

CITY OF OAKLAND

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2019 MAR 28 PM 12: 26

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Katano Kasaine
Finance Director

SUBJECT: Supplemental Report - City
Administrator Contract Authority
Report, FY 2017-18

DATE: March 22, 2019

City Administrator Approval

Date:

3/27/19

RECOMMENDATION

Staff Recommends That The City Council Receive An Informational Report On All Purchases And Contracts Authorized By The City Administrator Or Designee, Within The City Administrator's Contract Authority During Fiscal Year 2017-18, In Accordance With The Oakland Municipal Code Section 2.04.020.

REASON FOR SUPPLEMENTAL

At the Special Finance and Management Committee of March 5, 2019, staff was requested to provide a supplemental report for the April 2, 2019 City Council meeting detailing all service contracts, under the City Administrator's authority, over \$100,000. **Attachment A** responds to that request and provides a summary of the services provided under each contract.

In addition, at the Special Meeting of the City Council on March 21, 2019, staff was requested to provide detailed information on contracts with Dr. Jennifer Eberhardt. A listing of these contracts is provided in **Attachment B**.

All of the Dr. Eberhardt contracts were executed pursuant to the Negotiated Settlement Agreement (NSA) in Delphine Allen, et al., v. City of Oakland, et al. The first three contracts were approved by the City Administrator based on authority provided to her under Resolution No. 84189 C.M.S., which was adopted by the City Council on January 22, 2013 and provides for expedited purchasing of goods and services directed by the Court-appointed Compliance Director. The fourth contract was approved by the City Council per Resolution No. 87322 C.M.S. on July 24, 2018. None of these contracts were approved by the City Administrator under the authority provided by Oakland Municipal Code Section 2.04.020.

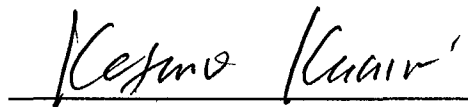
Item: _____
City Council
April 2, 2019

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Receive This Informational Report On All Purchases And Contracts Authorized By The City Administrator Or Designee, Within The City Administrator's Contract Authority During Fiscal Year 2017-18, In Accordance With The Oakland Municipal Code Section 2.04.020.

For questions regarding this report, please contact Kirsten LaCasse, Controller at X6776.

Respectfully submitted,



KATANO KASAINÉ
Finance Director
Finance Department

Reviewed by:
Kirsten LaCasse, Controller

Reviewed by:
Stephen Walsh, Assistant Controller

Prepared by:
Frederick Haliburton, Purchasing Supervisor

Attachments (2)

Attachment A: City Administrator's Office-Approved Contracts, July 2017-June 2018: Service Contracts in Excess of \$100,000

