

**REVISED**  
4-29-11

Approved as to Form and Legality

OFFICE OF THE CITY CLERK  
OAKLAND

MAY -5 PM 2:32

  
City Attorney

## OAKLAND CITY COUNCIL

RESOLUTION No. 83358 C.M.S.

**RESOLUTION WAIVING ADVERTISING, BIDDING AND REQUEST FOR PROPOSALS/QUALIFICATIONS REQUIREMENTS, AND AUTHORIZING THE CITY ADMINISTRATOR OR HIS DESIGNEE TO:**

- 1) ENTER INTO A FIVE-YEAR CONTRACT WITH ACCELA, INC., FOR SOFTWARE, EQUIPMENT AND SERVICES TO IMPLEMENT A COMPUTERIZED LAND-USE MANAGEMENT SYSTEM IN AN AMOUNT NOT TO EXCEED \$4,995,000.00 OVER THE TERM OF THE CONTRACT; AND
- 2) AWARD A FINANCING CONTRACT FOLLOWING A COMPETITIVE SOLICITATION FOR INTEREST RATES TO PAY FOR THE ACCELA COMPUTERISED LAND-USE MANAGEMENT SYSTEM, AND
- 3) CARRY OUT THE ABOVE ACTIONS WITHOUT RETURN TO COUNCIL

**WHEREAS,** the Community and Economic Development Agency has a critical need to replace and upgrade the functionality of the Permit Enforcement and Records Tracking System (PERTS); and

**WHEREAS,** the ability to conduct business in multiple languages will increase the accessibility and transparency of City Government and meets the intent of the Equal Access Ordinance 12324, C.M.S. established by the City of Oakland in 2001; and

**WHEREAS,** the City wishes to make their electronic and information technology accessible to people with disabilities and the citizens and businesses of Oakland have demanded a product that is capable of providing Web capable services; and

**WHEREAS,** the City solicited qualifications for the implementation of a comprehensive computerized land use management system in 2003, several vendors (including Accela, Inc.) submitted qualifications and proposals, a vendor (not Accela) was awarded the contract, but the City subsequently agreed to amend and reduce the scope eliminating several important features of the system; and

**WHEREAS,** the Departments of Information Technology and Community and Economic Development Agency (CEDA) have reviewed the 2003 list of qualified vendors and in recent months conducted market research in the land use management arena and have determined that the system offered by Accela, Inc., would best meet the technical and departmental requirements of CEDA; and

**WHEREAS**, staff, therefore, recommends that it is in the City's best interests for the Council to waive advertising, bidding and request for proposals/qualifications processes for purchase of the Accela system based on the following:

- 1) Accela participated in the City's 2003 solicitation for a similar system submitting a proposal that demonstrated they were well-qualified to provide such a system; and
- 2) Staff has determined based on market research conducted in recent months that:
  - a) Accela is the only US-based permitting vendor that offers software/equipment that is fully compatible with the City's existing Oracle platform, the City has made significant investments in Oracle technology and the ability to link existing systems directly into Oracle financials will facilitate reporting and financial accountability; and
  - b) Accela Automation provides unique qualifications as it is the only US Based permitting vendor that is 508 Compliant, which requires public agencies to make electronic and information technology accessible to people with disabilities; and
  - c) Accela is the only US permitting vendor that supports multi languages – providing a citizen access portal that could support the 24.8% Hispanic population and the 15.5% Asian population of the City of Oakland, and the ability to conduct business in multiple languages will increase the accessibility and transparency of City Government and meets the intent of the Equal Access Ordinance 12324 C.M.S. established by the City of Oakland in 2001.

**WHEREAS**, Oakland Municipal Code Section 2.04.050.I.5 and 2.04.051.B permit the Council to waive advertising, bidding and the request for proposals/qualifications requirements upon a finding that it is in the City's best interests to do so; and

**WHEREAS**, staff recommends paying for the system by securing a loan at an interest rate not in excess of 4.94% and proposes that the City solicit competitive financing proposals from lending institutions and the financing arm of Accela, Inc. for this purpose; and

**WHEREAS**, staff recommends that it would expedite the project if the Council authorizes the City Administrator to award the financing agreement (which will be either a loan to a lending institution, or a lease-purchase agreement to the financing arm of Accela, Inc., depending on who offers the most competitive rate (not to exceed 4.94%) without return to Council; and

**WHEREAS**, existing funds in the amounts and Accounts/Funds identified in the agenda report accompanying this Resolution are available for the upgrade that will finance this computerized system lease; and

**WHEREAS**, the City Administrator has determined that the contract(s) authorized hereunder are of a professional, technical, scientific and temporary nature and shall not result in the loss of employment or salary by any person by any person having permanent status in the competitive service; now, therefore be it

**RESOLVED:** That pursuant to Oakland Municipal Code Section 2.04.050.I.5 and 2.04.051.B and for the reasons stated above and in the City Administrator's report accompanying this item, the Council finds and determines that it is in the best interests of the City to waive advertising, bidding and the request for proposals/qualifications requirements for the purchase and implementation of a computerized land use management system from Accela, Inc., and so waives the requirements; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to negotiate and enter into a five-year contract with Accela, Inc., for software, equipment and services to implement a computerized land-use management system in an amount not to exceed \$4,995,000 over the term of the contract; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to award a financing contract with an interest rate (not to exceed 4.94%) following a solicitation process, which will be a loan with a lender or a lease-purchase agreement with the financial arm of Accela, Inc. depending on who offers the most competitive interest rate (not to exceed 4.94%), to pay for the Accela, Inc. computerized land use management system; and be it

**FURTHER RESOLVED:** That the contract(s) authorized hereunder shall be reviewed and approved by the Office of the City Attorney for form and legality and filed with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, MAY 17 2011, 20      

**PASSED BY THE FOLLOWING VOTE:**

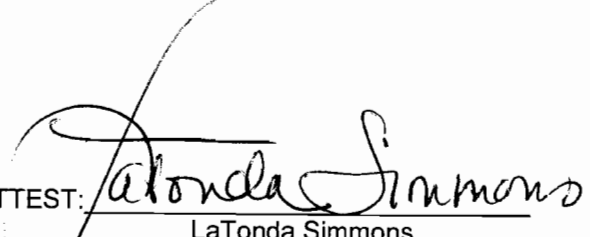
AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and PRESIDENT REID - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:

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