

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM
3.25
(ID # 5681)

MEETING DATE:

Tuesday, December 5, 2017

FROM : RIVERSIDE COUNTY INFORMATION TECHNOLOGY:

SUBJECT: PUBLIC SAFETY ENTERPRISE COMMUNICATION (PSEC): Amendment No. 1 of Motorola Solutions, Inc., Equipment Lease Purchase Agreement #23108 and Schedule A #23879, Eliminating Contingency in the amount of \$197,373. [Districts: All]; [Total Cost Reduction: \$197,373 - 100% RDA Capital Improvement Fund]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve and authorize the Board Chairman to execute Amendment No. 1 of Motorola Solutions, Inc., Equipment Lease Purchase Agreement #23108 and Schedule A #2379, eliminating contingency in the amount of \$197,372.97 from the 2018 payment;
2. Authorize the Purchasing Agent, in accordance with the Ordinance 459, based on availability of funding and as approved by County Counsel, to sign amendments that do not change the substantive terms of the agreement.

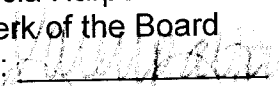
ACTION: Policy


Dave Rogers, Chief Information Officer 11/7/2017

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Perez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley
Nays: None
Absent: None
Date: December 5, 2017
xc: PSEC, Purchasing

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

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FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ (197,373)	\$ 0	\$ (197,373)	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: 100% RDA Capital Improvement Fund			Budget Adjustment:	No
			For Fiscal Year:	17/18

C.E.O. RECOMMENDATION: Approve.

BACKGROUND:

Summary

On May 24, 2016, agenda item 3-23, the County of Riverside entered into a three-year purchase agreement with Motorola Solutions, Inc., adding channels to the PSEC radio system to accommodate additional system users. Through this expansion project, talk channels were added to the Northwest, Southwest, San Jacinto, Santa Rosa and Indio cells.

Motorola obtained 0 percent financing for the project from Banc of America Public Capital Corp, in the amount of \$4,144,834, including contingency of \$197,373. The project was completed satisfactorily, within budget, and the pre-funded 5% contingency was not needed. As such, PSEC requests an amendment to the purchase agreement, eliminating the contingency amount of \$197,373, which will be deducted from the 2018 payment. The 2018 payment will decrease from \$1,381,610.93 to \$1,184,237.96. All other lease terms and conditions remain the same.

Impact on Residents and Businesses

The channel expansion provides first responders and county agencies with the ability to maintain critical response times and reduce delays in responding to the needs of the residents and businesses in the County of Riverside.


Contract History and Price Reasonableness


The PSEC System is an APCO Project 25 Phase II radio system that allows other manufacturers' subscriber radios to operate on the system; however, other manufacturers' infrastructure equipment is not supported and therefore, the county is required to contract with Motorola Solutions for parts and service.

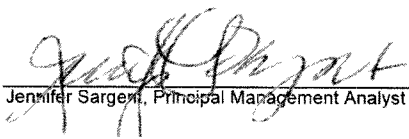
ATTACHMENTS:

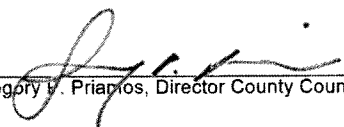
Payment Amendment to May 2016 Amendment to Equipment Lease Purchase Agreement #23108 and Schedule A #23879.

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Gregory V. Priamos, Director County Counsel 11/7/2017


Chel Ashbaugh, Chairman of the PSEC Steering Committee 11/14/2017


Jennifer Sargent, Principal Management Analyst 11/27/2017


Gregory V. Priamos, Director County Counsel 11/7/2017

WHEN DELIVERED TO THE
CLERK'S COPY
to Riverside County Clerk of the Board, Stop 1010
Post Office Box 1147, Riverside, Ca 92502-1147
Thank you.

**PAYMENT AMENDMENT TO MAY 2016 AMENDMENT TO EQUIPMENT LEASE-
PURCHASE AGREEMENT #23108 AND SCHEDULE A #23879**

This Payment Amendment ("Payment Amendment") to the May 2016 Amendment to Equipment Lease-Purchase Agreement #23108 and Schedule A #23879 is made and entered into as of October 27, 2017, by and between BAPCC, LLC located at 135 S. LaSalle Street, 10th Floor, Chicago, IL 60603 ("Assignee of Lessor") and County of Riverside located at 4080 Lemon Street, Riverside, CA 92501 ("Lessee").

