



East Bay Regional Communications System Authority



Participating agencies include Alameda and Contra Costa Counties and the following cities and special districts: Alameda, Albany, Antioch, Brentwood, Clayton, Concord, Danville, Dublin, El Cerrito, Emeryville, Fremont, Hayward, Hercules, Lafayette, Livermore, Martinez, Moraga, Newark, Oakley, Pinole, Pittsburg, Pleasant Hill, Pleasanton, Richmond, San Leandro, San Pablo, San Ramon, Union City, Walnut Creek, East Bay Regional Park District, Kensington Police Community Services District, Rodeo-Hercules Fire Protection District, San Ramon Valley Fire Protection District, and the University of California, Berkeley

BOARD OF DIRECTORS MEETING

REGULAR MEETING – January 21, 2011



- 1. CLOSED SESSION:** *None*
- 2. CALL TO ORDER/ROLL CALL (Regular Session):**

A regular meeting of the East Bay Regional Communications System Authority Board of Directors was held on Friday, January 21, 2011 in the Assembly Room of the Alameda County Office of Homeland Security and Emergency Services, 4985 Broder Blvd., Dublin, CA 94568. The meeting was called to order at 10:00 a.m. by Vice Chair Ahern.

PRESENT:

County Representatives: Boardmembers Ahern, Casten (Alt. for Bm. Livingston), Nakao, (Alt. for Bm. Muranishi), Twa, and Woo (Alt. for Bm. Uilkema)

City Representatives: Boardmembers Calabrigo, McNeil, O’Keeffe, Pattillo, Rodriguez, and Silva (Alternate for Bm. Shinn)

Public Safety Representatives: Boardmembers Dunbar, and Henderson (Alt. for Bm. Maples)

Special District Representative:

ABSENT: Boardmembers: AlCo Fire Chief (TBD), Anderson, Catalano, Cheeves, Haggerty, Hosterman, Johnson, McQuiston, Santos, and Wilson

Also Attending: Ron Puccinelli, City of Concord, and Clancy Priest, City of Hayward

Staff Present:

Executive Director McCammon

3. REPORT ON CLOSED SESSION: *None*

4. COMMENTS FROM THE PUBLIC:

No comments were made by any member of the public at this time.

5. PRESENTATIONS:

5.1 Introduction of New Boardmember: Sheriff David Livingston, Contra Costa County:

Boardmember Livingston was unable to attend today's Board meeting.

6.1 APPROVAL OF MINUTES:

On motion of Bm. Calabrigo, seconded by Bm. McNeil, and by unanimous vote, the Board approved the minutes from the December 17, 2010 meeting.

7. WRITTEN COMMUNICATIONS: *None*

8. PUBLIC HEARINGS: *None*

9. ACTION ITEMS:

9.1 Review Contract Proposal from Motorola Inc. for the Final Build Out of the System and Consider Adopting a Resolution Authorizing the Board Chair to Sign and the Executive Director to Implement this Change Order to the existing Contract:

Director McCammon provided an overview of the distributed six page staff report. Highlights included a review of the process from the beginning of the formation of the EBRCSA in October 2007 to date as follows. One of the first action items of the JPA was to authorize the issuance of an RFP to seek the services of an engineering firm to analyze purchases made to date by both counties and make recommendations on how the EBRCSA should move

forward. Of the 7 firms that submitted proposals, CTA Communications was selected through a competitive process. The Board authorized a contract with CTA in April 2008, and CTA made site visits and reviewed the system design for the rest of 2008. CTA made a presentation to the EBRCSA Board in January 2009 where several recommendations were made; the primary recommendation was to continue the final build out of the system with Motorola infrastructure. This recommendation was based on the fact that P25 infrastructure needs to be provided by one vendor, and given the amount of Motorola infrastructure already in place, it was not cost effective to go out to bid. CTA's second recommendation was to engage an independent engineering firm to provide engineering services, evaluation of current system design, final system design, and a cost estimate for the final system build out. The Board gave direction for the Operations Committee to work with CTA to revise their scope for Phases II, III, and IV, and in February 2009, a revised scope of work was presented to the Board where a contract was awarded to CTA to complete Phase II, III, and IV. During 2009 and the first half of 2010, CTA worked with EBRCSA staff and Motorola on the detailed final system design. In the fall of 2010, CTA/AECOM (CTA merged with AECOM and have since changed their name) issued two reports: a "Recommendations Report" and a "Radio System Specifications Report". The "Radio System Specifications Report" represented the overall system design in the form of bid documents that could be used as part of an RFP process; this report was given to Motorola and was the basis for their system build out proposal.

