

City Attorney's Office

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OAKLAND CITY COUNCIL

RESOLUTION NO. 89098 C.M.S.

RESOLUTION:

1. **AMENDING THE CITYWORKS LICENSE AND MAINTENANCE AGREEMENT WITH AZTECA SYSTEMS, LLC. TO EXTEND THE TERM OF THE CONTRACT FROM JUNE 1, 2022 THROUGH MAY 31, 2028, AND INCREASE THE AGREEMENT IN AN AMOUNT NOT TO EXCEED ONE MILLION ONE HUNDRED TWENTY THREE THOUSAND EIGHT HUNDRED FIFTY TWO DOLLARS (\$1,123,852), WITH THE OPTION TO PURCHASE ADDITIONAL FUNCTIONALITY AND ENHANCEMENTS TO THE CITYWORKS SYSTEM FOR:**
 - A. **ADDITIONAL SOFTWARE PRODUCTS, UPGRADES, LICENSES & SUPPORT SERVICES WITH AZTECA SYSTEMS, LLC. IN AN AMOUNT NOT TO EXCEED THREE HUNDRED THOUSAND DOLLARS (\$300,000) FOR THE TERM OF THE AZTECA CONTRACT (FROM JUNE 1, 2022 THROUGH MAY 31, 2028); AND**
 - B. **ADDITIONAL LICENSE, MAINTENCE, HOSTING, PURCHASE, AND/OR PROFESSIONAL SERVICES AGREEMET(S) WITH AZTECA SYSTEMS, LLC., OR THEIR AUTHORIZED BUSINESS PARTER(S) IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED THOUSAND DOLLARS (\$500,000) FOR THE TERM OF THE AZTECA CONTRACT (FROM JUNE 1, 2022 THROUGH MAY 31, 2028) FOR PROFESSIONAL SERVICES AND/OR PRODCUTS THAT ENHANCE CITYWORKS THROUGH CUSTOMIZATION AND ADDITIONAL FUNCTIONALITY; AND**
2. **WAIVING THE COMPETITIVE PROPOSAL SOLICITATION AND LOCAL BUSINESS ENTERPRISE/SMALL LOCAL BUSINESS ENTERPRISE REQUIREMENTS FOR THE ABOVE-LISTED AGREEMENTS**

WHEREAS, Cityworks is the software that the City of Oakland uses to manage all work performed on the City's infrastructure assets, and is the tool that is used to track service requests made to Oak311 (the Oakland Call Center); and

WHEREAS, Oakland Public Works (OPW) and Oakland Department of Transportation (OakDOT) have successfully used the software since 2009 to generate and track service requests

and work orders; track labor, equipment, and materials needed for the repair and maintenance of the City's assets; calculate performance measures and respond to records requests; close the loop with the public; demonstrate compliance with the Sewer Consent Decree requirements; and interface with the SeeClickFix mobile application; and

WHEREAS, particularly as OAK311 expands, it is necessary to expand Cityworks use beyond OPW and OakDOT; and

WHEREAS, improved efficiencies and asset management can be achieved via additional Cityworks technologies for mobile work, cloud-based computing, and data visualization and analysis; and

WHEREAS, City Council Resolution No. 80847 C.M.S. (September 8, 2007) authorized the purchase and implementation of the Cityworks Software for OPW and DOT following a competitive Request for Proposals process, including licensing the Cityworks software with Azteca Systems, Inc. (Azteca Systems); and

WHEREAS, City Council Resolution No. 82678 C.M.S. (April 20, 2010) authorized the license and maintenance agreement with Azteca Systems, Inc., and to make payments for on-going maintenance and support through May 31, 2013, including regular software updates, troubleshooting, and consultation related to the software; and

WHEREAS, City Council Resolution No. 84161 C.M.S. (December 18, 2012), and City Council Resolution No. 87105 C.M.S. (March 18, 2018), authorized the City Administrator to continue with annual contract extensions and to make payments for on-going maintenance and support through May 31, 2022 including regular software updates, troubleshooting, and consultation related to the software; and

WHEREAS, in January 2019, City Council Resolution No. 87105 C.M.S. authorized an upgrade from a Standard License Agreement to an Enterprise License Agreement (ELA) with Azteca Systems was upgraded from a Standard ELA to a Premium ELA, providing access to enhanced Application Programming Interfaces (API). As part of that ELA upgrade, Azteca Systems, LLC., extended the ELA by one year to May 31, 2023, with a final annual ELA payment due of \$180,000 in May 2022, covering unlimited users by all departments at the City of Oakland with the exception of the Oakland Airport; and

WHEREAS, staff believes it is in the best interest of the City to extend the Premium ELA for a six-year period immediately thereafter effective June 1, 2022, through May 31, 2028, in an amount not to exceed \$1,123,852 because the use of Cityworks has advanced citywide priorities to be a responsive, trustworthy government and enables OPW and DOT to maintain vibrant, sustainable infrastructure. Cityworks has enhanced staff's ability to track service requests from the public from intake through to completion, track the work performed on City assets, respond to requests for information, measure performance, and provide public data via the City of Oakland's open data website; and,

WHEREAS, Ordinance number 13640 C.M.S. requires a minimum 50-percent (50%) Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) participation for all professional service contracts valued at or over fifty thousand dollars (\$50,000) when there are at least three certified business listed in the industry, trade, or profession that constitutes a major category of work; and,

