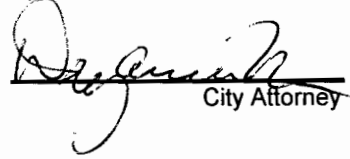


FILED
OFFICE OF THE CLERK
OAKLAND

OAKLAND CITY COUNCIL


City Attorney

2010 NOV - 4 PM
RESOLUTION No. 83074 C.M.S.

Introduced by Councilmember _____

RESOLUTION WAIVING THE REQUEST FOR QUALIFICATIONS OR PROPOSAL REQUIREMENTS OF THE OAKLAND MUNICIPAL CODE, AND AWARDING A FIVE-YEAR TERM CONTRACT TO VERTEX INC., BERWYN, PA, TO PROVIDE TAXATION DATA FOR THE ORACLE PAYROLL SOFTWARE SYSTEM FOR A PAYMENT OF APPROXIMATELY ELEVEN THOUSAND DOLLARS (\$11,000.00) ANNUALLY, WITH AN OPTION TO INCREASE THE CONTRACT BY 5% EACH YEAR OF THE CONTRACT, FOR A GRAND TOTAL NOT-TO-EXCEED SIXTY-FOUR THOUSAND DOLLARS (\$64,000.00)

WHEREAS, the City requires current payroll tax rate data in order for the Oracle Payroll system to calculate employee and employer payroll taxes; and

WHEREAS, the City is required to update payroll tax rate data annually by state law, which requires annual maintenance and updating of the Oracle payroll system; and

WHEREAS, the Vertex data package was part of the City's Oracle system completed in July, 1999, the Vertex Annual Maintenance Agreement was eleven thousand dollars (\$11,000) per year and expired on August 1, 2010; and

WHEREAS, these maintenance services are professional, scientific and technical and Oakland Municipal Code Section 2.04.051.A requires a competitive selection process and qualification-based awards (Request For Proposal/Request For Qualification or "RFP/RFQ") for professional services contracts, unless this requirement is waived by the City Council or its designee upon a finding that it is in the best interests of the city to do so; and

WHEREAS, staff recommends that the City Council waive advertising and the RFP/RFQ requirements for updating and maintenance of the Oracle Payroll system tax rate data and award a five-year term contract to Vertex for the services for the life of the Oracle software license, which staff estimates will be at least five years, because Vertex is the only vendor certified by Oracle to supply the necessary taxation data update; and

WHEREAS, staff further recommends that the City Council authorize the City Administrator, at his discretion, to increase the annual payment by 5% for each year of the term agreement up to a total amount not-to-exceed \$64,000.00; and

WHEREAS, the City Administrator has determined that this contract is professional, scientific or technical and temporary in nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive services; now, therefore, be it

RESOLVED: That pursuant to Oakland Municipal Code Section 2.04.051.B the City Council finds that it is in the best interests of the City to waive the advertising and RFP/RFQ requirements of the Oakland Municipal Code based on the reasons cited above and in the City Administrator's report accompanying this Resolution, and so waives the requirements; and be it

FURTHER RESOLVED: That the City Council awards a contract to Vertex to supply tax rate data updates and maintenance for the Oracle Payroll Software System for a term of five years for the approximate payment of eleven thousand dollars (\$11,000.00), annually, with an option to increase the contract amount by 5% each year of the contract, for a grand total not-to-exceed sixty-four thousand dollars (\$64,000.00); and be it

FURTHER RESOLVED: That the City Council finds that this contract is exempt from competitive *bidding* requirements of the Oakland Municipal Code pursuant to Oakland Municipal Code Section 2.04.050.I.1, which exempts contracts for professional, scientific or technical services from the lowest-bid based award process; and be it

FURTHER RESOLVED: That the contract shall be reviewed and approved by the City Attorney for form and legality and placed on file in the Office of the City Clerk; and be it

FURTHER RESOLVED: That the City Administrator is authorized to execute any change orders, amendments, extensions or modifications of said agreement except those involving additional compensation or the allocation of additional funds unless authorized by, and within the limitations of, this Resolution and provided that such amendments or extensions shall be approved for form and legality by the City Attorney and a copy shall be kept on file with the City Clerk;

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 7 2010, 20

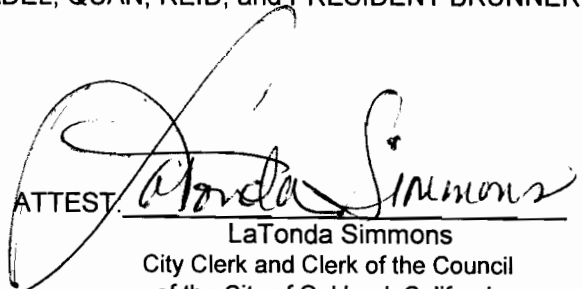
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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