



FILED
OFFICE OF THE CITY CLERK
OAKLAND
2013 MAR -7 PM 12:09

AGENDA REPORT

**TO: DEANNA J. SANTANA
CITY ADMINISTRATOR**

**FROM: LaWanna Preston
Employee Relations**

**SUBJECT: Resolution Requesting to Waive A
Request for Proposals and Extend a
Professional Service Contract**

DATE: February 26, 2013

City Administrator Approval		Date	2/7/13
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COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends approval of a resolution waiving advertising and the request for proposals process and authorizing the City Administrator to amend the professional services contract with Renne Sloan Holtzman Sakai LLP, Public Law Group, to conduct negotiations with miscellaneous employees' unions to increase the amount of negotiations work, extend the term of the contract to March 31, 2014 and increase the contract by an amount not to exceed one hundred thousand dollars (\$100,000), for a total contract amount of one hundred ninety thousand dollars (\$190,000).

EXECUTIVE SUMMARY

The Memorandum of Understanding (MOU) with miscellaneous employee unions Service Employees International Union (SEIU) Local 1021, International Federation of Professional Technical Engineers (IFPTE) Local 21, International Brotherhood of Electrical Workers (IBEW) Local 1245 and Confidential Management Employee Association (CMEA) expire on June 30, 2013. Given the shortage in staff and the cumulative work that requires us to stabilize our capacity during meet and confer with the miscellaneous unions, staff recommends that the City Council waive the Request for Proposals (RFP) process and add an additional \$100,000 dollars to enable the timely execution of the contract. This is required to allow the Public Law Group to meet and confer regarding the MOUs with the affected unions in compliance with 'good faith' provisions of the *Meyers-Milias-Brown Act* (California Government Code Section 3500 et seq.), for timely communications. The Public Law Group is uniquely qualified to conduct negotiations on the City's behalf in that they have a history of bargaining the miscellaneous contracts and are aware of the key financial issues that impact the City's bargaining capacity.

Item: _____
City Council
March 19, 2013

BACKGROUND/LEGISLATIVE HISTORY

The Public Law Group was hired in 2007 to bargain the Oakland Police Officers Association (OPOA) collective bargaining agreements, in 2008 and 2010 they were hired to bargain the miscellaneous agreements. The City solicited proposals for assistance with labor negotiations on September 2, 2012, indicating that a contract would be set for \$90,000. The Public Law Group was selected and the City Administrator executed an agreement with the Public Law Group on September 27, 2012, in the amount of \$90,000.

The Public Law Group was selected because this firm's wealth of experience of bargaining public sector agreements is unmatched and they have bargained the City's miscellaneous agreements in the past. In addition, they are uniquely qualified to conduct negotiations on the City's behalf in that they have worked on organizational development projects with the Public Financial Management Group and are knowledgeable about key financial issues that impact the City's bargaining capacity.

ANALYSIS

Staff request an additional one hundred thousand (\$100,000) dollars be added to the current Public Law Group agreement to provide two (2) Chief Negotiators to bargain the miscellaneous agreements. Jonathan Holtzman and Geoff Rothman would serve as the Chief Negotiators for the City of Oakland and be responsible for developing a negotiating strategy; communicating with elected officials and City management for direction and input throughout negotiations; leading the bargaining team at the table, including proposal and counterproposal development; preparing the final negotiated contracts; providing training to City management departments on new and revised provisions in the adopted contract; and conducting impasse process, if necessary.

The Public Law Group has the qualifications and skills necessary to adequately represent the City in negotiations. Both Mr. Holtzman and Mr. Rothman have a long history of bargaining miscellaneous agreements and are knowledgeable about the City's financial issues. Mr. Holtzman's extensive knowledge of the fact finding process now required by Assembly Bill 646 (AB 646), which amends the Meyers-Milias-Brown Act (MMBA) to require fact finding before an agency may unilaterally implement its last, best and final offer. The Public Law Group is uniquely qualified to bargaining the miscellaneous agreements for the City of Oakland.

Although a competitive process was conducted, the additional work is significantly above the amount of work advertised in the City's September 2012 solicitation, i.e., twice the amount. Therefore, it is new work for which the City must conduct a new solicitation unless the Council finds that it is in the City's best interests to waive the competitive process, Oakland Municipal Code §2.04.051(B).

Item: _____
City Council
March 19, 2013

The City had previously contracted another consultant to assist with labor negotiations. However, staff was recently informed that the consultant will not be able to perform this work and City needs replacement services as soon as possible in order to avoid delay in negotiations. Conducting a competitive process would require several months time and result in a delay in negotiations. The Public Law Group is well qualified to perform the additional work. Therefore, it is in the City's best interests to waive the competitive process and add the additional work to the existing contract with the Public Law Group.

PUBLIC OUTREACH/INTEREST

No public outreach is required for this RFP.

COST SUMMARY/IMPLICATIONS

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:
Request an additional One Hundred Thousand (\$100,000) dollars.
2. SOURCE OF FUNDING: 1010 GPF /02311 Equal Opportunity Programs /54919 Miscellaneous Contract Services / 0000000 Undetermined Project / IP07 Employment Opportunity Program.
3. FISCAL IMPACT: None.