Attachment B: Contracts with Dr. Jennifer Eberhardt

DEPARTMENT AND SUPPLIER	AMOUNT	DETAILED DESCRIPTION
Capital Improvement Projects:		
BAY TREE DESIGN, INC.	110,000	As-needed landscape architectural services. Provide services on various projects that involve renovations to existing facilities and/or new construction, such as parks, plazas, streetscapes, and trails. Services may include, but are not limited to the following: site surveys, site assessments, park planning, programming, facilitating community meetings, preparation of conceptual through construction design documents, regulatory permit applications, cost estimating, and construction support.
DAVIS & ASSOCIATES COMMUNICATIONS, INC	149,990	Shared mobility engagement services. Form and coordinate shared mobility outreach program advisory committee; design outreach and marketing strategy to overcome the barriers to access and information for low-income, minority communities; develop web communications and social media presence; conduct training and public outreach events; coordinate with qualified car sharing organizations to offer incentives to reduce barriers to shared mobility services; develop and conduct survey to evaluate the challenges and successes of targeted outreach to inform operations of car share in communities of concern.
SWINERTON BUILDERS INC.	170,500	Project management and construction management services for Mosswood Recreation Center Temporary Facilities Installation.
City Administrator:		
EAST BAY SPCA	119,073	Provide spay/neuter services for cats and dogs to Oakland Animal Services.
MAKE GREEN GO	100,000	Provide outreach to potential cannabis equity applicants making them aware of the equity permit program and how to apply for a medical cannabis permit with the City, assist equity applicants with permit applications, support equity applicants in connecting with general applicants interested in incubating equity applicants, assist equity applicants with business plans and compliance, collaborate with City staff to further the equity permit program.
Finance Department:		
FRANCISCO & ASSOCIATES, INC.	108,455	Update, adjust, and record annual parcel tax assessments for City Landscape, Lighting, and Assessment District, as well as other benefit assessments and voter-approved measures; prepare Engineer's Report and resolution authorizing the assessment of levies; prepare a final database which includes all parcel attributes needed to calculate assessments; prepare and submit resolutions and databases to County for inclusion in property tax roll.
INNOFIN SOLUTIONS LLC	178,846	Provide managed services support, incident support, and problem management support for the Oracle Planning and Budget Cloud Service application. Be responsible for resolution of application issues, provide technical and functional expertise, provide daily support to resolve tickets and other support services.
Fire Department:		
APTIM ENVIRONMENTAL & INFRASTRUCTURE INC	165,000	Analyze and update Emergency Operations Plan, Continuity of Operations Plan, and Recovery Support Functions. Develop draft recovery ordinance, design and facilitate related workshops.
Human Services Department:		
AMERICAN BUILDING SERVICES	109,592	Janitorial service contract. Provide normal, regular, routine cleaning services including periodic scheduled utility preventative maintenance services and special emergency response cleaning, prevention, and control measures to child communicable diseases for Head Start Childcare Centers and playground structures at leased locations, food service preparations areas at the Central Kitchen, and food service delivery vehicles and compartments.
FAMILY PATHS INC.	100,674	Mental health services. Work collaboratively with teachers, home visitors, family advocates, and others to promote the social and emotional well-being of young children; provide on-site comprehensive culturally-sensitive mental health services including trauma-informed mental health services for children referred by Head Start parents, staff, or partner sites; provide external referrals for parent, child, and/or family therapy; assist teachers to improve classroom management and teacher strategies; provide culturally appropriate/responsive parent education; identify children who show signs of risk for mental health concerns; attend Multi-Disciplinary Team meetings; assist in the implementation of policies to limit suspension and prohibit expulsion

SOCIAL POLICY RESEARCH ASSOCIATES	180,000	Design, data collection, reporting, and technical assistance for evaluation of 88 Oakland Fund for Children and Youth grantees across 6 program strategies.
WESTCOAST CHILDREN'S CLINIC	100,000	Develop a training curriculum for the City on Commercially Sexually Exploited Children/Youth, including indicators and characteristics of at-risk youth and a step-by-step protocol for response.
Oakland Public Works Department:		
FOSS UPHOLSTERY	177,259	Provide vehicle interior upholstery services as needed, including vehicle seats, headliners, sunvisors, covered interior trim, and arm rests.
HI TECH E V S	215,397	Provide fire truck aerial ladder inspection and repair services as needed.
PROTIVITI GOVERNMENT SERVICES INC	239,961	Forensic accounting services. Provide project management to oversee fraud investigations, including analysis of information technology systems, forensic analysis of data, identification of areas in need of improvement, review of access rights and permissions, assessment of risk on upcoming projects, and assessment of security controls over private and confidential information.
Police Department:		
ADVANCE CRIME SCENE RESTORATION	201,901	Professional crime scene cleaning services. Respond on scene to all service requests within one hour of request, 24 hours per day, 365 days per year. Provide a comprehensive biohazard removal service that eliminates biohazards including blood-borne pathogens and other organisms, human bodily fluids, removal of odors, proper disposal of biohazards, and restores police vehicles to frontline service-ready condition.
CALIFORNIA YOUTH OUTREACH - OAKLAND INC	114,360	Law enforcement community relations services. Provide for active community member participation in the direct communications and working groups associated with the Ceasefire strategy. Hire two qualified individuals to conduct 20 custom notifications each as assigned per month, 3-4 days a week; provide call-in invitations and engage other community members to participate in the Ceasefire strategy in partnership with community, service, and law enforcement.
CONCENTRA MEDICAL CENTERS, INC.	214,994	Occupational health-related services. At the direction of the Risk Manager, act as primary medical advisor to the City; provide pre-placement, "course of employment", and medical surveillance services; provide immunizations, vaccinations, and post-exposure prophylaxis as related to workplace exposures; perform the duties of a Medical Review Officer in relation to any alcohol and/or drug testing procedures/requirements; ensure compliance with medical records confidentiality, retention, employee access/notification, and scheduling of recurring or surveillance immunization services.

