



FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2013 MAR 14 PM 4:35

# AGENDA REPORT

**TO:** DEANNA J. SANTANA  
CITY ADMINISTRATOR

**FROM:** Jim Reese, Interim Director  
Human Resources and  
Information Technology

**SUBJECT:** Appropriation of Existing Funds to Upgrade Telephone Infrastructure  
**DATE:** March 14, 2013

City Administrator  
Approval

Date

3/14/13

**COUNCIL DISTRICT:** City-Wide

## RECOMMENDATION

Staff recommends that the Council approve the revised resolution (*Attached*) waiving formal advertising, competitive bidding, and the Request For Proposals/Qualifications ("RFP/RFQ") requirements of the Oakland Municipal Code ("OMC") and authorizing the City Administrator or her designee to negotiate and enter into two contracts: (1) a contract with ShoreTel Inc. or an authorized reseller for professional services, hardware and software to upgrade the ShoreTel telephone system and annual maintenance for an amount not to exceed \$275,000.00 annually or \$825,000.00 for a contract term of 3 years; and (2) a contract with Enterasys Networks or an authorized reseller for the upgrade of hardware, software, professional services and maintenance of the City Services Enterasys Network for an implementation cost not to exceed \$1,200,000.00 and an annual maintenance amount not to exceed \$150,000.00 per year for a term of 3 years, for a grand total contract amount of \$1,650,000.00.

Additionally, staff recommends that the Council approve a resolution authorizing The City Administrator or her designee to appropriate current revenues and fund balance in Internal Services Fund 4210 for the ongoing cost associated with the delivery of telephone, network and telecommunications services for a period of 3 years without returning to Council. These costs include upgrade of the telephone and network equipment, maintenance and support, telephone lines and installation services.

## OUTCOME

Based on the information provided below, staff requests that Council adopt the resolution.

Item: \_\_\_\_\_  
City Council  
March 19, 2013

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**REASON FOR SUPPLEMENTAL**

At the March 12, 2012 Finance and Management Committee staff was given direction to

- Clarify actions being taken in regards to procuring the professional services, hardware and software contracts
- Change the Enterasys maintenance contract term to 3 years
- Change the City Administrator's appropriation authority to 3 years to match the length of the contracts
- Amend the Resolution

As directed, please find the clarifications requested:

- Staff needs to purchase products and professional/technical services to upgrade and maintain the City's phone system/network, Shoretel and Enterasys Network for several more years.
- City has invested approximately \$3 million dollars in these systems to date and it would be as or more expensive to replace these systems. It is significantly more cost effective to upgrade these systems.
- The Department of Information Technology has determined that the only vendors able to provide the requested products and services needed are Shoretel, Enterasys and their authorized vendors/dealers.
- A combination of products and professional/technical services are needed for the upgrade and maintenance of these systems. Therefore, city needs to negotiate a contract for the products and services.
- The purchasing ordinance requires the city to advertise bids for products, with advertising in the city's official newspaper (Oakland Tribune) and award to the lowest, responsible, responsive bidder – i.e., no negotiation is allowed. The purchasing ordinance further requires city to conduct an RFP/Q for professional/technical services, negotiate and award the contract on the basis of qualifications. However, the purchasing ordinance authorizes Council to waive advertising, bidding and RFP/Q requirements upon finding that it is in the city's best interests to do so.

Item: \_\_\_\_\_  
City Council  
March 19, 2013

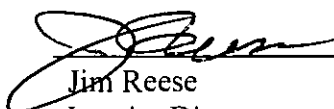
- It would be most cost effective for the city to negotiate with Shoretel, Enterasys or their authorized dealers/vendors for the products and services needed because a complete replacement of the system is cost prohibitive and unnecessary. Therefore, staff is seeking a waiver of the City's advertising, bidding and RFP/Q requirements for these purchases.

