

## BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXTEND THE AGREEMENT WITH MERCURY TECHNOLOGY GROUP, INC. FOR ORACLE ENTERPRISE RESOURCE PLANNING HOSTING SERVICES FOR APPROXIMATELY FIVE YEARS IN THE AMOUNT NOT TO EXCEED \$1,154,934, AND TO WAIVE FORMAL COMPETITIVE PROCUREMENT PROCEDURES.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 6.3, dated November 9, 2017 and related agenda materials ("Agenda Report"), has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

WHEREAS, that in acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report, and in related agenda materials and in testimony received;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

**Section 1.** Based upon the information contained in the Agenda Report and in testimony received, the Board finds and determines that the requested action is exempt from the California Environmental Quality Act ("CEQA") under the general rule exclusion under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that executing this agreement for Oracle Enterprise Resource Planning ("ERP") hosting services will not have a significant effect on the environment and therefore is not a "project" under CEQA.

**Section 2.** The Board hereby approves and authorizes the Executive Director to waive competitive procurement procedures and to extend the agreement with **Mercury Technology Group, Inc.** for Oracle ERP hosting services for a period of approximately five years for a total cost not to exceed \$1,154,934 (which includes \$1,049,940 for hosting services and change orders of up to 10%, or \$104,994, at the Executive Director's sole discretion), as further described in the Agenda Report and provided that all agreements are approved as to form and legality by the Port Attorney.

**Section 3.** This resolution is not evidence of and does not create or constitute (a) a contract, or the grant of any right, entitlement, or property interest; or (b) any obligation or liability on the part of the Board or any officer or employee of the Board. This resolution approves and authorizes the execution of a contract in accordance with the terms of this resolution. Unless and until a separate written contract is duly executed on behalf of the Board as authorized by this resolution, is signed as approved as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective contract.

**Section 4.** This resolution shall be effective immediately upon adoption by the Board.

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