Eberhardt Contracts

Attachment B
Supplemental Report, April 2, 2019

Date	Entity	Purpose	Amount	Authority
May 2014	Stanford University	Gathering and analyzing stop data and Personal Digital recording footage. Project culminated in <i>Strategies of Change</i> report.	192,250	84189 CMS
May 2014	Jennifer Eberhardt	Technical assistance on predictors and patterns which help to identify potentially at-risk officers and research related to race and policing.	249,999	84189 CMS
September 2017	Eberhardt Consulting	Technical assistance related to stop data collection and analysis and the implementation of the 50 <i>Strategies for Change</i> recommendations.	249,999	84189 CMS
July 2018	Eberhardt Consulting	Technical assistance related to Task 34 of the Negotiated Settlement Agreement (vehicle stops, field investigation and detentions) and to implement the remaining <i>Strategies for Change</i> recommendations to achieve full compliance (extension of September 2017 agreement).	250,001	87322 CMS


OFFICE OF THE CITY ATTORNEY

13 JAN 30 PM 3:35

OAKLAND CITY COUNCIL

RESOLUTION No. 84189 C.M.S.

RESOLUTION AUTHORIZING EXPEDITED PURCHASING OF GOODS AND SERVICES DIRECTED BY COURT APPOINTED COMPLIANCE DIRECTOR IN ACCORDANCE WITH THE UNITED STATES FEDERAL DISTRICT COURT'S DECEMBER 12, 2012 ORDER, TO ASSIST THE CITY IN ACHIEVING COMPLIANCE WITH THE NEGOTIATED SETTLEMENT AGREEMENT ("NSA") AND THE AMENDED MEMORANDUM OF UNDERSTANDING ("AMOU") IN DELPHINE ALLEN V. CITY OF OAKLAND BY:

- 1) **WAIVING COMPETITIVE ADVERTISING, BIDDING AND REQUEST FOR PROPOSALS/QUALIFICATIONS PURCHASING PROCESSES SET FORTH IN OAKLAND MUNICIPAL CODE CHAPTER 2.04;**
- 2) **WAIVING THE ARIZONA BOYCOTT POLICY, RESOLUTION NO. 82727;**
- 3) **AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE ON BEHALF OF THE CITY CONTRACTS FOR THE PURCHASE OF GOODS AND SERVICES DIRECTED BY THE COMPLIANCE DIRECTOR IN AN AMOUNT UP TO \$250,000.00 PER CONTRACT IN ORDER FOR THE CITY TO COMPLY WITH THE AMOU AND THE COURT'S DECEMBER 12, 2012 ORDER;**
- 4) **AUTHORIZING DIRECT SCHEDULING TO COUNCIL OF ANY NSA/AMOU COMPLIANCE-RELATED PURCHASES THAT REQUIRE COUNCIL APPROVAL;**
- 5) **ESTABLISHING UNLIMITED SUMMER RECESS PURCHASING AUTHORITY FOR CITY ADMINISTRATOR FOR SUCH PURCHASES IF THE COUNCIL IS NOT ABLE TO CONVENE A TIMELY SPECIAL MEETING TO HEAR THE ITEM(S); AND**
- 6) **DIRECTING THE CITY ADMINISTRATOR TO PROVIDE PERIODIC REPORTS TO THE CITY COUNCIL REGARDING THE AMOUNTS, NATURE AND PURPOSES OF PURCHASES OF GOODS AND SERVICES MADE PURSUANT TO THE COURT'S ORDER**

WHEREAS, in 2001, plaintiffs filed *Delphine Allen, et al. v. City of Oakland, et al.*, Case No. C 00-4599 TEH ("Riders case") in the United States Federal District Court ("Court") alleging that several Oakland police officers planted and fabricated evidence and engaged in other unconstitutional behavior; and

