

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Amadi Sotol
City Attorney

RESOLUTION No. 84002 C.M.S.
2012 JUN 28 PM 5:04

RESOLUTION:

1) AUTHORIZING THE CITY ADMINISTRATOR OR HER DESIGNEE TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH MR. DONALD WILLIAMS FOR THE PERIOD OF JUNE 1, 2012 THROUGH MARCH 31, 2013 WITH TWO ONE-YEAR OPTIONS TO EXTEND, IN AN AMOUNT NOT TO EXCEED EIGHTY THOUSAND ONE HUNDRED TWELVE DOLLARS (\$80,112) FOR CONTINUED INVESTIGATIVE ASSISTANCE TO THE OAKLAND POLICE DEPARTMENT'S MAJOR CRIMES COLD CASE UNIT; AND 2) WAIVING THE COMPETITIVE REQUEST FOR PROPOSALS/QUALIFICATIONS (RFP/Q) PROCESS, THE ADVERTISING AND BIDDING REQUIREMENTS, AND LOCAL AND SMALL BUSINESS ENTERPRISE PROGRAMS (L/SLB) PROVISIONS FOR THE PROPOSED PROFESSIONAL SERVICES AGREEMENT WITH DONALD WILLIAMS.

WHEREAS, on November 16, 2009, City Council, by resolution No. 82376 C.M.S., authorized the acceptance and appropriation of grant funds from the U.S. Department of Justice, National Institute of Justice (NIJ) FY 2009 Solving Cold Cases with DNA program (FY 2009 Solving Cold Cases with DNA Grant) to support the Police Department's Cold Case Investigative Unit and authorized the Police Department to hire a Forensic Technician to be funded by these grant funds; and

WHEREAS, the Police Department has funding in the amount of \$80,112 available from the FY 2009 Solving Cold Cases with DNA grant: grant award number 2009-DN-BX-K264, Project (G397410) and expenditures to be made from the coding block: Department of Justice Fund (2112), Criminalist Organization (102610), Miscellaneous Contract Account (54919), 2009 Solving Cold Cases Project (397410), and Criminalist Program (PS05); and

WHEREAS, there is limited time remaining in the award period of FY 2009 Solving Cold Cases with DNA Grant, which expires on March 31, 2013; and

WHEREAS, the Police Department's Major Crimes Unit desires to contract with Mr. Donald Williams to provide services as a Cold Case Investigator; and

WHEREAS, the Police Department previously contracted with Mr. Williams to provide services as Cold Case Investigator to the Cold Case Investigation Unit by using the FY 2009 Solving Cold Cases with DNA Grant funds; and

WHEREAS, the field of Cold Case criminal investigation is small and specialized and Mr. Williams has a breadth of experience based on the fact he also formerly served as a Homicide Investigator and a Cold Case Investigator for the Oakland Police Department; and

WHEREAS, Oakland Municipal Code section 2.040.051.B permits the Council to waive the

request for proposal/qualifications (“RFP/Q”) requirements upon a finding that it is in the best interest of the City to do so; and

WHEREAS, Oakland Municipal Code section 2.04.050.I.5 permits the Council to waive the advertising and bidding requirements upon a finding that it is in the best interest of the City to do so; and

WHEREAS, staff recommends that it is in the best interests of the City to waive the RFP/Q process, advertising and bidding requirements, and the local and small local business enterprise program process and provisions so that the Oakland Police Department can enter into a professional services agreement with Mr. Donald Williams to fulfill the requirements of the FY 2009 Solving Cold Cases with DNA Grant; now, therefore be it

RESOLVED: That the City Council hereby authorizes the City Administrator, or her designee, to enter into a Professional Services Agreement with Mr. Donald Williams for the period of June 1, 2012 through March 31, 2013, plus two one-year options to extend, in an amount not to exceed \$80,112 for Cold Case Investigative consulting services; and be it

FURTHER RESOLVED: That pursuant to Oakland Municipal Code sections 2.04.051.B and 2.04.051.I.5, for the reasons stated above and in the City Administrator’s report accompanying this resolution, the City Council finds that it is in the City’s best interests to waive the advertising and bidding requirements and the request for RFP/Q process for the services to be contracted under this proposed contract and so waives such requirements; and be it

FURTHER RESOLVED: that the City Council hereby waives the Local and Small Local Business Enterprise Program (L/SLB) Provisions for the proposed contract with Mr. Williams; and be it

FURTHER RESOLVED: That funding in the amount of \$80,112 for said services is available in the Department’s FY 2009 Solving Cold Cases with DNA grant program (grant award number 2009-DN-BX-K264, Project (G397410)); and be it

FURTHER RESOLVED: That should funding for Mr. Donald Williams be unavailable in the FY 2009 Solving Cold Cases with DNA grant program, the Department is authorized to use an alternate funding source, reduce service level to the amount of funding available, or cease using the service of Mr. Williams; and be it

FURTHER RESOLVED: That the City Administrator or her designee is hereby authorized to complete all required negotiations, certifications, assurances, and documentation required to accept, modify, extend and/or amend the proposed agreement with Mr. Williams; and be it

FURTHER RESOLVED: That the City Attorney shall review and approve said proposed Professional Services Agreement with Mr. Donald Williams, as to form and legality and a copy of the fully executed agreement shall be placed on file with the Office of the City Clerk.

JUL 17 2012

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

OPD – Cold Case Investigator

AYES - BROOKS, ~~Brunner~~, DE LA FUENTE, ~~Kaplan~~, KERNIGHAN, NADEL, SCHAAF and PRESIDENT
REID - 6

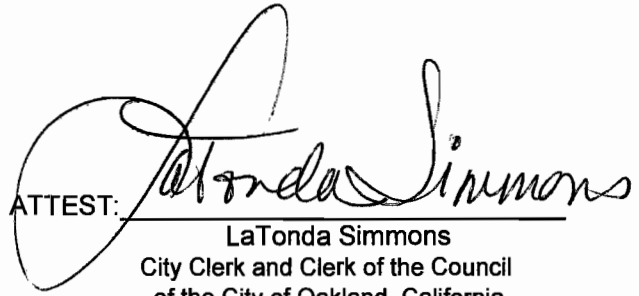
NOES - 0

ABSENT - Brunner - 1

ABSTENTION - 0

Excused - Kaplan - 1

ATTEST:



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