

**CITY OF OAKLAND**  
**AGENDA REPORT**

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
2004 JAN 29 PM 7:02

TO: Office of the City Manager  
ATTN: Deborah Edgerly  
FROM: Finance and Management Agency  
DATE: February 3, 2004

RE: **A report and resolution authorizing the City Manager or his / her designee to execute the Settlement And Release and Agreement To Further Amend The Amended Specialized Services Agreement with Motorola, Inc. For Modifications to the Oakland Police Department and the Oakland Fire Department Computer Assisted Dispatch System and Related Systems**

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**SUMMARY**

Staff requests City Council authorization for the City Manager to execute the Settlement And Release and Agreement To Further Amend the Amended Specialized Services Agreement ("Settlement and Amendment") with Motorola, Inc. The Settlement and Agreement covers the modifications necessary to complete the integrated public safety system (IPSS) project prior to the expiration of the Department of Justice, Office of Community Oriented Policing Services COPS MORE '98 ("CopsMORE grant") of September 30, 2004.

On December 17, 2002, the City and Motorola entered into an Amended Specialized Services Agreement under which Motorola was to provide the City with a fully integrated public safety system ("System") comprised of a computer aided dispatch (CAD), records management system, jail management system, mobile data communication and field based reporting and a digital justice system for use by the Oakland Police Department ("OPD") and the Oakland Fire Department ("OFD").

In October of 2003, the City notified Motorola that its current plan and deliverables would not meet the City's deadline necessary to complete this project on time. The deadline was imposed in order to meet the approved plan with the Department of Justice and the requirements of the CopsMORE grant. The City halted the contract and issued a Default Notice to Motorola which Motorola disputes. The City then negotiated the Settlement and Amendment to allow for the timely completion of the project while reducing or replacing those Subsystems that would jeopardize timely completion. The Settlement and Amendment with its credits and project cost reductions will allow the City and Motorola to complete the IPSS project by the deadline and settles and releases all claims the City and Motorola may have against each other arising from Motorola's performance to date under the contract.

**FISCAL IMPACT**

Reductions contained in the Settlement and Agreement will maximize the use of federal funds and require that no additional City funds be used to complete this project and reduce the maintenance cost of the system by as much as \$99,000 per year during the five year maintenance period. While this

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credited amount for Maintenance will not be fully realized until approximately eighteen months from now, the amount will reduce funds impacting the City's Capital Improvement projects.

Failure of the City to maximize the funds approved as part of the CopsMORE grant will have a direct dollar to dollar impact on the City's general fund. This amendment is intended to eliminate the risk to the City's general fund by implementing a system that will utilize the maximum amount of funds while delivering a system that meets the grant requirements.

## **BACKGROUND**

The City and Motorola entered into an Amended Specialized Services Agreement under which Motorola was to provide the City a fully integrated public safety system ("System"). The System was to be comprised of a computer aided dispatch (CAD), records management, jail management, mobile data communication and field based reporting and a digital justice Subsystem for use by OPD and OFD. These Subsystems were to be completed by September 2004 in order to meet the expiration of the CopsMORE grant. Motorola was unable to meet all of the needed functionality of the system as identified in the original agreement. In order to complete this project and ensure maximum reimbursement of grant funds, modifications were necessary to succeed. The revisions to the agreement will result in credits and reimbursements to the City of approximately \$2,000,000 and a reduction in the overall scope of the project. The detail of the key points and credits are outlined in "KEY ISSUES AND IMPACTS" below.

## **KEY ISSUES AND IMPACTS**

The following key points are contained in the modified agreement:

- Credits to the contract of up to \$1,295,545 to compensate for Subsystem modifications
- Additional credits to the contract for cost reimbursements to the City of up to \$686,046 for operating costs the City may incur as a result of the revised project schedule
- Credits to the contract for any lost CopsMORE grant monies if the project is not completed prior to September 30, 2004 and the grant is not extended
- Amended payment terms that do not require the City to make further payments until the CAD Subsystem is deployed and operational
- A Jail Subsystem upgrade to version 6.2, additional CMS licenses and additional services in the proposed approach at no cost to the City
- Additional Server equipment at no cost to the City
- Additional training for both Fire and Police at no cost to the City

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## **PROJECT DESCRIPTION**

The modified project will consist of a public safety System comprised of a computer aided dispatch, records management, jail management, mobile data communication and field based reporting for use by OPD and OFD. The main modification will be the elimination of the Digital Justice Subsystem and an amended Project Management Plan for completion of the project. The Digital Justice Subsystem as originally proposed would not meet the City's needs in the timeframe outlined in the original agreement. Additionally, all products that were unable to meet the required functionality shall be replaced, eliminated or modified.