Based on the above statements, staff is requesting that the City Council approve the following actions:

- Adopt the resolution changing the contract term from five to three years.
- Total cost for the Enterasys network is now \$1,650,000.
- Approve a request to waive the advertising and bidding requirements for the purchase of Shoretel and Enterasys Services, hardware, software and maintenance for the City's Shoretel System and /Enterasys Network.

For questions regarding this report, please contact Jim Reese, Interim Director at 238-6450 or Terry Allen, Information Systems Manager at 238-6458.

Respectfully submitted,



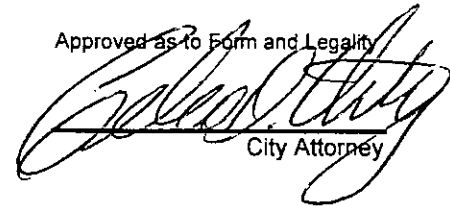
Jim Reese  
Interim Director  
Human Resources and Information Technology

Prepared by:  
Terry Allen, Information Systems Manager  
Department of Information Technology

Item: \_\_\_\_\_  
City Council  
March 19, 2013

Revised Per the Public Works Committee Meeting of March 12, 2013,  
And By City Attorney to Conform With Legal Requirements of the Purchasing  
Ordinance (Oakland Municipal Code §2.04)

Approved as to Form and Legality



City Attorney

## OAKLAND CITY COUNCIL

Resolution No. \_\_\_\_\_ C.M.S.

CLERK  
OFFICE OF THE CITY CLERK  
OAKLAND

13 MAR 14 PM 4:18

### RESOLUTION:

(1) WAIVING OAKLAND'S ADVERTISING, BIDDING AND REQUEST FOR PROPOSALS/QUALIFICATION REQUIREMENTS FOR THE PURCHASE OF SHORETEL AND ENTERASYS SERVICES, HARDWARE, SOFTWARE AND MAINTENANCE FOR THE CITY'S SHORETEL TELEPHONE SYSTEM AND ENTERASYS NETWORK, AND AUTHORIZING THE CITY ADMINISTRATOR TO SOLICIT PROPOSALS AND PRICE QUOTATIONS SOLELY FROM SHORETEL, ENTERASYS AND THEIR AUTHORIZED VENDORS FOR THE PURCHASE OF EQUIPMENT, SOFTWARE AND SERVICES NECESSARY TO UPGRADE AND MAINTAIN THE SHORETEL TELEPHONE SYSTEM AND THE ENTERASYS NETWORK FOR A TERM OF THREE YEARS; AND

(2) AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND ENTER INTO A CONTRACT FOR THE PURCHASE OF EQUIPMENT, SOFTWARE AND MAINTENANCE OF THE SHORETEL TELEPHONE SYSTEM IN AN AMOUNT NOT TO EXCEED \$825,000.00 OVER THE CONTACT TERM OF 3 YEARS WITHOUT RETURN TO COUNCIL; AND

(3) AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND ENTER INTO A CONTRACT FOR THE PURCHASE OF EQUIPMENT, SOFTWARE AND MAINTENANCE OF THE ENTERASYS NETWORK IN AN AMOUNT NOT-TO-EXCEED \$1,650,000.00 FOR A TERM OF 3 YEARS WITHOUT RETURN TO COUNCIL; AND

(4) AUTHORIZING THE APPROPRIATION OF CURRENT AND FUTURE FUNDS IN INTERNAL SERVICES FUND 4210 FOR THE PURCHASE AND ONGOING COSTS ASSOCIATED WITH THE CITY'S TELEPHONE, NETWORK AND TELECOMMUNICATIONS SERVICES FOR A PERIOD OF 3 YEARS

**WHEREAS**, the ShoreTel Telephone System and Enterasys Networks were purchased and implemented in 2005 per Council Resolution No. 79066 C.M.S., and the City has expended approximately \$3,000,000.00 on these systems to date; and

**WHEREAS**, the Shoretel Inc Telephone System maintenance agreement has expired and the Enterasys Network maintenance agreement will expire in 2013; and

