

APPROVED AS TO FORM AND LEGALITY

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FILED
OFFICE OF THE CITY CLERK
OAKLAND


Celso Ortiz (Jan 23, 2024, 18:00 PST)

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 90106 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A LEASE AGREEMENT WITH XEROX CORPORATION, FOR A GRAND TOTAL NOT TO EXCEED AMOUNT OF \$938,093 (\$893,422 PLUS A FIVE PERCENT CONTINGENCY OF \$44,671) FOR A TERM BEGINNING APRIL 1, 2024 AND ENDING MARCH 31, 2029 TO UPGRADE, REFRESH, AND CONSOLIDATE SAVINGS FOR THE CITY'S REPROGRAPHICS SHOP EQUIPMENT, LOCATED IN THE INFORMATION TECHNOLOGY DEPARTMENT, AND TO THE EXTENT NECESSARY, WAIVING THE LOCAL/SMALL LOCAL BUSINESS ENTERPRISE PROGRAM REQUIREMENTS AND THE COMPETITIVE MULTIPLE-STEP SOLICITATION PROCESS FOR INFORMATION TECHNOLOGY AGREEMENTS.

WHEREAS, the City's ability to communicate successfully across residents, departments and externally is a key service and requires professional and timely print materials generated by the City's Reprographics office; and

WHEREAS, the City's Reprographics Shops, operated by the Information Technology Department, and located at 250 Frank Ogawa Plaza and 7101 Edgewater Drive, comprehensively fulfill the City's routine and specialized printing needs using large-scale leased equipment; and

WHEREAS, staff require the ability to ensure modern, high-tech and high-efficiency equipment is being utilized, have the ability to renew, refresh and re-negotiate lease provisions; and

WHEREAS, OMC Section 2.04.080 [Cooperate Agreement Purchasing] authorizes the use of agreements of "...other governmental jurisdictions or public agencies that were awarded pursuant to an appropriate competitive process"; and

WHEREAS, the cooperative purchase is recommended to be made through Omnia Partners Public Sector University of California, CA Contract Number 2020002686; and

WHEREAS, OMC section 2.04.042(D) provides that the City Council may waive the competitive process upon a recommendation of the City Administrator and finding and determination

by the City Council that it is in the best interests of the City to waive the solicitation processes; and

WHEREAS, the Local/Small Local Business Enterprise (L/SLBE) Program, Ordinance No. 13647 C.M.S., requires a minimum fifty-percent (50%) participation for all professional service contracts valued at or over fifty thousand dollars (\$50,000) when there are at least three certified businesses listed in the industry, trade, or profession that constitutes a major category of work; and if at least three L/SLBEs are not certified, then the requirement is either waived, or the 50% requirement may be set at a percentage from 50 % to 0%, but not less than 20% if at least one L/SLBE is certified and available; and

WHEREAS, the Council may, in its discretion, waive the requirements of the L/SLBE Program; and

WHEREAS, staff have determined that the existing fleet of Xerox Corporation equipment has meet the City's needs for routine and specialized printing, and in seeking to renew and extend lease terms, staff have the opportunity to upgrade and modernize the fleet while realizing additional savings over current lease rates; and

WHEREAS, staff has determined that continuity in the City's Reprographic Shop equipment fleet is imperative and the required renewal and refresh must be seamless in their implementation and therefore limits the qualified vendors that are able to provide the equipment and installation services to facilitate the upgrades and improvements at the lowest possible cost, and recommends that it is in the best interest of the City to waive the multiple-step solicitation process; and

• **WHEREAS**, the City Council already appropriated and allocated funding in the FY 2023-25 biennial budget for year one and partial funding for year two of the contract in Reprographics Fund (4300), Reprographic Services Organization (46121), and Administrative Services Project (1000011); and

WHEREAS, while funding for the annual contract amount is included in the Information Technology Department's baseline budget through the Internal Service Fund process, funding for the remaining months of year two through year five of the contract are subject to funding availability and approval in future budget cycles; now, therefore be it

RESOLVED: that the City Council finds and determines the forgoing recitals to be true and correct and hereby adopts and incorporates them into this Resolution; and be it

FURTHER RESOLVED: that the City Administrator or designee is authorized without returning to Council to negotiate and execute an agreement with Xerox Corporation to renew the lease agreement and refresh the City's Reprographics Shop equipment for a grand total not-to-exceed contract amount of \$938,093; and be it

FURTHER RESOLVED: that for the reasons stated above and in the report accompanying this Resolution, the City Council hereby finds and determines that it is in the best interests of the City to waive the multi-step solicitation processes pursuant to Oakland Municipal Code section 2.04.042.D, and, to the extent necessary and for good cause shown, the City's Local/Small Local

Business Enterprise program requirements, and so waives these requirements for the information technology agreements; and be it

FURTHER RESOLVED: that this Resolution shall be in effect for the entirety of the lease Agreement beginning April 1, 2024, through March 31, 2029; and be it

FURTHER RESOLVED: that the agreement and any subsequent amendments or extensions shall be reviewed and approved by the Office of the City Attorney for form and legality prior to execution and placed on file in the Office of the City Clerk.

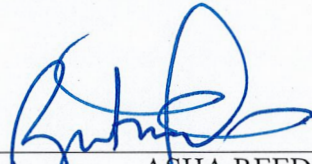
IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE: **FEB 20 2024**

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS - 8

NOES 0
ABSENT 0
ABSTENTION 0

ATTEST:



ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California