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FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

APPROVED AS TO FORM AND LEGALITY

  
Celso Ortiz (Nov 1, 2023 15:15 PPT)

CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. 90006 C.M.S.

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH NEUVYS TECHNOLOGIES, AN OAKLAND-BASED, LOCAL BUSINESS ENTERPRISE TECHNOLOGY PROVIDER TO UPGRADE AND CONSOLIDATE THE CITY'S DATA CENTER AND BACKUP INFRASTRUCTURE, FOR A TERM BEGINNING DECEMBER 5, 2023 AND ENDING DECEMBER 31, 2025, IN AN NOT-TO-EXCEED CONTRACT AMOUNT OF \$2,505,745, PLUS A TEN PERCENT CONTINGENCY OF \$227,795; AND WAIVING THE COMPETITIVE MULTIPLE-STEP SOLICITATION PROCESS**

**WHEREAS**, technology, including both systems and data, is the underlying pin that connects multiple City departments and agencies together and remains the basis upon which many City of Oakland processes provide services to its constituents; and

**WHEREAS**, staff has determined the required IT and cybersecurity upgrades and improvements must be able to integrate into existing systems and facilities and therefore limits the qualified vendors that are able to provide the equipment and professional services to facilitate the upgrades and improvements at the lowest possible cost; and

**WHEREAS**, the ability to renew and upgrade existing systems will provide significant cost savings and other efficiencies to the City, requiring the use of vendors who are familiar with the existing information technology architecture; 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

**WHEREAS**, staff determined that Neuvys Technologies is the only qualified vendor in the information technology industry, trade, or profession in the Local/Small Local Business Enterprise (L/SLBE) Program; and

**WHEREAS**, Oakland Municipal Code (“OMC”) section 2.04.042 requires that the City Administrator conduct a competitive multiple-step solicitation process for the acquisition of any computerized or information technology systems; and

**WHEREAS**, OMC section 2.04.042(D) provides that the City Council may waive the competitive process upon a recommendation of the City Administrator and finding and determination by the City Council that it is in the best interests of the City to waive the solicitation processes; and

**WHEREAS**, staff recommends that it is in the best interest of the City to waive the multiple-step solicitation process as these IT infrastructure and cybersecurity improvements must be made in a timely fashion, by qualified vendors, and there is only one qualified vendor in the information technology industry in the Local/Small Local Business Enterprise (L/SLBE) Program; and

**WHEREAS**, on June 26, 2023, the City Council authorized the biennial budget for Fiscal Year (FY) 2023 through 2025 where funding for this agreement was appropriated in the General Purpose Fund (1010), Network Security and Maintenance Organization (46471), and Cyber Incident 2023 Project (1006997); and

**WHEREAS**, the City Administrator has determined that this contract is of a professional and temporary nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive civil service; 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 Neuvys Technologies, An Oakland-Based, Local Business Enterprise Technology Provider to upgrade and consolidate the City’s data center and backup infrastructure For A Term Beginning December 5, 2023 And Ending December 31, 2025, In Not-To Exceed Contract Amount Of \$2,505,745, Plus A Ten Percent Contingency Amount Of \$227, 795; and be it

**FURTHER RESOLVED:** that the City Council finds and determines that pursuant to OMC section 2.04.042 (D), for the reasons stated above and in the City Administrator’s report accompanying this Resolution, it is in the best interests of the City to waive the competitive multiple-step solicitation process for the information technology products and services to be purchased under the proposed contract and so waives the requirements; and be it

**FURTHER RESOLVED**, the proposed vendor is a qualified LBE/SLBEs participant; and be it

**FURTHER RESOLVED:** that this Resolution shall be in effect for the entirety of the project; FY 2023 through 2025; and be it

**FURTHER RESOLVED:** that the agreement 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.

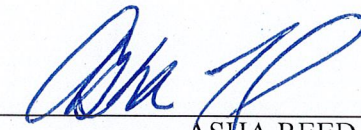
IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE: **DEC 05, 2023**

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND  
PRESIDENT FORTUNATO BAS -8

NOES - 9  
ABSENT 12  
ABSTENTION 10

ATTEST: \_\_\_\_\_



ASHA REED

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

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