



Texas Department of Public Safety Purchase Order

Purchase Order Number

405-16-P008151

SHOW THIS NUMBER ON ALL
PACKAGES, INVOICES AND
SHIPPING DOCUMENTS.

**V
E
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D
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R**
Vendor Number: 00015408
136111580000 | MOTOROLA SOLUTIONS, INC.

2120 W BRAKER LN STE P
USA
AUSTIN, TX 78758-4064

**S
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P
T
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Texas Department of Public Safety
Law Enforcement Support
5805 North Lamar Blvd
Austin, TX 78752-4431
US
Email: eprocurementshipping@dps.texas.gov
Phone: (512) 424-2000

State Sales Tax Exemption Certificate: The undersigned claims an exemption from taxes under Chapter 20, Title 122A, Revised Civil Statutes of Texas, for purchase of tangible personal property described in this numbered order, purchased from contractor and/or shipper listed above, as this property is being secured for the exclusive use of the State of Texas.

**B
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Texas Department of Public Safety
Finance - Accounts Payable - MSC 0130
PO Box 4087
Austin, TX 78773-0130
US
Email: apinvoices@dps.texas.gov
Phone: (512) 424-2060

Solicitation (Bid) No.: 405-16-B001810

Payment Terms: State of Texas Prompt Pay
Shipping Terms: F.O.B., Destination
Delivery Calendar Day(s) A.R.O.: 30

Item # 1

Order of Precedence:

The following documents are incorporated by reference into this Purchase Order. In case of conflicting provisions, the documents shall control in the following order of precedence to resolve the conflict:

1. TXDPS issued Purchase Order including Exhibits A - J and any subsequent Purchase Order Change Notices.
2. Exhibit D - Texas Department of Public Safety, Technology Purchase Terms and Conditions - Open Market Request for Offers (RFO), dated 12/10/14.
3. TXDPS Solicitation Request for Offer 405-16-B001810 and any subsequent modifications and amendments.
4. Motorola Solutions response to Request for Offer 405-16-B001810.

The solicitation and award of this PO is authorized by DIR Blanket Exemption for Commodity Items exceeding \$1 Million.

Notice Under Government Code 2261.252

Pursuant to Government Code 2261.252 the Department may not enter into a contract for the purchase of goods or services with a private vendor if members of the Public Safety Commission or certain positions within the agency including the Executive Director, the General Counsel or the Procurement Director or their covered family members have a financial interest in the vendor. Any contract found to violate Government Code 2261.252 is void.

Notice Under Government Code 2252.908

Pursuant to Government Code 2252.908 the Department may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties to the Department at the time the business entity submits the signed contract to the Department. The Texas Ethics Commission has adopted rules and procedures under these provisions:

https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm

Any contract found to violate Government Code 2252.908 is void.

Disclosure of Restricted Employment

Pursuant to Government Code 572.069 the Contractor certifies that it has not employed and will not employ a former TXDPS or state officer who participated in a procurement or contract negotiation for TXDPS involving the Contractor within two (2) years after the state officer or employee left state agency employment or service.

This certification only applies to former state officers or employees whose state service or employment ceased on or after September 1, 2015.

Item # 2

Class-Item 726-88

Motorola APX7000 Digital Portable Radio - Configured per Exhibit A - Price Sheet

Quantity	Unit Price	UOM	Discount %	Total Discount Amt.	Tax Rate	Tax Amount	Freight	Total Cost
162.00	\$ 6,412.48	EA	0.00 %	\$ 0.00		\$ 0.00	\$ 0.00	\$ 1,038,821.76

<u>LN/FY/Account Code</u>	<u>Dollar Amount</u>
2/16/16-64942-6507-1001- - -1800- - -	\$ 1,038,821.76

Item # 3
 Class-Item 726-89

Motorola APX7500 Multiband Mobile Radio - Configured per Exhibit B - Price Sheet

Quantity	Unit Price	UOM	Discount %	Total Discount Amt.	Tax Rate	Tax Amount	Freight	Total Cost
185.00	\$ 7,514.01	EA	0.00 %	\$ 0.00		\$ 0.00	\$ 0.00	\$ 1,390,091.85

