

INTRODUCED BY

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2004 JAN 21 PM 4:39

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Member of the City Council

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Office of the City Attorney

**REVISED**  
1-20-04

RESOLUTION No.       78310       C.M.S.

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**A RESOLUTION AUTHORIZING  
THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT WITH  
MUNICIPAL SOFTWARE CORPORATION FOR PROFESSIONAL SERVICES TO  
PROVIDE, INSTALL, AND LICENSE COMPUTER SOFTWARE FOR AN  
INTEGRATED PERMIT, ENFORCEMENT, AND RECORDS TRACKING SYSTEM  
(PERTS) IN AN AMOUNT NOT TO EXCEED SEVEN HUNDRED EIGHTY  
THOUSAND DOLLARS (\$780,000.00)**

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**WHEREAS**, the Council of the City of Oakland determined in the FY 2001/03 Capital Improvement Budget that the Community and Economic Development Agency (CEDA) had a critical need for a Permit, Enforcement, and Records Tracking System (PERTS) to replace and upgrade the automation of its regulatory functions and so allocated the funding for said PERTS in the Technology Project section; and

**WHEREAS**, the Information Technology Division (IT) of the Finance and Management Agency (FMA) and the Community and Economic Development Agency (CEDA) subsequently issued and publicly advertised in July 2002 a Request For Proposal (RFP) for qualified bidders to provide, install, and license computer software for said PERTS; and

**WHEREAS**, IT and CEDA thoroughly evaluated the submittals received from bidders in accordance with criteria established in the RFP; and

**WHEREAS**, following said evaluation of the RFP submittals, IT and CEDA made a recommendation that the City Council authorize the negotiation and execution of a professional services contract with the Municipal Software Corporation in an "Agenda Report" dated December 9, 2003, to Deborah Edgerly, City Manager, entitled, "A Report For The Purchase And Installation Of Computer Hardware And Software And Professional Services For An Integrated Permit, Enforcement, and Records Tracking System (PERTS) For A Total Amount Not To Exceed Four Million Dollars (\$4,000,000)"; and

**WHEREAS**, the Council of the City of Oakland periodically authorizes the City Manager to negotiated and execute contracts for technology- based professional services; and

**WHEREAS**, the City Council finds that the support services are professional, scientific, or technical; and

**WHEREAS**, the City Council finds that the services are temporary in nature; and

**WHEREAS**, the City Council finds and determines that the performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive services; and

**WHEREAS**, the City Council finds that the support services are exempt from competitive bidding pursuant to Section 2.04.050.I of the Oakland Municipal Code; now, therefore, be it

**RESOLVED**, that the Council of the City of Oakland does hereby authorize the City Manager or his or her designee to negotiate and execute a professional services agreement with Municipal Software Corporation to provide, install, and license computer software for an integrated Permit, Enforcement, and Records Tracking System (PERTS) in an amount not to exceed Seven Hundred Eighty Thousand Dollars (\$780,000.00); and be it

**FURTHER RESOLVED**, that the Council of the City of Oakland does hereby authorize the City Manager or his or her designee to fund expenditures for said agreement with a combination of appropriations from a re-allocation of unspent of technology project appropriations, approved as part of the FY 01/03 Capital Improvement Program for CEDA, and from an appropriation of supplemental revenue in a new CEDA project from a new Technology service fee and from the increase in the collection of an existing Records Management service fee assessed by the Building Services Division of CEDA, and, as an alternative source of funding, from a financing agreement with Xerox Global Services; and be it

**FURTHER RESOLVED**, that the Council of the City of Oakland does hereby direct the City Manager or his or her designee to condition within said agreement incremental disbursements of said expenditures for work performed and completed by said contractor and approved by the City upon progressive demonstrations of successful interfacing with PERTS software; and be it

**FURTHER RESOLVED**, that the City of Oakland will not pay at the fifth month of the contract if the Interface Module fails.

IN COUNCIL, OAKLAND, CALIFORNIA,

JAN 20 2004

**PASSED BY THE FOLLOWING VOTE:**

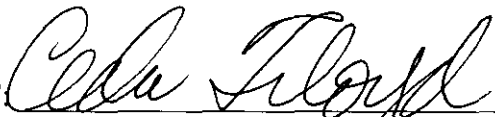
AYES: BRUNNER, CHANG, NADEL, QUAN, REID, WAN, AND  
PRESIDENT DE LA FUENTE -7

NOES:  $\emptyset$

ABSENT: ~~BROOKS~~  $\emptyset$

EXCUSED: BROOKS -1

ABSTENTION:  $\emptyset$

ATTEST   
CEDA FLOYD  
City Clerk and Clerk of the Council