

FILED
OFFICE OF THE CITY CLERK
OAKLAND**OAKLAND CITY COUNCIL****DRAFT**

City Attorney

2014 JUL 11 AM 9:41 **RESOLUTION No. _____ C.M.S.****RESOLUTION #2 AUTHORIZING THE CITY ADMINISTRATOR OR HIS DESIGNEE TO:**

- 1) ENTER INTO AN AGREEMENT WITH EAST BAY REGIONAL COMMUNICATION SYSTEMS AUTHORITY (EBRCSA) TO JOIN THE EBRCSA P25 RADIO NETWORK WITHIN THREE MONTHS AND MIGRATE ALL OF THE OAKLAND ESTIMATED 2,900 USERS TO THE EBRCSA NETWORK WITHIN TWENTY FOUR MONTHS, IN AN AMOUNT NOT TO EXCEED \$200 PER RADIO AS A ONE-TIME SYSTEM ACCESS FEE, FOR A TOTAL OF \$580,000 AND \$35 PER RADIO ON A MONTHLY BASIS AS USAGE FEES FOR A TOTAL ANNUAL ESTIMATED AMOUNT OF \$1,218,000; ON THE CONDITION THAT EBRCSA FIRST PROVIDES TO THE CITY ADMINISTRATOR OF OAKLAND, IN WRITING, THE FOLLOWING:
 - a. MEMORANDUMS OF UNDERSTANDING FROM MEMBER ORGANIZATIONS TO ESTABLISH A MINIMUM OF THREE (3) VOTING SEATS FOR CITY OF OAKLAND REPRESENTATIVES;
 - b. AN EBRCSA PLAN TO ENSURE EFFECTIVE INTEROPERABILITY BETWEEN EBRCSA AND BART;
 - c. MUTUAL AGREEMENT BETWEEN EBRCSA AND CITY ADMINISTRATION REGARDING TERMINATION RIGHTS;
 - d. REPORT TO COUNCIL THAT CONDITIONS HAVE BEEN MET AND THE CITY AND EBRCSA ARE MOVING THE CITY OF OAKLAND'S RADIO NETWORK SYSTEM TO EBRCSA'S P25 RADIO NETWORK BY OCTOBER; AND
- 2) WAIVE THE CITY'S ADVERTISING, BID AND REQUEST FOR PROPOSAL (RFP) PROCESS FOR EQUIPMENT, PRODUCTS AND PROFESSIONAL SERVICES FOR THE ABOVE DESCRIBED CONTRACTS; AND
- 3) AWARD AGREEMENTS UTILIZING THE CITY'S COMPETITIVE CONTRACTING REQUIREMENTS WITHIN A BUDGET AMOUNT OF \$4,416,300 FOR PUBLIC WORKS PORTABLE AND MOBILE RADIOS AND A PUBLIC SIREN SYSTEM REPLACEMENT PROJECT, PROVIDED THAT PRIOR TO EXPENDITURE OF ANY FUNDS STAFF WILL AWARD CONTRACTS AND ESTABLISH CONTRACT AMOUNTS FOR THE CONTROLLER'S BUREAU

WHEREAS, On Jan 21, 2014 Council directed the staff to enter into negotiations with East Bay Regional Communication System Authority (EBRCSA) and return to Council in 90-120 days with proposed negotiations terms and funding and transition plan for the City Council to consider, and

WHEREAS, On July 8, 2014 the Finance and Management Committee requested staff to also bring an information report to the FMC within 6 months detailing how components of Oakland existing networks could be reconfigured to take advantage of the EBRCSA system, and thus provide more robust system for EBRCSA and Oakland's communication needs, and

WHEREAS, EBRCSA was formed in 2007 as Joints Power Authority, to serve the Alameda and Contra Costa Counties public safety communication needs; and

WHEREAS, EBRCSA Board of Directors has 23 members made up of equal representation from both counties; and

WHEREAS, EBRCSA P25 network consists of 6 cell sites, including Northwest Cell covering the City of Oakland, which was launched in the end of 2012; and

WHEREAS, EBRCSA network equipment is manufactured and provided by Motorola; and

WHEREAS, City of Oakland owns, operates and maintains its own P25 network, manufactured by Harris, and has approximately 2,000 handheld and 900 mobile radios; and

