

**STATE OF NORTH CAROLINA
COUNTY OF DURHAM**

**AMENDMENT TO THE RADIO AGREEMENT
REGARDING THE 800 MHz RADIO SYSTEM UPGRADE**

THIS AMENDMENT TO THE RADIO AGREEMENT REGARDING THE 800 MHz RADIO SYSTEM UPGRADE is entered into on ____, 2012 by and between the CITY OF DURHAM, a North Carolina municipal corporation (the “City”) and North Carolina Central University, a university of the State of North Carolina, (“NCCU”).

On November 24, 2009, the City and NCCU entered into an Agreement regarding the use of the 800 MHz Radio System (hereinafter the “Original Agreement”) to address operation and funding of the Radio System. The parties desire to amend the Original Agreement due to necessary upgrades of the radio system.

NOW THEREFORE, the City and NCCU hereby agree to amend the Agreement as follows:

1. The following section 8.3 is hereby added to the Original Agreement to read as follows:

Section 8.3. Upgrade of 800 MHz Radio System Dispatch Consoles

8.3.1. The City shall add new radio equipment at the City’s four radio tower sites and at the 911 Center in the Police Headquarters building, located at 505 W. Chapel Hill Street, the backup 911 Center, and the Durham County Sheriff Dispatch Center (hereinafter referred to as the “P25 Radio Project”). The radio equipment provides for communications between the dispatch centers and the Public Safety responders and other departments, and for the simulcast capability of the four radio towers. The equipment will replace the old radio equipment purchased in 1994 and partially upgraded in 2005. The new equipment will upgrade the radio system to the APCO P25 standard for Public Safety radio systems. The P25 Radio Project is estimated to be completed in three phases by December 31, 2014. The city shall include in its upgrade project, the replacement of the two radio dispatch positions at the NCCU Public Safety dispatch office.

The City will enter into contracts with Motorola Solutions Inc. to provide and assist with the install of the radio equipment in three phases as follows:

Phase I – FY13 upgrade to 41 new dispatch console positions located at the Primary 911 center, the backup 911 center, the Sheriff’s dispatch, and the NCCU dispatch, P25 core equipment and SmartX gateway allowing continued use of old radio infrastructure. Approximately \$5.9 million.

Phase II – FY14 upgrade 12 channels to P25 radio infrastructure including new antenna systems at all towers. Migrate Public Safety to P25. Approximately \$4.6 million.

Phase III – FY15 (optionally FY16) upgrade additional 12 channels to P25 radio infrastructure. Migrate non Public Safety to P25. Approximately \$2.7 million.

8.3.2. Funding of the P25 Radio Project. The City and NCCU agree to share in the cost of the P25 Radio Project, in the manner provided below.

2. The City will purchase the Phase I equipment in the first year (FY 2013). The City shall invoice NCCU no sooner than January 31, 2014 for the NCCU share of the Phase I equipment. The NCCU share is estimated to be \$205,100. NCCU shall make payment to the City by July 31, 2014.
3. Except as amended hereby, the provisions of the Original Agreement are reaffirmed and remain in full force and effect.

The parties have caused this Amendment to the Agreement regarding the 800 MHz Radio System Upgrade to be executed as of the date first stated above by authority duly granted by the Durham City Council and NCCU.

CITY OF DURHAM

NCCU

City Manager

Chancellor

(SEAL)

(SEAL)

City Clerk

Notary Public

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

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Finance Officer
CITY OF DURHAM

Director of Finance
North Carolina Central University