SUSTAINABLE OPPORTUNITIES

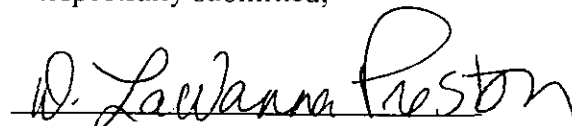
Economic Opportunities: There are no direct economic opportunities

Environmental Opportunities: There are no direct environmental opportunities.

Social Equity: There are no social equity impacts resulting from this action.

For questions regarding this report, please contact D. LaWanna Preston, Employee Relations Director, at 510-238-6466.

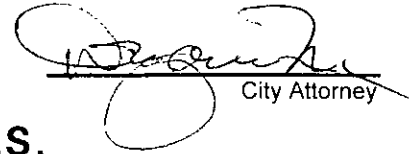
Respectfully submitted,


D. LAWANNA PRESTON
Director, Employee Relations

Item: _____
City Council
March 19, 2013

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL


City Attorney

2013 MAR -7 PM 12:09
RESOLUTION No. _____ C.M.S.
Introduced by Councilmember _____

RESOLUTION WAIVING ADVERTISING AND THE REQUEST FOR PROPOSALS PROCESS, AND AUTHORIZING THE CITY ADMINISTRATOR TO AMEND THE SEPTEMBER 2012 SERVICES CONTRACT WITH RENNE SLOAN HOLTZMAN SAKAI, LLP, PUBLIC LAW GROUP, FOR ASSISTANCE WITH MISCELLANEOUS EMPLOYEES UNION NEGOTIATIONS, TO INCREASE THE AMOUNT OF NEGOTIATIONS WORK, EXTEND THE TERM OF THE CONTRACT TO MARCH 31, 2014, AND INCREASE THE CONTRACT BY AN AMOUNT NOT TO EXCEED ONE HUNDRED THOUSAND DOLLARS (\$100,000.00), FOR A TOTAL CONTRACT AMOUNT OF ONE HUNDRED NINETY THOUSAND DOLLARS (\$190,000)

WHEREAS, in September, 2012, the City of Oakland solicited proposals for the services of labor negotiators up to an amount of one hundred thousand dollars (\$100,000) to assist with bargaining, Renne Sloan Holtzman Sakai, LLP, Public Law Group ("Public Law Group") was selected, and City entered into a professional services agreement with the firm in September, 2012, in the amount of ninety thousand dollars (\$90,000) for services through July 2013; and

WHEREAS, the City of Oakland wishes to amend the agreement with Renne Sloan Holtzman Sakai, LLP, Public Law Group ("Public Law Group") to increase the negotiation work, extend the contract to March 31, 2014 and increase the contract amount by one hundred thousand dollars (\$100,000); and

WHEREAS, the Public Law Group has the qualifications and skills necessary to adequately represent the City in negotiations as it has a long history of bargaining miscellaneous agreements, including for governmental entities, and has necessary knowledge of the fact finding process now required by Assembly Bill 646; and

WHEREAS, the Public Law Group, and specifically, Mr. Jonathan Holtzman, is uniquely qualified to conduct negotiations on the City's behalf in that Mr. Holtzman has this year worked on organizational development projects with the PFM Group, group of companies that provide independent financial advice and investment advisory, management and consulting services to local, state, and regional government and non-profit clients nationwide, and is knowledgeable about key financial issues that impact the City's bargaining capacity; and

WHEREAS, the Public Law Group assisted the City in negotiating the recent revision of its Civil Service Rules with miscellaneous employees' unions and is well known to them; and

WHEREAS, because the additional work is significantly above the amount of work advertised in the September 2012 solicitation, it is new work and City must conduct a new solicitation unless the Council waives the competitive process upon a finding that it is in the best interests of the City (OMC section 2.04.051(B)) to do so; and

WHEREAS, the Memoranda of Understanding with all miscellaneous employees' unions expire on June 30, 2013; and

WHEREAS, the City had previously contracted another consultant to assist with these labor negotiations, however, the consultant will not be able to perform this work; and

WHEREAS, it is necessary that the City hire another consultant to assist with labor negotiations immediately to timely meet and confer with affected unions in accord with the "good faith" requirements of the *Meyers-Milias-Brown Act* (Cal. Gov. Code §3500, et seq.), and advertising and soliciting proposals for the new work would significantly delay negotiations; and

WHEREAS, funds have been identified in 1010.02311.54919.0000000.IP07 for the new work; now, therefore, be it

RESOLVED: Pursuant to Oakland Municipal Code Section 2.04.51.B and based on the information in the City Administrator's report accompanying this item and above, the City Council finds and determines that it is in the City's best interest to waive the competitive request for proposals process for procurement of additional labor bargaining services, and so waives the requirement; and, be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to amend the September, 2012, agreement with Renne Sloan Holtzman Sakai, LLP, Public Law Group for labor negotiations with miscellaneous employees' unions to increase the scope of work for labor negotiations, extend the term of the contract until March 31, 2014 and increase the contract by an amount not to exceed one hundred thousand dollars (\$100,000.00), for a total contract amount of one hundred ninety thousand dollars (\$190,000); and, be it

FURTHER RESOLVED: That the City Council finds that the services to be contracted hereunder are of a professional and temporary nature, and shall not result in the loss of salary or employment by any person having permanent status in the competitive service; and, be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California