**WHEREAS**, the Enterasys Network equipment is reaching its end of useful life and jeopardizes the performance of the Shoretel Telephone System and other City applications that depend on its performance; and

**WHEREAS**, it would not be cost effective and is not necessary to replace these systems given the city's investment, therefore, it is recommended that the City execute new Shoretel Inc. and Enterasys Networks maintenance agreements for equipment upgrades and maintenance to avoid equipment failure and lack of vendor support that would negatively impact the performance of the City's ShoreTel telephone, Enterasys Network and applications which provide telephone and network services to all city agencies and departments; and

**WHEREAS**, Oakland Municipal Code (OMC) Section 2.04.050 requires advertising in the Oakland Tribune (the City's official newspaper), competitive bidding and award to the lowest responsible, responsive bidder when the City purchases products from a vendor in an amount exceeding \$50,000.00, and OMC Section 2.04.050 1.5 permits the Council to waive such 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 Section 2.04.051.A requires the City to conduct a request for proposal/qualification process ("RFP/RFQ") for the purchase of professional, scientific or technical services unless such process is waived, under OMC Section 2.04.051 B, upon a finding by the City Council that it is in the best interests of the City to do so; and

**WHEREAS**, the Department of Information Technology (DIT) has determined that only ShoreTel Inc. and Enterasys Networks or their authorized vendors/dealers can provide the necessary equipment, products and services that the City requires; and

**WHEREAS**, the City needs to purchase a combination of products and professional/technical services to upgrade and maintain the Shoretel system and Enterasys Network and, therefore, requires waiver of the City's bidding and RFP/RFQ requirements to negotiate contracts for each system; and

**WHEREAS**, it is in the City's best interest to limit the solicitation of proposals and price quotes for the ShoreTel telephone system and Enterasys Networks upgrades and maintenance to Shoretel, Inc. and Enterasys and their authorized vendors because costs to upgrade and maintain these systems for the next three years is far more cost effective than purchasing new systems at this time, and no other vendors can provide the necessary products and services; and

**WHEREAS**, in lieu of the City's advertising and the City of Oakland will solicit proposals and price quotations from Shoretel, Enterasys Networks and their authorized qualified vendors for the purchase of ShoreTel and Enterasys equipment, software, installation and maintenance and seeks authority to negotiate contracts without return to Council; and

**WHEREAS**, the Department of Information Technology (DIT) has determined that the cost over the next three (3) years for upgrade and maintenance of the Shoretel Telephone System would not exceed \$825,000.00 (to be paid \$275,000.00 annually), and the cost over the next three (3) years for upgrade and maintenance of the Enterasys Network would not exceed \$1,650,000.00 (which includes \$150,000.00 annually for maintenance); and

**WHEREAS**, existing funds have been identified to fund the cost of the proposed purchases; and

**WHEREAS**, the City Council finds that the contracts 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 Council, pursuant to OMC Section 2.04.50 1.5 and Section 2.04.051 B, respectively, hereby finds and determines that it is in the best interests of the City to waive the City's advertising, bidding, and the RFP/RFQ requirements for the purchase of equipment, software, maintenance and other services to upgrade the ShoreTel Telephone System and Enterasys Network for the reasons stated above and in the City Administrator's report accompanying this resolution, and so waives the requirements; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to solicit proposals and price quotations solely from ShoreTel, Enterasys and their authorized vendors for the purchase of equipment, software and services necessary to upgrade and maintain the City's ShoreTel Telephone System and the Enterasys Network for a term of three years; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to negotiate and execute a contract for the purchase of equipment, software, maintenance and other services for the ShoreTel Telephone System in an amount not-to-exceed \$825,000.00 over the contract term of 3 years without return to council; and

**FURTHER RESOLVED:** That the City Administrator is authorized to negotiate and execute a contract for the purchase of equipment, software, maintenance and other services for the Enterasys Network in an amount not-to-exceed \$1,650,000.00 for a term of 3 years without return to council; and

