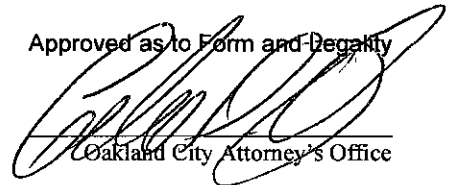


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2014 MAR 27 PM 4:22

Approved as to Form and Legality



Oakland City Attorney's Office

**OAKLAND CITY COUNCIL**  
**RESOLUTION No. 84933 C.M.S.**

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO:**

- 1) **NEGOTIATE AND ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH HARRIS PUBLIC SAFETY COMMUNICATIONS IN AN AMOUNT NOT-TO-EXCEED FIVE HUNDRED THOUSAND DOLLARS (\$500,000) FOR A ONE YEAR AGREEMENT, WITH AN OPTION TO RENEW FOR AN ADDITIONAL YEAR, FOR A TOTAL NOT-TO-EXCEED AMOUNT OF ONE MILLION (\$1,000,000) FOR MAINTENANCE AND PROFESSIONAL SERVICES OVER A TWO-YEAR PERIOD, AND**
- 2) **ENTER INTO A PURCHASING CONTRACT WITH HARRIS PUBLIC SAFETY COMMUNICATIONS FOR SUPPLY OF RADIO PARTS, AND MATERIALS FOR THE CITY'S 800 MHz RADIO EQUIPMENT IN AN AMOUNT NOT-TO-EXCEED FIVE HUNDRED THOUSAND DOLLARS (\$500,000) FOR A ONE YEAR AGREEMENT, WITH AN OPTION TO RENEW FOR AN ADDITIONAL YEAR, FOR A TOTAL NOT-TO-EXCEED AMOUNT OF ONE MILLION (\$1,000,000) OVER A TWO-YEAR PERIOD, AND**
- 3) **WAIVE THE CITY'S ADVERTISING, COMPETITIVE BID AND REQUEST FOR PROPOSAL (RFP) PROCESS FOR EQUIPMENT, PRODUCTS AND PROFESSIONAL SERVICES FOR THE ABOVE DESCRIBED CONTRACTS**

**WHEREAS,** the Department of Information Technology is working to update and improve the service and reliability of the City's 800 MHz radio infrastructure; and

**WHEREAS,** the City passed Resolution No. 79709 C.M.S. authorizing the City Administrator to execute a purchase order with Harris (formerly M/A-COM) for radio parts and materials for an amount not to exceed five-hundred thousand dollars (\$500,000) for one year agreement with an option to renew for an additional year without return to council; and

**WHEREAS,** Harris Public Safety Communications, an Oakland "local certified" business, has been performing maintenance without an agreement or receiving compensation since the previous maintenance agreement ended in January of 2013; and

**WHEREAS,** the City's radio system will need periodic repairs regular maintenance and modifications in order to meet the current needs of our public safety units; and

**WHEREAS**, the City's portable and mobile radio equipment will need repairs and regular maintenance in order to meet the current needs of our public safety units; and

**WHEREAS**, the Department of Information Technology is responsible for the purchase and maintenance of portable and mobile radio equipment and professional services and the City has regular day-to-day needs to fulfill purchases of radio equipment and services to support the needs of our public safety units; and

**WHEREAS**, Oakland Municipal Code sections 2.04.050.I.5 and 2.04.051.B permit the Council to waive advertising and bidding upon a finding that it is in the City's best interests to do so; and

**WHEREAS**, City's existing 800 MHz Radio Network system was manufactured by Harris Public Safety Communications, Harris is, therefore, the sole manufacturer of the parts and materials required for the radio system; and

**WHEREAS**, Harris Public Safety Communications has been maintaining and supporting the City's radio system since it became operational and possesses deep technical knowledge of the Oakland network; and

**WHEREAS**, the City continues to investigate and negotiate with the East Bay Regional Communications Authority (EBRCSA) for P-25 radio system access and has determined that any transition to its system will take approximately eighteen (18) to twenty-four (24) months and therefore the City must continue to maintain its own radio system in order to meet the current needs of our public safety units; and

**WHEREAS**, the maintenance agreement with Harris Public Safety Communications shall be structured to award maintenance contracts on a year-by-year basis and be subject to annual scope of work negotiations to ensure the City has flexibility in continuing to maintain the City system or transition to the East Bay Regional Communications System; and

**WHEREAS**, Staff has determined that the services provided pursuant to said agreement with Harris Public Safety Communications are of a professional, scientific, or technical nature and are temporary in nature; and

**WHEREAS**, the primary funding source is the Radio Fund (Fund 4200), (Project P448510), and (Account 52515); and

**WHEREAS**, the City finds that this contract 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 pursuant to Oakland Municipal Code section 2.04.050.I.5, and for the reasons stated above and in the City Administrator's report accompanying this resolution, the City Council finds that it is in the best interests of the City to waive the City's advertising and bidding requirements for the purchase of professional and technical services, radio parts and materials for the City's 800 MHz Radio Network equipment and so waives the requirements in

the interest of time and Harris Public Safety communications is the City's existing vendor and can provide the service to the City at the lowest cost/

**FURTHER RESOLVED:** That the City's existing 800 MHz Radio Network system was manufactured by Harris Public Safety Communications, and Harris is, therefore, the sole manufacturer of the parts and materials required for the radio system; and be it

**FURTHER RESOLVED:** That Harris Public Safety Communications has been maintaining and supporting the City's radio system since it became operational and possesses deep technical knowledge of the Oakland network; and be it

**FURTHER RESOLVED:** That the City Council authorizes the City Administrator, or his designee, to negotiate and enter into a maintenance agreement with Harris Public Safety Communications in an amount not to exceed five-hundred thousand dollars (\$500,000) for one year agreement with an option to renew for an additional year for the purchase of maintenance and professional services; and be it

**FURTHER RESOLVED:** That a contract is awarded to Harris Public Safety Communications, for the supply of radio parts and materials for the City's 800 MHz Radio Network equipment in an amount not to exceed five-hundred thousand dollars (\$500,000) for one year agreement with an option to renew for an additional year; and be it

**FURTHER RESOLVED,** That the primary funding source is the Radio Fund (Fund 4200) and (Account 52515) and said funds shall be drawn from the Radio Fund (Fund 4200); and be it

**FURTHER RESOLVED:** That the City Council finds and determines based on the above determinations of the City Administrator, that the goods and services provided pursuant to the agreements authorized hereunder are of a professional, scientific, or technical and temporary nature, and shall not result in a loss of employment or salary by any person having permanent status in the competitive service process; and be it

**FURTHER RESOLVED:** That the City Administrator or his designee is hereby authorized to take whatever action is necessary with respect to the agreement consistent with this Resolution and its basic purpose; and be it

**FURTHER RESOLVED:** That the contract shall be reviewed and approved by the City Attorney's Office for form and legality prior to execution, and a copy shall be placed on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, APR 22 2014, 20    

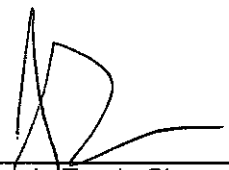
**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, GALLO, KAPLAN, KALB, MCELHANEY, REID, SCHAAF and PRESIDENT KERNIGHAN - 8

NOES - 0

ABSENT- 0

ABSTENTION- 0

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