WHEREAS, in 2003, to resolve the issues in the Riders case, the City Council approved the NSA between the City and the plaintiffs which required the City to implement reforms to address the Riders case; and

WHEREAS, the City and plaintiffs subsequently entered into a 2009 Memorandum of Understanding ("MOU") and a 2011 AMOU that superseded the NSA; and

WHEREAS, in 2003, 2009, and 2011, the Court issued orders approving the NSA, the MOU and the AMOU, respectively, and retained jurisdiction to oversee compliance; and

WHEREAS, on February 24, 2012 the Court set a hearing for December 13, 2012 on a motion to place the Oakland Police Department ("OPD") under receivership in order to complete the reforms to address the Riders case; and

WHEREAS, the plaintiffs filed a motion on October 4, 2012 asking the Court to order receivership and the City filed opposition papers on November 8, 2012; and

WHEREAS, the Court assigned the matter to United States Magistrate Judge Nathanael M. Cousins for purposes of resolving the issues the plaintiffs' motion and the City's opposition raised;

WHEREAS, on December 12, 2012 the Court issued an order removing the hearing on the receivership motion from the Court's calendar and providing for a Court-appointed Compliance Director to assist the City in achieving compliance with the AMOU; and

WHEREAS, the City of Oakland is fully committed to completing the reforms to achieve sustainable compliance and to faithfully facilitating compliance with the AMOU and the Court's December 12, 2012 order; and

WHEREAS, the Court's December 12, 2012 order mandates that the Compliance Director develop a compliance plan ("Compliance Plan") that includes a proposed budget for necessary expenditures for task compliance and the Court's order further provides that such budget must be "included as part of the [Oakland Police Department] budget" and "mutually agreed to" by the Compliance Director and City; and

WHEREAS, the Court's December 12, 2012 order grants the Compliance Director authority to purchase goods and services necessary for the City to achieve compliance with the NSA and AMOU, including expenditure authority up to and including \$250,000.00 for each contract to purchase goods and services included in the Compliance Plan and the "not to exceed" budget mutually agreed to by the City and the Compliance Director or ordered by the Court ("Budget"); and

WHEREAS, in order for the City to timely and expeditiously comply with the AMOU and the Court's December 12, 2012 order granting the Compliance Director the authority to expend up to \$250,000.00 for each contract to purchase goods and services included in the Compliance Plan and Budget, the City Administrator and the City Attorney recommend that the Council authorize the City Administrator to execute such contracts on behalf of the City; and

WHEREAS, the Court's December 12, 2012 order further provides that proposed individual expenditures by the Compliance Director that exceed \$250,000.00 must comply with the City's applicable rules and regulations, including those set forth in Oakland's Purchasing Ordinance (Oakland Municipal Code, Chapter 2.04); and

WHEREAS, in order to comply with the Court's December 12, 2012 order the City must establish expedited purchasing (i.e., public procurement) processes for goods and services that are necessary to facilitate compliance with the NSA and the AMOU; and

WHEREAS, Oakland Municipal Code, Chapter 2.04, sections 2.04.050 and 2.04.051 permit the Council to waive advertising, bidding and request for proposals/qualifications requirements for purchases of goods and services upon a finding that it is in the best interests of the City to do so; and

WHEREAS, the City Administrator has determined and recommends that the Council find that it is in the best interests of the City to waive advertising, bidding and request for proposals/qualifications requirements for all AMOU compliance-related purchases to expedite compliance with the AMOU and to reduce or eliminate undue delays in acquiring goods and services necessary for the City to fully comply with mandates of the NSA and AMOU; and

WHEREAS, the City's Arizona Boycott Policy, set forth in Resolution 82728 C.M.S., urges "City Departments . . . to the extent practicable, and in instances where there is no significant additional cost to the City or conflict with the law, to refrain from entering into any new or amended contracts to purchase goods or services from any company that is headquartered in Arizona;" and

WHEREAS, the City Administrator recommends that the Council waive the Arizona Boycott Policy for all AMOU compliance-related goods and services purchases in order to expedite compliance with the NSA, AMOU and to comply with the Court's December 12, 2012 order; and

