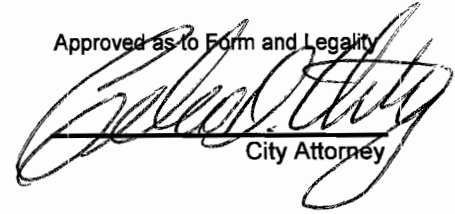


**REVISED**

Revised Per the Public Works Committee Meeting of March 12, 2013,  
And By City Attorney to Conform With Legal Requirements of the Purchasing  
Ordinance (Oakland Municipal Code §2.04)

Approved as to Form and Legality



City Attorney

**OAKLAND CITY COUNCIL**

Resolution No. 84 250 C.M.S.

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

13 MAR 14 PM 4:18

**13 RESOLUTION:**

(1) WAIVING OAKLAND'S ADVERTISING, BIDDING AND REQUEST FOR PROPOSALS/QUALIFICATION REQUIREMENTS FOR THE PURCHASE OF SHORETEL AND ENTERASYS SERVICES, HARDWARE, SOFTWARE AND MAINTENANCE FOR THE CITY'S SHORETEL TELEPHONE SYSTEM AND ENTERASYS NETWORK, AND AUTHORIZING THE CITY ADMINISTRATOR TO SOLICIT PROPOSALS AND PRICE QUOTATIONS SOLELY FROM SHORETEL, ENTERASYS AND THEIR AUTHORIZED VENDORS FOR THE PURCHASE OF EQUIPMENT, SOFTWARE AND SERVICES NECESSARY TO UPGRADE AND MAINTAIN THE SHORETEL TELEPHONE SYSTEM AND THE ENTERASYS NETWORK FOR A TERM OF THREE YEARS; AND

(2) AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND ENTER INTO A CONTRACT FOR THE PURCHASE OF EQUIPMENT, SOFTWARE AND MAINTENANCE OF THE SHORETEL TELEPHONE SYSTEM IN AN AMOUNT NOT TO EXCEED \$825,000.00 OVER THE CONTACT TERM OF 3 YEARS WITHOUT RETURN TO COUNCIL; AND

(3) AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND ENTER INTO A CONTRACT FOR THE PURCHASE OF EQUIPMENT, SOFTWARE AND MAINTENANCE OF THE ENTERASYS NETWORK IN AN AMOUNT NOT-TO-EXCEED \$1,650,000.00 FOR A TERM OF 3 YEARS WITHOUT RETURN TO COUNCIL; AND

(4) AUTHORIZING THE APPROPRIATION OF CURRENT AND FUTURE FUNDS IN INTERNAL SERVICES FUND 4210 FOR THE PURCHASE AND ONGOING COSTS ASSOCIATED WITH THE CITY'S TELEPHONE, NETWORK AND TELECOMMUNICATIONS SERVICES FOR A PERIOD OF 3 YEARS

**WHEREAS**, the ShoreTel Telephone System and Enterasys Networks were purchased and implemented in 2005 per Council Resolution No. 79066 C.M.S., and the City has expended approximately \$3,000,000.00 on these systems to date; and

**WHEREAS**, the Shoretel Inc Telephone System maintenance agreement has expired and the Enterasys Network maintenance agreement will expire in 2013; and

**WHEREAS**, the Enterasys Network equipment is reaching its end of useful life and jeopardizes the performance of the Shoretel Telephone System and other City applications that depend on its performance; and

**WHEREAS**, it would not be cost effective and is not necessary to replace these systems given the city's investment, therefore, it is recommended that the City execute new Shoretel Inc. and Enterasys Networks maintenance agreements for equipment upgrades and maintenance to avoid equipment failure and lack of vendor support that would negatively impact the performance of the City's ShoreTel telephone, Enterasys Network and applications which provide telephone and network services to all city agencies and departments; and

**WHEREAS**, Oakland Municipal Code (OMC) Section 2.04.050 requires advertising in the Oakland Tribune (the City's official newspaper), competitive bidding and award to the lowest responsible, responsive bidder when the City purchases products from a vendor in an amount exceeding \$50,000.00, and OMC Section 2.04.050 I.5 permits the Council to waive such advertising and competitive bidding upon a finding and determination that it is in the best interests of the City to do so; and