WHEREAS, Oakland Municipal Code (OMC) section 2.04.042 requires a multiple-step solicitation process for the combined purchase of products and professional services by soliciting proposals, requiring vendor demonstrations when appropriate and feasible, and evaluating and rating proposals and performance in demonstrations on the basis of uniform criteria to be determined by the City Administrator on a case-by-case basis, for the purchase of supplies, equipment, and computer software unless ADD EXCEPTION; and

WHEREAS, for the reasons provided below, the City Administrator recommends that the Council make a finding and determination to waive the requirements of Ordinance Number 13640 and OMC section 2.04.042 , and authorize the City Administrator to enter into an Agreement with Azteca Systems LLC or their authorized business partners; and

WHEREAS, it is in the best interest of the Ciy to waive the Local Business Enterprise/Small Local Business Enterprise requirements as an Availability Analysis returned no results for local certified Cityworks Business Partners in Oakland; and,

WHEREAS, staff believes it is in the best interest of the City to waive the competitive multi-step solicitation process requirement of OMC section 2.04.042B pursuant to OMC section 2.0.4.042D) based on the factors outlined in the staff report, including the fact that Cityworks is already a core technology system within OPW and OakDOT, and to pivot to a different contractor with a new system would cause significant disruption to operations, as well as detrimental fiscal impact to fund the capital investment needed to implement a new system; and

WHEREAS, the City Council finds and determines that the services provided pursuant to the contracts authorized hereunder are of a professional, scientific or technical nature and are temporary; and

WHEREAS, the awarding of these contracts will not result in the loss of salary or employment by any person having permanent status in the competitive service; now, therefore be it

RESOLVED: That that the City Administrator is hereby authorized to: Amend the Cityworks License Agreement with Azteca Systems, LLC. (Azteca) to extend the term from June 1, 2022, through May 21, 2028, and ingrease the agreement in an amount not to exceed one million one hundred twenty-three thousand eight hundred fifty-two dollars (\$1,123,852), with the option to purchase additional support services, functionality and enhnacements to the Cityworks system for: A. Additional software products, upgrades, licenses, and support services from Azteca in an amount not to exceed three hundred thousand dollars (\$300,000) for the term of the Azteca contract (from June 1, 2022, through May 31, 2028); and, B. Additional license, maintenance hosting, purchase, and/or professional services agreement(s) with Azteca, or their authorized business partner(s) in an amount to exceed five hundred thousand dollars (\$500,000) for the term fo the Azteca Contract (from June 1, 2022, through May 31, 2028) for services or products that enahcne Cityworks through additional functionality or customizations; and 2. Waive the competitive proposal solicitation and Local Business Enterprise/Small Local Business Enterprise Requirements for the above-listed agreements; and be it

FURTHER RESOLVED: That the Council hereby waives the multi-proposal solicitation requirement of OMC section 2.04.042(D) for the above listed agreements, and the

City's Local Business Enterprise/Small Local Business Enterprise requirements because it finds that it is in the best interest of the City to do so pursuant to OMC section 2.04.042(D) and for the reasons set forth in the Resolution and in the staff report that accompanies it; and be it

FURTHER RESOLVED: That funds for the license and maintenance agreement up to \$180,000 are available in the Grant Clearing (Overhead) Fund (7760), Org (30181) Management Information Systems Unit, OPW and DOT Overhead Clearing Projects (1001288), and DOT Overhead Clearing Project (1003336) in FY2022-23, and appropriations will be included in the budget contingent upon the availability of funding for the future years of the contract from FY2023-FY2028; and be it

FURTHER RESOLVED: Funds for support services will come from existing encumbrances and future funding on an as-needed basis. There is an existing encumbrance with Azteca for support services and additional licenses or products in an amount not to exceed \$300,000 from fund 3100 – Sewer Service, Org 30244 - Sanitary Sewer Design, Expenditure Account 54919 – Services: Misc, Project 1000010 – DP300 Administrative Project, and be it

FURTHER RESOLVED: Funds for customizations, optional and additional products, upgrades, licenses with Cityworks Premium Business Partners will come from a combination of existing encumbrances and future funding. There are current encumbrances for \$300,000 funded in Fund 7760 – Grant Clearing Overhead, Org 30181 – Management Information Systems Unit, Expenditure Account 54919 – Services: Misc, Project 1001288 – PW Overhead Clearing Project. Funding for an additional future amount of \$200,000 will come from Fund, 3100 – Sewer Service, Org 30244 -Sanitary Sewer Design, Expenditure Account 54919 – Services: Misc, Project 1000010 – DP300 Administrative Project on an as-needed basis; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to execute any amendments or modifications to said agreement with the exception of those related to an increase in total compensation or the allocation of additional funds, and provided that such amendments or modifications shall be reviewed by the City Attorney and filed with the City Clerk's Office.

IN COUNCIL, OAKLAND, CALIFORNIA,

MAR 15 2022

PASSED BY THE FOLLOWING VOTE:

AYES - ~~XXXXXXXXXX~~, KALB, KAPLAN, REID, TAYLOR, THAO, AND PRESIDENT FORTUNATO BAS - 6

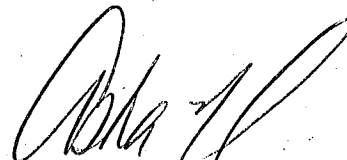
NOES - 0

ABSENT - 1 Fife

ABSTENTION - 0

Excused - 1 Gallo

ATTEST:



ASHA REED

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