

**City of Culver City, California
Agenda Item Report**

Meeting Date: 08/11/2014		Item Number: <u>C-6</u>	
CITY COUNCIL AGENDA ITEM: Approval of (1) a Frequency Reconfiguration Agreement between Sprint/Nextel and the City; (2) an Agreement with Xerox/ACS for Reconfiguration Services; and (3) an Agreement with Eiger-Tech Systems to Provide Technical Engineering Support for the Reconfiguration Project in an Amount Not-to-Exceed \$25,000.			
Contact Person/Dept.: Paul Condran		Phone Number: 310-253-6520	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☐ No ☒	
Public Hearing: ☐		Action Item: ☐ Attachments: ☐	
Commission Action Required: Yes ☐ No ☒		Dates:	
Public Notification: Agenda and Meetings – City Council (08/06/14)			
Department Approval: Art Ida (08/05/14)		City Attorney Approval: Carol Schwab (by R. Miranda) (08/05/14)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (08/05/14)		City Manager Approval: John M. Nachbar (08/06/14)	

RECOMMENDATION:

Staff recommends the City Council approve: (1) a Frequency Reconfiguration Agreement (FRA) between Sprint/Nextel and the City; (2) an agreement with Xerox/ACS for reconfiguration services; and (3) an agreement with Eiger-Tech Systems to provide technical engineering support for the Reconfiguration Project in an amount not-to-exceed \$25,000.

BACKGROUND:

Currently, the City uses the 800 MHz band for voice and data communications to and from its buses. This use is authorized by a license issued by the Federal Communications Commission (FCC). Sprint/Nextel also uses the 800 MHz band to provide some of its voice and data services. The proliferation of smart phones and tablets has led to overcrowding on the 800 MHz band and resulted in problems with 911 communications. To alleviate some of this overcrowding, law enforcement agencies requested that the FCC reassign some of the licenses which are believed to be the cause of these problems. The FCC has issued orders making such reassignments. As a result of those orders, Sprint/Nextel is obligated to provide new frequencies for use by the City for its Culver CityBus service.

As part of this reconfiguration, Sprint/Nextel has also been ordered to pay for the minimum costs the City will incur in order to migrate its voice and data communications to the new frequencies. The parties have negotiated those minimum costs, and the result of those negotiations are reflected in the FRA.

The costs which Sprint/Nextel has agreed to pay to Xerox/ACS are anticipated to cover most of the City's reconfiguration costs. The FRA contains a procedure

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whereby the City can request that Sprint/Nextel pay for costs above and beyond the costs identified and authorized in the FRA. Sprint/Nextel will only agree to pay for additional costs that were not foreseeable at the time that the FRA was negotiated. This could be subject to FCC approval.

DISCUSSION:

The City's Transportation Department (Department) has been negotiating the reconfiguration and the related costs with Sprint/Nextel since November 2013. Xerox/ACS is the producer/manufacture of the City's SmartBus data and voice communications systems. Therefore, as part of the frequency reconfiguration project, the City will also be contracting with Xerox/ACS to reconfigure its Smart Bus equipment (to allow it to operate on the new frequencies to which Culver CityBus' voice and data systems will be assigned after the reconfiguration is completed). Pursuant to the FCC orders and the terms and conditions of the FRA, Sprint will be obligated to pay Xerox/ACS for the costs of reconfiguring Culver CityBus' data and voice communications systems.

The City Attorney's office has provided the Department with important legal support in the development of the FRA. Xerox/ACS has further completed their Statement of Work (SOW) which has been approved by Sprint/Nextel and the Department. The SOW contains the specific workflows, components, parameters and testing procedures necessary to change the frequencies of the City's Smart Bus System.

The SOW reflects a total cost to Sprint/Nextel of \$64,367, which is ultimately responsible for payments to Xerox/ACS. Even though the City will not be responsible for this cost, there is a potential for additional costs to arise through the normal process of removing and reconfiguring the antiquated data and communications hardware not otherwise identified in the FRA. The data and communications equipment used in the Smart Bus system is very complicated. Also, the FRA does not provide any automatic costs increase without further negotiations and approvals. During such negotiations, the Department would like to avoid any delays in service. Therefore, should the need become apparent for the Department to replace unforeseen ancillary equipment or purchase additional components to ensure the Reconfiguration Project is completed in a timely manner, such purchases will be made using existing appropriations contained in the City Council Adopted Budget for Fiscal Year 2014/2015 via existing administrative authority.

Eiger-Tech Systems has been the Department's consultant for the Smart Bus System since the original installation of the Smart Bus Project in 2006 and has unique technical knowledge about our advanced data and communication systems.

The Department has been using Eiger-Tech Systems on the reconfiguration to assist with the technical equipment specifications to ensure the City is in compliance and is reviewing the required equipment and testing.

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FISCAL ANALYSIS:

Sufficient funding to cover this request is appropriated in the Transportation Department's appropriations contained in the City Council Adopted Budget for Fiscal Year 2014 / 2015. No General Fund monies will be used for this project.

ATTACHMENTS:

None.

MOTION:

That the City Council:

1. Approve the Frequency Reconfiguration Agreement (FRA) with Sprint/Nextel; and,
2. Approve an agreement with Xerox/ACS pursuant to the stipulations in the FRA for technical reconfiguration of City-owned data and voice equipment; and,
3. Approve an agreement with Eiger-Tech Systems to provide technical engineering support for this Reconfiguration Project in an amount not-to-exceed \$25,000; and,
4. Authorize the City Attorney to review/prepare the necessary documents; and,
5. Authorize the City Manager to execute such documents on behalf of the City.