<u>LN/FY/Account Code</u>	<u>Dollar Amount</u>
3/16/16-64942-6507-1001- - -1800- - -	\$ 1,390,091.85

Item # 4
 Class-Item 726-89

Motorola O9 Control Head - Configured per Exhibit C - Price Sheet

Quantity	Unit Price	UOM	Discount %	Total Discount Amt.	Tax Rate	Tax Amount	Freight	Total Cost
337.00	\$ 1,085.70	EA	0.00 %	\$ 0.00		\$ 0.00	\$ 0.00	\$ 365,880.90

<u>LN/FY/Account Code</u>	<u>Dollar Amount</u>
4/16/16-64942-6507-1001- - -1800- - -	\$ 365,880.90

Item # 5

TXDPS Contract Specialist: Nancy Devon, CTPM, CTCM
 Phone: (512) 424.2067
 Email: Nancy.Devon@dps.texas.gov

TXDPS Project Manager: Steve Dyson
 Phone: (512) 424-2732
 Email: Steve.Dyson@dps.texas.gov

Vendor Contact: Mike Fink
 Phone: (512) 937-3521
 Email: mike.fink@motorolasolutions.com

TAX:	\$ 0.00
FREIGHT:	\$ 0.00
TOTAL:	\$ 2,794,794.51

APPROVED

By: Nancy Devon, CTPM, CTCM

Phone#: (512) 424-2067

BUYER



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TYPE OF SOLICITATION		
<input type="checkbox"/> SEALED BID (IFB) <input checked="" type="checkbox"/> NEGOTIATED (RFO) <input type="checkbox"/> NEGOTIATED (RFP)		
PROPRIETARY: <i>This is being advertised under Texas Government Code, Title 10, Subtitle D, Chapter 2155.067. The Texas Department of Public Safety (TXDPS) believes that the requested items are proprietary to one manufacturer and/or specifications. Only responses conforming exactly to these specifications will be considered in determining award. The issuing office strongly encourages responses from all qualified contractors who may be able to provide the specified items.</i>		
TXDPS REQUISITION NO. 405-16-R052092	TXDPS RFO NO. 405-16-B001810	RFO OPENING DATE May 31, 2016; 3:00 p.m. <i>Any information received after the RFO opening date will not be considered.</i>
INSTRUCTIONS FOR SUBMISSION OF RESPONSES Submit Responses to: TXDPS eProcurement System Website: https://eprocure.dps.texas.gov/bs0/login.jsp		FOR INFORMATION CONTACT Nancy Devon, CTPM, Contract Specialist PHONE: (512) 424-2067 FAX: (512) 424-5419 E-MAIL: Nancy.Devon@dps.texas.gov
In the event that the TXDPS eProcurement System cannot be accessed please e-mail signed response to: Nancy.Devon@dps.texas.gov .		
NAME OF RESPONDENT		RESPONDENT FEDERAL EIN
PHYSICAL ADDRESS OF RESPONDENT		RESPONDENT TEXAS TINS
MAILING ADDRESS OF RESPONDENT		RESPONDENT EMAIL
NAME AND TITLE OF PERSON AUTHORIZED TO SIGN OFFER (Type or Print)		
TELEPHONE NO. (with area code)	SIGNATURE (FAILURE TO SIGN WILL DISQUALIFY RESPONSE)	DATE
Check below if preference claimed under 34 TAC Rule 20.38		
<input type="checkbox"/> Goods produced or services offered by a Texas bidder that is owned by a Texas resident service-disabled veteran <input type="checkbox"/> Services offered by a Texas bidder that is owned by a Texas resident service-disabled veteran <input type="checkbox"/> Vendors that meet or exceed air quality standards <input type="checkbox"/> Recycled or Reused Computer Equipment of Other Manufacturers <input type="checkbox"/> USA produced supplies, materials, or equipment		<input type="checkbox"/> Goods produced or services offered in Texas or offered by a Texas Bidder that is not owned by a Texas resident service-disabled veteran <input type="checkbox"/> Energy efficient products <input type="checkbox"/> Products and services from economically depressed or blighted areas <input type="checkbox"/> Products produced at facilities located on formerly contaminated property <input type="checkbox"/> Products made of recycled, remanufactured, or environmentally sensitive materials including recycled steel



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By signing, the Respondent certifies that if a Texas address is shown as the address of the response, the Respondent qualifies as a Texas Bidder as defined in 34 TAC Rule 20.32(68).

