

[Agreement Amendment - Motorola, Inc., 800 MHz - \$24,000,000]

Resolution authorizing the Department of Technology to enter into the Seventh Amendment of the Citywide 800 MHz Radio System Project Agreement between the City and Motorola, Inc., to increase the contract amount from to \$24,000,000 for the period of September 22, 1997, through September 21, 2017.

WHEREAS, The Department of Technology, developed the 800 MHz Radio System Project Agreement for the purchase of products and services related to the City's Radio Systems; and,

WHEREAS, Motorola, Inc., was the sole qualified vendor who responded to the City's Invitations to Bid in 1996; and

WHEREAS, The Board of Supervisors adopted a resolution authorizing the original agreement on August 25, 1997, by Resolution 804-97, on file with the Clerk of the Board of Supervisors in File No. 172-97-52, hereby declared to be a part of this resolution as if set forth fully herein; and

WHEREAS, The agreement has been amended six times, by the First Amendment dated May 18, 1998; and the Second Amendment dated September 24, 1998; and the Third Amendment dated August 11, 1999; and the Fourth Amendment dated May 19, 2000; and the Fifth Amendment dated November 21, 2000; and the Sixth Amendment dated November 17, 2006; and

WHEREAS, The original 1997 agreement authorized a maximum guaranteed amount of ten million dollars; and

WHEREAS, On November 7, 2006, the Board of Supervisors adopted Resolution No. 653-06 authorizing the Sixth Amendment increasing the amount of the original agreement, to

1 20 million dollars and extending the agreement term to 2017, which is on file with the Clerk of
2 the Board of Supervisors in File No. 060484, hereby declared to be a part of this resolution as
3 if set forth fully herein; and

4 WHEREAS, The Department of Technology estimates that the money projected to be
5 spent with Motorola, Inc. could reach the contract's not-to-exceed amount for additional
6 equipment in the reasonably near future; and

7 WHEREAS, The Seventh Amendment is on file with the Clerk of the Board of
8 Supervisors in File No. 130392, and is hereby declared to be a part of this resolution as if set
9 forth fully herein; and

10 WHEREAS, Charter Section 9.118, "Contract and Lease Limitations," subsection (b),
11 requires Board of Supervisors approval of any contract estimated to exceed \$10 million in
12 expenditures; now, therefore, be it

13 RESOLVED, That the Board of Supervisors authorizes the Department of Technology
14 and the Office of Contract Administration to execute the Seventh Amendment increasing the
15 maximum guaranteed amount to \$24,000,000 substantially in the form of the agreement on
16 file with the Clerk of the Board of Supervisors, in File No. 130392, with such changes or
17 modifications, as may be acceptable to the Director of the Department of Technology and the
18 City Attorney and which do not materially increase the obligations and liabilities of the City;
19 and, be it

20 FURTHER RESOLVED, That upon execution of the Seventh Amendment, the Director
21 of the Department of Technology shall transmit to the Clerk of the Board of Supervisors a
22 copy of the Seventh Amendment, for inclusion in File No. 130392.