

APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH MAPLIGHT, TO DESIGN, BUILD AND IMPLEMENT THE CITY OF OAKLAND'S DEMOCRACY DOLLARS SOFTWARE PLATFORM, FOR A FIVE—YEAR TERM FOR A NOT-TO-EXCEED CONTRACT AMOUNT OF \$700,000, AND WAIVING THE COMPETITIVE MULTI-STEP SOLICITATION PROCESS AND LOCAL/SMALL LOCAL BUSINESS ENTERPRISE PROGRAM REQUIREMENTS FOR INFORMATION TECHNOLOGY AGREEMENTS

WHEREAS, Oakland voters approved ballot Measure W on November 8, 2022, the Oakland Fair Elections Act (OFEA), which created a new public financing program administered by the Public Ethics Commission dispersing \$100 in Democracy Dollar vouchers to eligible Oakland residents who then assign the Dollars to their preferred candidate with the goal to “expand public participation in the local democratic process and empower all Oakland residents with an opportunity to engage meaningfully in the campaign process”; and

WHEREAS, the Democracy Dollars Program will benefit Oakland residents by ensuring that access to networks of wealthy contributors is not a prerequisite for candidates to run competitive campaigns for elected office thereby resulting in a pool of candidates that is more reflective of the diversity of Oakland residents; and

WHEREAS, creating a Democracy Dollars public finance program to expand the pool of candidates and donors for City of Oakland offices and to safeguard the people's control of the elections process will benefit residents by ensuring all Oakland residents have an opportunity to participate in local elective and governmental processes and to have their voices heard in their local democracy regardless of wealth or history of prior political participation; and

WHEREAS, the Oakland Fair Elections Act, Oakland Municipal Code (OMC) 3.15.050(C), requires that the Public Ethics Commission create a Democracy Dollars technology system and website, and the Program requires the design and implementation of a secure, reliable software platform with strong accountability controls to administer the program from the creation of Democracy Dollar records with unique identifiers for every eligible Oakland resident to tracking the Democracy Dollar vouchers throughout processing from assignment to validation to creating invoices for fund disbursements to candidates; and

WHEREAS, the program's ability to provide services to its constituents requires a user-centered software design that makes candidate and resident transactions simple to complete, and

that also provides streamlined access to program and campaign data in a public transparency portal; and

WHEREAS, the proposed agreement is based on the pricing and products set forth in California NASPO ValuePoint Cloud Master Contract AR2485 CA PA# 7-17-70-40-01, a NASPO ValuePoint Cooperative Contract. NASPO ValuPoint is a cooperative purchasing program that facilitates public procurement solicitations and agreements and leverages the purchasing power of public entities to deliver high value, reliable and competitively sourced contracts that are competitively priced; and

WHEREAS, OMC 2.04.042.B requires the City Administrator to conduct a multi-step solicitation process for acquisition of any information technology systems, software or hardware and OMC 2.04.042.D permits the Council waive the multi-step solicitation process upon a finding that it is in the City's best interests to do so; and

WHEREAS, the Local/Small Local Business Enterprise (L/SLBE) Program, Ordinance No. 13647 C.M.S., requires a minimum fifty-percent (50%) participation for all professional service contracts valued at or over fifty thousand dollars (\$50,000) when there are at least three certified businesses listed in the industry, trade, or profession that constitutes a major category of work; and if at least three L/SLBEs are not certified, then the requirement is either waived, or the 50% requirement may be set at a percentage from 50 % to 0%, but not less than 20% if at least one L/SLBE is certified and available and the Council may, in its discretion, waive the requirements of the L/SLBE Program;; and

WHEREAS, staff has determined the software infrastructure, design and implementation of this complex system is unique to the City of Oakland and must be created and customized for the City and therefore limits the qualified vendors that are able to provide the comprehensive professional services to facilitate the design and implementation at the lowest possible cost; and

WHEREAS, the information technology system contract will need to be completed within a limited time span, and that such waiver is reasonable and economical under the circumstances; and

WHEREAS, the ability to provide a robust Democracy Dollars system will provide significant benefit to City residents, and requires the use of vendors who have deep expertise in campaign finance laws and public campaign funding programs, in addition to designing user-centered tools to promote fair elections and government transparency; and

WHEREAS, the City Administrator has determined that the services to be provided pursuant to the agreement authorized hereunder are of a professional, scientific or technical nature and are temporary and shall not result in the loss of salary or employment by any person having permanent status in the competitive civil service; and

WHEREAS, Measure W mandates at least \$700,000 for start-up costs associated with initiating the Democracy Dollars Program be appropriated to the PEC budget in addition to \$350,000 for non-salary program costs, and the City Council already appropriated and allocated \$175,000 in the General Purpose Fund (1010) for this agreement and \$350,000 in the Proposed

Fiscal Year 2024-2025 budget, with \$175,000 in remaining start-up cost funding pending adoption in the biennial budget for Fiscal Year (FY) 2025-2027; and

WHEREAS, funding for this agreement is contingent upon the adoption of the proposed FY 2024-2025 budget and biennial FY 2025-2027 budget; and

WHEREAS, in accordance with OMC 3.15.060 a funding reduction may occur if the City declares a fiscal emergency; now, therefore be it

RESOLVED: that the City Council finds and determines the forgoing recitals to be true and correct and hereby adopts and incorporates them into this Resolution; and be it

FURTHER RESOLVED: That the City Administrator or designee is authorized without returning to Council to negotiate and execute an agreement with MapLight to assist with design and implementation of the City of Oakland’s Democracy Dollars Program, including ongoing annual licensing and maintenance system costs for a five-year term in an amount not-to-exceed \$700,000; and be it

FURTHER RESOLVED: that for the reasons stated above and in the report accompanying this Resolution, the City Council hereby finds and determines that it is in the best interests of the City to waive the multi-step solicitation processes pursuant to Oakland Municipal Code section 2.04.042.D, and, to the extent necessary and for good cause shown, the City’s Local/Small Local Business Enterprise program requirements, and so waives these requirements for this agreement; and be it

FURTHER RESOLVED: That the City Administrator is authorized, without returning to Council, to extend the term of the agreement and/or execute any other modifications or amendments to the agreement, except for an increase in value of the contract if applicable law requires Council approval, and any subsequent amendments or extensions shall be reviewed and approved by the Office of the City Attorney for form and legality prior to execution and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California