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BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO AN AGREEMENT WITH PCMG, INC. TO RENEW MICROSOFT SOFTWARE LICENSING FOR THREE (3) YEARS IN AN AMOUNT NOT TO EXCEED \$761,365.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 6.6, dated April 25, 2019 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:

- A. It is in the best interest of the Port to use the Microsoft Software Licensing Cooperative Purchasing Agreement developed by the County of Riverside, as well as consider the results of the informal solicitation for quotes from seven Microsoft-recommended resellers authorized under the cooperative purchasing agreement; and
- B. The requested action is not subject to the California Environmental Quality Act ("CEQA") because it can be seen with certainty that there is no possibility that the requested agreement would result in a physical change in the environment.

Section 2. The Board hereby approves and authorizes the Executive Director to enter into an agreement with **PCMG, Inc.** to renew Microsoft software licensing using the Microsoft Software Licensing Cooperative Purchasing Agreement developed by the County of Riverside and considering the informal quotes received from Microsoft-recommended resellers, for an amount not to exceed **\$761,365**, 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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