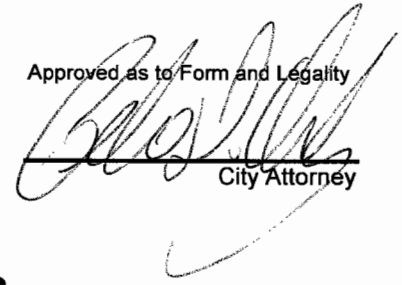


OFFICE OF THE  
CITY ATTORNEY  
City Attorney

2013 JUL 11 PM 4:03

**OAKLAND CITY COUNCIL****RESOLUTION No. 84577 C.M.S.**

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO: 1) NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH TELLUS VENTURE FOR PROFESSIONAL SERVICES IN AN AMOUNT NOT TO EXCEED \$25,000; AND, 2) WAIVE THE COMPETITIVE BIDDING, ADVERTISING, AND THE REQUEST FOR PROPOSAL PROCESS AND DELEGATE AUTHORITY TO THE CITY ADMINISTRATOR TO AWARD CONTRACTS RELATED TO PROFESSIONAL SERVICES.**

**WHEREAS**, the Broadband infrastructure is a crucial requirement for public safety services delivery, innovative hubs creation, job growth, educational enhancements, and improving the quality of life; and

**WHEREAS**, the fiber optics is the only medium to offer Broadband infrastructure to support media rich applications, new social media platforms, emerging technologies, high speed connectivity, and next generation 911 services;

**WHEREAS**, Next Generation 911 systems, in particular, requires robust, high speed connectivity to support the growing range of Internet-based emergency services offered to the public; and

**WHEREAS**, OMC Section 2.04.050 requires formal advertising and competitive bidding when the city purchases services, supplies or combination thereof required by the City which exceeds \$50,000. However, OMC Section 2.04.050 I.5 permits the Council to waive these requirements upon a finding and determination that it is in the best interests of the City to do so; and

**WHEREAS**, OMC section 2.04.51 A requires the City to conduct a request for proposal or request for Qualifications, competitive selection process ("RFP/RFQ") prior to the purchase of professional services unless this requirement is waived under OMC Section 2.04.51 B upon a finding by the City Council or its designee that it is in the best interest of the City to do so; and

**WHEREAS**, the City currently pay thousands of dollars a month in recurring costs to provide connectivity to the 911 center, Municipal services and other City owned properties; and

**WHEREAS**, rapid implementation of this network can provide the city with significant cost savings by leveraging the connectivity that a fiber optic infrastructure will provide; and

**WHEREAS**, the ability to waive bidding and advertising requirements will allow the City to be flexible and enter into agreements quickly with business entities in a streamlined fashion that will promote economic development; and

**WHEREAS**, Tellus Venture Associates was hired by the City of Oakland, authorized by the Council 80692 C.M.S. to perform a thorough broadband need analysis and make recommendations for deploying a citywide broadband network; and

**WHEREAS**, Tellus Venture was hired by the City of San Leandro to provide professional assistance in negotiating and developing a License Agreement between LitSan Leandro and City of San Leandro; and

**RESOLVED**, that the City Council hereby authorizes the City Administrator or her designee to negotiate and execute a consulting services agreement with Tellus Venture Associates for assistance in negotiations; and be it

**RESOLVED**, that the City Council hereby authorizes the City Administrator or her designee to negotiate and award contract to Tellus Venutre Associates for professional services in an amount not to exceed \$25,000; and be it

**FURTHER RESOLVED**: That pursuant to OMC sections 2.04.050.I. and 2.04.051.B , the City Council hereby finds and determines that it is in the best interest of the City to waive the competitive request for proposal/qualifications process for professional services to assist the City in the development of negotiating rights agreements, framework and process to provide access to city-owned facilities for public/private partnerships and other professional services ; based on the reasons set forth above in this resolution and be it

**FURTHER RESOLVED**: That the City Council finds and determines based on the above determinations of the City Administrator, that the goods and services provided pursuant to the agreements authorized hereunder are of a professional, scientific, or technical and temporary nature, and shall not result in a loss of employment or salary by any person having permanent status in the competitive service process; and be it

**FURTHER RESOLVED**, that funds to complete this project will be drawn from 1010-46231-54919.0000000.IP62; and be it.

**FURTHER RESOLVED**, that the contracts shall be reviewed and approved by the City Attorney and placed on file in the Office of the City Clerk.

**FURTHER RESOLVED**, that the City Attorney shall review and approve any such agreements

**FURTHER RESOLVED**, that any agreements reached would be non-exclusive, compliant with city policies and subject to approval by the city council.

IN COUNCIL, OAKLAND, CALIFORNIA,  JUL 30 2013 , 20

**PASSED BY THE FOLLOWING VOTE:**


GIBSON-McELHANEY, REID, KALB, GALLO, ~~BROOKS~~, KAPLAN, SCHAAF, and PRESIDENT KERNIGHAN - 7

NOES- 0

ABSENT- 0

ABSTENTION- 0

Excused- Brooks - 1

ATTEST   
LaTonda Simmons

City Clerk and Clerk of the

Council of the City of Oakland, Calif.