  
City Attorney

FILED **OAKLAND CITY COUNCIL**  
OFFICE OF THE CITY CLERK  
OAKLAND  
**RESOLUTION No. 84161 C.M.S.**  
2012 DEC 13 PM 12:32  
Introduced by Councilmember \_\_\_\_\_

**RESOLUTION: (1) AMENDING THE CONTRACT WITH AZTECA SYSTEMS, INC., FOR THE PURCHASE OF LICENSING, SOFTWARE MAINTENANCE SERVICES AND SOFTWARE UPGRADES FOR THE CITY'S CITYWORKS COMPUTERIZED MAINTENANCE MANAGEMENT SYSTEM, (2) INCREASING THE CONTRACT AMOUNT BY \$328,000.00 AND EXTENDING THE CONTRACT FOR AN ADDITIONAL FIVE-YEAR TERM, AND (3) AUTHORIZING THE CITY ADMINISTRATOR TO WAIVE ADVERTISING, COMPETITIVE BIDDING AND THE REQUEST FOR PROPOSALS/QUALIFICATIONS REQUIREMENTS**

**WHEREAS**, the City Council previously approved Resolution No. 80847 C.M.S. on September 18, 2007, following a competitive Request for Proposals process, authorizing the purchase and implementation of Cityworks, a computerized maintenance management system ("CMMS") or work management system from Azteca Systems, Inc., including an update and support agreement ("Maintenance Agreement") for the system; and

**WHEREAS**, the City Council previously approved Resolution No. 82678 C.M.S. on September 20, 2010 authorizing the City Administrator to enter into the Update and Support Agreement for technical assistance and support services with Azteca Systems, Inc. for the CMMS on an annual basis for up to three years, in an estimated 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

**WHEREAS**, the CMMS implementation was completed in 2009; and

**WHEREAS**, Public Works Agency uses the CMMS 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 Oakland Fire Department began piloting the CMMS in September 2012 to track service request resolution for wildfire prevention / vegetation management, and illegal dumping of hazardous materials; for the annual cost of \$5,000 escalated at three percent (3%) per year; and

**WHEREAS**, the software enables staff to generate and track service requests and work orders; track labor, equipment, and materials needed for the repair and maintenance of the City's assets; calculate performance measures and respond to records requests; close the loop with the public; and interface with the SeeClickFix mobile application; and

**WHEREAS**, Azteca Systems, Inc. owns the CMMS 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 CMMS 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 CMMS software, to continue to provide technical maintenance and support related to the system; and

**WHEREAS**, it is anticipated that the current CMMS will continue to be used as the City's CMMS and there are no current of foreseeable plans to replace the system; and

**WHEREAS**, the current contract term is for a period of three years ending June 1, 2013 and an amount capped at \$170,000; and

**WHEREAS**, the City wishes to increase the term of the current contract with Azteca Systems, Inc. for software maintenance and support, and related services and features, for five additional years and an additional \$328,000, for a total contract amount not to exceed \$498,000; and

**WHEREAS**, Oakland Municipal Code ("OMC") Section 2.04.050 requires advertising and bidding for the purchase of supplies, equipment, and computer software and the award to the lowest responsible, responsive bidder if award is made; and

**WHEREAS**, Section 2.04.050 I. 5 provides an exception to said advertising, bidding and lowest bid award requirements upon a finding and determination by the Council that it is in the best interests of the City to do so; and

**WHEREAS**, OMC Section 2.04.051 A. requires that a competitive Request For Proposal ("RFP") or Request For Qualifications ("RFQ") selection process for award of contracts that exceed \$25,000 for professional service contracts and are exempt from bidding under Section 2.04.050.I.1. OMC Section 2.04.051 B provides that the Council can waive the RFP/RFQ requirement that it is in the best interests of the City; 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 the City Administrator is hereby authorized to amend the existing contract with Azteca Systems, Inc., by \$328,000, which brings the total contract amount not to exceed \$498,000, for maintenance and support, and related services and features, and for a total contract term not to exceed an additional five years; and be it

**FURTHER RESOLVED**, that pursuant to Oakland Municipal Code Section 2.04.050.A and OMC Section 2.04.051 B., the City Council finds and determines that it is in the best interests of the City to waive formal advertising and bidding requirements for the licensing and software purchase contract and the RFP/RFQ selection requirement for the professional technical software maintenance and support services aspect of this contract, because Azteca Systems, Inc. owns the CMMS and are the providers of all future upgrades, related features, bug fixes, trouble-shooting and similar maintenance and support services and is the only vendor authorized to provide this maintenance and support of the CMMS, which is a critical and necessary tool in managing the day-to-day operations and accountability of public works services.

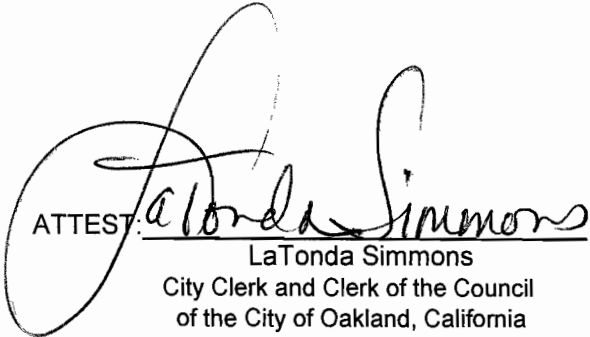
**DEC 18 2012**

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

- AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and PRESIDENT REID - 8
- NOES - 0
- ABSENT - 0
- ABSTENTION - 0

ATTEST:



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