
City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2012 JUN 28 PM 3:05

OAKLAND CITY COUNCIL

RESOLUTION No. 83983 C.M.S.

Introduced by Office of City Clerk

RESOLUTION WAIVING ADVERTISING AND COMPETITIVE BIDDING REQUIREMENTS OF THE OAKLAND MUNICIPAL CODE AND AUTHORIZING THE CITY ADMINISTRATOR TO CONTRACT WITH NETFILE FOR HOST-SITE SOFTWARE FILING SYSTEM SERVICE FOR A THREE-YEAR TERM IN A COMPENSATION AMOUNT OF \$102,000.00 (ONE HUNDRED TWO THOUSAND DOLLARS) PLUS TWO (2) ONE-YEAR OPTIONS TO RENEW THE CONTRACT AT THE CITY'S SOLE DESCRETION AT AN ANNUAL CONTRACT COMPENSATION RATE OF \$34,000.00 WITH AN ANNUAL INCREASE OF UP TO FIVE PERCENT (5%) OF THE ANNUAL COMPENSATION AMOUNT (OR \$71, 4000.00 TOTAL FOR THE TWO OPTION YEARS IF EXCERCISED BY THE CITY) FOR A GRAND TOTAL NOT-TO-EXCEED CONTRACT AMOUNT OF ONE HUNDRED SEVENTY-THREE THOUSAND, FOUR HUNDRED DOLLARS (\$173,400.00)

WHEREAS, the State of California has mandatory filing requirements for Lobbyist Disclosures, Campaign Disclosure Statements and Conflict of Interest Statements (“election related documents”); and

WHEREAS, Title 2, Division 6, of the California Code of Regulation stipulates the duties of Filing Officers; and

WHEREAS, the Office of the City Clerk, is the Filing Officer for all election related documents regulated by the State of California’s Fair Political Practices Commission (FPPC); and

WHEREAS, the FPPC requires filing officers to track and accept for filing any election related documents required by the Political Reform Act (The Act) and to determine whether those documents have been filed in conformance with The Act; and

WHEREAS, the Office of the City Clerk must provide public access to all election related documents and maintain a log of all statements filed; and

WHEREAS, diminished City Clerk staff has made it increasingly difficult to manage election related documents manually; and

WHEREAS, increased oversight by the FPPC requires the Office of the City Clerk to utilize more sophisticated tracking and filing systems to enforce mandatory regulations set forth by the FPPC; and

WHEREAS, NetFile, provides host-site software filing system services for all election related documents for over 20 local California Governments; and

WHEREAS, Section 2.04.040.B 2 and 2.04.050.A and E of the Oakland Municipal Code (the "OMC") require formal advertising for the solicitation for bids for products and incidental services related to the products, and if an award is made, the City must award to the lowest responsive bidder; and

WHEREAS, Council may waive these advertising and bidding requirements under Section 2.04.050.I 5 when it finds and determines that it is in the best interests of the City to do so; and

WHEREAS, waiving of the advertising and competitive bid requirement is in the best interests of the City, because NetFile is the sole-source provider of a public viewing portal, efiled documents automatically create state forms, does not require licensing agreements or software updates and upon viewing efiled documents redacts specific personal information as required by the state; and

WHEREAS, the Office of the City Clerk has realized significant increases in compliance and tracking since utilizing NetFile; and therefore be it

RESOLVED, that pursuant to Section 2.04.050.I 5 the Council determines and finds that it is in the best interests of the City to waive the advertising and bidding requirements of the OMC for the purchase of the NetFile host-site software filing systems service because of reason set forth in this Resolution and in the Report that accompanies this Resolution, and so waives these requirements; and be it

FURTHER RESOLVED, that the City Administrator is authorized to enter into an agreement with NetFile for an initial term of three years at a total compensation rate of \$102,000.00 (\$34,000.00 a year x 3 years), plus two (1) one-year options to renew the contract at the City's sole discretion at the annual contract compensation rate of \$34,000.00 per year with an annual increase of up to 5% of the annual compensation amount of \$34,000.00 per year (or \$71,400.00 total for the two option years if exercised by the City) for a grand total not-to-exceed contract amount of one One Hundred Seventy-Three Thousand, Four Hundred Dollars (\$173,400.00); 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 funding for NetFile host-site services were previously allocated and approved in the FY 2012/13 City Clerk budget.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 17 2012

PASSED BY THE FOLLOWING VOTE:

AYES – Brooks, ~~Brunner~~, De La Fuente, ~~Kaplan~~, Kernighan, Nadel, Schaaf, and President Reid - 6

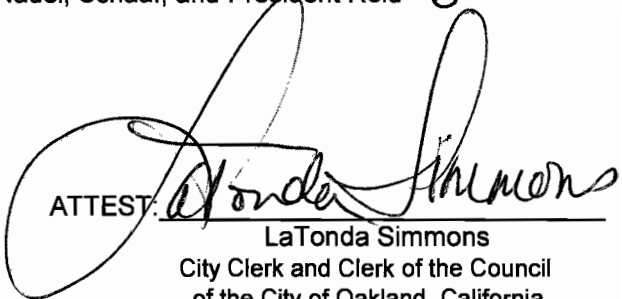
NOES - 0

ABSENT - Brunner - 1

ABSTENTION - 0

Excused - Kaplan - 1

ATTEST:



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