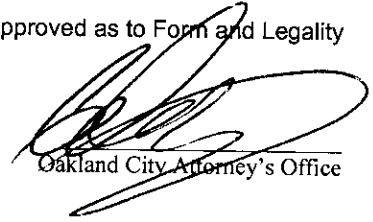


OFFICE OF THE CITY CLERK  
2007 MAY 21 PM 3:21

Approved as to Form and Legality



Oakland City Attorney's Office

**OAKLAND CITY COUNCIL**  
**RESOLUTION No. 80670 C.M.S.**

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HER DESIGNEE TO WAIVE THE REQUEST FOR PROPOSALS COMPETITIVE SELECTION PROCESS AND NEGOTIATE AND EXECUTE AN AGREEMENT WITH SPRINT/NEXTEL COMMUNICATIONS FOR THE REPLACEMENT, RETUNING, UPGRADE AND MODIFICATION OF THE CITY'S 800 MHZ RADIO EQUIPMENT PER THE FCC REBANDING AGREEMENT WITHOUT RETURN TO COUNCIL**

**WHEREAS**, the Finance and Management Agency (FMA), Information Technology Division is working to update and improve the service and reliability of the City's 800 MHz radio infrastructure; and

**WHEREAS**, as a result an Federal Communications Commission (FCC) order, Sprint/Nextel will pay at least \$2.8 billion for a rebanding process that will eliminate the current interleaved spectrum shared by Nextel and public-safety agencies of this RFP process; and

**WHEREAS**, the City passed Resolution 79665 authorizing the City Administrator to return to Council with an negotiated agreement; and

**WHEREAS**, the products and services provided by this agreement is governed by the settlement agreement and mandate of the Federal Communications Commission; and

**WHEREAS**, the current estimate is that as much as \$8 million of the estimated \$11 million dollar infrastructure and radio replacement needs will be paid through the Sprint/Nextel agreement; and

**WHEREAS**, the City finds that the services provided pursuant to the agreement authorized hereunder are of a professional, scientific or technical nature and are temporary in nature; and

**WHEREAS**, the City finds that this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

**RESOLVED:** That the City hereby finds and determines that pursuant to Chapter 2.04, Article I, section 2.04.051 B, of the Oakland Municipal Code, it is in the best interests of the City to waive the Request For Proposals competitive selection process requirements of section 2.04.051

A, as this is a negotiated settlement with and mandated by the Federal Communications Commission and be it

**FURTHER RESOLVED:** That the City Council authorizes the City Administrator or her designee to execute an agreement with Sprint/Nextel Communications for the replacement, retuning, upgrade and modification of the city's 800 MHz radio equipment per the FCC rebanding agreement without return to Council; and be it

**FURTHER RESOLVED:** That the City Administrator or her designee is hereby authorized to take whatever action is necessary with respect to the agreement consistent with this Resolution and its basic purpose; 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, JUN 19 2007, 2007

**PASSED BY THE FOLLOWING VOTE:**

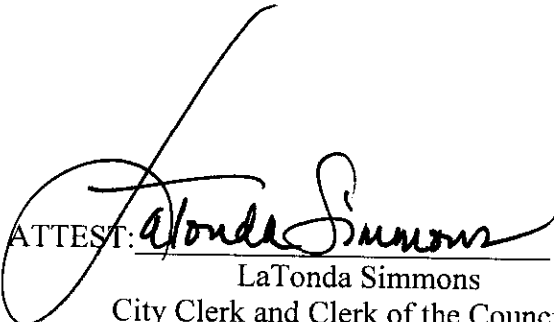
AYES-BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND  
PRESIDENT DE LA FUENTE - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:

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