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2004 JUN 18 PM 5:46
CITY ATTORNEY

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH GOLDSTONE TECHNOLOGIES LTD TO MOVE SIX OF THE CITY OF OAKLAND'S APPLICATION PROGRAMS FROM THE IBM AS/400 COMPUTER TO THE SUN SERVER SYSTEM FOR AN AMOUNT NOT TO EXCEED TWO HUNDRED NINETY FOUR THOUSAND DOLLARS (\$294,000.00), WITH A CONTINGENCY AMOUNT OF SIX THOUSAND DOLLARS (\$6,000.00); FOR A TOTAL AMOUNT NOT TO EXCEED THREE HUNDRED THOUSAND DOLLARS (\$300,000.00).

WHEREAS, the City of Oakland (City) desires to execute a Professional Services Agreement to move six of the City's application programs and historical data files from the IBM AS/400 computer to a Sun Server system, a project defined as the City's IBM AS/400 Migration technology enhancement project; and,

WHEREAS, the City has determined that the IBM AS/400 Migration project will address and resolve the 15 year old and outdated IBM AS/400 system's maintenance, recovery, ongoing support, and application program modernization issues; and

WHEREAS, the source of funds are available in the amount of \$300,000 in Project C198620 to accomplish the IBM AS/400 Migration project; and

WHEREAS, the City lacks the technical resources, familiarity and automated tools to accomplish the IBM AS/400 Migration project; and

WHEREAS, the City solicited proposals from information technology contractors for the necessary professional services to accomplish the IBM AS/400 Migration project through a Request For Proposals ("RFP") as described in the staff report which accompanies this resolution; and

WHEREAS, the results of the RFP process identified Goldstone Technologies LTD as the most qualified vendor to contract with for the professional services to accomplish the IBM AS/400 Migration project; and

WHEREAS, the City Council finds and determines that the performance of the IBM AS/400 Migration project under a Professional Services Agreement is in the public interest, benefits the economy, and represents a positive step toward future technological benefits to the City of Oakland constituents and associates; and

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WHEREAS, the City Council finds that the service is temporary in nature; and

WHEREAS, the performance of the IBM AS/400 Migration project work under the Professional Services Agreement shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

WHEREAS, the City Council finds that the AS/400 migration information technology services are professional and specialized in nature and exempt from the competitive bidding requirements pursuant to Section 2.04.050 I (1) of the Oakland Municipal Code; and

WHEREAS, by reason of the foregoing, it is in the City's best interests to contract with Goldstone Technologies LTD to provide the services described above; and

WHEREAS, the performance of the IBM AS/400 Migration project work under the Professional Services Agreement shall not result in outsourcing any portion of the work outside the United States of America; and

WHEREAS, the City Council, in light of the steps taken as set forth above, finds that it is expedient to authorize the City Administrator or designee to negotiate and execute a Professional Services Agreement as may be required to mitigate the economic risks herein identified; now, therefore, be it

RESOLVED: That the City hereby finds and determines that pursuant to Chapter 2.04, Article I, section 2.04.050.I (1) of the Oakland Municipal Code that the services are professional and specialized, and exempt from the bidding requirements of the Oakland Municipal Code; and be it

FURTHER RESOLVED: That, pursuant to Chapter 2.04, Article I, section 2.04.050 I (5) it is in the best interests of the City to waive the bidding requirements of section 2.04.050 of the Oakland Municipal Code; and be it

FURTHER RESOLVED: that the City Council hereby authorizes the City Administrator to negotiate and execute a Professional Services Agreement ("Agreement") with Goldstone Technologies LTD to move six of the City of Oakland's application programs and historical data files from the IBM AS/400 computer to a Sun Server system for an amount not to exceed two hundred ninety four thousand dollars (\$294,000.00), with a contingency amount of six thousand dollars (\$6,000.00); for a total amount not to exceed three hundred thousand dollars (\$300,000.00); and be it

FURTHER RESOLVED: that the City Council hereby authorizes the City Administrator or designee to enter into an Agreement with Goldstone Technologies LTD to perform the services to complete the specified work and to do all things and take any and all actions and execute and deliver any and all other agreements, and is hereby authorized to approve any subsequent amendments to or extensions of said Agreement with the exception of

those related to an increase in the contract price or the allocation of additional funds provided that such amendments or extensions shall be filed with the City Clerk's office; and be it

FURTHER RESOLVED: That the contract shall be reviewed and approved by the City Attorney's Office for form and legality prior to execution, and a copy shall be placed on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2004

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN AND
PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California

10.17CC
ORA/COUNCIL
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