

APPROVED AS TO FORM AND LEGALITY

  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR (1) TO ENTER INTO RENEWAL AGREEMENTS FOR ON-GOING INFORMATION TECHNOLOGY OPERATIONS AND MAINTENANCE AGREEMENTS; AND (2) TO ENTER INTO HARDWARE, SOFTWARE, DATA, STORAGE, PROFESSIONAL SERVICES AND MAINTENANCE AGREEMENTS TO UPGRADE AND ENHANCE EXISTING SYSTEMS, INCLUDING, BUT NOT LIMITED TO ORACLE, MICROSOFT, GEOGRAPHIC INFORMATION SYSTEMS AND PUBLIC SAFETY SYSTEMS; WAIVING THE MULTI-STEP SOLICITATION PROCESS AND, TO THE EXTENT NECESSARY, THE LOCAL/SMALL LOCAL BUSINESS ENTERPRISE PROGRAM REQUIREMENTS FOR INFORMATION TECHNOLOGY AGREEMENTS FOR FISCAL YEAR (FY) 2023 THROUGH 2025, INCLUDING MULTI-YEAR AGREEMENTS ENTERED OR RENEWED DURING FY 2023 THROUGH 2025 WITH TERMS THAT EXTEND BEYOND THE TWO-YEAR PERIOD; AND SUNSETTING CITY RESOLUTION 84579 C.M.S. (2013)**

**WHEREAS**, technology, including both systems and data, is the underlying pin that connects multiple departments and agencies together. It remains the basis upon which many City of Oakland processes provide basic services to its constituents; and

**WHEREAS**, OMC section 2.04.042.B requires the City Administrator to conduct a multi-step solicitation process for acquisition of any IT system; and

**WHEREAS**, OMC section 2.04.042.D permits the Council to waive solicitation processes upon finding that it is in the City's best interests to do so; and

**WHEREAS**, the Local/Small Local Business Enterprise (L/SLBE) Program, Ordinance No. 13647 C.M.S., requires a minimum fifty-percent (50%) participation for all professional service contracts valued at or over fifty thousand dollars (\$50,000) when there are at least three certified businesses listed in the industry, trade, or profession that constitutes a major category of work; and if at least three L/SLBEs are not certified, then the requirement is either waived, or the 50% requirement may be set at a percentage from 50 % to 0%, but not less than 20% if at least one L/SLBE is certified and available; and

**WHEREAS**, the Council may, in its discretion, waive the requirements of the L/SLBE Program; and

**WHEREAS**, staff has determined the required upgrades and improvements must be able to integrate into existing systems and facilities and therefore limits the qualified vendors that are able to provide the equipment and professional services to facilitate the upgrades and improvements at the lowest possible cost; and

**WHEREAS**, such information technology contracts will need to be completed within a shortened time span and will be used to upgrade existing systems, and that such waiver is reasonable and economical under the circumstances; and

**WHEREAS**, the ability to renew and upgrade existing systems will provide significant cost savings and other efficiencies to the City, requiring the use of vendors who are familiar with the existing information technology architecture; and

**WHEREAS**, the City Council already appropriated and allocated funding for these agreements in the biennial budget for Fiscal Year (FY) 2023 through 2025; and

**WHEREAS**, City Resolution 84579 C.M.S., passed July 30, 2013, previously provided for similar authority but without any applicable time limit; and

**WHEREAS**, Resolution 84579 C.M.S. (2013) shall sunset upon the passage of this Resolution, which shall replace Resolution 84579 C.M.S. (2013); and

**WHEREAS**, this Resolution shall be in effect for the entirety of the two-year period for FY 2023 through 2025 and includes multi-year agreements entered or renewed during FY 2023 through 2025 that extend beyond FY 2025; and

**WHEREAS**, the City Administrator has determined that this contract is of a professional and temporary nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive civil service; now, therefore be it

**RESOLVED:** That the City Council finds and determines the forgoing recitals to be true and correct and hereby adopts and incorporates them into this Resolution; and be it

**FURTHER RESOLVED:** That the City Administrator or designee is authorized without returning to Council to negotiate and execute 1) renewal agreements for ongoing information technology operations and maintenance agreements; and 2) hardware, software, data, storage, professional services and maintenance agreements to upgrade and enhance existing systems, including, but not limited to Oracle, Microsoft, Geographic Information Systems and Public Safety Systems; and be it

**FURTHER RESOLVED:** That for the reasons stated above and in the report accompanying this Resolution, the City Council hereby finds and determines that it is in the best interests of the City to waive the multi-step solicitation processes pursuant to Oakland Municipal Code section 2.04.042.D, and, to the extent necessary and for good cause shown, the City's

Local/Small Local Business Enterprise program requirements, and so waives these requirements for the information technology agreements; and be it

**FURTHER RESOLVED:** That this Resolution shall be in effect for the entirety of the two-year period for the FY 2023 through 2025 and includes multi-year agreements entered or renewed during FY 2023 through 2025 that extend beyond FY 2025; and be it

**FURTHER RESOLVED:** That the agreements and any subsequent amendments or extensions shall be reviewed and approved by the Office of the City Attorney for form and legality prior to execution and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND  
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_  
ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California

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