WHEREAS, EBRCSA has provided a cost proposal to the City in the amount of \$200 per radio as a onetime cost and \$35 per radio per month as ongoing network usage fee; and

WHEREAS, EBRCSA has offered to fund the replacement and maintenance of the 28 dispatch consoles in police and fire 911 dispatch centers and emergency operations center; and

WEHERAS, Staff has concluded the negotiations with EBRCSA, and all the issues identified by the Staff and corresponding responses from EBRCSA are included in the Staff report; and

WHEREAS, the Motorola Radios are selected because of the compatibility with the current Oakland P25 network as well as EBRCSA P25 network, to minimize the additional integration costs should the Council decide to join the EBRCSA network; and

WHEREAS, Section 2.040.050.A of the Oakland Municipal Code ("OMC") requires the City Administrator to conduct advertising and bidding and award to the lowest responsible, responsive bidder where the cost of services, supplies or combination required by the City exceeds fifty thousand dollars (\$50,000.00) for the purchase of products or goods; and

WHEREAS, OMC section 2.04.050.1.5 allows Council to waive these requirements upon a finding by the Council that it is in the best interests of the City to do so; and

WHEREAS, OMC section 2.040.051 A requires the City Administrator to conduct a request for proposals/qualifications (RFP/Q) process for professional services contracts in excess of \$25,000 and OMC section 2.04.051.B authorizes the City Council to waive requests for proposal/qualification processes upon finding that it is in the best interests of the City to do so; and

WHEREAS, the City Administrator has determined that services provided pursuant to said agreement with Motorola Solutions Inc. are of a professional, scientific, or technical nature and are temporary in nature; and

WHEREAS, the City Administrator has determined that said agreement shall not result in a loss of employment or salary by any person having permanent status in the competitive service; now therefore be it

RESOLVED: That the City Council hereby authorizes the City Administrator or his designee to enter into an agreement with EBRCSA to join the EBRCSA P25 network within three months, by October, and migrate all of the Oakland's estimated 2,900 users to the EBRSA network within 24 months, in an amount not to exceed \$200 per radio as a one-time system access fee, for a total of \$580,000 and \$35 per radio on a monthly basis as usage fees for a total annual estimated amount of \$1,218,000 on the condition that EBRCSA first provides the following commitments and or reports to the City Administrator of Oakland, in writing:

- a. Memorandums of Understanding from member organizations to establish a minimum three (3) voting seats for City of Oakland representatives; and
- b. An EBRCSA plan to ensure effective Interoperability between EBRCSA and BART; and
- c. A mutual written agreement between EBRCSA and the City of Oakland regarding termination rights; and
- d. Report to the City Council that conditions have been met and the City and EBRCSA are moving Oakland's radio network system to EBRICSA's P25 radio network system by October; and

FURTHER RESOLVED: That the City Council directs the City Administrator to work with EBRCSA in developing a plan to migrate all Oakland Users' Public Safety as well as Non-Public Safety, to the EBRCSA P25 network in no longer than twenty four months; and be it

FURTHER RESOLVED: That the City Administrator is authorized to negotiate and award additional professional services contracts within a budgeted amount of \$4,416,300 for the purchase of Public Works' portable and mobile radios and the Public Siren System replacement project and request a waiver of the competitive request for proposal/qualifications process for the purchase of goods and services without return to Council, provided that prior to expenditure of any funds staff will award contracts and establish contract amounts for the Controller's Bureau; and be it

FURTHER RESOLVED: That the City Council finds and determines based on the above determinations of the City Administrator, that the goods and services provided pursuant to the agreements authorized hereunder are of a professional, scientific, or technical and temporary nature, and shall not result in a loss of employment or salary by any person having permanent status in the competitive service process; and be it

FURTHER RESOLVED: That funds to pay the onetime costs of joining the EBRCSA network and ongoing annual EBRCSA network usage costs will be paid out of the Radio and Telecommunications Fund (Fund 4200); and be it

FURTHER RESOLVED: That the agreements shall be reviewed and approved by the City Attorney and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON McELHANEY, KALB, KAPLAN, REID, SCHAAF, and PRESIDENT KERNIGHAN

NOES-

ABSENT-

ABSTENTION-

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