When responding to this solicitation, the Respondent shall respond with all information pertaining to the award of the product and/or services to include: any exceptions to TXDPS Terms and Conditions. (TXDPS excludes any of the Respondent's exceptions to the terms and conditions and any additional terms and conditions provided by the Respondent in its response unless expressly agreed otherwise in the award. No additional document submissions will be allowed after the Request for Offer (RFO) opening date.

I. INTRODUCTION: TXDPS is currently seeking Offers under which TXDPS is to obtain Motorola Communication Radio Units, specifically the Motorola APX7000 Digital Portable Radio, the Motorola APX7500 Multiband Mobile Radio, and the Motorola 09 Control Head (referred to herein as "Units").

II. DESCRIPTION AND PRICING

ITEM NO	CLASS & ITEM	DESCRIPTION	QTY	UNIT	PRODUCT NUMBER	UNIT PRICE	EXTENSION
001	726-88	Radio Communication Equipment, Accessories and Supplies; Two-Way Radio, Portable: Motorola APX7000 Digital Portable Radio (referred to herein as "Portable Radios") – Configured per Exhibit A – Price Sheet	162	Each	H97TGD9PW1 N		Submit Pricing on Exhibit A – Price Sheet
002	726-89	Radio Communication Equipment, Accessories and Supplies; Two-Way Radio Receivers, Transmitters, Transceivers: Mobile and Base Station: Motorola APX7500 Multiband Mobile Radio (referred to herein as "Mobile Radios") – Configured per Exhibit B – Price Sheet	185	Each	M30TXS9PW1 N		Submit Pricing on Exhibit B – Price Sheet
003	726-89	Radio Communication Equipment, Accessories and Supplies; Two-Way Radio Receivers, Transmitters, Transceivers: Mobile and Base Station: Motorola 09 Control Head (referred to herein as "Control Head") – Configured per Exhibit C – Price Sheet	337	Each	H1907		Submit Pricing on Exhibit C – Price Sheet

In the event that the TXDPS eProcurement System cannot be accessed, please e-mail this signed RFO response form. The Respondent shall price per unit shown. Unit prices will govern in the event of extension errors. If a Quote is submitted as part of the RFO response, it will be referenced on this form and signed by the Respondent to establish formal linkage to this RFO per Section 1.02 of the Terms & Conditions.

III. ADDITIONAL TERMS AND CONDITIONS

- A. This RFO will be in accordance with Exhibit D – Texas Department of Public Safety, Technology Purchase Terms and Conditions - Open Market Request for Offers (RFO), dated 12/10/14 and will govern the issuance of a TXDPS Purchase Order (PO). This RFO consists of the following documents:



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- Exhibit A - Price Sheet Motorola APX7000, RFO Line Item 001
- Exhibit B - Price Sheet Motorola APX7500, RFO Line Item 002
- Exhibit C - Price Sheet Motorola 09 Control Head, RFO Line Item 003
- Exhibit D – Texas Department of Public Safety, Technology Purchase Terms and Conditions – Open Market Request for Offers (RFO)
- Exhibit E – Historically Underutilized Businesses (HUB) Participation and HUB Subcontracting Plan (HSP) Instructions and Forms
- Exhibit F – APX7000 Multiband Portable Radio Product Data Sheet
- Exhibit G – APX7500 Multiband Mobile Radio Product Data Sheet
- Exhibit H – APX7500 O9 Control Head Product Data Sheet
- Exhibit I – Repair Service Advantage Data Sheet
- Exhibit J – Service from the Start Data Sheet

B. Notice Under Government Code 2261.252

Pursuant to Government Code 2261.252 TXDPS may not enter into a contract/purchase order for the purchase of goods or services with a private vendor if members of the Public Safety Commission or certain positions within the agency including the Executive Director, the General Counsel or the Procurement Director or their covered family members have a financial interest in the vendor. Any contract/purchase order found to violate Government Code 2261.252 is void.