**FURTHER RESOLVED:** That the Council hereby authorizes the City Administrator or her designee to appropriate current and future funds in internal services fund 4210 for the ongoing cost associated with the purchase of the above telephone, network and telecommunications equipment, software and maintenance services; and be it

**FURTHER RESOLVED:** That a copy of the agreement will be on file in the City Clerk's Office and will be approved by the Office of the City Attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the Council

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

13 MAR 14 PM 4:18

Revised Per the Public Works Committee Meeting of March 12, 2013,  
And By City Attorney to Conform With Legal Requirements of the Purchasing  
Ordinance (Oakland Municipal Code §2.04)

Approved as to Form and Legality

City Attorney

## OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.

Introduced by Councilmember \_\_\_\_\_

### A RESOLUTION:

(1) WAIVING OAKLAND'S ADVERTISING, BIDDING AND REQUEST FOR PROPOSALS/QUALIFICATION REQUIREMENTS FOR THE PURCHASE OF SHORETEL AND ENTERASYS SERVICES, HARDWARE, SOFTWARE AND MAINTENANCE FOR THE CITY'S SHORETEL TELEPHONE SYSTEM AND ENTERASYS NETWORK, AND AUTHORIZING THE CITY ADMINISTRATOR TO SOLICIT PROPOSALS AND PRICE QUOTATIONS SOLELY FROM SHORETEL, ENTERASYS AND THEIR AUTHORIZED VENDORS FOR THE PURCHASE OF EQUIPMENT, SOFTWARE AND SERVICES NECESSARY TO UPGRADE AND MAINTAIN THE SHORETEL TELEPHONE SYSTEM AND THE ENTERASYS NETWORK FOR A TERM OF THREE YEARS; AND

(2) AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND ENTER INTO A CONTRACT FOR THE PURCHASE OF EQUIPMENT, SOFTWARE AND MAINTENANCE OF THE SHORETEL TELEPHONE SYSTEM IN AN AMOUNT NOT TO EXCEED \$825,000.00 OVER THE CONTACT TERM OF 3 YEARS WITHOUT RETURN TO COUNCIL; AND

(3) AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND ENTER INTO A CONTRACT FOR THE PURCHASE OF EQUIPMENT, SOFTWARE AND MAINTENANCE OF THE ENTERASYS NETWORK IN AN AMOUNT NOT-TO-EXCEED \$1,650,000.00 FOR A TERM OF 3 YEARS WITHOUT RETURN TO COUNCIL; AND

(4) AUTHORIZING THE APPROPRIATION OF CURRENT AND FUTURE FUNDS IN INTERNAL SERVICES FUND 4210 FOR THE PURCHASE AND ONGOING COSTS ASSOCIATED WITH THE CITY'S TELEPHONE, NETWORK AND TELECOMMUNICATIONS SERVICES FOR A PERIOD OF 3 YEARS

WHEREAS, the City's telephone system, comprised of the ShoreTel Telephone System and Enterasys Networks, was purchased and implemented in 2005 per Council Resolution No. 79066

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C.M.S.. and the City has expended approximately \$3,000,000.00 on these systems to date; and

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WHEREAS, the Shoretel Inc Telephone System maintenance agreement has expired, and the Enterasys Network maintenance agreement will expire in 2013; and

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WHEREAS, the Enterasys Network equipment is reaching its end of useful life and jeopardizes the performance of the Shoretel Telephone System and other City applications that depend on its performance; and

WHEREAS, it would not be cost effective and is not necessary to replace these systems given the city's investment, therefore, it is recommended that the City execute new Shoretel Inc. and Enterasys Networks maintenance agreements for equipment upgrades and maintenance to avoid equipment failure and lack of vendor support that would negatively impact the performance of the City's ShoreTel telephone, Enterasys Network and applications which provide telephone and network services to all city agencies and departments; and