RECITALS

Motorola Solutions, Inc. ("Lessor") and Lessee are parties to that certain Schedule A Equipment Lease-Purchase Agreement #23879 dated May 24, 2016 (the "Lease"). Lessor assigned the Lease to Motorola Solutions Credit Company LLC ("MSCC"), who assigned the Lease to Banc of America Public Capital Corp ("Initial Assignee of Lessor"). The Initial Assignee of Lessor assigned the Lease to Assignee of Lessor. Assignee of Lessor and Lessee wish to revise the payment amounts in the schedules attached to the Lease to reflect the fact that less than all of the original pre-funded amount of \$4,144,832.79 was necessary to complete delivery of the Equipment that is subject to the Lease.

AGREEMENTS

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants, conditions and agreements contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignee of Lessor and Lessee hereby agree as follows:

1. The Lease shall amended by replacing the words: "3 annual payments of \$1,381,610.93" with: "1 annual payments of \$1,381,610.93, followed by 1 annual payment of \$1,184,237.96, followed by 1 annual payment of \$1,381,610.93".
2. On Schedule B to the Lease, for the payment due on 5/27/2018 the amounts under the "Payment" and "Principal" columns shall be reduced from \$1,381,610.93 to \$1,184,237.96. Assignee of Lessor agrees to the foregoing reductions in consideration for MSCC's agreement, acknowledged and confirmed below, that MSCC will remit to Assignee of Lessor the amount by which the payment has been reduced (\$197,372.97) on or before 5/27/18 from the pre-funded amount that was not needed.
3. Reaffirmation. Except as otherwise provided in this Amendment, all other terms and conditions of the Lease shall remain the same and the Lease shall remain in full force and effect.
4. Capitalized Terms. All capitalized terms used herein and not otherwise defined shall the meanings as set forth in the Lease.

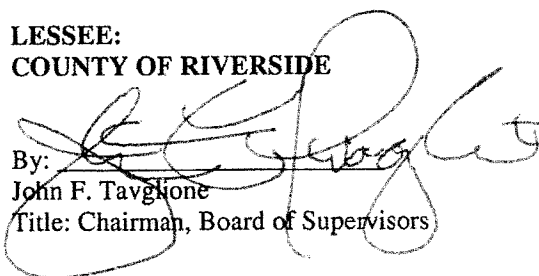
IN WITNESS WHEREOF, the parties hereto have signed this Amendment as of the date first written above.

ASSIGNEE OF LESSOR:

BAPCC, LLC

By: _____
Ben Ulisano
Title: SVP

**LESSEE:
COUNTY OF RIVERSIDE**

By: 
John F. Tavaglione
Title: Chairman, Board of Supervisors

ATTEST:
KECIA HAPPER-HEM, Clerk
By: 
DEPUTY

FORM APPROVED COUNTY COUNSEL
By: 
DALE A. GARDNER
10/27/17
DATE

DEC 05 2017 3.25 12/5/17 3.25

ACKNOWLEDGMENT

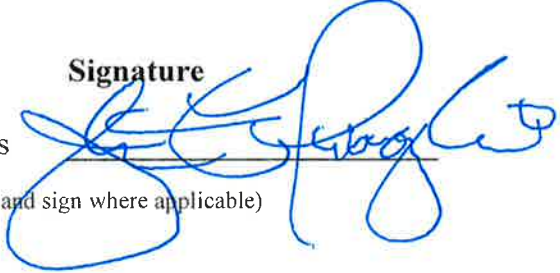
Motorola Solutions Credit Company LLC hereby agrees to remit to BAPPC, LLC the amount of \$197,372.97 with reference to the scheduled payment of 5/27/18 under Schedule A Equipment Lease-Purchase Agreement #23879 on or before 5/27/18.

Motorola Solutions Credit Company LLC

By: _____
Name: _____
Title: _____


CERTIFICATE OF INCUMBENCY

I, Kecia Harper-Ihem do hereby certify that I am Clerk of the County Board of Supervisors of COUNTY OF RIVERSIDE, an entity duly organized and existing under the laws of the State of California that I have custody of the records of such entity, and that, as of October 27, 2017, the individuals named below were the duly elected or appointed officers of such entity holding offices set forth opposite of their respective names. I further certify that (i) the signatures set opposite their respective names and titles are their true and authentic signatures and (ii) such officers had the authority on behalf of such entity to enter into that certain PAYMENT AMENDMENT TO THE MAY 2016 AMENDMENT TO EQUIPMENT LEASE-PURCHASE AGREEMENT #23108 AND SCHEDULE A #23879 dated October 27, 2017, between COUNTY OF RIVERSIDE and BAPCC, LLC.

Name	Title	Signature
John F. Tavaglione	Chairman, Board of Supervisors	

(Individual who signed Lease documents should be listed here and sign where applicable)

IN WITNESS WHEREOF, I have executed this certificate and affixed the seal of COUNTY OF RIVERSIDE, hereto this 5th day of December, 2018.

By: 
Kecia Harper-Ihem
(Signature of Clerk of the County Board of Supervisors)

SEAL