**WHEREAS**, OMC Section 2.04.051.A requires the City to conduct a request for proposal/qualification process ("RFP/RFQ") for the purchase of professional, scientific or technical services unless such process is waived, under OMC Section 2.04.051 B, upon a finding by the City Council that it is in the best interests of the City to do so; and

**WHEREAS**, the Department of Information Technology (DIT) has determined that only ShoreTel Inc. and Enterasys Networks or their authorized vendors/dealers can provide the necessary equipment, products and services that the City requires; and

**WHEREAS**, the City needs to purchase a combination of products and professional/technical services to upgrade and maintain the Shoretel system and Enterasys Network and, therefore, requires waiver of the City's bidding and RFP/RFQ requirements to negotiate contracts for each system; and

**WHEREAS**, it is in the City's best interest to limit the solicitation of proposals and price quotes for the ShoreTel telephone system and Enterasys Networks upgrades and maintenance to Shoretel, Inc. and Enterasys and their authorized vendors because costs to upgrade and maintain these systems for the next three years is far more cost effective than purchasing new systems at this time, and no other vendors can provide the necessary products and services; and

**WHEREAS**, in lieu of the City's advertising and the City of Oakland will solicit proposals and price quotations from Shoretel, Enterasys Networks and their authorized qualified vendors for the purchase of ShoreTel and Enterasys equipment, software, installation and maintenance and seeks authority to negotiate contracts without return to Council; and

**WHEREAS**, the Department of Information Technology (DIT) has determined that the cost over the next three (3) years for upgrade and maintenance of the Shoretel Telephone System would not exceed \$825,000.00 (to be paid \$275,000.00 annually), and the cost over the next three (3) years for upgrade and maintenance of the Enterasys Network would not exceed \$1,650,000.00 (which includes \$150,000.00 annually for maintenance); and

**WHEREAS**, existing funds have been identified to fund the cost of the proposed purchases; and

**WHEREAS,** the City Council finds that the contracts shall not result in the loss of employment or salary by and person having permanent status in the competitive service; now therefore be it

**RESOLVED:** That the Council, pursuant to OMC Section 2.04.50 I.5 and Section 2.04.051 B, respectively, hereby finds and determines that it is in the best interests of the City to waive the City's advertising, bidding, and the RFP/RFQ requirements for the purchase of equipment, software, maintenance and other services to upgrade the ShoreTel Telephone System and Enterasys Network for the reasons stated above and in the City Administrator's report accompanying this resolution, and so waives the requirements; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to solicit proposals and price quotations solely from Shoretel, Enterasys and their authorized vendors for the purchase of equipment, software and services necessary to upgrade and maintain the City's Shoretel Telephone System and the Enterasys Network for a term of three years; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to negotiate and execute a contract for the purchase of equipment, software, maintenance and other services for the Shoretel Telephone System in an amount not-to-exceed \$825,000.00 over the contact term of 3 years without return to council; and

**FURTHER RESOLVED:** That the City Administrator is authorized to negotiate and execute a contract for the purchase of equipment, software, maintenance and other services for the Enterasys Network in an amount not-to-exceed \$1,650,000.00 for a term of 3 years without return to council; and

**FURTHER RESOLVED:** That the Council hereby authorizes the City Administrator or her designee to appropriate current and future funds in internal services fund 4210 for the ongoing cost associated with the purchase of the above telephone, network and telecommunications equipment, software and maintenance services; and be it

**FURTHER RESOLVED:** That a copy of the agreement will be on file in the City Clerk's Office and will be approved by the Office of the City Attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, MAR 19 2013

**PASSED BY THE FOLLOWING VOTE:**

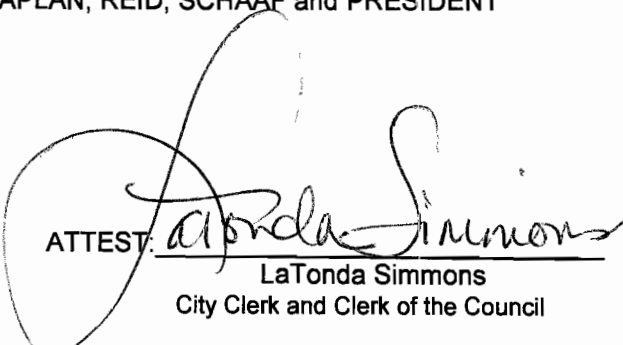
AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:

  
LaTonda Simmons  
City Clerk and Clerk of the Council