

AGENDA REPORT

Resolution: Approve and Authorize the Executive Director to Enter into a Supplemental Agreement with Ciniva LLC for Website Hosting and Maintenance for One Year with Two One-Year Extension Options in an Amount Not to Exceed \$280,500. **(Executive Office)**

MEETING DATE: 9/24/2020

AMOUNT: \$280,500 (Three Year Total)
Operating Expense

PARTIES INVOLVED: Ciniva LLC, Norfolk, VA
James Burns, CEO

SUBMITTED BY: Kyle Mobley, Information Technology Director

APPROVED BY: Danny Wan, Executive Director

ACTION TYPE: Resolution

EXECUTIVE SUMMARY

This action would authorize the Executive Director to execute a supplemental agreement with Ciniva LLC to continue hosting and maintaining the Port's three major websites (portfoakland.com, oaklandairport.com, and oaklandseaport.com) for one year with two, one-year extension options at a cost not to exceed \$280,500.

BACKGROUND

On September 10, 2015, the Board of Port Commissioners approved Resolution 15-107 authorizing a contract with VNM Group, Inc. to redesign, host, and maintain two of the Port's main websites (portfoakland.com and oaklandairport.com). VNM Group was chosen through a formal competitive process. On August 8, 2017, Ciniva LLC acquired the assets of VNM Group, and on May 24, 2018, the Board of Port Commissioners approved Resolution 18-40 to assign the contract from VNM Group to Ciniva. Ciniva also hosts and maintains the Port's other main website (oaklandseaport.com) under separate purchase orders. The current contract with Ciniva expires on March 27, 2021.

ANALYSIS

Ciniva currently provides hosting (servers and networking) and maintenance (create and update routine website content) services for the Port's three primary websites. Hosting and maintenance for the portfoakland.com and oaklandairport.com websites costs \$44,940 annually. Hosting and maintenance for oaklandseaport.com varies year to year and costs up to \$30,000 depending on yearly needs, for a total of approximately 75,000 per year.

Staff recommends combining the current contract and purchase orders into one agreement. Based upon current needs, the cost to host and maintain the three websites would increase to \$93,500 per year. Although this is an increase compared with previous years, costs are in line with current industry norms. Additionally, the amount paid on the existing contract has not increased since the beginning of its 5-year term.

Port staff recommends the Board of Port Commissioners authorize the Executive Director to enter into a supplemental agreement with Ciniva LLC for website hosting and maintenance for one year with two one-year extension options (upon the parties' mutual agreement) in an amount not to exceed \$280,500 for all three years. This will provide flexibility to cease the annual maintenance and hosting if the Port should choose to instead redesign the websites in the future. The contract extension will also consolidate the hosting and maintenance for all three websites into one contract.

BUDGET & STAFFING

Port staff is requesting the Board's authorization of a contract for \$280,500 for purposes described above. The cost will be reflected in the fiscal 2020-2021, 2021-2022, 2022-2023 and 2023-2024 budgets. While the total amount is higher by \$6,200 than the fiscal year 2020-2021 budgeted amount, staff has determined there will be other savings offsetting the small increase and expects no budget impact. The contract is for up to 3 years, but it crosses up to 4 fiscal years.

There is no projected impact to Port staffing.

MARITIME AVIATION PROJECT LABOR AGREEMENT (MAPLA)

The matters contained 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.portoakland.com/wp-content/uploads/Port-of-Oakland-Strategic-Plan.pdf>

Goal: Improve Customer Service

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 completed the Sustainability Opportunities Assessment form for this action pursuant to the 2000 Sustainability Policy and updated procedures. Entering into a supplemental agreement with Ciniva will allow existing servers to be retained since having another company host the Port's website would not be as sustainable. Port staff considered adaptation to climate change but determined there are no current opportunities.

ENVIRONMENTAL

The proposal to authorize the Executive Director to enter into supplemental agreements with Ciniva for website hosting and maintenance was reviewed in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. Section 15378 of the CEQA Guidelines defines a project by an agency as "an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." In particular, per section 15378(b), projects do not include "[c]ontinuing administrative or maintenance activities" or "[o]rganizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment." The proposed action entails website design and hosting, with no potential for direct or indirect physical change in the environment. Therefore, this action is not subject to CEQA and no further environmental review is required.

GENERAL PLAN

This project is for professional services and will not directly include any alteration of property. Development projects that result from these professional services will be subject to separate findings of conformity with the City of Oakland General Plan in accordance with Section 727 of the Charter.

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

1. Authorize the Executive Director to enter into a supplemental agreement with Ciniva LLC for website hosting and maintenance for one year with two, one-year extension options in an amount not to exceed \$280,500. This is the recommended action.
2. Have Port staff conduct a formal request for proposal process to find a company to create, host and maintain new websites. This option, however, is very expensive and time consuming as it would require a complete reworking of the websites if we were to change hosting.
3. Do not enter into any agreement for website hosting and maintenance; however, Port would no longer have the 3 primary websites available on the internet.

RECOMMENDATION

Approve and authorize the Executive Director to enter into a supplemental agreement with Ciniva LLC for website hosting and maintenance for the Port's three major websites for one year with two, one-year extension options in an amount not to exceed \$280,500, as further described in this Agenda Report.