No. 3 to the Communications System and Services Agreement with Motorola Solutions, Inc. of San Diego, CA increasing the compensation by \$2,755,731.11 for a total not to exceed amount of \$8,104,319.80 covering nine years of maintenance and software system upgrades.

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EXECUTIVE SUMMARY

The Police Department completed the radio upgrade and modernization project earlier this year which improved capabilities and expanded the geographic coverage. The radio system moved to a digital trunked radio system on the 700 MHz band to make it P25 compliant as required by law and made a much more reliable system.

The Maintenance and software system upgrades for the radio system includes a nine-year term and will include product repair, obsolescent hardware replacement, network monitoring, preventive maintenance, and operating system security patches, including the tower equipment. This is needed to maintain the reliability of the system for the safety of the officers and the public.

BACKGROUND

In December 18, 2018 Council approved funding for Phase 1 of the modernization. That work was completed in 2019 significantly modernizing the computer backbone and dispatch consoles. On December 10, 2019 Council approved funding for Phase 2 which included upgrading the tower equipment as well as the field deployed radios. This was completed earlier this year and fully modernized the Police Radio system and moved it to the 700 MHz band to make it P25 complaint as required by law.

APPROVAL OF AMENDMENT #1 TO THE COMMUNICATIONS SYSTEM AND SERVICES AGREEMENT WITH MOTOROLA SOLUTIONS, INC.  
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PRIOR CITY COUNCIL REVIEW

December 18, 2018 - Council approval of the communications system and services agreement with Motorola Solutions, Inc. in an amount not to exceed \$1,398,713; and the appropriation of \$390,282 from Measure O fund (Police) and \$200,000 from the State Asset Forfeiture fund for this project.

December 10, 2019 – Council approval of (1) Amendment #1 to the Communications System and Services Agreement with Motorola Solutions, Inc. in an amount not to exceed \$5,303,200; (2) the Equipment Lease-Purchase Agreement; and (3) appropriation of \$145,000 from the Federal asset forfeiture fund, \$100,000 from the State asset forfeiture fund, and \$3,772,000 from the General Fund reserves.

ANALYSIS

The new radio system is a reliable digital trunked system which enhances the Police Department's ability to communicate with each other and neighboring agencies. Maintenance and software upgrades are essential to maintain the reliability of the entire system.

Council approved the Communication System and Services Agreement with Motorola in December 2018, and later approved amendment no. 1 to that agreement in December 2019. On April 1, 2020, staff executed Change Order No. 2 (Amendment #2) to the Agreement to exchange hand-held radios for vehicle radios and batteries, with no change in the not-to-exceed amount. Amendment/change order no. 3 would increase compensation over nine years and includes product repair, obsolescent hardware replacement, network monitoring, preventive maintenance, and operating system security patches. Without the amendment/change order no. 3, there will be no software upgrades provided which may cause the system to malfunction and fail.

As with the Communications System and Services Agreement and prior amendments thereto, this amendment/change order no. 3 with Motorola will include unfavorable provisions and lack many of the standard terms, conditions and protections the City typically insists upon in the City's standard contracts to best protect the City's interests. Among other issues, the amendment/change order no. 3 provides limited responsibility and disclaims warranties related to necessary third-party software and components. In addition, there are exclusions associated with the annual preventative maintenance and software upgrades scopes of work. City staff are familiar with similar terms in its prior agreements with Motorola for this radio system and other similar technology agreements executed by the City, and nevertheless believe that the benefits associated with the increase in compensation and extension to secure necessary software upgrade and maintenance outweigh the legal risks associated with non-standard terms.

APPROVAL OF AMENDMENT #1 TO THE COMMUNICATIONS SYSTEM AND SERVICES AGREEMENT WITH MOTOROLA SOLUTIONS, INC.  
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FISCAL IMPACT

Funds for this expense have been allocated in the Fiscal Year 2021-2022 operating budget and will be included in subsequent years' budget requests when presented to the City Council.

ENVIRONMENTAL IMPACT

This action is exempt from the California Environmental Quality Act (CEQA) because it is not a project which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, pursuant to CEQA Guidelines Section 15378.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

Not applicable.

ATTACHMENTS

- Resolution/Exhibit A- Change Order to the Agreement with Motorola

CONTACT

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