

**OAKLAND CITY COUNCIL**

OFFICE OF

**RESOLUTION NO. 80699 C.M.S.**

2007 JUN 14 PM 8:26

Introduced by Councilmember \_\_\_\_\_

City Attorney

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO: 1) WAIVE THE COMPETITIVE BID PROCESS FOR A CONTRACT TO PURCHASE AUTOMATED CITATION SOFTWARE FOR SEVENTY-FIVE THOUSAND DOLLARS (\$75,000) FOR THE POLICE DEPARTMENT; 2) AWARD A CONTRACT TO BERENDO SOLUTIONS, INC. IN AN AMOUNT NOT TO EXCEED SEVENTY-FIVE THOUSAND DOLLARS (\$75,000) FOR THE PURCHASE OF AUTOMATED CITATION SOFTWARE FOR THE POLICE DEPARTMENT; 3) WAIVE THE LOCAL AND SMALL LOCAL BUSINESS ENTERPRISE PROGRAM PROVISIONS FOR SAID SOFTWARE CONTRACT WITH BERENDO SOLUTIONS; 4) ENTER INTO A CONTRACT FOR SERVICE WITH A VENDOR YET TO BE SELECTED THROUGH THE COMPETITIVE BID PROCESS FOR THE PURCHASE OF HARDWARE TO SUPPORT THE BERENDO SOLUTIONS, INC. SOFTWARE AT A COST NOT TO EXCEED ONE HUNDRED AND SEVENTY-FIVE THOUSAND DOLLARS (\$175,000) ON BEHALF OF THE POLICE DEPARTMENT; AND 5) WAIVE THE LOCAL AND SMALL LOCAL BUSINESS ENTERPRISE PROGRAM PROVISIONS FOR SAID HARDWARE CONTRACT**

**WHEREAS**, the Police Department routinely conducts traffic enforcement operations, including the issuance of traffic-related citations, which are designed to offset incidents of reckless driving and exhibitions of speed perpetrated by unlicensed and impaired drivers that plague the City of Oakland and the greater San Francisco Bay Area; and

**WHEREAS**, the use of the proposed citation software is an example of one of the innovative strategies proposed by the Police Department which are designed to reduce the number of persons killed and injured in traffic collisions and other incidents of reckless driving; and

**WHEREAS**, the Police Department requests a waiver of the competitive bid process because of several vendors assessed, Berendo Solutions, Inc. is the only vendor that has demonstrated that it meets the citation format requirements of the Judicial Council for processing of City of Oakland citations; and

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

**WHEREAS**, Berendo Solutions, Inc. does not meet the City of Oakland's twenty-percent (20%) minimum participation requirement for contracts of \$50,000 or more associated with the Local and Small Local Business Enterprise Programs; and

**WHEREAS**, the three percent (3%) City-mandated contract assessment fee associated with the proposed agreements for service for citation writer software and hardware totals \$7,500; and

**WHEREAS**, the major hardware expense associated with this project will be subject to the City of Oakland's standardized competitive bid process, and

**WHEREAS**, the vendor selected through the competitive bid process to provide hardware to support the Berendo Solutions, Inc. software may also not meet the City of Oakland's twenty-percent (20%) minimum participation requirement for contracts of \$50,000 or more associated with the Local and Small Local Business Enterprise Programs; and

**WHEREAS**, the City Council finds that said agreements shall not result in a loss of employment or salary by any person having permanent status in the competitive service, and

**WHEREAS**, these funds will be used to support the Police Department's efforts to enhance the services of the Department's Strategic Area Command Division; now, therefore be it

**RESOLVED:** That pursuant to Oakland Municipal Code section 2.04.050.I.5, the City Council hereby finds and determines that it is in the best interests of the City to waive the competitive bid process on the basis of the findings set forth in the Police Department's report accompanying this resolution with regard to Berendo Solutions, Inc.; and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes the Police Department to enter into a contract with Berendo Solutions, Inc. for the purchase of automated citation software in an amount not-to-exceed seventy-five thousand dollars (\$75,000); and, be it

**FURTHER RESOLVED:** That the City Council hereby authorizes a waiver of the Local and Small Local Business Enterprise Program Provisions in relationship to the contract with Berendo Solutions, Inc.; and be it

**FURTHER RESOLVED:** That the Police Department will enter into a competitive bid process to purchase hardware to support the project software associated with this project in an amount not to exceed one hundred and seventy-five thousand dollars (\$175,000) for a total project cost not to exceed two hundred and fifty thousand dollars (\$250,000); and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes a waiver of the Local and Small Local Business Enterprise Program Provisions, if needed, relative to the vendor selected to provide hardware to support the Berendo Solutions, Inc. software; and be it

**FURTHER RESOLVED:** That funds for said service agreements are currently allocated in the General Purpose Fund: 1010; Strategic Area Command Division Org.: 101380; Special Traffic Offender Project (STOP): A128910, Traffic Program: PS14, Minor Computer Software and Hardware Account: 52213, and the State of California Grant Fund: 2999; Strategic Area Command Division Org.: 101310; Patrol Program Code: PS11; Project Number: G305210, Miscellaneous Contracts Service Account: 54919; and be it

**FURTHER RESOLVED**, that the three-percent (3%) City-mandated contract assessment fee associated with said agreements for service shall be expensed the Police Department's General Purpose Fund: 1010; Strategic Area Command Division Org.: 101380; Special Traffic Offender Project (STOP): A128910; Traffic Program: PS14; and


**FURTHER RESOLVED:** That the City Administrator, or her designee, is further authorized to execute all agreements and other documents necessary in connection with said agreements for software and hardware and complete any negotiations, certifications and documentation required to accept, modify, extend, or amend the agreements provided no additional funds beyond the City Administrator's signing authority, and beyond those referenced herein, will be allocated without prior City Council approval; and be it

**FURTHER RESOLVED:** That the City Attorney shall review and approve said agreement with Berendo Solutions, Inc. and the agreement developed relative to the future hardware service provider as to form and legality and a copy of said agreements shall be filed with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,     JUL 3 2007    , 20    

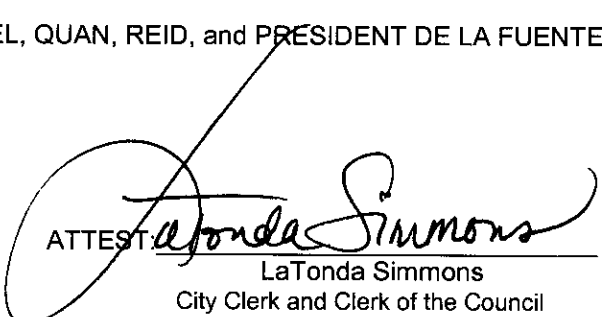
**PASSED BY THE FOLLOWING VOTE:**

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

NOES - 

ABSENT - 

ABSTENTION - 

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