

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

March 26, 2024

FROM

SHANNON D. DICUS, Sheriff/Coroner/Public Administrator

SUBJECT

Agreement with Motorola Solutions, Inc. for Vehicle Radio Equipment

RECOMMENDATION(S)

1. Approve non-financial **Agreement No. 24-279** with Motorola Solutions, Inc., including non-standard terms, and incorporated Equipment Purchase and Software License Addendum, for purchases during the period of March 26, 2024 through March 25, 2029, with the option to extend for an additional five years.
2. Approve the purchase of three patrol vehicle radios, included in the units listed in Recommendation No. 3, as unbudgeted fixed assets, in an amount not to exceed \$19,794.
3. Authorize the Purchasing Agent to issue a non-competitive Purchase Order to Motorola Solutions, Inc., under the Agreement and incorporated Equipment Purchase and Software License Addendum in Recommendation No. 1, for the purchase of 53 radios for patrol vehicles, in an amount not-to-exceed \$350,000.

(Presenter: Ernie Perez, Deputy Chief, 387-3760)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Improve County Government Operations.

Operate in a Fiscally-Responsible and Business-Like Manner.

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). The expense for patrol vehicle radios, in the total aggregate amount of \$350,000, is included in the Sheriff/Coroner/Public Administrator's (Department) 2023-24 budget.

BACKGROUND INFORMATION

The County's Information and Technology Department (ITD) operates and maintains the County's Public Safety Radio System (System) that provides the means by which dispatch centers and mobile/portable radios communicate via voice transmission. The Department utilizes ITD's System to facilitate public safety operations, provide multi-site wide-area communications, and over-the-air programming with advanced encryption technology to ensure reliable, stable, and secure communications between Department personnel and other law enforcement agencies.

On August 22, 2023 (Item No. 79), the Board of Supervisors (Board) approved the Department to purchase 50 Motorola vehicle radios in the amount of \$350,000. Since the Board's approval for the purchase of 50 Motorola radios, the Department has been able to secure a discounted price per unit which has generated a savings of \$19,794.

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Approval of Recommendations No. 1 will allow the Department to purchase the necessary radio equipment to outfit patrol vehicles, as well as provide contract terms for future radio equipment, maintenance and support, software, and professional services purchases from Motorola Solutions, Inc. (Motorola), as needed.

Approval of Recommendation No. 2 will allow the Department to use the savings of \$19,794 to purchase three additional patrol vehicle radios, resulting in no net increase to the budget.

The Motorola Solutions Customer Agreement (MCA) is Motorola's standard commercial contract, which includes terms that differs from the standard County contract terms, and incorporates the Equipment Purchase and Software License Addendum (EPSLA) which adds additional terms to the MCA that are specific to the radio equipment, maintenance and support, software, and professional services utilized by the Department. While the parties successfully negotiated certain terms, Motorola would not agree to all County standard terms. The non-standard terms are as follows:

1. Motorola limits its liability for direct damage to the value of the contract or purchase order, excluding claims for personal injury or death, but not excluding Motorola's indemnification obligations or claims arising from Motorola's gross negligence, willful misconduct, or violation of law.
 - The County standard contract does not include a limitation of liability.
 - Potential Impact: Claims could exceed the liability cap and the MCA amount leaving the County financially liable for the excess.
2. The MCA may be extended by an additional five-year term.
 - The County standard contract term is five years, including any extensions.
 - Potential Impact: Extending the MCA's term beyond five years may limit the County's ability to preview new providers of communications equipment; however, the Department believes that a possible extension to the MCA is in the best interest of the County, as current radio equipment standardization would continue.

The Department recommends approval of the MCA, including the non-standard terms, and the incorporated EPSLA, to allow the Department to continue to purchase radio equipment, maintenance and support, software, and professional services on an as-needed basis in support of the Department's radio system. Additionally, an extended term for the MCA, if approved by both parties, would allow the use of the same terms and conditions for future purchases, eliminating the need for further negotiation.

PROCUREMENT

As a part of ITD's ongoing System updates that began in 2009, on September 11, 2012 (Item No. 30), the Board found that it was in the best interest of the County to continue with the use of Motorola's radio equipment and services as the countywide standard through the completion of the System upgrade project, not-to-exceed 15 years. To ensure compatibility with the existing equipment, the Department recommends the non-competitive procurement of radio equipment, maintenance and support, software, and professional services from Motorola.

County Policy 11-04, Procurement of Goods and Supplies, Equipment and Services requires departments to seek Board approval for non-competitive purchases of equipment and services in excess of \$200,000 annually. Additionally, County Policy 11-05 requires departments to

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obtain approval from the Board for the procurement of goods and services with non-standard terms and conditions. The MCA and EPSLA, as noted in Recommendation No. 1, including the non-standard term, will be used to accompany future Purchase Orders in accordance with County Policy 11-04.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Miles Kowalski, Deputy County Counsel, 387-5455) on March 14, 2024; Purchasing (Michael Candelaria, Lead Buyer, 387-0321) on March 6, 2024; Risk Management (Gregory Ustaszewski, Staff Analyst, 396-9008) on March 6, 2024; Finance (Erika Rodarte, Administrative Analyst, 387-4919) on March 8, 2024; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on March 8, 2024.

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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Curt Hagman Seconded: Joe Baca, Jr.
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: March 26, 2024



cc: Sheriff - Welty w/ agree
Contractor c/o Sheriff w/ agree
File w/ agree
JLL 03/29/2024