

**76140**

Date: April 20, 2020

To: Honorable Members of the Board of Acquisition and Contract

From: Marguerite Beirne, Chief Information Officer  
Department of Information Technology

Re: Authority for the County of Westchester to enter into a fifth amendment to the agreement (IT-1559) with Motorola Solutions, Inc., dated December 27, 2018, for the replacement, expansion and evolution of the County's public safety Voice Radio Communications systems to amend the payment milestone for certain fixed network equipment for the Sun Valley site and the Montrose VA Hospital site from delivery of the equipment to the site to delivery of the equipment to a County facility.

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On December 20, 2018, your Honorable Board approved a resolution authorizing the County of Westchester (the "County"), acting by and through its Department of Information Technology (the "Department"), to enter into an agreement with Motorola Solutions, Inc. ("Motorola") for the replacement, expansion and evolution of the County's first responder and transit (Bee Line Bus) Voice Radio Communications systems (the "Agreement"). On December 27, 2018, the Agreement was duly executed for the not to exceed amounts of \$43,206,251.00 for Stages 1 and 2.

Pursuant to a Resolution approved on October 13, 2019, your Honorable Board authorized the County to enter into a first amendment to the Agreement to authorize Motorola to commence work at three (3) Additional SEQRA Site locations, to wit, Dunwoodie, Mountain Lakes and Mohansic (the "First Amendment"). The First Amendment was duly executed on November 21, 2019.

Pursuant to a Resolution approved on October 13, 2019, your Honorable Board authorized the County to enter into a second amendment to the Agreement with Motorola for the approval of Change Order Nos. 1-8 to the Work for Stages 1 and 2 in the amount of \$608,890.90 bringing the new total not to exceed for Stages 1 and 2 to \$43,815,141.90 (the "Second Amendment"). The Second Amendment was duly executed on November 21, 2019.

Pursuant to a Resolution approved on January 23, 2020, your Honorable Board authorized the County to enter into a third amendment to the Agreement with Motorola to commence Work at an Additional SEQRA Site location, to wit, the Wilmot Road site (the "Third Amendment"). The Third Amendment was duly executed on February 23, 2020.

On January 23, 2020, the parties executed Change Order No. 9 to clarify the price of the subscriber warranty, which, pursuant to Section 2 (f) of the Primary Agreement, did not require a formal Amendment to the Agreement, as amended, because it did not: (1) result in an increase to the total amount payable under the Agreement, (2) extend the duration of the Agreement, or (3) substantially change the Work performed under the Agreement.

In addition, there is currently pending before your Honorable Board a resolution to authorize the County to enter into a fourth amendment to the Agreement to approve Change Order Nos. 10-13 to the Work for Stages 1 and 2 in the amount of \$189,183.21 bringing the new total not to exceed for Stages 1 and 2 to \$44,004,325.11 (the "Fourth Amendment").

Authorization is now being requested to enter into a fifth amendment to the Agreement to amend the payment milestone in Item 10 of Schedule "C" of the Agreement for certain fixed network equipment ("FNE") for the Sun Valley site and the Montrose VA Hospital site (the "Sites") from delivery of the FNE to the Sites to delivery of the FNE to the County's Michaelian Office Building facility located at 148 Martine Avenue, White Plains, New York (the "County's MOB Facility") with Motorola agreeing to deliver the FNE: (i) to the County's MOB Facility at Motorola's sole cost and expense and (ii), later, from the County's MOB Facility to the Sites, respectively, or, should there be substitute site(s), to the site(s) designated by the County for the installation as part of Stages 1 and 2, at Motorola's sole cost and expense.

The Agreement serves a vital public purpose because it provides for the replacement, expansion and evolution of the County's first responder and transit (Bee-Line Bus) voice radio communication systems that ensure the safety of the public and the delivery of vital services to the citizens of Westchester County.

The proposed fifth amendment will serve a public purpose by allowing Motorola to transfer the FNE, at its sole cost and expense, for the Sites from Motorola's leased warehouse in Westchester to a safe and secure County storage location at Michaelian Office Building ("MOB"). Both Sites are "Additional SEQRA Site Locations" under the Agreement, and the County has the responsibility to obtain the necessary real property rights (e.g., license or leasehold rights) in order for Motorola to be able to commence certain work at the Sites, and this work must be completed so that the FNE may be delivered to the Sites. For these Sites, the negotiations with the landlord and/or approval process with the permitting municipality have become protracted resulting in the need to transfer the FNE as set forth in the fifth amendment. Motorola will complete the equipment inventory at MOB and provide the County with the information needed to validate the FNE invoices for the FNE. Whenever the Sites are ready for FNE installations respectively; or should there be substitute site(s), the FNE will be transferred by Motorola at its sole cost and expense to the designated site(s) for installation.

Motorola will still certify the functionality and performance of the FNE during acceptance testing, and the County will still only agree to final acceptance of the FNE after verifying and certifying conformance to operational specifications when Motorola indicates it is ready to be placed into service.

The proposed fifth amendment will be tracked and monitored by the staff of the Department of Information Technology.

Except as modified herein, all terms and conditions of the Agreement, as amended, shall remain in full force and effect.

Accordingly, the attached resolution is submitted for your consideration.

MB/ran

Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/30/2020 - LISA MRISAJ, SECRETARY

**RESOLUTION**

Upon a communication from the Chief Information Officer of the Department of Information Technology, be it hereby

**RESOLVED**, that the County of Westchester (the “County”) is authorized to enter into a fifth amendment to the agreement with Motorola Solutions, Inc. (“Motorola”), dated December 27, 2018, for the replacement, expansion and evolution of the County’s first responder and transit (Bee Line Bus) Voice Radio Communications Systems, as amended, (the “Agreement”), to amend the payment milestone in Item 10 of Schedule “C” of the Agreement for certain fixed network equipment (“FNE”) for the Sun Valley site and the Montrose VA Hospital site (the “Sites”) from delivery of the FNE to the Sites to delivery of the FNE to a the County’s Michaelian Office Building facility located at 148 Martine Avenue, White Plains, New York (the “County’s MOB Facility”) with Motorola agreeing to deliver the FNE: (i) to the County’s MOB Facility at Motorola’s sole cost and expense and (ii), later, from the County’s MOB Facility to the Sites, respectively, or, should there be substitute site(s), to the site(s) designated by the County for installation as part of the Stages 1 and 2, at the Motorola’s sole cost and expense; and be it further

**RESOLVED**, except as modified herein, that all other terms and conditions of the Agreement, as amended, shall remain the same and in full force and effect; and be it further

**RESOLVED** that the County Executive or his duly authorized designee is hereby authorized to execute and deliver any and all documents and to take all action necessary and appropriate to effectuate the purposes hereof.

Agreement Number: IT-1559  
 Original Agreement: \$ 43,206,251.00  
 First Amendment \$ 0.00  
 Second Amendment: \$ 608,890.90  
 Third Amendment \$ 0.00  
 Fourth Amendment \$ 189,183.21  
This Amendment \$ 0.00  
 TOTAL \$ 44,004,325.11

Account to be Charged/ Credited							
	Year	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account or Bond Act	Dollars
							N/A

Budget Funding Year(s): \_\_\_\_\_ Start Date: \_\_\_\_\_ End Date: \_\_\_\_\_  
 (must match resolution)

Funding Source Tax Dollars:  N/A   
 State Aid: \_\_\_\_\_  
 N/A  Federal Aid: \_\_\_\_\_  
 (must match resolution) Other: \_\_\_\_\_