## **ENVIRONMENTAL OPPORTUNITIES (SUSTAINABLE OPPORTUNITIES)**

This agreement will continue with the replacement of old costly equipment and replace them with newer energy efficient equipment. The hardware components associated with the System will be energy efficient, state-of-the-art products. Every effort will be made to select environmentally preferred products. The System will reduce the amount of paperwork generated by the City's public safety agencies and reduce the need for redundant data entry.

## **DISABILITY AND SENIOR CITIZEN ACCESS**

Implementation of a fully functional System will permit the City's public safety agencies to provide increased services to all Oakland residents, including those with disabilities and older citizens.

## **RECOMMENDATION(S) AND RATIONALE**

Staff recommends the approval of the Settlement and Release Agreement to the Motorola agreement in order to maximize Federal grant fund, replace old, high maintenance equipment and provide the citizens of Oakland with a state of the art public Safety System.

## **ALTERNATIVE RECOMMENDATION(S)**

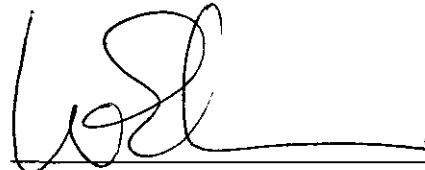
**Staff has no alternative recommendation**

## **ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that City Council authorize the City Manager to execute the Settlement and Release Agreement with Motorola Inc. for the completion of the System, comprised of a computer aided dispatch, records management, jail management, mobile data communication and field based reporting Subsystems.

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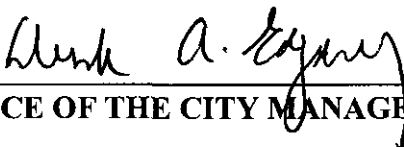
Respectfully submitted,



**William E. Noland, Interim Director  
Finance and Management Agency**

Prepared by:  
Bob Glaze, Manager  
Office of Information Technology

APPROVED AND FORWARDED TO THE  
CITY COUNCIL:

  
**OFFICE OF THE CITY MANAGER**

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**OAKLAND CITY COUNCIL**  
**RESOLUTION No. \_\_\_\_\_**

OFFICE OF THE CITY CLERK  
RECORDED

2004 JAN 29 PM 7:12  
C.M.S.

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**Resolution authorizing the City Manager or his / her designee to execute an amendment to the agreement with Motorola, Inc. For Modifications to the Oakland Fire Department, Oakland Police Department Computer Aided Dispatch and Related Systems**

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**WHEREAS**, on December 17, 2002, the City and Motorola entered into an Amended Specialized Services Agreement under which Motorola was to provide the City a fully integrated public safety system; and

**WHEREAS**, the integrated public safety system comprised of a computer aided dispatch (CAD), records management system, jail management system, mobile data communication and field based reporting and a digital justice system for use by the Oakland Police Department ("OPD") and the Oakland Fire Department ("OFD").

**WHEREAS**, Motorola was unable to meet certain technical requirements and time periods in the Amended Specialized Services Agreement; and

**WHEREAS**, the time period to complete this project is necessary to meet grant provision; and

**WHEREAS**, Motorola has proposed a plan by which the time period can be met or Motorola will credit the City for all funds lost due to the expiration of the grant due to Motorola's performance; and

**WHEREAS**, in consideration of the modification to the agreement, Motorola will credit the City \$51,000 for lost functionality; and

**WHEREAS**, the City will receive additional credit of \$1,295,545 including maintenance credits, for the deletion of the Digital Justice Subsystem; and

**WHEREAS**, the city will also be credited up to \$686,046 for those cost associated with the delay of the Acceptance of the Police and Fire Computer Aided dispatch system; and

**WHEREAS**, the City finds that the amendments to this agreement is acceptable plan to resolve these time and functionality issues, therefore, be it

**RESOLVED:** that the City Manager or his/her designee to negotiate and execute an amended Agreement with Motorola Inc. to provide a public safety system ("System") comprised of a computer aided dispatch (CAD), records management system, jail management system, mobile

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data communication and field based reporting for use by the Oakland Police Department (“OPD”) and the Oakland Fire Department (“OFD”).

**FURTHER RESOLVED:** That the City Manager or his/her designee is hereby authorized to take whatever action is necessary with respect to the agreement consistent with this Resolution and its basic purpose; and be it

**FURTHER RESOLVED:** That the City Manager or his/her designee is hereby authorized to take whatever action is necessary with respect to submissions to the Department of Justice to authorize the amendments to this agreement and the full utilization of the grant in support of the project; and be it

**FURTHER RESOLVED:** That the contract shall be reviewed and approved by the City Attorney’s Office for form and legality prior to execution, and a copy shall be placed on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2003

**PASSED BY THE FOLLOWING VOTE:**

AYES-  
NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_

CEDA FLOYD  
City Clerk and Clerk of the Council of  
the City of Oakland, California

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