INTRODUCED BY

APPROVED FOR FORM AND LEGALITY
2004 JAN 21 PM 4:40

**REVISED**
*1-20-04*

_____
Member of the City Council

_____
Office of the City Attorney

## RESOLUTION No. _____ 78312 _____ C.M.S.

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## A RESOLUTION AUTHORIZING
## THE CITY MANAGER TO AMEND THE PROFESSIONAL SERVICES
## AGREEMENTS WITH MUNICIPAL SOFTWARE CORPORATION AND XEROX
## GLOBAL SERVICES CORPORATION FOR CHANGES IN SCOPE-OF-WORK NOT
## TO EXCEED A COMBINED AGGREGATE CONTRACT AMOUNT OF THREE
## MILLION SIX HUNDRED THOUSAND DOLLARS ($3,600,000)

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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 September 2002 a Request For Proposal RFP) for qualified bidders to provide, install, and license computer software and hardware 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 Xerox Global Services 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 has authorized the City Manager to negotiate and execute contracts for technology- based professional services with Municipal Software Corporation and with Xerox Global Services Corporation; and

**WHEREAS**, the City Council has found that the support services are professional, scientific, or technical; and has further found that the services are temporary in nature; and has further found and determined 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 has further found 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 hereby authorizes the City Manager or his or her designee to approve any subsequent amendments to or extensions of said agreements with Municipal Software Corporation and Xerox Global Services Corporation for so long as the combined aggregate cost of said agreements does not exceed Three Million Six Hundred Thousand Dollars ($3,600,000); 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; and be it

**FURTHER RESOLVED**, that such amendments to or extensions of said agreement shall be reviewed and approved by the Office of the City Attorney and shall be filed with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,          **JAN 2 0 2004**

**PASSED BY THE FOLLOWING VOTE:**

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

NOES:   ∅

ABSENT:   ~~BROOKS~~   ∅
EXCUSED:  BROOKS-1
ABSTENTION:  ∅

ATTEST:

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