

Ordinance No. 2023R-2

Passed

4/3

2023

**RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF VERMILION OHIO**

The City Council of the City of Vermilion, Ohio (the "Council") met in special session on the 3rd day of April, 2023 commencing at 6:00 p.m. at the Vermilion Municipal Complex located at 687 Decatur Street, Vermilion Ohio 44089. The following members were present:

- Monica Sweinhagen – Council President
- Steve Herron – Council at Large
- Pat Stein – Ward One Council Representative
- Greg Drew – Ward 2 Council Representative
- Teresa Mayle – Ward Three Council Representative
- Barb Brady – Ward Four Council Representative
- Brian Holmes – Ward Fire Council Representative

WHEREAS, the fire department (the "Department") for the City of Vermilion Ohio provides emergency services to the citizens of Vermilion and portions of Brownhelm Township, including emergency and non-emergency medical care and fire protection services; and

WHEREAS, in the performance of its services, the Department utilizes a radio communications system along with mobile, portable, and paging devices to allow for communication with its firefighters, as well as with other public safety organizations and first responders; and

WHEREAS, it is undeniable that the Department's ability to timely provide fire protection, medical care and is of utmost importance as any delay in the provision of such services threatens the health and safety of its patients and citizens; and

WHEREAS, the Department's access to a properly functioning radio communications system and equipment is critical for the Department's timely provision of fire protection and medical care; and

WHEREAS, the Department's own radio communication system interacts with Lorain County's analog and digital radio communications system via simulcast; and

WHEREAS, as a result of limitations with Lorain County's analog and digital radio communications system, Department personnel are often unable to receive a clear signal from Lorain County Dispatch in certain locations within the Department's geographical territory; and

WHEREAS, on May 9, 2018, the Lorain County Board of Commissioners (the "Board of Commissioners") passed Resolution No. 18-317 wherein it authorized entering into a contract with Mission Critical Partners ("MCP") to perform an independent assessment of Lorain County's analog and digital radio communications system; and

WHEREAS, in February 2019, in fulfillment of its obligations under its contract with the Board of Commissioners, MCP issued its Radio System Technical Assessment Final Report (the "MCP Report") wherein it made the following findings:

1. Several system core components will reach obsolescence within three to five years. When these components reach end of life, manufacturer technical support will no longer be available and that spare parts would be available only through third party vendors.
2. The current system design includes single points of failure that can leave first responders with no way to be dispatched or to communicate for an extended time if a system failure occurs.
3. The current system lacks reliable countywide coverage and full interoperability.

4. The current system does not have enough channel capacity for large-scale or multiple simultaneous incidents.
5. The current system does not have encryption for law enforcement; and

WHEREAS, the MCP Report concluded that the existing county radio communications system could not be upgraded to meet the requirements recommended by the MCP Report in its present configuration, thereby requiring that a new radio communications system be acquired to replace the existing systems; and

WHEREAS, the MCP Report recommended the procurement and use of a P25 Phase II trunked simulcast radio communications system that operates in the 700/800 MHz band; and

WHEREAS, the Board of Commissioners took no action on the recommendation of the MCP Report due to funding concerns; and

WHEREAS, despite the inaction of the Board of Commissioners, the City of Vermilion, the City of Avon Lake, the City of Avon, the City of North Ridgeville, the City of Sheffield Lake, and the Village of Sheffield (collectively, the "Five Municipalities"), after applying for and receiving a Federal Emergency Management Agency Assistance to Firefighters Grant, acquired the L3Harris radio communications system (the "L3Harris System") from Cleveland Communications, Inc. ("CCI") and

WHEREAS, the L3Harris System is: (1) a P25 Phase II trunked simulcast 700/800 MHz digital radio communications system; (2) used by federal, state, and local public safety organizations and first responders; (3) allows for interoperability multi-agency communications during emergency situations; and (4) addresses the concerns, and satisfies the criteria, set forth in the MCP Report; and

WHEREAS, prior to acquiring the L3 Harris System, the mayors of the Five Municipalities commissioned a comparison of the L3 Harris System and the Multi-Agency Radio Communication System ("MARCS"); and

WHEREAS, the written comparison completed in March 2021, a copy of which is attached hereto as Exhibit A, reflected that the L3 Harris System had advantages over the MARCS in regard to system coverage, costs, and equipment; and

WHEREAS, since the acquisition and installation of the L3 Harris System, the Five Municipalities report that the L3 Harris System is working flawlessly; and

