

**83870**

Date: March 30, 2021

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 amend its agreement with Motorola Solutions, Inc., dated December 27, 2018, for the replacement, expansion and evolution of the County's public safety Voice Radio Communications systems (IT-1559) to authorize Change Order Nos. 17-23 and increase the not to exceed amount for Stages 1 and 2 by \$1,009,840.92 for a new total not to exceed for Stages 1 and 2 of \$46,596,839.03.

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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 not to exceed \$608,890.90 bringing the new total not to exceed amount 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.

Pursuant to a Resolution approved on April 23, 2020, your Honorable Board authorized the County to enter into a fourth amendment to the Agreement with Motorola to approve Change Order Nos. 10-13 to the Work for Stages 1 and 2 in the amount not to exceed of \$189,183.21 bringing the new total not to exceed amount for Stages 1 and 2 to \$44,004,325.11 (the "Fourth Amendment"). The Fourth Amendment was duly executed on May 6, 2020.

Pursuant to a Resolution approved on April 30, 2020, your Honorable Board authorized the County 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 "Fifth Amendment"). The Fifth Amendment was duly executed on May 20, 2020.

Pursuant to a Resolution approved on June 12, 2020, your Honorable Board authorized the County to enter into a sixth amendment to the Agreement to authorize the commencement of Work at an Additional SEQRA Site location, to wit, the Hardscrabble Road site (the "Sixth Amendment"). The Sixth Amendment was duly executed on June 17, 2020.

Pursuant to a Resolution approved on December 10, 2020, your Honorable Board authorized the County to amend the Agreement to: (1) approve Change Order No. 14 for work concerning the Summit Avenue site; (2) approve Change Order No. 15 for work concerning the Playland site; (3) authorize Motorola to proceed with Work at the Additional SEQRA Site Location known as the Guard Hill site for Stages 1 and 2 and approve Change Order No. 16 for work concerning the Guard Hill site, subject to the requirement that no work shall be commenced by Motorola at or for the Guard Hill site unless and until it receives written notice from the CIO to commence such work, (4) increase the not to exceed amount for Stages 1 and 2 by \$1,582,673.00 for a new total not to exceed for Stages 1 and 2 of \$45,586,998.11, and (5) approve Northeastern Communications, Inc. as a subcontractor to perform Subscriber installation (the "Seventh Amendment"). The Seventh Amendment was duly executed on December 15, 2020.

Pursuant to a Resolution approved on July 2, 2020, your Honorable Board authorized the County amend the Agreement to authorize the commencement of Work at an Additional SEQRA Site Location for Stages 1 and 2, to wit: the WHUD site (the "Eighth Amendment"). The Eighth Amendment was duly executed on December 31, 2020.

Authorization is now being requested to amend the Agreement, as amended, in order to: (i) amend the Work for Stages 1 and 2 as set forth in Change Order Nos. 17-23; (ii) increase the not to exceed amount for Stages 1 and 2 by \$1,009,840.92, bringing the new total not to exceed amount for Stages 1 and 2 to \$46,596,839.03, and (iii) replace the budget and payment schedule attached to the Agreement as Schedule "C" with a new Schedule "C," which is consistent with the changes reflected in the Change Order Nos. 17-23 approved herein, with all other terms and conditions of the Agreement, as amended, remaining the same. Further, authorization is requested to execute Change Order Nos. 17-23 at this time. The seven (7) Change Orders are the following:

#	Description for Change Order and change in Work under the Agreement	Change Order Amount
17	Backup Power – Inverter Expansion	\$68,839.92
18	Warehousing of Equipment	\$405,528.00
19	Mountain Avenue – F3 Channel Addition	\$39,520.00
20	MOB, Hardscrabble and Mohansic – Grounding	\$272,078.00
21	Mohansic – Landscaping and Fencing	\$40,018.00
22	Guard Hill – Temporary F1/F3 Install	\$24,750.00
23	Grasslands – Strobe Lighting	\$159,107.00
	Total change in Contract Price for Change Orders 17-23	\$1,009,840.92

The proposed 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

## RESOLUTION

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

**RESOLVED**, that the County of Westchester (the "County") is authorized to amend the Agreement with Motorola Solutions, Inc., 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 (i) amend the Work for Stages 1 and 2 as set forth in Change Order Nos. 17 - 23 attached hereto; (ii) increase the not to exceed amount for Stages 1 and 2 as set forth in Section 3(a) of the Agreement by \$1,009,840.92, bringing the new total not to exceed amount for Stages 1 and 2 to \$46,596,839.03 and (iii) replace the budget and payment schedule in Schedule "C" of the Agreement with a new Schedule "C" which is consistent with the Change Orders approved herein; and be it further

**RESOLVED**, that the County is authorized to execute Change Orders Nos. 17 - 23 as follows:

#	Description for Change Order and change in Work under the Agreement	Change Order Amount
17	Backup Power - Inverter Expansion	\$68,839.92
18	Warehousing of Equipment	\$405,528.00
19	Mountain Avenue - F3 Channel Addition	\$39,520.00
20	MOB, Hardscrabble and Mohansic - Grounding	\$272,078.00
21	Mohansic - Landscaping and Fencing	\$40,018.00
22	Guard Hill - Temporary F1/F3 Install	\$24,750.00
23	Grasslands - Strobe Lighting	\$159,107.00
	Total change in Contract Price for Change Orders 17-23	\$1,009,840.92

and, be it further

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

**RESOLVED**, that the County Executive or his duly authorized designee is hereby authorized and empowered to execute and deliver any documents and take all actions necessary or 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  
 Fifth Amendment: \$ 0.00  
 Sixth Amendment: \$ 0.00  
 Seventh Amendment: \$ 1,582,673.00  
 Eighth Amendment: \$ 0.00  
 This Amendment: \$ 1,009,840.92  
 TOTAL \$ 46,596,839.03

Account to be Charged/ Credited	Year	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account or Bond Act	Dollars
		263	38	475T	2400	T475	\$39,520.00
	2021	316	16	BIT3207S	6190	114-2018	\$185,690.33
	2021	316	16	BIT3208S	6190	115-2018	\$219,995.59
	2021	316	16	BIT3209S	6190	203-2020	\$405,528.00
	2021	316	16	BIT3301S	6190	121-2014	\$159,107.00

Budget Funding Year(s): 2021 Start Date: Effective Date of the Contract  
 (must match resolution)

End Date: December 31, 2023

Funding Source Tax Dollars: 100%  
 State Aid: NA  
\$1,009,840.92 Federal Aid: NA  
 (must match resolution) Other: NA

APPROVED BOARD OF ACQUISITION & CONTRACTS 1/18/2021 - LISA MRIJAJ, SECRETARY