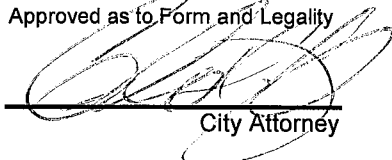


FILED
OFFICE OF THE CITY CLERK
OAKLAND

Approved as to Form and Legality

City Attorney

Revised PM 3:58
per Public Safety Committee JUNE 28, 2016

OAKLAND CITY COUNCIL

RESOLUTION No. 86271 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HER DESIGNEE TO:

1. **ENTER INTO A PREMIER MAINTAINED APPLICATION (PMA) MAINTENANCE AGREEMENT WITH MICROSOFT CORPORATION TO SUPPORT AND MAINTAIN THE SECOND GENERATION EARLY WARNING SYSTEM FOR THE OAKLAND POLICE DEPARTMENT FOR A TOTAL ESTIMATED THREE-YEAR COST NOT TO EXCEED ONE MILLION TWO HUNDRED TWENTY THOUSAND DOLLARS (\$1,220,000) OF WHICH:**
 - A. **THE FIRST YEAR COST OF THE PMA WILL BE THREE HUNDRED EIGHTY FOUR THOUSAND SIX HUNDRED AND FORTY-FOUR DOLLARS (\$384,644) TO BE APPROPRIATED FROM ALREADY BUDGETED FUNDS, AND**
 - B. **YEARS TWO AND THREE COST OF THE PMA WILL NOT EXCEED EIGHT HUNDRED THIRTY FIVE THOUSAND THREE HUNDRED FIFTY SIX DOLLARS (\$856,356), FUNDING TO BE CONTINGENT ON THE OAKLAND POLICE DEPARTMENT HAVING SUFFICIENT FUNDS IN ITS BASELINE BUDGET FOR FYS 2017-2019**

2. **WAIVE THE ADVERTISING, BIDDING AND REQUEST FOR PROPOSALS/QUALIFICATIONS (“RFP/Q”) COMPETITIVE SELECTION REQUIREMENTS FOR THIS AGREEMENT (OR AGREEMENTS, IF THREE SEPARATE AGREEMENTS ARE REQUIRED).**

WHEREAS, in 2006, the City’s Information Technology Department (ITD) built for the Oakland Police Department (OPD) a first-generation early warning system as required by the Negotiated Settlement Agreement (NSA) – a system known as the Internal Personnel Assessment System (IPAS); and

WHEREAS, since 2006, the IPAS system has become increasingly strained as OPD has needed its functionality to be significantly enhanced beyond the original requirements; and

WHEREAS, on October 21, 2014, the City Council adopted Resolution No. 85222 C.M.S., authorizing the City Administrator to award a contract to Microsoft Corporation for the design, development and implementation of the Oakland Police Department’s (OPD) second generation early-warning system and platform – the system and platform now known as the Performance,

Reporting, Information & Metrics Environment (PRIME); and

WHEREAS, PRIME is a mission-critical OPD information technology (IT) system central to the recording and analysis of many of the OPD's most critical operational activities such as use of force, canine deployment, tear gas canister distribution, OPD vehicle collisions, vehicle pursuits, cases sent for prosecution and personnel assessment; and

WHEREAS, PRIME is currently scheduled to go live in late 2016, and will require the expertise of PRIME's developer, Microsoft, to fully and properly support – particularly with respect to providing the ability to respond to system down time outside of normal business hours; and

WHEREAS, to deliver this needed level of advanced support, Microsoft has a specialized type of support offering called a Premier Maintained Application (PMA) agreement; and

WHEREAS, the Council finds that the services that will be needed as part of this Agreement are of a professional, scientific or technical and temporary nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

WHEREAS, OMC Section 2.04.050 requires advertising and competitive bidding for contracts when the City purchases services, supplies, equipment, and computer software or a combination thereof that exceeds \$50,000.00 and the award to the lowest responsible, responsive bidder if award is made; and

WHEREAS, OMC Section 2.04.050 I.5 provides an exception to the advertising and competitive bidding requirement of the OMC upon a finding and determination by the City Council that it is in the best interests of the City to do so; and

WHEREAS, OMC section 2.04.051 requires a competitive RFP/Q competitive selection process for award of contracts that exceed \$25,000 for professional service contracts and which are exempt from bidding under Section 2.04.050.1.1; and

WHEREAS, OMC sections 2.04.050.I. and 2.04.051.B permit the City Council to waive advertising, bidding and the RFP/Q competitive selection requirements upon finding that it is in the City's best interest to do so; and

WHEREAS, staff recommends that the Council find and determine that it is in the best interest of the City to waive the RFP/Q competitive selection requirements for this project based on the fact that a) PRIME is custom software developed specifically for the City/OPD by Microsoft and thus they are the only vendor capable of providing the necessary level of advanced support, and b) the 90-day post-deployment support provided for in the original PRIME contract with Microsoft is contingent on this PMA agreement being in place; 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 Council hereby authorizes the City Administrator to enter into a one-year Premier Maintained Application agreement with Microsoft Corporation in an amount not to exceed three hundred eighty-four thousand six hundred and forty-four dollars (\$384,644) to support and maintain the second generation early warning system for the Oakland Police Department; and be it

FURTHER RESOLVED, that funding for this project in an amount not to exceed \$384,644 will be available and budgeted with \$64,644 from funds authorized under Resolution No. 85222 C.M.S. and \$320,000 from funds authorized under Resolution No. 84585 C.M.S.; and be it

FURTHER RESOLVED, that years two and three Cost shall be funded contingent on the Oakland Police Department Having Sufficient Funds In Its Baseline Budget for FYs 2017-2019; and be it

FURTHER RESOLVED, that pursuant to OMC Section 2.04.050.I.5 and Section 2.04.051.B, the Council hereby finds and determines that it is in the best interests of the City to waive formal RFP/Q competitive selection requirements for the above purchase expenditures because of the urgent and time-sensitive nature of the project and its critical role in ensuring public safety in the City, and hereby waives advertising, bidding and the RFP/Q competitive selection requirements; and be it

FURTHER RESOLVED, that the City Administrator 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 City Administrator or her designee, is hereby authorized to enter into a one-year Agreement with Microsoft Corporation in an amount of Three Hundred Eighty-Four Thousand, Six Hundred and Forty-Four Dollars (\$384,644) to maintain the PRIME Second Generation Early Warning System for the Oakland Police Department; 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, July 5, 2016, 2016

PASSED BY THE FOLLOWING VOTE:

AYES – BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KERNIGHAN, REID, AND PRESIDENT MCELHANEY

NOES –

ABSENT –

ABSTENTION –

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