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OFFICE OF THE CITY CLERK
OAKLAND

APPROVED AS TO FORM AND LEGALITY



CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 90047 C.M.S.

RESOLUTION TO:

- (1) AWARD A CONTRACT TO OPENGOV, INC. IN AN AMOUNT NOT TO EXCEED \$2,100,000 FOR A FOUR-YEAR TERM FROM JANUARY 1, 2024 TO DECEMBER 31, 2027 TO CONTINUE PROVIDING CLOUD SOFTWARE SERVICES FOR ONLINE BUDGET BOOK AND ADD FORMS & WORKFLOWS MODULE; AND**
- (2) WAIVE THE COMPETITIVE MULTIPLE-STEP SOLICITATION PROCESS REQUIRED FOR THE ACQUISITION OF INFORMATION TECHNOLOGY SYSTEMS AND WAIVE THE LOCAL AND SMALL LOCAL BUSINESS ENTERPRISE PROGRAM REQUIREMENTS**

WHEREAS, the Finance Department contracted with OpenGov, Inc. through Cooperative Agreement to provide a budgeting software and transparency tool for the last three years from December 1, 2020 to December 31, 2023; and

WHEREAS, the last three budget books from Fiscal Year (FY) 2021-23, FY 2022-23, FY 2023-25 were published online on the OpenGov cloud software which made the data interactive and accessible for staff, decision-makers, and community members at any time; and

WHEREAS, publishing an online budget book builds trust and allows for full transparency by opening up data for analysis, improving the communication of data, and making the data accessible for collaboration; and

WHEREAS, the contract with OpenGov, Inc. will not exceed two million one hundred thousand dollars (\$2,100,000) for a four-year term from January 1, 2024 to December 31, 2027 to continue providing cloud software services; and

WHEREAS, the contract will allow the Finance Department to produce future year online budget books as well as maintain the existing ones, integrate Oracle reporting with OpenGov to produce convenient dashboards and reports like budget vs. actuals in a simple format, and add

Forms & Workflows module to strengthen the City's budget process and new Performance Measure process introduced in the last budget; and

WHEREAS, the funds necessary for FY 2023-25 are or are budgeted to be available in Information Technology Fund (4600), Finance and Management: Administration Organization (08111), Finance Op Systems Project (1004391), and funding for FY 2025-27 is contingent upon funding availability and Council's adoption of the budget; and

WHEREAS, the City Council may waive the City's Local/Small Local Business Enterprise requirements pursuant to Part I of Oakland's Local and Small Local Business Enterprise Program guidelines adopted by Ordinance No. 13647 C.M.S.; and

WHEREAS, Oakland Municipal Code (OMC) Section 2.04.042.B requires staff to conduct a multi-step proposal competitive solicitation process for the procurement of computerized/information technology systems (combined purchase of products and IT professional services); and

WHEREAS, OMC Section 2.04.042.D permits the Council to waive the multi-step proposal solicitation competitive selection requirement upon a finding and determination that it is in the best interests of the City to do so; and

WHEREAS, staff has determined the software is needed to provide better workflow, management, interdepartmental collaboration, and transparency specifically tailored for governments, as well as to keep the last three budget books online and accessible and therefore limits the qualified vendors that are able to meet the City's requirements; and

WHEREAS, staff recommends the waiver of the multi-step proposal competitive solicitation process requirement and the L/SLBE requirement for the contract with OpenGov, Inc. because it is in the best interests of the City based on the reasons discussed herein and in the staff report that accompanies this resolution; and

WHEREAS, the City Administrator has determined that the services provided pursuant to the contracts authorized hereunder are of a professional, scientific or technical nature and are temporary and shall not result in the loss of salary or employment by any person having permanent status in the competitive civil service; and now, therefore, be it

RESOLVED: That the City Council hereby awards a contract to OpenGov, Inc. in an amount not to exceed two million one hundred thousand dollars (\$2,100,000) for a four-year term from January 1, 2024 to December 31, 2027 to continue providing cloud software services for the Online Budget Book and the Forms & Workflows Modules; and be it

FURTHER RESOLVED: That the compensation and services for FY 2025-2026 and FY 2026-2027 under the contract are contingent on City Council budget adoption and available funding; and be it

FURTHER RESOLVED: That the City Council hereby finds and determines that pursuant to OMC section 2.04.042.D, for the reason stated above and in the City Administrator's report accompanying this resolution, it is in the best interests of the City to waive the competitive

multiple-step solicitation process for the information technology products and services to be purchased under the proposed contract and so waives the requirements; and be it

FURTHER RESOLVED: That the City Council hereby waives any Local and Small Local Business Enterprise (L/SLBE) Program requirements; and be it

FURTHER RESOLVED: That based on information provided by the City Administrator, the City Council finds that this contract is of a professional and temporary nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive civil service; and be it

FURTHER RESOLVED: That the City Administrator or his designee is authorized to complete all required negotiations, certifications, assurances, and documentation required to accept, modify, extend and/or amend this agreement for services, except for any increase in the contract amount, without returning to the City Council; and be it

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE: **DEC 19 2023**

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, ~~REID~~, AND
PRESIDENT FORTUNATO BAS - 7

NOES 0
ABSENT 0
ABSTENTION 0

1 Excused - Reid

ATTEST:



ASHA REED

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

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