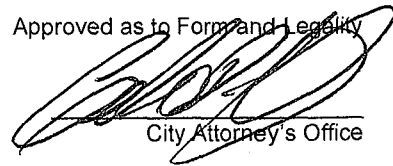


2017 MAY 12 AM 10:05

Approved as to Form and Legality



City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AMEND THE AGREEMENT WITH TOMORROW PARTNERS, LLC IN AN AMOUNT OF \$55,500 FOR A GRAND TOTAL CONTRACT AMOUNT NOT TO EXCEED \$305,500 TO PERFORM A DATABASE AND WEBSITE REDESIGN FOR THE RENT ADJUSTMENT PROGRAM; AND WAIVING THE COMPETITIVE PROPOSAL SOLICITATION REQUIREMENT.

WHEREAS, to address Oakland's housing affordability crisis, the Oakland City Council and Oakland's voters amended the Rent Adjustment Ordinance (Article I of O.M.C Chapter 8.22) ("Rent Adjustment Ordinance") on several occasions, most recently June 7, 2016 (Ordinance No. 13373 C.M.S.), September 20, 2016 (Ordinance No. 13391 C.M.S.), and November 8, 2016 (Ballot Measure JJ), and February 7, 2017 (Ordinance No. 13418 C.M.S.); and

WHEREAS, both ordinances and the voter enacted measure make numerous changes to the Rent Adjustment Ordinance, the most significant of which requires owners to file petitions for all rent increases except those permitted by the CPI increase and banking as of February 1, 2017; and

WHEREAS, the City Council passed Resolution No. 86250 C.M.S. on May 27, 2016 appropriating a one-time expenditure of \$365,000 for a Rent Adjustment Program software program in the Mid-Cycle Amendments to the 16-17 Budget; and

WHEREAS, a competitive request for proposal (RFP) process for an online case management system and website redesign was issued on September 6, 2016; and

WHEREAS, City staff focused on selecting a vendor with the following priorities: (1) utilize a user-centered design approach to build a responsive, easy-to-use website and database within the City's existing technology stack; (2) ensure ADA accessibility; (3) design a digital service to help residents and property owners more easily find the information and services they are looking for; and (4) provide City staff with a digital tool that is easy to use with a minimal amount of technology training (collectively, the "Project"); and

WHEREAS, the City received two bids during the competitive RFP process and entered into an Agreement with the preferred vendor, Tomorrow Partners, LLC, on November 14, 2016 due to their local expertise, experience in building easy-to-use government websites, extensive background in user-centered design methodology, ability to build within the City's existing technology stack; and

WHEREAS, the initial scope of work with Tomorrow Partners, LLC was limited to a contract amount not to exceed \$250,000, to keep the project within the City Administrator authorization authority in order to deliver a project with the time required by the above ordinances and voter enacted measures; and

WHEREAS, delays caused by the Oracle R12 rollout, staffing limitations within ITD, and changes to the Rent Adjustment Ordinance pursuant to Ordinance No. 13418 C.M.S. resulted in \$55,500 in additional work outside of the initial scope of work to be performed by Tomorrow Partners, LLC in order to deliver their final product; and

WHEREAS, OMC Section 2.04.042 requires a multiple-step solicitation process for the combined purchase of products and professional services by soliciting proposals, requiring vendor demonstrations when appropriate and feasible, and evaluating and rating proposals and performance in demonstrations on the basis of uniform criteria to be determined by the City Administrator on a case-by-case basis, for the purchase of supplies, equipment, and computer software; and

WHEREAS, OMC sections 2.04.042 D permits the City Council to waive the multiple-step solicitation process upon a recommendation of the City Administrator and a finding and determination that it is in the City's best interest to do so; and

WHEREAS, the City Administrator recommends that the Council make a finding and determination to waive the requirements of OMC section 2.04.042 and authorize the City Administrator to amend the Agreement with Tomorrow Partners, LLC; and

WHEREAS, in the Agenda Report accompanying this Resolution, staff has set forth the facts supporting waiver of the multiple-step solicitation process requirements of OMC section 2.04.042, especially related to the urgent need and mission critical nature of completing this Project on-time; and

WHEREAS, the City Administrator recommends for the reasons set forth above, that it is in the best interests of the City to waive the RFP/Q process for this purchase; and

WHEREAS, the City Administrator has determined that the services to be provided under the agreement are of a professional, scientific or technical and temporary nature, are in the public interest because of economy or better performance and shall not result in the loss of employment or salary by any person having permanent status in the competitive service; now, therefore, be it

RESOLVED, the City Administrator is hereby authorized to amend the Agreement with Tomorrow Partners, LLC in an amount of \$55,500 for a grand total contract amount not to exceed \$305,500; and be it

FURTHER RESOLVED, that based on the recommendation of the City Administrator set forth above and in the report accompanying this item, and pursuant to OMC Section 2.04.042 D, the City Council hereby finds and determines that it is in the best interests of the City to waive the multiple-step solicitation process requirements and authorizes the amendment of the Agreement with Tomorrow Partners, LLC for this project; and be it

FURTHER RESOLVED, that the City Attorney will review the Agreement for form and legality and a copy of this resolution shall be filed with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLÉN, KALB, KAPLAN AND PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California

