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APPROVED AS TO FORM AND LEGALITY

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

  
Cybelle Ortiz (Mar 10, 2023 4:02 PM)  
CITY ATTORNEY'S OFFICE

**OAKLAND CITY COUNCIL**  
**RESOLUTION NO. 89649 C.M.S.**

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO:**

- (1) AMEND THE INSTALLATION, LICENSE AND MAINTENANCE AGREEMENT WITH PMWEB, INC. TO EXTEND THE TERM FROM DECEMBER 31, 2023, THROUGH DECEMBER 31, 2028, FOR A TOTAL NOT TO EXCEED CONTRACT AMOUNT OF THREE MILLION ONE HUNDRED AND TWENTY-SEVEN THOUSAND AND FIVE HUNDRED DOLLARS (\$3,127,500) FOR SUPPORT SERVICES, FUNCTIONALITY, LICENSES, TRAINING, AND ENHANCEMENTS FOR THE PMWEB APPLICATIONS; AND**
- (2) WAIVE THE MULTI-STEP PROPOSAL SOLICITATION AND THE LOCAL BUSINESS AND SMALL LOCAL BUSINESS PROGRAM UTILIZATION REQUIREMENT**

**WHEREAS,** Oakland Public Works (OPW) and the Oakland Department of Transportation (OakDOT), through the City of Oakland (City) Capital Improvement Program (CIP), maintain and construct the City of Oakland's infrastructure and capital assets, including streets, sidewalks, sewers, storm drains, and associated appurtenances, facilities, buildings, structures, parks, recreation centers, libraries, and other public buildings and spaces; and

**WHEREAS,** as CIP spending increases and construction projects increase in volume, it is necessary to consolidate project data and to provide executive and managerial level access to project performance data; and

**WHEREAS,** improvements and efficiencies will be realized in the general workflow and performance of City projects in terms of timeliness and budget, cloud-based computing, and data visualization and analysis; 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**, Resolution 87778 C.M.S. passed on July 9, 2019 authorized the procurement of the PMWeb software in compliance with OMC Section 2.04.042 and based on a Request for Proposal/Request for Qualifications (RFP/RFQ) process; and

**WHEREAS**, OPW and OakDOT will use PMWeb application to plan, record, and track capital improvement construction project performance through each project phase and utilize the centralized software solution for project management; and

**WHEREAS**, OPW and OakDOT commenced the work and identified the need for an expanded scope and timeframe to accomplish the project goals and proposes to extend the term and price for the PMWeb contract; and

**WHEREAS**, OMC Title 2, Chapter 2, Article I, Section 2.04.042.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 programming, development, configuration, testing, installation and professional services specific to PMWeb application 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; therefore, be it

**RESOLVED:** That the City Administrator is hereby authorized to: (1) Amend the installation, license, and maintenance agreement with PMWeb, Inc. to extend the term from December 31, 2023, through December 31, 2028, for a total not to exceed contract amount of three million one hundred and twenty-seven thousand and five hundred dollars (\$3,127,500) for support services, functionality, licenses, training, and enhancements for the PMWeb application; and (2) Waive the multi-step proposal solicitation and the local business and small local business program utilization requirement; and be it

**FURTHER RESOLVED:** That the license and maintenance agreement appropriations are split between OPW and OakDOT and that funds are available for FY 22-23 in Grant Clearing (Overhead) Fund (7760), Org (30181) Management Information Systems Unit, PWA Overhead Clearing Project (1001288), and DOT Overhead Clearing Project (1003336); in future years of the contract, appropriations will be included in the Budget contingent upon the availability of funding.; and be it

**FURTHER RESOLVED:** That pursuant to OMC Title 2, Chapter 2, section 2.04. 042D, the Council hereby finds and determines that it is in the best interests of the City to waive the multi-step proposal competitive solicitation requirements for the above purchases because PMWeb software was procured through a competitive RFP/RFQ bidding process and project development team has configured major modules and solicitation for a new software is not applicable for enhancement of an existing application, so the Council hereby waives these requirements; and be it

**FURTHER RESOLVED:** That because of the lack of availability of any LBE/SLBEs that can provide the PMWeb programming, development, configuration, implementation, 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 Administrator is hereby authorized to execute any amendments or modifications to said agreement, including an extension of the contract term, with the exception of amendments or modifications 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 21 2023**

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, ~~WAMMO~~, JENKINS, ~~KUNIN~~, KAPLAN, RAMACHANDRAN, REID, AND  
PRESIDENT FORTUNATO BAS - 6

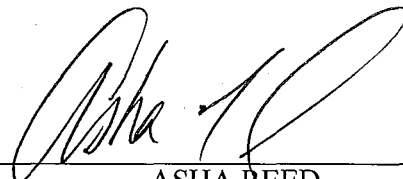
NOES - 0

ABSENT - Gallo

ABSTENTION - 0

Excused - Kalk

ATTEST:



ASHA REED

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