WHEREAS, the City Administrator, requests that the Council establish a standing item on the City Council Agenda that will allow updates, reports and legislation pertaining to the Compliance Director's expenditures and actions pursuant to the Court's December 12, 2012 order for the purpose of reducing time and to facilitate achieving the mandates of the AMOU expeditiously; now therefore be it

RESOLVED: That pursuant to Oakland Municipal Code, Chapter 2.04, sections 2.04.050 and 2.04.051 and for the reasons stated above and in the City Administrator's report accompanying this resolution, the Council finds and determines that it is in the best interests of the City to waive advertising, bidding and request for proposals/qualifications requirements for all AMOU compliance-related purchases directed by the Compliance Director in accordance with the Court's December 12, 2012 order, and hereby waives the requirements; and be it

FURTHER RESOLVED: That for the reasons stated above and in the City Administrator's report, accompanying this resolution, the Council hereby waives the Arizona Boycott Policy, Resolution No. 82727, C.M.S., for all AMOU compliance related purchases directed by the Compliance Director in accordance with the Court's December 12, 2012 order; and be it

FURTHER RESOLVED: That the City Administrator is authorized to execute on behalf of the City contracts for the purchase of goods and services directed by the Compliance Director in an amount up to \$250,000.00 per contract in order for the City to timely and expeditiously comply with the AMOU and the Court's December 12, 2012 order granting the Compliance Director the authority to direct such expenditures included in the Compliance Plan and "not to exceed" budget mutually agreed to by the City and the Compliance Director or ordered by the Court; and be it

FURTHER RESOLVED: That the City Administrator is authorized to execute City contracts for the purchase of goods and services directed by the Compliance Director in an unlimited amount during the Council's annual summer recess if the Council is not able to convene a timely special meeting to hear the item(s); and be it

FURTHER RESOLVED: That the Council hereby authorizes direct scheduling to Council of purchases of goods and services made pursuant to the Court's December 12, 2012 order that require Council approval in order to facilitate compliance with said court order and the AMOU; and be it

FURTHER RESOLVED: That a standing item will be established on the regular Council Agenda allowing direct reporting to the Council of expenditures and other issues related to the AMOU and the Court's December 12, 2012, provided that reports must be submitted in compliance with the Brown Act and Sunshine Ordinance and that the City Administrator's Office and the City Attorney's Office will determine the title of the standing item; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator to conduct all negotiations, applications, agreements, and related actions which may be necessary to ensure compliance with the Court's December 12, 2012 order and the Compliance Director's expenditure authority; and be it

FURTHER RESOLVED: That in accordance with Article IV, section 401(6) of the City Charter, agreements entered into under the authority of this Resolution and as required by the Court's December 12, 2012 order, shall be approved as to form and legality before they are executed by the City Administrator and a copy of fully executed agreements shall be placed on file with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

JAN 22 2013

PASSED BY THE FOLLOWING VOTE:

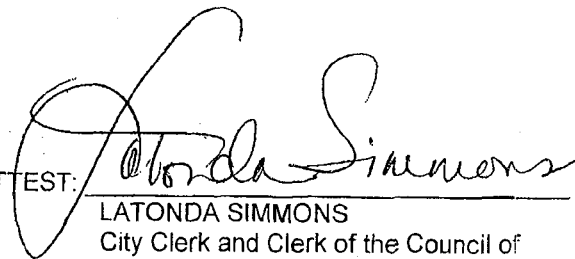
AYES - ~~Brooks~~, GALLO, KALB, KAPLAN, GIBSON McELHANEY, ~~Reid~~, SCHAAF and PRESIDENT KERNIGHAN - 6

NOES - 0

ABSENT - Brooks, Reid - 2

ABSTENTION - 0

ATTEST:



LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California

REVISED
7-18-2018

FILED
OFFICE OF THE CLERK
OAKLAND

2018 JUL 19 PM 3:13

Approved as to Form and Legality

Shirley Hynes
City Attorney's Office

OAKLAND CITY COUNCIL
RESOLUTION NO. 87322 C.M.S.

