

OAKLAND CITY COUNCILRESOLUTION No. 85 441 C.M.S.

City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2015 FEB 11 PM 5:04

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HIS DESIGNEE,
TO:**

- 1) **ENTER INTO AN AGREEMENT WITH AVIAT U.S., INC. IN AN AMOUNT OF ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) PER YEAR FOR A PERIOD OF FIVE YEARS FOR A TOTAL CONTRACT AMOUNT OF FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) FOR THE PURCHASE OF EQUIPMENT, PRODUCTS, EXTENDED WARRANTY, MAINTENANCE AND RELATED PROFESSIONAL SERVICES, AND**
- 2) **WAIVE THE CITY'S ADVERTISING, COMPETITIVE BID AND REQUEST FOR PROPOSALS/QUALIFICATIONS (RFP/Q) REQUIREMENTS FOR THE ABOVE PURCHASES**

WHEREAS, the City currently owns and operates a microwave network which provides network connectivity across nine sites around the city; and

WHEREAS, this microwave network supports public safety communications and the City's 911 infrastructure; and

WHEREAS, a well maintained and supported microwave network is vital to ensuring the City's mission critical technology performs to the highest degree of availability and without interruption; and

WHEREAS, Aviat Networks, Inc. manufactured and installed the City's microwave network in 2011 and has performed the engineering, maintenance and support under an existing maintenance agreement; and

WHEREAS, Aviat U.S., Inc. is a wholly-owned subsidiary of Aviat Networks, Inc.; and

WHEREAS, the existing maintenance agreement with Aviat Networks, Inc. expired on December 31, 2014; and

WHEREAS, in order to maintain continuity of service for various public safety related applications it is critical that this maintenance agreement be renewed; and

WHEREAS, the City will require specialized professional services from Aviat Networks, Inc. during the term of this maintenance agreement in order to fulfill the Council's direction of utilizing the microwave network to enhance the resilience of the East Bay Regional Communications System Authority P-25 network in order to benefit the City's 911 centers; and

WHEREAS, Oakland Municipal Code (OMC) Title 2, Chapter 2, Article I, Section 2.04.051.A requires staff to conduct a competitive Request for Proposal/Qualification (RFP/Q) selection process for the procurement of professional services in excess of \$25,000.00; and

WHEREAS, OMC Title 2, Chapter 2, Article I, Section 2.04.050 requires formal advertising and competitive bidding when the City purchases services, supplies or a combination thereof that exceeds \$50,000, and

WHEREAS, OMC Title 2, Chapter 2, Article I, Section 2.04.050.I.5 permits the Council to waive formal advertising and competitive bidding upon a finding and determination that it is in the best interests of the City to do so; and

WHEREAS, OMC Title 2, Chapter 2, Article I, Section 2.04.051.B permits the Council to waive the competitive RFP/Q competitive selection requirement upon a finding and determination that it is in the best interests of the City to do so; and

WHEREAS, the City Administrator has determined that the services that will be needed as part of this maintenance contract are of a professional, scientific or technical and temporary nature and shall not result in the 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 negotiate and award a five year contract to Aviat U.S., Inc. in an amount not to exceed one hundred thousand dollars (\$100,000) per year for a period of five years for an amount not to exceed five hundred thousand dollars (\$500,000) for renewal of a maintenance agreement to support the City's microwave network; and be it

FURTHER RESOLVED, that pursuant to Oakland Municipal Code OMC Title 2, Chapter 2, Article I, Sections 2.04.050.I.5 and 2.04.051.B the Council hereby finds and determines that it is in the best interests of the City to waive advertising, bidding and the competitive request for proposal/qualifications processes because Aviat is the sole manufacturer of the microwave equipment currently installed in Oakland, provided the original installation and configuration of the various components of the current microwave network thus the firm has pre-existing, in-depth knowledge of and experience with the current system components, their configuration and the design considerations behind their original installation, and has in-depth knowledge of their products combined with the knowledge and experience they have regarding the existing Oakland installation should lead to the most cost-effective maintenance at the highest levels of quality; and be it

FURTHER RESOLVED, that the maintenance agreement shall be funded by the radio fund (4200), Org (46241), Project (0000000); and be it

FURTHER RESOLVED, That the City Administrator or his designee is hereby authorized to complete all required negotiations, certifications, assurances and documentation required to accept modify, extend and/or amend the agreement, and be it

FURTHER RESOLVED, that the contracts shall be reviewed and approved by the City Attorney and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, MAR 03 2015

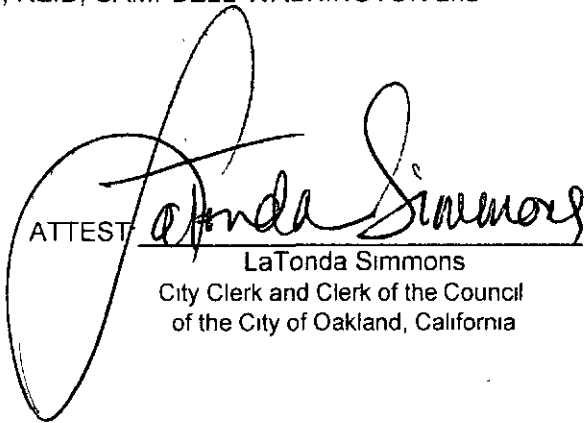
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GUILLEN, KALB, KAPLAN, REID, CAMPBELL-WASHINGTON and
PRESIDENT GIBSON McELHANEY - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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