



FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
2013 JUL 12 AM 10:01

# AGENDA REPORT

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

**FROM: D. Lawanna Preston**

**SUBJECT: Resolution Requesting Increase  
To Professional Services Contract**

**DATE: July 10, 2013**

City Administrator Approval	<i>Deanna Santana</i>	Date	7/12/13
--------------------------------	-----------------------	------	---------

**COUNCIL DISTRICT: City-Wide**

## RECOMMENDATION

Staff recommends approval of a resolution waiving advertising and solicitation of requests for proposals/qualifications and authorizing the City Administrator to amend the existing September 2012 services contract with Renne Sloan Holtzman Sakai, LLP, Public Law Group, for assistance with miscellaneous employees' union negotiations, to increase the contract by an amount not exceed one hundred thousand dollars (\$100,000), for additional services for a total contract amount of two hundred ninety thousand dollars (\$290,000).

## OUTCOME

Amending the cost associated with the contract with the Public Law Group will allow negotiators to continue bargaining activities.

## BACKGROUND/LEGISLATIVE HISTORY

The Public Law Group was hired in September of 2012 to bargain the miscellaneous agreements with unions. The original contract amount was set at \$90,000. In February 2013, staff subsequently requested an additional \$100,000 (Resolution No. 84249 C.M.S) to the bargaining process.

## ANALYSIS

For purposes of uniformity, consistency and mutually agreeable problem solving and resolutions, the City Administrator seeks to increase the existing agreement with Renee, Sloan, Holtzman, and Sakai, LLP Public Law Group in order to assist the City's Chief Negotiator with bargaining with miscellaneous unions.

Item: \_\_\_\_\_  
Finance & Management Committee  
07/23/2013

Timely execution of the contract amendment is required to allow the existing consultants the opportunity to continue the bargaining process with the affected unions in compliance with the provisions of the Meyers-Milias-Brown Act (California Government code Section 3500 et seq) for timely communications.

Renee, Sloan, Holtzman, Sakai is uniquely qualified to continue negotiations on behalf of the City because they are currently and intimately involved in on-going negotiations. They also have worked on other projects in the City over the years and are aware of key issues that impact the City's bargaining capacity. Current staffing shortages have not afforded sufficient resources to provide these services in-house.

Working closely with the Employee Relations Department in the City Administrator's office, the firm will continue to be responsible for adhering to the negotiations strategy and directing all matters throughout the course of negotiations; communicating with elected officials and management for direction and input throughout negotiations; preparing for bargaining and leading the bargaining team at the table, including proposal and counterproposals development and costing; preparing the final contracts; conducting an impasse process, and fact finding if necessary.

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

### PUBLIC OUTREACH/INTEREST

No public outreach is required for this RFP.

### COORDINATION

This report was written in coordination with the Director of Employee Relations, Budget, the Office of the City Administrator and the City Attorney's Office.

### COST SUMMARY/IMPLICATIONS

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:  
Request an additional \$100,000

Item: \_\_\_\_\_  
Finance & Management Committee  
07/23/2013

2. SOURCE OF FUNDING: 1010 General Purpose Fund/02311 Equal Opportunity Programs/54919 Miscellaneous Contract Services/ Project A467110/IP07 Employment Opportunity Program
3. FISCAL IMPACT: \$100,000

**SUSTAINABLE OPPORTUNITIES**

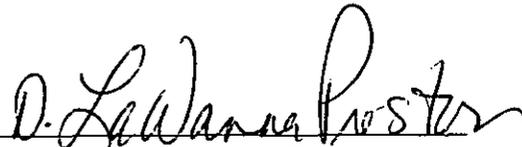
***Economic:*** There are no direct economic opportunities resulting from this action.

***Environmental:*** There are no direct environmental impacts resulting from this action.

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

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

Respectfully submitted,



D. Lawanna Preston, Director  
Employee Relations

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

**DRAFT**

City Attorney

2013 JUL 12 AM 10:01  
RESOLUTION No. \_\_\_\_\_ C.M.S.  
Introduced by Councilmember \_\_\_\_\_

**RESOLUTION WAIVING ADVERTISING AND SOLICITATION OF REQUESTS FOR PROPOSALS/QUALIFICATIONS 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 CONTRACT BY AN AMOUNT NOT EXCEED ONE HUNDRED THOUSAND DOLLARS (\$100,000), FOR ADDITIONAL SERVICES, FOR A TOTAL CONTRACT AMOUNT OF TWO HUNDRED NINETY THOUSAND DOLLARS (\$290,000)**