RESOLUTION WAIVING THE ADVERTISING/BIDDING AND REQUEST FOR PROPOSALS/QUALIFICATIONS REQUIREMENTS AND AUTHORIZING AN EXTENSION OF UP TO TWO YEARS (THROUGH AUGUST 31, 2020) OF THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF OAKLAND AND EBERHARDT CONSULTING FOR TECHNICAL ASSISTANCE SERVICES IN *DELPHINE ALLEN V. CITY OF OAKLAND*, FOR TWO HUNDRED FIFTY THOUSAND AND ONE DOLLARS (\$250,001) AND A TOTAL CONTRACT AMOUNT NOT TO EXCEED FIVE HUNDRED THOUSAND DOLLARS (\$500,000)

WHEREAS, the City of Oakland has achieved compliance with nearly all reforms mandated by the Negotiated Settlement Agreement (NSA) in *Delphine Allen v. City of Oakland*, Case No. C00-4599 WHO (N.D. Cal.); and

WHEREAS, there are only three NSA-mandated reforms outstanding, all of which are in partial compliance; and

WHEREAS, one of the three outstanding NSA-mandated reforms, Task 34, requires the Oakland Police Department (OPD) to collect and analyze demographic and other data on police stops; and

WHEREAS, in 2014, at the direction of the Compliance Director, OPD partnered with Stanford University and Professor Jennifer Eberhardt to address tensions between OPD and the community and to better manage risk through analysis of stop data and Personal Digital Recording Device (PDRD) footage; and

WHEREAS, as a result of their analysis of OPD's stop data, Personal Digital Recording Device (PDRD) footage and related research, Professor Eberhardt and Stanford University published 50 recommendations for reform meant to reduce OPD's footprint on communities of color and improve police-community relationships; and

WHEREAS, on September 1, 2017, the City entered into a contract with Eberhardt Consulting for \$249,999, pursuant to which Professor Eberhardt and her team provide technical assistance to the Department regarding the collection and analysis of stop data and the implementation of the 50 recommendations to help achieve full compliance with Task 34; and

WHEREAS, OPD has implemented 36 of the 50 Stanford recommendations;

WHEREAS, Plaintiffs' Counsel, the court-appointed Independent Monitoring Team and the Court in the *Allen* case expect the City to complete its work with Professor Eberhardt related to both the collection and analysis of stop data and the successful implementation of the 14 remaining recommendations; and

WHEREAS, additional time (of up to two years) and funding (of up to \$250,001) is necessary for Eberhardt Consulting to continue its works on Task 34 compliance and the implementation of the remaining recommendations; now, therefore be it

RESOLVED: That the City Administrator or designee is authorized to execute a two-year extension of the contract with Eberhardt Consulting for technical assistance to help OPD achieve compliance with Task 34 of the NSA and implement the remaining recommendations for Two Hundred Fifty Thousand and One Dollars (\$250,001) for a total contract amount not to exceed Five Hundred Thousand Dollars (\$500,000); and be it

FURTHER RESOLVED: That the City Council finds it is in the best interests of the City to waive the advertising/bidding and request for proposals/qualifications requirements of Section 2.04.051(B); and be it

FURTHER RESOLVED: That the funds for the services described above will be allocated from the General Purpose Fund (1010), Org (101130), Project (1001225), Task (A468571), Award (20401); and be it

FURTHER RESOLVED: That the City Administrator or designee is authorized to complete all required negotiations, certifications, assurances, and documentation required to execute, modify, extend, renew and/or amend such an agreement without returning to the City Council; and be it

FURTHER RESOLVED: That in accordance with Article IV, Section 401(6) of the City Charter, the agreement authorized by this resolution shall be approved by the City Attorney's Office as to form and legality before execution, and a copy of the fully executed agreement shall be placed on file with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 24 2018

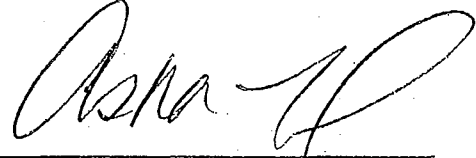
PASSED BY THE FOLLOWING VOTE:

AYES - ~~BROOKS~~ CAMPBELL WASHINGTON, ~~REID~~ GIBSON MCELHANEY, GUILLEN, KALB, ~~WILLIAMS~~ AND PRESIDENT REID - 5

3 NOES - Brooks, Gallo, Kaplan

ABSENT - 0

ABSTENTION - 0

ATTEST: 
LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California