

**FILED**  
OFFICE OF THE CITY CLERK  
OAKLAND

2015 AUG -5 PM 12: 11

Approved as to Form and Legality



\_\_\_\_\_  
City Attorney

## OAKLAND CITY COUNCIL

RESOLUTION No. 85721 C.M.S.

**RESOLUTION WAIVING THE REQUEST FOR PROPOSALS/QUALIFICATIONS (“RFP/Q”) REQUIREMENT AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH TELE PERFORMANCE USA, INC. FOR REAL-TIME, OFF-SITE CLOSED-CAPTIONING OF REGULAR AND SPECIAL MEETINGS OF THE OAKLAND CITY COUNCIL, COUNCIL COMMITTEES AND CITY OF OAKLAND PUBLIC MEETING BODIES IN A TOTAL AMOUNT NOT TO EXCEED FIFTY THOUSAND DOLLARS (\$50,000) PER YEAR FOR THE TWO-YEAR PERIOD FROM SEPTEMBER 1, 2015 THROUGH AUGUST 31, 2017 FOR A CONTRACT AMOUNT OF \$100,000,; WITH TWO (2) ONE-YEAR OPTIONS TO EXTEND THE CONTRACT FOR AN ADDITIONAL AMOUNT OF FIFTY THOUSAND DOLLARS OF \$200,000**

**WHEREAS**, Staff recommends that the City of Oakland renew an agreement with Teleperformance USA, Inc. TPUSA (formerly Aegis Rapid Text, Inc.) to provide real-time, live closed-captioning of regular and special meetings of the Oakland City Council, Council Committees, and City of Oakland public meeting bodies in a contract amount of One Hundred Thousand Dollars (\$50,000 per year) for the period from September 1, 2015 through August 31, 2018 and authorizing two (2) one-year options to extend the contract for an additional amount not to exceed fifty thousand dollars (\$50,000) per year, for a grand total contract amount of \$200,000, and;

**WHEREAS**, the services to be provided under the contract are required by the Americans with Disability act (ADA) 42 U.S.C. & 12101 et seq and City of Oakland Administrative instruction No. 123, the city’s Equal Access Policy, and;

**WHEREAS**, the City lacks the equipment and qualified personnel to perform the necessary work, and the performance of this contract is in the public interest because of economy or better performance; and

**WHEREAS**, the City Council finds and determines that the services that will be needed are of a professional, scientific or technical and temporary nature and the contract shall not result in the loss of salary or employment by any person having permanent status in the competitive service, and;

**WHEREAS**, the service obligation was transferred from the Office of the City Clerk in 2011 along with the budgeted allocated funding through fiscal year 2012 – 2013 pursuant to Section 105 of the City Charter and;

**WHEREAS**, the allocation of \$50,000 annually, is currently budgeted, and;

**WHEREAS**, the current contract expires with the current captioner Teleperformance USA, Inc. (formerly Aegis Rapidtext, LLC) will expire August 31, 2015. Prior to execution of the current contract, the department of Contract Compliance sent sixty-four (64) invitation notifications to firms including three (3) located in Oakland. At that time, the City of Oakland received only one (1) RFP response from the existing service provider Teleperformance USA Inc. (formerly Aegis Rapid Text, Inc.); and

**WHEREAS**, on February 24, 2015, the department of contract compliance performed an availability analysis to determine the number of qualified local service providers and determined there are no local service providers available for competitive bids; and

**WHEREAS**, OMC Title 2, Chapter, Article I, Section 2.04.010 provides for a Local and Small Local Business Enterprise (L/SLBE) Program requirement, unless it is waived by the City Administrator or the Council; and

**WHEREAS**, Oakland Municipal Code (OMC) Title 2, Chapter 2, Article I, Section 2.04.051.A requires a competitive Request for Proposal/Qualification (RFP/Q) selection process for the procurement of professional services in excess of \$25,000.00; and

**WHEREAS**, OMC Title 2, Chapter 2, Article I, Section 2.04.051.B permits the Council to waive the competitive RFP/Q competitive selection requirement upon a finding and determination that it is in the best interests of the City to do so; and

**WHEREAS**, based on the lack of qualified service providers, the cost effective means of service delivery, and the established service protocols, it is in the City's best interests to waive the small local business and competitive bid requirements for this service; and

**WHEREAS**, Staff recommends the execution of a new contract with Teleperformance USA, Inc. and waiver of small local business and RFP/Q requirements to ensure the City's ability to comply with ADA requirements; and

**WHEREAS**, The City of Oakland desires that TPUSA provide the required services to the City of Oakland during the City Council, Committee/ Council meetings and all special meetings of the City Council; and

**WHEREAS**, the current contract expires with the current captioner Teleperformance USA, Inc. (formerly Aegis Rapidtext, LLC) will expire August 31, 2015; now be it:

**RESOLVED:** That the City Administrator is hereby authorized to execute a contract with Teleperformance USA, Inc., to provide real-time, live, off-site closed-captioning services of regularly scheduled and special meetings of the Oakland City Council, City Council Committees, and other City of Oakland governing body meetings in a contract amount one

hundred thousand dollars (\$50,000 per year) for the period from September 1, 2015 through August 31, 2017; and be it:

**FURTHER RESOLVED:** That services provided by Teleperformance USA, Inc., are temporary and of a professional, scientific, or technical nature, and the contract will not result in the loss of employment or salary by any person; and be it

**FURTHER RESOLVED:** That the City Administrator is hereby authorized to exercise two one-year options to extend the agreement with Teleperformance USA, Inc. In a total amount not to exceed fifty thousand dollars (\$50,000) per year for the period from September 1, 2017 through August 31, 2019, for a grand contract total amount of \$200,000 ; and be it:

**FURTHER RESOLVED:** That pursuant to Oakland Municipal Code Section 2.04.051.B the Council hereby finds and determines that it is in the best interests of the City to waive the RFP/Q competitive selection and L/SLBE requirements because of the reasons set forth herein and in the Report that accompanies this Resolution; and be it

**FURTHER RESOLVED:** the budgeted allocation of \$50,000 currently exists to support this mandated service in 1760, Section 105. Transfer of Records and Property. The transfer of any function from one department to another by this Charter or by any lawful ordinance or administrative authority also authorizes the corresponding transfer of all records, property, and equipment necessary to such function; and be it:

**FURTHER RESOLVED:** That the agreement or extension authorized hereunder are subject to City Attorney approval for form and legality and shall be placed in the file in the Office of the City Clerk.

**JUL 21 2015**

IN COUNCIL, OAKLAND, CALIFORNIA,  
**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, & MCELHANEY-GIBSON - 7

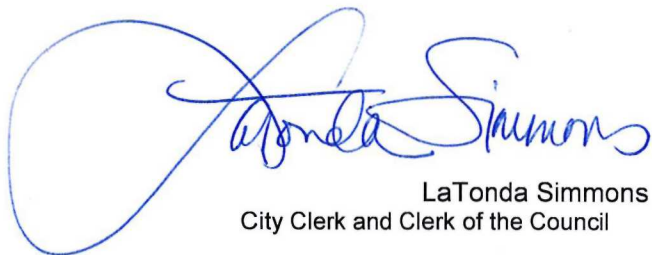
excused - Brooks - 1

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST: \_\_\_\_\_



LaTonda Simmons  
City Clerk and Clerk of the Council