

## AGENDA REPORT

**Resolution:** Approve and Authorize the Executive Director to Consent to the Assignment of the Contract for Port Website Services with VNM Group, Inc. (dba Ciniva Web Agency) to Ciniva LLC (**Finance & Admin.**)

**MEETING DATE:** 5/24/2018

**AMOUNT:** \$0Choose an item.

**PARTIES INVOLVED:** Ciniva LLC, Norfolk, VA  
James Burns, CEO  
  
VNM Group, Inc. dba Ciniva Web Agency, Norfolk, VA  
Steve Van Leeuwen, Previous President

**SUBMITTED BY:** Sara Lee, Chief Financial Officer

**APPROVED BY:** J. Christopher Lytle, Executive Director

**ACTION TYPE:** Resolution

### **EXECUTIVE SUMMARY**

In 2016, VNM Group, Inc. ("VNM Group"), dba Ciniva Web Agency, redesigned the Port's websites (portofoakland.com and oaklandairport.com). VNM Group also hosts and maintains these websites. On August 8, 2017, Ciniva LLC acquired the assets of VNM Group. As a result of this acquisition, it is requested that the Board of Port Commissioners assign the Port's contract with VNM Group to Ciniva LLC.

### **BACKGROUND**

On September 10, 2015, the Board of Port Commissioners approved Resolution 15-107 authorizing a contract with VNM Group to provide for Port website redesign, hosting, and maintenance. VNM Group was chosen through a formal competitive process. The hosting and maintenance contract with VNM Group expires on March 27, 2019 with the option to extend for two additional years.

### **ANALYSIS**

On August 8, 2017, Ciniva LLC acquired the assets of VNM Group. Ciniva LLC has submitted documentation to the Port demonstrating its financial and operational capabilities to continue providing quality professional services to the Port; therefore, it is in the best interest of the Port to consent to the assignment of the contract from VNM Group to Ciniva LLC. Staff does

not anticipate any changes to the services under the contract, which expires on March 27, 2019 with the option to extend for two additional years.

### **BUDGET & STAFFING**

The proposed action does not have any budget or staffing impact.

### **MARITIME AVIATION PROJECT LABOR AGREEMENT (MAPLA)**

The matters included in this Agenda Report do not fall within the scope of the Port of Oakland Maritime and Aviation Project Labor Agreement (MAPLA) and the provisions of the MAPLA do not apply.

### **STRATEGIC PLAN**

The action described herein would help the Port achieve the following goals and objectives in the Port's Strategic Business Plan (2018-2022).

<https://www.portofoakland.com/wp-content/uploads/Port-of-Oakland-Strategic-Plan.pdf>

- Goal: Modernize and Maintain Infrastructure

### **LIVING WAGE**

Living wage requirements, in accordance with the Port's Rules and Regulations for the Implementation and Enforcement of the Port of Oakland Living Wage Requirements (the "Living Wage Regulations"), do not apply to this agreement as the service provider does not employ 21 or more employees working on Port-related work. However, the service provider will be required to certify that should living wage obligations become applicable, the service provider shall comply with the Living Wage Regulations.

### **SUSTAINABILITY**

Port staff have reviewed the Port's 2000 Sustainability Policy and did not complete the Sustainability Opportunities Assessment Form. There are no sustainability opportunities related to this proposed action because it does not involve a development project, purchasing of equipment, or operations that presents sustainability opportunities.

### **ENVIRONMENTAL**

California Environmental Quality Act ("CEQA") Guidelines Section 15378(a) states that "Project" means the whole of an action that has a potential for resulting in either direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. The general rule in Section 15061(b)(3) of the Guidelines additionally states that CEQA applies only to activities that have a potential for causing a significant effect on the environment. Because it can be seen with certainty that the Board of Port Commissioners assignment of the Port's contract with VNM Group to Ciniva LLC creates no possibility of a significant effect on the environment, the action is not a "Project" under CEQA, and is not

subject to CEQA under the General Rule Exclusion. No further review of this action under CEQA is required.

### **GENERAL PLAN**

This action does not change the use of any existing facility, make alterations to an existing facility, or create a new facility; therefore, a General Plan conformity determination pursuant to Section 727 of the City of Oakland Charter is not required.

### **OWNER-CONTROLLED INSURANCE PROGRAM (OCIP)**

This action is not subject to the Port's Owner Controlled Insurance Program (OCIP) as it is not a capital improvement construction project.

### **OPTIONS**

- Approve the assignment of the Port's contract with VNM Group to Ciniva LLC. This is the recommended action.
- Do not approve the assignment of the contract, which will mean the Port will not have an effective contract with a current entity to provide website services and will require obtaining a new provider.

### **RECOMMENDATION**

Approve and authorize the Executive Director to consent to the assignment of the Port's contract with VNM Group, Inc. (dba Ciniva Web Agency) to Ciniva LLC for website services, and authorize the Executive Director to execute all documents necessary to effectuate the assignment, subject to approval as to form and legality by the Port Attorney.