In December of 2010, Motorola presented their EBRCSA P25 System Build Out proposal and this proposal was reviewed by both the Operations and Finance committees. Every member of both committees was given a soft copy of the proposal. In their proposal response, Motorola addressed all the points of the system specifications in the CTA/AECOM 100 page Radio System Specifications Report, a report that was written assuming that the specifications would go out as an RFP and assumed no prior relationship with a vendor. Motorola included a Section 6 in their proposal – a "Point by Point Response" to the CTA/AECOM specifications, and did take exception to some of the compliance requirements of the specifications because they already have a contract in place. Our legal counsel reviewed the general terms and conditions in CTA's System Specifications document and concluded that the existing contract provides protection, and that modifications, while possibly desirable, were not required. Both the Finance

and Operations committees agreed to move forward with today's recommendation for the Board to consider authorizing the change order to the contract to complete the system.

Motorola's proposal includes the purchase of all the remaining repeater site equipment and dispatch consoles to complete the system as outlined in detail in the staff report. The fully discounted price for the final system build out is \$18,848,072.52 with \$1,411,233.22 included in the total cost to finish out some Phase I completion services for equipment purchased by Alameda County. The pricing includes two discounts; the "Riverside Pricing" of \$2,789,062 and a 'System Partner Discount' of \$2,001,398. The project implementation schedule envisions system users on the system prior to January 1, 2013.

Director McCammon next reviewed the final system build out budget listed on page 4 of the staff report, line by line. The Motorola contract change order is only one component of the final system build out. In order to complete the system, there is also considerable site work that must be completed. This includes the purchase of additional microwave equipment, site development work, purchases of towers, shelters, generators, and soft costs for design work, overall EBRCOA operations and a contingency. The total system build out cost budget is \$28,000,000.

Bm. McNeil asked if we have any data on the number of jobs created as a result of the work. Director McCammon responded that he put together some estimates in the past for Senator Feinstein, and will provide to Bm. McNeil.

Director McCammon next summarized the system financing plan. The financing effort that began last year was based on the CTA/AECOM cost estimates and the proposed financing used a combination of local revenue and grants. At the time, it assumed a phased build out of the system would occur. As a result of the Motorola proposal, along with the budget for site development and soft costs, the financing phasing is now different. The new cost to complete allows the entire system to be completed by 2013. The budget and grants are two areas with some unknowns. Director McCammon noted that it is important that we receive support from the Police and Fire Associations in order to maximize our ability to secure SHSHP and UASI grant funding in 2012 and 2013. The Finance Committee recommended to increase the contingency amount from \$900,000 to 1.4 million dollars with

any remaining contingency rolled back into the project. The areas that we are vulnerable relate mainly to the site development work estimated at 4 million dollars. Additional details of the proposed financing are included in the staff report.

Director McCammon clarified that the term negotiation in the agenda item statement refers to negotiating the price of the services, and the actual cost may actually be less. The pricing in the proposal represents the maximum cost.

*On motion of Bm. Dunbar, seconded by Bm. Rodriguez, and by unanimous vote, the Board adopted Resolution # **11-01** authorizing the Board Chair to sign the Contract Change Order with Motorola Inc. for the Final System Build Out and the Executive Director to negotiate and implement this Change Order to the Existing Contract.*

9.2 Consider Adopting a Resolution Authorizing the Board Chair to Sign and the Executive Director to Implement an Agreement with Deutsche Bank to become the Trustee for the EBRCSA Financing:

Director McCammon summarized the distributed staff report as follows. The Trust Agreement between Alameda and Contra Costa Counties and the EBRCSA provides for the issuance of the EBRCSA Revenue bonds to the two counties. Currently, the Alameda County Auditor Controller is responsible for accounting for EBRCSA revenue and expenses, but is not authorized to hold the revenue from the bond proceeds of this trust agreement. As a result, we are required to hire an outside trustee. KNN Public Finance, the EBRCSA financial advisor, obtained proposals from Deutsche Bank and Wells Fargo in the fall of last year; both Alameda County and Contra Costa County have used both firms, and did not recommend one firm over the other. KNN stated there would be very little difference in service between either bank, as they were both excellent. The up-front fees and annual costs proposal from Deutsche Bank was less than Wells Fargo.