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WHEREAS, Oakland Municipal Code (OMC) Section 2.04.050 requires advertising in the Oakland Tribune (the City's official newspaper), competitive bidding and award to the lowest responsible, responsive bidder when the City purchases products from a vendor, in an amount exceeding \$50,000.00, and OMC Section 2.04.050 1.5 permits the Council to waive such advertising and competitive bidding upon a finding and determination that it is in the best interests of the City to do so; and

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WHEREAS, OMC Section 2.04.051 A requires the City to conduct a request for proposal/qualification process ("RFP/RFQ") for the purchase of professional, scientific or technical services unless such process is waived, under OMC Section 2.04.051 B, upon a finding by the City Council that it is in the best interests of the City to do so; and

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WHEREAS, the Department of Information Technology (DIT) has determined that only ShoreTel Inc. and Enterasys Networks or their authorized vendors/dealer, can provide the necessary equipment, products and services that the City requires; and

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WHEREAS, the City needs to purchase a combination of products and professional/technical services to upgrade and maintain the Shoretel system and Enterasys Network and, therefore, requires waiver of the City's bidding and RFP/RFQ requirements to negotiate contracts for each system; and

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WHEREAS, it is in the City's best interests to limit the solicitation of proposals and price quotes for the ShoreTel telephone system and Enterasys Networks upgrades and maintenance to Shoretel, Inc. and Enterasys and their authorized vendors because the costs to upgrade and maintain these systems for the next three years is far more cost effective than purchasing new systems at this time, and no other vendors can provide the necessary products and services; and,

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WHEREAS, in lieu of the City's advertising and the City of Oakland will solicit proposals and price quotations from Shoretel, Enterasys Networks and their authorized qualified vendors for the purchase of ShoreTel and Enterasys equipment, software, installation and maintenance and seeks authority to award contracts without return to Council; and

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WHEREAS, the Department of Information Technology (DIT) has determined that the cost over the next three (3) years for upgrade and maintenance of the ShoreTel Telephone System would not exceed \$825,000.00 (to be paid \$275,000.00 annually), and the cost over the next three (3) years for upgrade and maintenance of the Enterasys Network would not exceed \$1,650,000.00 (which includes \$150,000.00 annually for maintenance); and

WHEREAS, existing funds have been identified to fund the cost of the proposed purchases; and

WHEREAS, the City Council finds that the contracts 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 Council, pursuant to OMC Section 2.04.50 L5 and Section 2.04.051 B, respectively, hereby finds and determines that it is in the best interests of the City to waive the City's advertising, bidding, and the RFP/RFQ requirements for the purchase of equipment, software, maintenance and other services to upgrade the ShoreTel Telephone System and Enterasys Network for the reasons stated above and in the City Administrator's report accompanying this resolution, and so waives the requirements; and be it

FURTHER RESOLVED: That the City Administrator is authorized to solicit proposals and price quotations solely from ShoreTel, Enterasys and their authorized vendors for the purchase of equipment, software and services necessary to upgrade and maintain the City's ShoreTel Telephone System and the Enterasys Network for a term of three years; and be it

FURTHER RESOLVED: That the City Administrator is authorized to negotiate and execute a contract for the purchase of equipment, software, maintenance and other services for the ShoreTel Telephone System in an amount not to exceed \$825,000.00 over the contract term of 3 years without return to council; and

FURTHER RESOLVED: That the City Administrator is authorized to negotiate and execute a contract for the purchase of equipment, software, maintenance and other services for the Enterasys Network in an amount not to exceed \$1,650,000.00 for a term of 3 years without return to council; and

FURTHER RESOLVED: That the Council hereby authorizes the City Administrator or her designee to appropriate current and future funds in internal services fund 4210 for the ongoing cost associated with the purchase of the above telephone, network and telecommunications equipment, software and maintenance services; and be it

FURTHER RESOLVED: That a copy of the agreement will be on file in the City Clerk's Office and will be approved by the Office of the City Attorney.

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IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT  
KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

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