WHEREAS, in 2021, approximately sixty million dollars of American Rescue Plan Act ("ARPA") funds were issued to Lorain County which can be used for upgrading the Lorain County radio communications system; and

WHEREAS, on May 4, 2022, the Board of Commissioners passed Resolution No. 22-319 wherein it approved a consulting services agreement with MCP to provide services for the acquisition of a new land mobile radio communication system to enhance Lorain County's 911 system; and

WHEREAS, in on August 3, 2022, the Board of Commissioners passed Resolution No. 22-551, wherein it instructed its Clerk to advertise a Request for Proposals ("RFP") for the procurement of access to a P25 Phase II trunked simulcast 700/800 MHz radio communication system; and

WHEREAS, bids were submitted in response to the RFP by CCI and Vasu Communications, Inc. with Motorola Solutions, Inc. ("Motorola") submitting a letter of no bid; and

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WHEREAS, the bid submitted by CCI was for provision of the L3Harris System; and

WHEREAS, MCP prepared a written evaluation of the bids submitted for the Board of Commissioners where it opined that: (1) CCI had a proven track record; (2) CCI's proposed costs were reasonable; and (3) it believed it to be in the best interest of the Board of Commissioners to proceed with contract negotiations with CCI for the acquisition of the L3 Harris System; and

WHEREAS, on December 21, 2022, the Board of Commissioners passed Resolution Nos. 22-909 and 22-910 which authorized: (1) entering into a contract with CCI for the purchase of the L3Harris System; (2) the purchase of mobile, portable, and paging devices to be utilized by various Lorain County public safety organizations and first responders in conjunction with the L3Harris System; and (3) the use of ARPA monies to fund the contract and the purchase; and

WHEREAS, the Department fully supported and agreed with the Board of Commissioners' decision to acquire access to the L3Harris System as it views that system as the best option for the District and Lorain County's other public safety organizations and first responders; and

WHEREAS, on January 9, 2023, the newly constituted Board of Commissioners passed Temporary Resolution Nos. 23-15 and 23-16 wherein it rescinded: (1) its contract with CCI for the purchase of the L3Harris System; (2) its intent to purchase of mobile and portable radios for public safety organizations and first responders; and (3) the approval of the use of ARPA funds for the contract and the purchase; and

WHEREAS, in passing Temporary Resolution Nos. 23-15 and 23-16, Commissioners Riddell and Moore voted to rescind Resolution Nos. 22-909 and 22-910 based upon what they perceived to be irregularities in the RFP process; and

WHEREAS, Commissioner Moore's expressed objection to the RFP process was that CCI was granted a fifteen-day extension on the time frame to submit its bid for access to the L3Harris System while Motorola was denied a forty-five day extension to submit its bid for access to the MARCS; and

WHEREAS, several Lorain County public safety organizations and first responders, including the District, have expressed a preference for the L3Harris System over the MARCS as the L3Harris System is Wi-Fi compatible and offers a stronger, more reliable signal than the MARCS when being used by personnel inside buildings.

NOW, THEREFORE, THE CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:

1. The City Council and department supports the Board of Commissioners' immediate procurement of the L3Harris System for use by Lorain County public safety organizations and first responders, including the District.

2. The City Council and department disapproves and does not support the Board of Commissioners' rescission of: (a) its purchase of the L3Harris System; (b) its intent to purchase of mobile and portable radios for public safety organizations and first responders; and (c) the approval of the use of ARPA funds for these purposes, as such rescission has imprudently delayed the implementation of a properly functioning county-wide radio communications system, thereby compromising the health and safety of the residents of Lorain County.

3. The City Council and department implores the Board of Commissioners to reverse Temporary Resolution Nos. 23-15 and 23-16 and to proceed, immediately and without delay, with the acquisition of the L3 Harris System and the purchase of mobile and portable radios for public safety organizations and first responders in Lorain County.

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4. The City Council and Certified Municipal Clerk shall forward a certified copy of the forgoing Resolution to the Board of Commissioners forthwith.

Steve Herron moved the adoption of the preceding resolution.

Greg Drew seconded the motion.

Upon roll call, the vote resulted as follows:

Monica Sweinhagen	<u>Yea</u>
Steve Herron	<u>Yea</u>
Pat Stein	<u>Yea</u>
Greg Drew	<u>Yea</u>
Teresa Mayle	<u>Yea</u>
Barb Brady	<u>Absent</u>
Brian Holmes	<u>Yea</u>

Resolution passed and adopted this 3rd day of April, 2023.

Gwen E. Fisher
Gwen E. Fisher – Certified Municipal Clerk