**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**, in February 2013, the City of Oakland amended the contract with the Public Law Group 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, for a total contract amount of one hundred ninety thousand dollars (\$190,000); 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 contract amount by one hundred thousand dollars (\$100,000); and

**WHEREAS**, labor negotiations with several city employee unions for new labor contracts have not been completed and city continues to require the services of labor negotiators;

**WHEREAS**, this is new work and the Purchasing Ordinance requires city to advertise and solicit requests for proposals/qualification to select the provider; and

**WHEREAS**, the Purchasing Ordinance, Oakland Municipal Code section 2.04.051.B authorizes the Council to waive advertising and the RFP/Q process upon a finding that it is in the best interests of the City to do so; and

**WHEREAS**, staff recommends that it is in the best interests of the City to waive advertising and the RFP/Q process for this work because it is imperative that the City continue the meet-and-confer process without interruption with the affected unions in compliance with the “good faith” provisions of the Meyers-Milias-Brown Act (California Government code Section 3500 et seq) for timely communications, conducting a new RFP/Q process would require several months and the City cannot undertake the work in-house with current staffing levels; and

**WHEREAS**, this contract is for services of a professional and temporary in nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive service; now, therefore be it

**RESOLVED:** Pursuant to Oakland Municipal Code section 2.04.051.B and the information set forth above and in the City Administrator's report accompanying this resolution, the Council finds that it is the City's best interests to waive advertising and the RFP/Q process for this work and so waives the requirements; 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 ("Public Law Group") for labor negotiations with miscellaneous employees' unions to increase the contract by an amount not to exceed one hundred thousand dollars (\$100,000), for additional services, for a total contract amount of two hundred ninety thousand dollars (\$290,000); 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 -

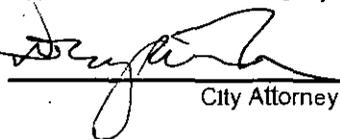
ABSTENTION -

ATTEST: \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the Council  
Of the City of Oakland, California

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

OAKLAND CITY COUNCIL

Approved as to Form and Legality

  
City Attorney

2013 JUL 12 AM 10:01 RESOLUTION No. \_\_\_\_\_ C.M.S.

Introduced by Councilmember \_\_\_\_\_

**RESOLUTION WAIVING ADVERTISING AND SOLICITATION OF REQUESTS FOR PROPOSALS/QUALIFICATIONS 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 CONTRACT BY AN AMOUNT NOT EXCEED ONE HUNDRED THOUSAND DOLLARS (\$100,000), FOR ADDITIONAL SERVICES, FOR A TOTAL CONTRACT AMOUNT OF TWO HUNDRED NINETY THOUSAND DOLLARS (\$290,000)**

**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 several new employee labor contracts, 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**, in February 2013, the City of Oakland amended the contract with the Public Law Group 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, for a total contract amount of one hundred ninety thousand dollars (\$190,000); 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 contract amount by one hundred thousand dollars (\$100,000); and

**WHEREAS**, labor negotiations with several city employee unions for new labor contracts have not been completed and city continues to require the services of labor negotiators; and

**WHEREAS**, this is new work and the Purchasing Ordinance requires city to advertise and solicit requests for proposals/qualification to select the provider; and

**WHEREAS**, the Purchasing Ordinance, Oakland Municipal Code section 2.04.051.B authorizes the Council to waive advertising and the RFP/Q process upon a finding that it is in the best interests of the City to do so; and

**WHEREAS**, staff recommends that it is in the best interests of the City to waive advertising and the RFP/Q process for this work because it is imperative that the City continue the meet-and-

confer process without interruption with the affected unions in compliance with the "good faith" provisions of the Meyers-Milias-Brown Act (California Government code Section 3500 et seq.) for timely communications, conducting a new RFP/Q process would require several months and the City cannot undertake the work in-house with current staffing levels; and

**WHEREAS**, this contract is for services of a professional and temporary in nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive service; now, therefore be it

**RESOLVED:** Pursuant to Oakland Municipal Code section 2.04.051.B and the information set forth above and in the City Administrator's report accompanying this resolution, the Council finds that it is the City's best interests to waive advertising and the RFP/Q process for this work and so waives the requirements; 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 ("Public Law Group") for labor negotiations with miscellaneous employees' unions to increase the contract by an amount not to exceed one hundred thousand dollars (\$100,000), for additional services, for a total contract amount of two hundred ninety thousand dollars (\$290,000); 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 place 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