C. Notice Under Government Code 2252.908

Pursuant to Government Code 2252.908 TXDPS may not enter into certain contracts/purchase orders with a business entity unless the business entity submits a disclosure of interested parties to TXDPS at the time the business entity submits the signed contract to TXDPS. The Texas Ethics Commission has adopted rules and procedures under these provisions:

https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm

Any contract/purchase order found to violate Government Code 2252.908 is void.

D. Disclosure of Restricted Employment

Pursuant to Government Code 572.069 the Respondent certifies that it has not employed and will not employ a former TXDPS employee or state officer who participated in a procurement or contract negotiation for TXDPS involving the Respondent within two (2) years after the state officer or employee left state agency employment or service. This certification only applies to former state officers or employees whose state service or employment ceased on or after September 1, 2015.

- E. If maintenance or warranty agreements are applicable to the requested products, it is the responsibility of the Respondent to provide such licenses/agreements with the submission of its Offer. Any documents, whether belonging to the Respondent or a third party, which are provided at a later date, may not be accepted and any related requirements will be the sole responsibility of the Contractor at the Contractor's sole expense, with no additional cost or expense to TXDPS.
- F. The Respondent shall submit a copy of its Dun & Bradstreet (D&B) Business Information Report or a Fitch Ratings similar report with its Offer. The report will include the Respondent's Viability Score and the Portfolio Comparison Score or similar ratings. Failure to submit copies of the required financial ratings will result in disqualification of the Respondent.



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An updated Financial Rating report will be required one hundred and twenty (120) calendar days prior to any renewal Option Period awarded under this Contract.

The Contractor shall provide any other financial information reasonably requested by TXDPS consistent with the services provided by the Contractor or otherwise required by the then applicable TXDPS policies for similar contracts/purchase orders.

- G. TXDPS reserves the right to discuss and clarify various requirements of the solicitation, the Respondent's Offer, and any negotiable points.
- H. The TXDPS Contract Specialist is the only point of contact for this RFO and shall be emailed for clarification only. No authority is intended or implied that specifications may be amended or alternates accepted prior to the RFO opening without written approval.

TXDPS Contract Specialist: Nancy Devon, CTPM
Phone: (512) 424-2067
Email: Nancy.Devon@dps.texas.gov

Communications with any TXDPS personnel other than TXDPS Procurement and Contract Services personnel will result in disqualification of the Respondent's Offer.

- I. Quantities: If TXDPS determines to make an award under this RFO, it intends to purchase the Units in the precise quantities as listed on Exhibits A, B, and C.
- J. Delivery: Delivery of all the Units will be completed no later than June 30, 2016, to the TXDPS Radio Shop located at 5710 Guadalupe Street, Building L, Austin, Texas 78752.
- K. Warranty: The Units will be warranted against defective materials, workmanship, and failures for at least twelve (12) months from date of delivery. If the Manufacturer's Standard Warranty is for a period in excess of twelve (12) months, the Manufacturer's Standard Warranty will apply. Exceptions to this warranty requirement will be stated in the Respondent's Offer.
 - 1. The Respondent shall provide in its Offer information regarding the warranty, including but not limited to the following: Warranty Term; Warranty Provider Name; Point of Contact; Phone Number; and Email Address.
- L. Maintenance/Support:
 - 1. The Units will include maintenance/support as identified in this section. The Respondent shall provide in its Offer information regarding the maintenance/support.
 - 2. Motorola Repair Service Advantage (RSA) for Line Item 001, Portable Radios
 - i. 4-Year RSA Service Term as stated on Exhibit A, Price Sheet
 - ii. Service per Exhibit I, Repair Service Advantage Data Sheet
 - iii. The Respondent shall submit any additional information or agreements that relate to this service for review and approval with the Respondent's Offer.
 - 3. Motorola Service from the Start Lite (SfS Lite) for Line Item 002, Mobile Radios
 - i. 3-Year SfS Service Term as stated on Exhibit B, Price Sheet
 - ii. Service per Exhibit J, Service from the Start Data Sheet
 - iii. The Respondent shall submit any additional information or agreements that relate to this service for review and approval with the Respondent's Offer.



