



Department of Emergency Services
Department of Public Safety
Department of Information Technology

Memorandum

53481

Date: November 21, 2016

To: Board of Acquisition and Contract

From: John M. Cullen, Commissioner
Department of Emergency Services

George N. Longworth, Commissioner - Sheriff
Department of Public Safety

John B. McCaffrey, Chief Information Officer
Department of Information Technology

Re: Authority to Amend an Agreement with Motorola Solutions, Inc. to (i) revise the scope of work to include Change Order Numbers 15 & 16, (ii) increase the contract amount by \$12,433.00 to a new total not-to-exceed amount of \$6,260,968.67, (iii) extend the term of the agreement by one year and (iv) correct a typographical error and an account code in Resolution #52065 approved June 2, 2016. (Agreement No. DES14110044)

On December 4, 2014 your Honorable Board approved a resolution which authorized an agreement (“Agreement”) between the County of Westchester (the “County”) and Motorola Solutions, Inc. (“Motorola”) whereby Motorola would provide equipment and services necessary to implement microwave and VTAC radio interoperability systems for a total amount payable to Motorola not to exceed \$5,728,036.00 (the “Contract Price”), which amount was funded by a NYS Division of Homeland Security and Emergency Services Statewide Interoperable Communications Grant (the “SICG3 Grant”). The Agreement was subsequently executed on or about December 22, 2014.

On December 10, 2015, your Honorable Board authorized the County to enter into a First Amendment to the Agreement in order to extend the term through December 2, 2016 and revise the statement-of-work to include a feasibility study to determine the location, viability, cost, and time required to erect a new radio tower at the Dunwoodie radio site and remove the existing tower from the site, which First Amendment was duly executed on February 2, 2016.

On June 2, 2016, your Honorable Board authorized the County to enter into a Second Amendment to the Agreement in order to (i) reflect the revised scope of work addressed by Change Order Numbers 1-14, and (ii) increase the Contract Price by an amount not-to-exceed \$520,499.67, bringing the new total Contract Price to \$6,248,535.67, with all other terms and conditions of the Agreement to remain the same, and to execute Change Orders 1-14. The Second Amendment was duly executed on June 7, 2016.

Motorola has advised that in order to proceed with the proposed telecommunications project at the Mountain Avenue radio site in Mount Kisco, it will be necessary to conduct an environmental review under the National Environmental Policy Act ("NEPA") and comply with Section 106 of the National Historic Preservation Act of 1966 (the "Act") which requires a review of the effects on historic properties including consultation with the State Historic Preservation Office and interested Native American Indian tribes (as applicable). Accordingly it will be necessary to amend the Agreement to provide for this additional unforeseen work. Change Order 15 adds this environmental review to the scope of the Agreement and increases the Contract Price by \$12,433.00.

Change Order 16 updates the scope of the Agreement to include equipment that facilitates access to system monitoring and control tools at 4 Dana Road by the Radio System Manager, with no increase in the Contract Price.

The SICG3 Grant initially called for work funded by the grant to be completed by December 2, 2014. The County secured an initial extension of this grant deadline to December 2, 2015, and subsequent extensions of this grant deadline to December 2, 2016 and December 2, 2017, which extensions were approved by your Honorable Board on December 4, 2014, November 24, 2015 and August 25, 2016, respectively. All currently planned work that is covered by the Agreement and funded by the SICG3 Grant is now expected to be completed by the new grant deadline, and the term of the Agreement now needs to be extended to coincide with this deadline.

Due to a typographical error, the budget box for resolution #52065 approved by your Honorable Board on June 2, 2016 incorrectly indicated \$225,172.95 instead of \$255,172.95 as the amount to be charged to account 263-38-475Q-4380-T475. In addition, the budget box for resolution #52065 indicated that \$77,663.36 was to be charged to account number 263-38-473N-4380-T473. The account number has been corrected in the budget box below to 263-38-475Q-4380-T475.

Accordingly, authority is requested to enter into a Third Amendment to the Agreement in order to: (i) revise the scope of work addressed by Change Order Numbers 15 & 16, (ii) increase the Contract Price by an amount not-to-exceed \$12,433.00, bringing the new total Contract Price to \$6,260,968.67, (iii) extend the term of the Agreement by one year to December 2, 2017, and (iv) correct a typographical error and an account code in Resolution #52065 previously approved on June 2, 2016. Authority to execute Change Order Numbers 15 & 16 is also requested at this time.

The County will pay Motorola for equipment and services at rates not-to-exceed those specified in Motorola's New York State Office of General Services Contract # PT62495 for equipment and Contract #PS62496 for services ("NYS OGS #PT62495 and #PS62496").

The proposed Third Amendment to the Agreement is exempt from the County's Procurement Policy pursuant to Section 3(a)(i) thereof, based on the County's use of Motorola's NYS OGS #PT62495 and #PS62496 as the basis for its procurement.

All other terms and conditions of the Agreement shall remain the same and in full force and effect.

ACTION REQUESTED:

Authorization to enter into a Third Amendment to the Agreement, as amended, with Motorola Solutions, Inc. to (i) revise the scope of work to include Change Order Numbers 15 & 16, (ii) increase the Contract Price by an amount not-to-exceed \$12,433.00, bringing the new total Contract Price to \$6,260,968.67, (iii) extend the term of the Agreement by one year to December 2, 2017, and (iv) correct a typographical error and an account code in Resolution #52065 approved June 2, 2016, with all other terms and conditions of the agreement to remain the same. Further authorization is requested to execute Change Orders Numbers 15 & 16.

Accordingly, the attached resolution is submitted for your consideration.

JMC/GNL/JBM/tsa
Attachment

RESOLUTION

Upon a communication from the Commissioner of the Department of Emergency Services, the Commissioner – Sheriff of the Department of Public Safety, and 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 Third Amendment to the Agreement, as amended, with Motorola Solutions, Inc. to (i) revise the scope of work to include Change Order Numbers 15 & 16, (ii) increase the Contract Price by an amount not-to-exceed \$12,433.00, bringing the new total Contract Price to \$6,260,968.67, (iii) extend the term of the Agreement by one year to December 2, 2017, and (iv) correct a typographical error and an account code in Resolution #52065 approved on June 2, 2016; and be it further

RESOLVED, that the County is authorized to execute Change Orders Numbers 15 & 16 and, be it further

RESOLVED, 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: DES14110044

Original Agreement:	\$ 5,728,036.00
First Amendment:	\$ 0.00
Second Amendment:	\$ 520,499.67
This Amendment:	<u>\$ 12,433.00</u>
TOTAL	\$ 6,260,968.67

Account to be Charged/ Credited	Year	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
		263	38	475Q	4380	T475	\$12,433.00

Budget Funding Year(s): N/A Start Date: Upon Execution End Date: December 2, 2017

Funding Source:	Tax Dollars _____
	State Aid _____
<u>\$12,433.00</u>	Federal Aid <u>\$12,433.00</u>
(must match resolution)	Other _____