

1 [Contract Amendment - Motorola, Inc. - \$81,000,000 - Waiving Administrative Code, Chapter
2 14B]

3 **Ordinance approving an amendment to the System Purchase and Installation**
4 **Agreement between the City and County of San Francisco, acting through the**
5 **Department of Emergency Management, and Motorola Inc., to increase the amount of**
6 **the Agreement by \$33,000,000 for a total amount not to exceed \$81,000,000; extending**
7 **the term by seven and a half years to commence June 30, 2021, for a total term of**
8 **October 28, 2016, through December 31, 2029; and waiving Administrative Code,**
9 **Chapter 14B, pertaining to utilization of local business enterprises in City contracting.**

10 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
11 **Additions to Codes** are in *single-underline italics Times New Roman font*.
12 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
13 **Board amendment additions** are in double-underlined Arial font.
14 **Board amendment deletions** are in ~~strikethrough Arial font~~.
15 **Asterisks (* * * *)** indicate the omission of unchanged Code
16 subsections or parts of tables.

15 Be it ordained by the People of the City and County of San Francisco:

16 Section 1. Background and Findings.

17 (a) On October 28, 2016, the City and County of San Francisco (“City”), acting by and
18 through its Department of Emergency Management (“DEM”), entered into an agreement
19 (“Agreement”) with Motorola, Inc. (“Motorola”), for the procurement and installation of a new
20 radio system to provide emergency communications equipment for public safety and public
21 service personnel throughout the City. The Agreement was approved by Resolution 452-16 is
22 on file with the Clerk of the Board of Supervisors in File No. 160967, and which is hereby
23 declared to be a part of this ordinance as if set forth fully herein.

24 (b) The Agreement terminates on June 30, 2021, and limits the total cost for the
25 purchase and installation of the system to \$48,000,000. DEM and Motorola have agreed to

1 extend the term to December 31, 2029, and increase the maximum equipment expenditure by
2 \$33,000,000 to \$81,000,000 (collectively "Amendment to the Agreement"), in order to
3 purchase replacement Motorola radio equipment for the system at a considerable discount.

4 (c) DEM is seeking a waiver of the Local Business Enterprise requirements of
5 Administrative Code Chapter 14B on the additional spending authority in the Amendment to
6 the Agreement, as the equipment to be bought will be purchased directly from the
7 manufacturer to minimize costs.

8 (d) Approval of the Amendment is dependent on Civil Service Commission approval.

9 (e) Charter Section 9.118 requires Board of Supervisors approval of any contract
10 which, when entered into, extends over 10 years, or of any contract estimated to exceed
11 \$10,000,000 in expenditures.

12 Section 2. Waiver of Administrative Code Chapter 14B.

13 For the purpose of this Amendment to the Agreement, the Board of Supervisors finds
14 that it is reasonable and in the public interest to waive the requirements of Administrative
15 Code Chapter 14B, and hereby does so.

16 Section 3. Authorization of Amendment to Agreement.

17 The Board of Supervisors hereby authorizes the DEM Executive Director to execute
18 the Amendment to the Agreement, designated as the First Amendment to the Purchase and
19 Installation Agreement, with Motorola with a maximum guaranteed cost of \$81,000,000, in
20 substantially the form on file with the Clerk of the Board of Supervisors, in File No. 191001,
21 with such changes or modifications, including without limitation modifications to the exhibits,
22 as may be acceptable to the DEM Executive Director and the City Attorney, and which do not
23 materially increase the obligations and liabilities of the City.

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1 Section 4. Effective Date.

2 This ordinance shall become effective 30 days after enactment. Enactment occurs
3 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not
4 sign the ordinance within 10 days of receiving it, or the Board of Supervisors overrides the
5 Mayor’s veto of the ordinance.

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8 APPROVED AS TO FORM:
9 DENNIS J. HERRERA, City Attorney

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11 By: _____
12 MARGARITA GUTIERREZ
13 Deputy City Attorney

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