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- M. Award: TXDPS will negotiate pricing in the best interest of the agency in considering a best value award.
- N. Survival: Section 51, Survival, in Exhibit D, expressly includes all warranty and maintenance/support provisions as identified in this RFO.
- O. Anticipated Schedule of Events

TXDPS currently anticipates that the selection of successful Respondents and award of any contract resulting from this RFO will proceed according to the following schedule:

5/10/2016	5:00 P.M.	RFO Posted to ESBD
5/16/2016	3:00 P.M.	Last day to submit written questions for clarification to TXDPS
5/18/2016	5:00 P.M.	Estimated date for TXDPS to post Question and Answer (Q&A) document to ESBD
5/31/2016	3:00 P.M.	Deadline for TXDPS to receive Offers
6/6/2016		Anticipated date of Contract Award
Upon Award		Purchase Order/Contract Begins

TXDPS reserves the right, in its sole discretion, to change the above date(s). Notices of changes to items directly impacting the original RFO or Offer process will be posted on the Electronic State Business Daily (ESBD) located at: <http://esbd.cpa.state.tx.us>. The Respondent shall check the ESBD frequently for updates. The Respondent is solely responsible for verifying receipt of its questions, if applicable, and responding by the deadlines stated. The Respondent's failure to periodically check the ESBD for updates will in no way release the awarded Respondent from compliance with any requirements in posted "addenda or additional information" although such compliance may result in additional costs to the Respondent to meet the requirements.

Questions regarding this RFO will be in writing and will be submitted to TXDPS's Contract Specialist as listed on the first page of this RFO as the Information Contact, no later than 5/16/2016; 3:00 P.M., Central Time. Telephone inquiries will not be accepted. Questions may be submitted by either facsimile or e-mail. TXDPS intends to post answers to these questions on the ESBD on or before 5/18/2016; 5:00 P.M., Central Time. The Respondent is solely responsible for verifying TXDPS's timely receipt of its questions by the stated deadlines.

IV. HISTORICALLY UNDERUTILIZED BUSINESSES (HUB) PARTICIPATION

- A. The Respondent shall make a good faith effort to comply with all state Historically Underutilized Business (HUB) requirements pursuant to Texas Government Code, Chapter 2261, and administrative rules, if applicable. The successful Respondent shall also comply with the approved HUB Subcontracting Plan.
- B. The Respondent shall submit a HUB Subcontracting Plan (HSP) as part of its Offer and shall comply with implementation of the HSP. The successful Respondent shall seek written approval from TXDPS prior to making any modifications to its HSP.
- C. The Respondent shall submit a detailed description of the HSP and required forms with its Offer which is included as Attachment E, HUB Subcontracting Plan (HSP). The Respondent's Offer will be disqualified if the HSP Forms are not completed in full or missing from the Respondent's original Offer.
- D. The successful Respondent shall provide notice to all subcontractors of their selection as a subcontractor for this Contract. The notice will specify, at a minimum, TXDPS' name, the name of the Contract Administrator, this Contract's assigned contract number, the subcontracting opportunity the subcontractor will perform, the approximate dollar value of the subcontractor, and the expected percentage of this Contract's total value that



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the subcontract represents. A copy of the notice will be provided to the Contract Administrator no later than ten (10) business days after the effective date of this Contract.

- E. The successful Respondent shall submit to the Contract Administrator on a monthly basis (by the 5th day of the following month) the Prime Contractor Progress Assessment Report, which is included as Attachment E, HUB Subcontracting Plan (HSP).
- F. The successful Respondent shall include the non-discrimination clauses in Section 45 of Exhibit D, Texas Department of Public Safety, Technology Purchase Terms and Conditions – Open Market Request for Offers (RFO), in all subcontracts.