



January 10, 2009

State Said to Be Close to Dropping Police Radio Project

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State officials are close to canceling a \$2 billion contract to build a statewide wireless network for emergency agencies after critical tests on the network failed late last year, according to state officials briefed on the results.

Lawyers for the vendor, M/A-COM, a subsidiary of Tyco Electronics, sent the state a letter on Friday threatening to sue if officials follow through on their plan to shut down the project, which was intended to improve radio communications throughout the state, but particularly in remote areas where police agencies have trouble talking to one another.

State officials, though, were said to be determined to shut down the project because it was unclear, after a pilot program in two counties and nearly \$52 million in expenditures, that M/A-COM's system would ever work as expected. A major problem has been the difficulty and unanticipated cost of installing radio towers in remote, mountainous areas, according to the officials and technical experts, who spoke anonymously because the contract dispute is at a delicate juncture.

To finish the project, state officials decided that considerably more money would have to be spent at a time when the state is expected to have large budget deficits. At the same time, the state cannot embark on a new network project, no matter what the cost, until it untangles itself from its current contract, one state official said.

"The state is reviewing the letter from the attorneys for M/A-COM," said Morgan Hook, a spokesman for Gov. [David A. Paterson](#). "We anticipate making a decision in short order that will be based on our factual analysis of the system's performance."

Lawyers from Weil, Gotshal & Manges, the firm representing M/A-COM, said in their letter that it was "patently obvious" that the state was determined to cancel the contract because of political and financial pressure and was using technical issues as a pretext for the cancellation.

The State Office for Technology, which has overseen the network's construction since 2005, "has acted in bad faith throughout the past year" and has made "defamatory and untrue statements regarding M/A-COM's performance under the contract," the letter said.

The largest technology contract in state history, the network has had problems from the start, according to state officials. In August, the state sent a default letter to M/A-COM ordering it to fix deficiencies or face cancellation. A decision to cancel the project has seemed imminent since then, and some state officials, and lawyers for the contractor, have spoken of it as a fait accompli.

The original plan, conceived after the attacks of Sept. 11, 2001, was designed to link emergency agencies

from the tip of Long Island to Niagara Falls via a series of radio towers. The network was meant to cover 95 percent of New York's area and 97 percent of its roadways, including some of the most remote parts of the state.

The Office for Technology is looking at other methods, including Internet-based communications and cellphone technology, that are said to be more cost-effective and could provide more reliable and cheaper service than the radio technology called for in the original contract.

Daniel M. De Federicis, the president of the Police Benevolent Association of the New York State Troopers, said that until a statewide radio network has been built, his organization would push for improvements in the present patchwork of networks.

"The lack of an operating statewide wireless network is beyond frustrating," Mr. De Federicis said in a statement. "The P.B.A. cannot stress enough that this creates life-and-death situations for police officers, and we are running out of synonyms for 'ineptness' to describe the situation."

The project, which is now two years behind schedule, has faced questions from the outset. Critics questioned the Pataki administration's decision to award the contract to M/A-COM, whose bid was \$1 billion less than its closest major competitor, Motorola.

The radio system was supposed to be working in Erie County and neighboring Chautauqua County by June 2007, but repeated problems caused the City of Buffalo to quit the statewide system in December 2007.

M/A-COM missed other operational deadlines, finally prompting the Office for Technology to declare in August that the company was in default. The office gave the company 45 days to fix 19 deficiencies.

In their letter Friday, lawyers for the company said that all technological issues had been addressed and that any delays were the fault of the state.

During an 11-day test period in July, the network was found to be inoperable for nearly 44 hours, far more than the 53 minutes of downtime per year authorized by the state.

Since the state default letter was issued in August, some workers hired to build the network have been laid off, and several subcontractors have stopped work on the network.

In late August, the state comptroller, [Thomas P. DiNapoli](#), issued a report criticizing the plan. The report noted that the "network testing was not properly planned or implemented, and the needs of the public safety user agencies were not fully taken into account during the network design and development process."

Separately, M/A-COM agreed to pay the state \$4 million after auditors found that the company had billed for services that had not been provided and charged for some equipment that had already been paid for.

A spokesman for M/A-COM, Steven A. Greenberg, said on Friday, "We remain ready to hear from the state, as we have since testing concluded last fall."