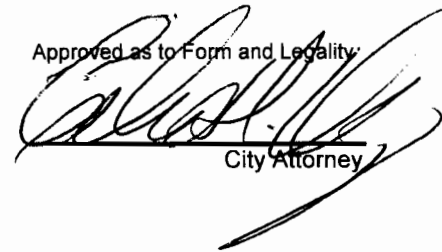


2010 SEP -2 PM 3:41

OAKLAND CITY COUNCIL

RESOLUTION No. 82978 C.M.S.

Approved as to Form and Legality



City Attorney

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO:

- 1. NEGOTIATE AND AWARD A DESIGN-BUILD AGREEMENT AT THE CONCLUSION OF A COMPETITIVE SOLICITATION FOR SERVER VIRTUALIZATION TECHNOLOGY IMPROVEMENTS TO THE DATA CENTER SERVERS FOR AN AMOUNT NOT TO EXCEED FOUR HUNDRED THOUSAND DOLLARS (\$400,000.00), TO BE PAID WITH FEDERAL GOVERNMENT STIMULUS PACKAGE FUNDS WITHOUT RETURNING TO COUNCIL; AND**
- 2. ACCEPT AND APPROPRIATE ENERGY-RELATED REBATES IN PROJECT NUMBER C388910 (CIVIC CENTER DATA CENTER SERVER VIRTUALIZATION), FOR ENERGY EFFICIENCY IMPROVEMENTS AS A RESULT OF THE DATA CENTER VIRTUALIZATION PROJECT**

WHEREAS, the City Council authorized application for American Recovery and Reinvestment Act of 2009 (ARRA) funds for this project in Resolution No. 82092 C.M.S, and the Department of Energy awarded the City a grant for energy efficiency improvements to its municipal assets, including municipal buildings, under the ARRA, Energy Efficiency and Conservation Block Grant (EECBG) Formula Program; and

WHEREAS, the shared goals of the City and the ARRA include creating jobs quickly, improving energy efficiency and reducing greenhouse gas emissions; and

WHEREAS, the City has appropriated funds totaling \$695,000 to implement this project with \$624,595 in Department of Energy-EECBG Program (ARRA) Fund (2609), Environmental Services Energy Group Organization (30689), distributed among the Civic Center Electronic HVAC Control Upgrades BAS Project (C389010) and the Civic Center Data Center Server Virtualization Project (C388910), and \$55,405 in City Facilities Energy Conservation Projects Fund (4450), Environmental Services Energy Group Organization (30689), California Exchange Commission (CEC) Loan – HVAC Conservation Project (H33620); and

WHEREAS, the energy efficiency improvements from the Server Center Virtualization Project will result in reduced energy consumption and greenhouse gas emissions; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work; and

WHEREAS, the City Administrator has determined that the services under this agreement are of a technical and temporary nature, and that the performance of this 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 issued and advertised a Request For Proposals for Data Center Server Virtualization Project, to which four vendors have responded in a manner that best complies with the City's technology, infrastructure and program requirements; and

WHEREAS, it is in the City's best interests at the completion of a competitive bid process to select the contractor and proceed with a contract immediately, because: the ARRA provides shortened timeframes for the commencement of projects in order to meet the funding goal of creating jobs; now therefore, be it

RESOLVED: That the City Administrator, or designee, is authorized to negotiate and enter into a Contract agreement in an amount not to exceed four hundred thousand dollars (\$400,000) for Server Virtualization Project improvements to the Civic Center Data Center; and be it

FURTHER RESOLVED: That the City Administrator or designee is authorized to apply for, accept, and appropriate energy related rebates or incentive payments from programs offered by the State, PG&E or other rebate programs and place funds into the Department of Energy-EECBG Program (ARRA) Fund (2609), Environmental Services Energy Group Organization (30689), Projects C389010 and C388910; and be it

FURTHER RESOLVED: That the City Administrator or designee is authorized to transfer allocations between projects in Fund 2609 as necessary to achieve the optimal use and full expenditure of ARRA grant funds; and be it

FURTHER RESOLVED: That the City Administrator or designee is authorized to extend, amend (except to increase compensation), and take whatever action is necessary with respect to this agreement consistent with this resolution and its basic purpose; and be it

FURTHER RESOLVED: That all contracts authorized hereunder shall be reviewed and approved for form and legality by the Office of the City Attorney and a final copy shall be placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, SEP 21 2010, 20

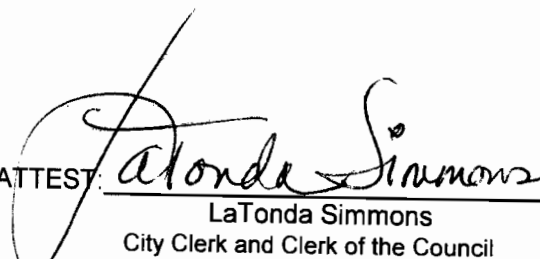
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, ~~REID~~, and PRESIDENT BRUNNER - 7

NOES - 0

ABSENT - Reid - 1

ABSTENTION - 0

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