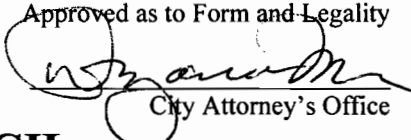


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 MAR 11 PM 3:54

Approved as to Form and Legality



City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION No. 82678 C.M.S.

RESOLUTION WAIVING ADVERTISING AND THE REQUEST FOR PROPOSAL/QUALIFICATION REQUIREMENTS, AND AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A MAINTENANCE AGREEMENT WITH AZTECA SYSTEMS, INC. IN CONNECTION WITH THE CITYWORKS WORK MANAGEMENT SYSTEM, FOR UP TO THREE YEARS, ON AN ANNUAL BASIS, IN THE AMOUNT OF FIFTY-FIVE THOUSAND DOLLARS (\$55,000), PLUS THREE PERCENT (3%) ANNUALLY, FOR A TOTAL CONTRACT CAP OF ONE HUNDRED SEVENTY THOUSAND DOLLARS (\$170,000)

WHEREAS, the City Council previously approved Resolution No. 80847 C.M.S. on September 18, 2007 authorizing the purchase and implementation of Cityworks, a maintenance management or work management system ("Work Management System"), including an update and support ("Maintenance Agreement") for the system; and

WHEREAS, the Work Management System implementation was completed in 2009; and

WHEREAS, the Public Works Agency, is using the Work Management System to manage all work performed on the City's infrastructure, including streets, sidewalks, sewers, storm drains, trees, traffic signals, street lights, street signs and striping, buildings, and illegal dumping and graffiti removal; and

WHEREAS, the Work Management System enables staff to generate and track service requests from the public as well as internal customers, and work orders performed by staff for the repair and maintenance of the City's physical infrastructure assets; and

WHEREAS, Azteca Systems, Inc. owns the Work Management System and are the providers of all future upgrades, bug fixes, trouble-shooting and similar maintenance and support services and is the only vendor authorized to provide this maintenance and support; and

WHEREAS, the Work Management System is a critical and necessary tool in managing the day-to-day operations and accountability of public works services and it is in the City's best interest to retain Azteca Systems, Inc., who are the owners of the Cityworks, the Work Management System software, to continue to provide technical maintenance and support related to the system; and

WHEREAS, Oakland Municipal Code section 2.04.051.A requires advertising and the solicitation of proposals or qualifications for the purchase of professional, technical or scientific services; and

WHEREAS, Oakland Municipal Code section 2.04.051.B permits the City Council to waive such advertising and solicitation requirements upon a finding that it is in the best interest of the City to do so; and

WHEREAS, the cost of on-going maintenance and support of the Work Management System is estimated at \$55,000 annually, escalated at a maximum of three percent (3%) per year; and

WHEREAS, funding for the annual maintenance and support costs are budgeted in Fund 7760 – PWA Overhead, Organization 30181 – PWA Administration, Account 54930; and

WHEREAS, the Work Management System software is sold with a one-time license fee, coupled with an annual fee that covers software maintenance and support; and

WHEREAS, it is anticipated that the current Work Management System software will continue to be used as the City's maintenance management system and there are no current or foreseeable plans to replace the system, and technical maintenance and support will be needed for the duration of the system's operation; and

WHEREAS, the City Administrator has determined that the services to be provided under the contract are of a professional, scientific or technical and temporary nature, are in the public interest because of economy or better performance 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 pursuant to Oakland Municipal Code section 2.04.051.B and for the reasons stated in the City Administrator's report accompanying this resolution and stated above, the City Council finds that it is in the City's best interest to waive the advertising and request for proposal/qualification procedures for the purchase of technical maintenance and support services for the Work Management System, and so waives said requirements; and be it

FURTHER RESOLVED: That the City Administrator is authorized to enter into the Update and Support Agreement for technical maintenance and support services with Azteca Systems, Inc. for the Work Management System on an annual basis for up to three years, in an estimated annual amount of fifty five thousand dollars (\$55,000), escalated at three percent (3%) per year, for a total contract cap of one hundred seventy thousand dollars (\$170,000); and be it

FURTHER RESOLVED: That the City Attorney shall review the contract for form and legality and a copy shall be placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, APR 20 2010, _____, 20____

PASSED BY THE FOLLOWING VOTE:

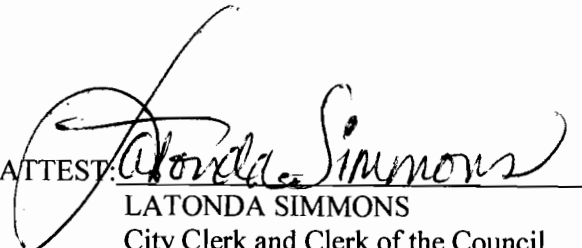
AYES- ~~BRUNNER~~, DE LA FUENTE, KAPLAN, KERNIHGAN, NADEL, QUAN, REID and PRESIDENT BRUNNER - 7

NOES- 0

ABSENT- 0

ABSTENTION- 0

Excused- Brooks-1

ATTEST: 
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California