

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2013 JUL 12 AM 10:02

APPROVED AS TO FORM AND LEGALITY

  
City Attorney

CITY OF OAKLAND  
84579  
RESOLUTION NO. \_\_\_\_\_ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO EXECUTE A MASTER LEASE AGREEMENT, MUNICIPAL PAYMENT PLAN AND ALL RELATED DOCUMENTS WITH IBM CREDIT LLC AND ORACLE CREDIT CORPORATION, FOR FINANCING IN AN AMOUNT NOT TO EXCEED \$19,250,000 FOR A TERM OF NOT MORE THAN 7 YEARS AND AN INTEREST RATE NOT TO EXCEED 3.5% TAX EXEMPT AND/OR 4.8% TAXABLE, TO PROVIDE FUNDING TO ENTER:

(1) RENEWAL OF ON-GOING INFORMATION TECHNOLOGY OPERATIONS AND MAINTENANCE AGREEMENTS AND (2) HARDWARE, SOFTWARE, PROFESSIONAL SERVICES AND MAINTENANCE AGREEMENTS TO UPGRADE AND ENHANCE ORACLE, MICROSOFT AND PUBLIC SAFETY SYSTEMS;

IN ADDITION, THE CITY COUNCIL AUTHORIZES ENTRY INTO INFORMATION TECHNOLOGY AGREEMENT(S) FOR UPGRADES TO EXISTING SYSTEMS WITHOUT RETURNING TO COUNCIL AND WAIVES COMPETITIVE BIDDING, ADVERTISING AND REQUEST FOR PROPOSALS/QUALIFICATION PROCESS REQUIREMENTS FOR FINANCING AND INFORMATION TECHNOLOGY AGREEMENT(S).

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

WHEREAS, OMC section 2.04.051 requires that a competitive Request For Proposal ("RFP") or Request For Qualifications ("RFQ") selection process for award of contracts that exceed \$25,000 for professional service contracts and which are exempt from bidding under Section 2.04.050.1.1; and

WHEREAS, OMC sections 2.04.050.I. and 2.04.051.B permit the Council to waive advertising, bidding and the request for proposal/qualifications processes upon finding that it is in the City's best interest to do so;

WHEREAS, staff recommends that it is in the City's best interests to waive advertising and the request for proposals process for the Master Lease, Contracts and Services related to these contracts due to the unique financing and other aspects of said lease agreements; and

**WHEREAS**, the appropriation of said financed funds is necessary to maintain/upgrade existing systems and implement these infrastructure improvements;

**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;

**WHEREAS**, the ability to 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; 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 a Master Lease Agreement(s), the Payment Schedule, the Escrow Agreement(s) and all documents necessary and related to financing in an amount not to exceed \$19,250,000, for a term of not more than 7 years and an interest rate not to exceed 3.5% tax exempt and/or 4.8%, taxable, to fund ongoing operations and maintenance agreements and hardware, information technology software, and professional service agreements to upgrade and enhance critical information systems; and be it

**FURTHER RESOLVED**, that the City Administrator or designee is authorized without returning to Council to negotiate and execute Ongoing Operations and Maintenance Agreements and contracts for upgrades for Hardware, Software, Professional Services and Maintenance agreements to existing systems for critical Infrastructure improvements; and be it

**FURTHER RESOLVED**, that pursuant to the Oakland Municipal Code Section 2.04.051.B and for the reasons stated above and in the report accompanying this item, the City Council hereby finds and determines that it is in the best interests of the City to waive the advertising and the request for proposals process for the contracts related to the financing and information technology agreements; and be it

**FURTHER RESOLVED**, that the Office of the City Attorney will approve the contracts as to form and legality and copies will be on file in the Office of the City Clerk; and be it

**FURTHER RESOLVED**, that this Resolution shall take effect immediately upon its passage.

IN COUNCIL, OAKLAND, CALIFORNIA JUL 30 2013, 2013

**PASSED BY THE FOLLOWING VOTE:**

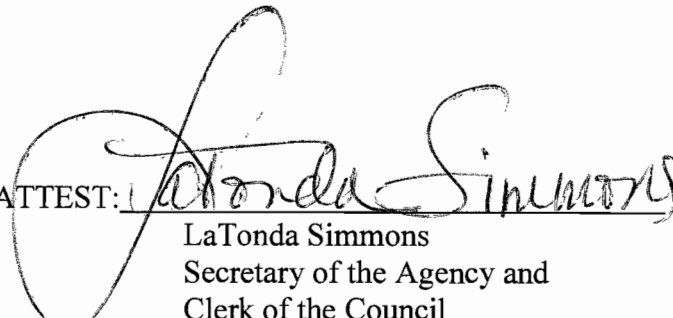
AYES: ~~BROOKS~~, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN - 7

NOES: 0

ABSENT: 0

ABSTENTION: 0

Excused - Brooks - 1

ATTEST:   
LaTonda Simmons  
Secretary of the Agency and  
Clerk of the Council  
of the City of Oakland, California