

Katherine Helen Boyd
Oakland City Attorney's Office

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 APR 15 PM 4:16 **OAKLAND CITY COUNCIL**

RESOLUTION No. 82682 C.M.S.

Introduced by Councilmember _____

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF OAKLAND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A FIVE-YEAR CONTRACT EXTENSION WITH MACIAS GINI & O'CONNELL, LLP TO PROVIDE AUDIT SERVICES FOR FISCAL YEAR ENDING JUNE 30, 2010 THROUGH FISCAL YEAR ENDING JUNE 30, 2014 IN AN AMOUNT NOT TO EXCEED \$ 3,162,486, AND WAIVING THE COMPETITIVE REQUEST FOR PROPOSALS PROCESS.

WHEREAS, Section 809 of the Charter of the City of Oakland provides for an annual audit by an independent certified public accountant who shall examine and report to the City Council on the annual financial statements of the City; and

WHEREAS, it is the desire of the City Council to engage the services of the firm Macias, Gini & O'Connell, LLP; and

WHEREAS, the City Council finds that the service is professional and temporary in nature and, based on the representations of the City Administrator in the report accompanying this resolution, shall not result in the loss of salary or employment by any person having permanent status in the competitive service; and

WHEREAS, it is in the City's best interest to waive the competitive RFP process for the contract to provide audit services because the proposed contract represents significant savings to the City, an option to renew for two years was already planned, and conducting a new joint RFP process with the Port would be costly to the City by delaying the annual audit and requiring significant amounts of staff time to orient a new firm to the City's organization and processes; and

WHEREAS, the City Council finds that the service is exempt from competitive bidding pursuant to Section 2.04.050 I of the Oakland Municipal Code; now therefore be it

RESOLVED, that the City Council finds and determines the forgoing recitals to be true and correct and hereby adopts and incorporates them into this Resolution; and be it

FURTHER RESOLVED, that the competitive RFP process is hereby waived in the best interests of the City based on the foregoing findings, and be it

FURTHER RESOLVED, that the City Administrator is hereby authorized, and execute a five-year contract extension with the firm of Macias Gini & O'Connell, LLP in an amount not to exceed \$3,162,486 for the fiscal year end June 30, 2010 through June 30, 2014 audit services; and be it

FURTHER RESOLVED, the audit will review the financial statements of the Oakland Redevelopment Agency, the Police and Fire Retirement System, and the Oakland Municipal Employees Retirement System and the audit will encompass the Measure Y – Violence Prevention and Public Safety Act of 2004 Compliance Audit, the Oakland Wildfire Prevention Assessment District Compliance Audit, the Measure C – Transient Occupancy Tax (TOT) Surcharge Compliance Audit, the Oakland Army Base Audit, the Gann Appropriation Limit and the Single Audit Report for Federal Awards; and be it

FURTHER RESOLVED, that the partners in the firm of Macias Gini & O'Connell, LLP working on City accounts will be rotated every five years from the date of entry into the existing contract; and be it

FURTHER RESOLVED, that the Office of the City Attorney will approve the contract as to form and legality and a copy will be on file in the Office of the City Clerk; and be it

FURTHER RESOLVED, that this Resolution shall take effect immediately upon its passage.

IN COUNCIL, OAKLAND, CALIFORNIA, APR 20 2010, 20

PASSED BY THE FOLLOWING VOTE:

AYES - ~~Brooks~~, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, DE LA FUENTE and PRESIDENT BRUNNER, - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Brooks - 1

ATTEST:



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