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Oakland City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION No. 85600 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HIS/HER DESIGNEE, TO:

- 1) EXECUTE AN AGREEMENT WITH MICROSOFT CORPORATION IN AN AMOUNT OF THIRTY-SIX THOUSAND SIX DOLLARS AND SEVENTY-THREE CENTS (\$36,006.73) PER YEAR FOR A PERIOD OF FIVE YEARS FOR A TOTAL CONTRACT AMOUNT OF ONE HUNDRED EIGHTY THOUSAND THIRTY-THREE DOLLARS AND SIXTY-FIVE CENTS (\$180,033.65) FOR THE PURCHASE OF SOFTWARE LICENSES FOR THE CITY ATTORNEY'S OFFICE; AND
- 2) WAIVE THE CITY'S ADVERTISING, COMPETITIVE BID AND REQUEST FOR PROPOSALS/QUALIFICATIONS (RFP/Q) REQUIREMENTS FOR THE ABOVE PURCHASES

WHEREAS, the City Attorney's office currently operates a computer system utilizing Microsoft Software; and

WHEREAS, this software supports litigation defense and departmental advisory functions and the City Attorney's data and electronic communication infrastructure; and

WHEREAS, a well maintained and supported data network is vital to ensuring the City Attorney's mission critical technology platforms to the highest degree of availability and without interruption; and

WHEREAS, Microsoft Corporation developed and provided updates to the City Attorney's data network since 1997 and has provided engineering, maintenance, support, and training under previous agreements; and

WHEREAS, Dell Inc. is a licensed reseller for Microsoft Corporation; and

WHEREAS, the previous software agreement with Microsoft Corporation expired in May of 2010; and

WHEREAS, in order to maintain continuity of service for various City Attorney related applications, it is critical that this software agreement be renewed; and

WHEREAS, the City Attorney will require specialized professional services from Microsoft Corporation during the term of this software agreement in order to fulfill the City Attorney's direction of implementing and maintaining a highly available, secure and reliable network infrastructure and electronic communications platform; and

WHEREAS, Oakland Municipal Code (OMC) Title 2, Chapter 2, Article I, Section 2.04.051.A requires a competitive Request for Proposal/Qualification (RFP/Q) selection process for the procurement of professional services in excess of \$25,000.00; and

WHEREAS, OMC Title 2, Chapter 2, Article I, Section 2.04.050 requires formal advertising and competitive bidding when the City purchases services, supplies or a combination thereof that exceeds \$50,000; and

WHEREAS, OMC Title 2, Chapter 2, Article I, Section 2.04.050.1.5 permits the Council to waive formal 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 Title 2, Chapter 2, Article I, Section 2.04.051.B permits the Council to waive the competitive RFP/Q competitive selection requirement upon a finding and determination that it is in the best interests of the City to do so; and

WHEREAS, the City Attorney and the Council have determined that the services that will be needed as part of this software agreement are of a professional, scientific or technical and temporary nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive service; now therefore; be it

RESOLVED: That the City Council hereby authorizes the City Administrator or his/her designee to negotiate and award a five year contract to Microsoft Corporation in an amount not to exceed Thirty-Six Thousand Six Dollars and Seventy-Three cents (\$36,006.73) per year for a period of five years for an amount not to exceed One hundred Eighty Thousand Thirty-Three Dollars and Sixty-Five cents (\$180,033.65) for renewal of a software agreement to support the City Attorney's data network; and be it

FURTHER RESOLVED: That pursuant to Oakland Municipal Code OMC Title 2, Chapter 2, Article I, Sections 2.04.050.1.5 and 2.04.051.B the Council hereby finds and determines that it is in the best interests of the City to waive advertising, bidding and the competitive request for proposal/qualifications processes because (1) Microsoft is the sole manufacturer of the software currently installed in the City Attorney's Office, that provides engineering, maintenance, support, and training for the various components of the current data network and; (2) the firm thus has pre-existing, in-depth knowledge of and experience with the current system components, their configuration and the design considerations behind their original installation; and (3) the firm further has in-depth knowledge of its products combined with the knowledge and experience the firm has regarding the existing City Attorney installation; and (4) the firm's knowledge and expertise should lead to the most cost-effective solution at the highest levels of quality; and be it

FURTHER RESOLVED: That the software agreement shall be funded out of the City Attorney's Operations and Maintenance Budget, the general fund (1010), Org (04111), Project (0000000); and be it

FURTHER RESOLVED: That the City Attorney or her designee is hereby authorized to complete all required negotiations, certifications, assurances and documentation required to accept modify, extend and/or amend the agreement, 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.

IN COUNCIL, OAKLAND, CALIFORNIA, = MAY 19 2015

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, ~~REID~~ and
PRESIDENT GIBSON McELHANEY - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Reid - 1

ATTEST: Latonda Simmons for
Latonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California