*On motion of Bm. Twa, seconded by Bm. Pattillo, and by unanimous vote, the Board adopted Resolution # **11-02** authorizing the Board Chair to sign and the Executive Director to implement an agreement with Deutsche Bank to become the Trustee for the EBRCSA.*

In response to a question from Bm. McNeil, Director McCammon stated that the bond proceeds will be held in an interest bearing account for what is expected to be a short period of time.

10.1 Receive Informational Update on Recent Finance Committee Activities from Director McCammon:

Director McCammon reported that the Finance and Operations Committees reviewed the proposal from Motorola Inc. in greater depth than today and both Committees made recommendations to move forward.

10.2 Receive Informational Update on Recent Operations Committee Activities from Director McCammon:

Same update as Finance Committee update above.

11. REPORTS:

11.1 Receive Verbal Update on Financing Plan:

A worksheet outlining the status of the Operating Agreements was distributed. Director McCammon summarized that the Board Secretary has been updating the Exhibit A, coordinating the signing of the agreements, and returning one executed agreement back to the jurisdictions. Currently, 17 Operating Agreements have been executed and returned; additionally, 3 jurisdictions that have that have opted to pre-pay, have paid.

The City of Antioch has opted not to execute the Operating Agreement. The Finance Committee has authorized the Executive Director to meet with Antioch's City Manager to discuss options. Other jurisdictions have increased their numbers, and the end result is a net increase.

Caltrans is executing the JPA Agreement, and is expected to soon send a check for \$200.00 per radio, and their legal counsel is reviewing the Operating Agreement.

11.2 Receive Verbal and Written Update on Grants PSIC, SHSGP, UASI:

Director McCammon stated that he was recently in Washington DC, with the Tri-Valley Mayors and the Mayor of Alameda, and they visited Senators Feinstein and Boxer, Congressmen McNerney and Garamendi as well as the Director of the COPS office. The federal government is currently operating

out of a continued resolution without a budget, and this allows them to continue to fund at existing levels. There is a question mark as to whether earmarks will be included in the final adopted budget, and it was mentioned that funding may possibly be directed to agencies to fund projects instead.

11.3 Receive Verbal and Written Update on Infrastructure Implementation:

Director McCammon reported that the installation at East Dublin BART is expected to begin next week. When completed, a connection will be made to Doolan and Sunol, enabling signal in the East Cell of Alameda County. Other updates included that console installations are nearly finished for the West Cell of Contra Costa County; the sites have signal. Next steps include determining the best way to migrate users on to the system. The first component is Fleetmapping, the process of establishing talk groups. CDX Wireless is under contract to work with jurisdictions to complete Fleetmapping. The second component is to determine the optimal number of users moving on to the system before it is turned on because at that point we will begin paying for maintenance 24/7. The Operations Committee will receive a presentation from Motorola Inc. on maintenance options at their next meeting.

11.4 Receive Verbal Update on Project Cornerstone:

Director McCammon provided a brief update.

12. BOARD COMMENTS:

Bm. McNeil asked about the status of setting up a meeting with the Mayor of City of Oakland. Director McCammon responded that setting up a formal meeting is still pending.

13. NEXT ACTION STEPS:

No action steps were noted.

14. ADJOURNMENT:

The meeting was adjourned at 10:45 a.m. The next regular Board meeting is scheduled for Friday, February 18, 2011 in the Third Floor Conference Room of Walnut Creek City Hall, 1666 North Main Street, Walnut Creek, CA 94596.

APPROVED BY A MOTION OF THE EAST BAY REGIONAL COMMUNICATIONS SYSTEM AUTHORITY THIS
18th DAY OF FEBRUARY 2011.

Respectfully submitted,



Susan Lyon
Authority Secretary