

  
Felipe Ortiz (Jan 22, 2023 1:02 PST)  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

### RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**RESOLUTION: (1) AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH MOTOROLA SOLUTIONS, INC. IN A TOTAL AMOUNT NOT TO EXCEED TWO MILLION TWO HUNDRED NINETY THOUSAND THREE HUNDRED SIXTY EIGHT DOLLARS (\$2,290,368) FOR THE PURCHASE OF TWO HUNDRED TWENTY (220) MOBILE RADIOS AND ASSOCIATED EQUIPMENT, PROGRAMMING, TESTING, INSTALLATION AND PROFESSIONAL SERVICES FOR THE OAKLAND FIRE DEPARTMENT; AND (2) WAIVING THE CITY'S ADVERTISING, BIDDING, REQUEST FOR PROPOSAL (RFP) AND LOCAL BUSINESS/SMALL LOCAL BUSINESS UTILIZATION REQUIREMENTS**

**WHEREAS**, On 07/15/2014, the City Council adopted Resolution No. 85113 C.M.S authorizing the City Administrator to enter into an agreement with the East Bay Regional Communications System Authority (EBRCSA) within three months and to migrate all the 2,900 Oakland Users to the EBRCS network within 24 months; and

**WHEREAS**, On 3/15/2016, the City Council adopted Resolution No. 86055 C.M.S. authorizing the City Administrator to negotiate and enter into an agreement with Motorola Solutions, Inc. in an amount not to exceed \$3,800,000 for the purchase of nine hundred (900) mobile radios; and

**WHEREAS**, As a member of EBRCSA, the City uses Motorola radio equipment that compatible with the EBCRA network; and

**WHEREAS**, The Oakland Fire Department's (OFD) current Motorola APX7500 mobile radios no longer receive field support from Motorola and, as these units fail, they will not be fixed or repaired, which could leave OFD with critical radio communications outages creating a direct impact on OFD's ability to provide ongoing public safety services to all Oaklanders; and

**WHEREAS**, Oakland Municipal Code ("OMC") Title 2, Chapter 2, Article I, Section 2.04.042.B requires staff to conduct a multi-step proposal competitive solicitation process for the procurement of computerized/information technology systems (combined purchase of products and IT professional services); and

**WHEREAS**, OMC Title 2, Chapter 2, Article I, Section 2.04.050 requires formal advertising and competitive bidding when the City purchases services, supplies or a combination thereof that exceeds \$50,000.00, and

**WHEREAS**, OMC Title 2, Chapter 2, Article I, Section 2.04.050.I.5 permits the Council to waive formal advertising and competitive bidding upon a finding and determination that it is in the best interests of the City to do so due to the time-sensitive nature of the project, required compatibility with the EBRCSA network and system, and the critical role of mobile radio units in ensuring ongoing public safety in the City; and

**WHEREAS**, OMC Title 2, Chapter 2, Article I, Section 2.04.040.B permits the Council to waive the multi-step proposal solicitation competitive selection requirement upon a finding and determination that it is in the best interests of the City to do so, and staff recommends the waiver of this requirement because it is in the best interests of the City based on the reasons discussed herein and in the staff report that accompanies this resolution; and

**WHEREAS**, Ordinance number 13640 and 13647 C.M.S. requires a minimum 50-percent (50%) Local Business Enterprise/Small Local Business Enterprise (“LBE/SLBE”) participation for all purchase of commodities, goods and associated services for 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**, the Council may waive the City’s LBE/SLBE requirements for the purchase of commodities, goods, services, supplies or combination thereof due to a lack or limited availability of SLBEs or LBEs pursuant to Part I of Oakland’s Local and Small Local Business Enterprise Program guidelines adopted by Ordinance No. 13647 C.M.S. and because it is in the best interests of the City to do so based on the reasons discussed herein and in the Report that accompanies this Resolution; and

**WHEREAS**, staff has not been able to identify LBE/SLBEs that can provide the mobile radios and associated equipment, programming, testing, installation and professional services that are required under this contract and recommends that the Council waive the LBE/SLBE program utilization because it is in the best interests of the City to do so; 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; and

**WHEREAS**, the funding for this project was previously approved by the Oakland City Council through Resolution No. 89283 C.M.S., which adopted the City of Oakland Midcycle Policy Budget for Fiscal Year (FY) 2022-23; and

**WHEREAS**, the funds are available in Radio/Telecommunications Fund (4200), Public Safety Applications Organization (46531), Furniture and Equipment: Additions Account (57511), DP200 Administrative Project (1000009), and Emergency Response Support Services Program (PS26); now, therefore, be it

**RESOLVED**: That pursuant to OMC Title 2, Chapter 2, Article I, Section 2.04.050.I.5 and OMC section 2.04. 040, the Council hereby finds and determines that it is in the best interests of the City to waive formal advertising, bidding and the multi-step proposal competitive solicitation requirements for the above purchases due to the time-sensitive nature of the project, required compatibility with the EBRCSA network and system, and the critical role of mobile radio units in ensuring ongoing public safety in the City, and so hereby waives these requirements; and be it

**FURTHER RESOLVED**: That because of the lack of availability of any LBE/SLBEs that can provide the mobile radios and associated equipment, programming, testing, installation and professional services that are required under this contract, and because it is in the best interests of the City to do so as discussed herein and in the report that accompanies this resolution,, the Council hereby waives the LBE/SLBE utilization program requirement; and be it

**FURTHER RESOLVED**: That the City Council hereby authorizes the City Administrator or their designee to enter into an agreement with Motorola Solutions, Inc. in an amount not to exceed Two Million Two Hundred Ninety Thousand Three Hundred Sixty Eight Dollars (\$2,290,368) for the purchase of Two Hundred Twenty (220) Mobile Radios and associated equipment, programming, testing, installation and professional services for the Oakland Fire Department; and be it

**FURTHER RESOLVED**: That the City Administrator or their designee is hereby authorized to execute any amendments or modifications to said agreements 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; and be it

**FURTHER RESOLVED:** That the agreements shall be reviewed and approved by the City Attorney 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