

1 **[Contract Amendment - Motorola, Inc. – Not to Exceed \$81,000,000]**

2 **Ordinance approving an amendment to the System Purchase and Installation**  
3 **Agreement between the City and County of San Francisco (acting through the**  
4 **Department of Emergency Management) and Motorola Inc., to increase the amount of**  
5 **the Agreement by \$33,000,000 for a total amount not-to-exceed \$81,000,000, extending**  
6 **the term by seven and a half years to commence June 31, 2012<sup>1</sup>, for a total term of**  
7 **October 28, 2016 through December 31, 2029.**

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

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

14 Section 1. Background and Findings.

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

22 (b) The Agreement terminates on June 30, 2021, and limits the total cost for the  
23 purchase and installation of the system to \$48,000,000. DEM and Motorola have agreed to  
24 extend the term to December 31, 2029, and increase the maximum equipment expenditure by  
25

1 \$33,000,000 to \$81,000,000 (collectively "Amendment to the Agreement"), in order to  
2 purchase replacement Motorola radio equipment for the system at a considerable discount.

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

4 (e) Charter Section 9.118 requires Board of Supervisors approval of any contract  
5 which, when entered into, extends over 10 years, or of any contract estimated to exceed  
6 \$10,000,000 in expenditures.

7 Section 2. Authorization of Amendment to Agreement.

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

15 Section 3. Effective Date.

16 This ordinance shall become effective 30 days after enactment. Enactment occurs  
17 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not  
18 sign the ordinance within 10 days of receiving it, or the Board of Supervisors overrides the  
19 Mayor's veto of the ordinance.

20 APPROVED AS TO FORM:  
21 DENNIS J. HERRERA, City Attorney

22 By:   
23 MARGARITA GUTIERREZ  
24 Deputy City Attorney

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