

2003 JUL -2 PM 5:16 RESOLUTION No. 77961 C.M.S.

RESOLUTION AUTHORIZING THE CITY MANAGER, ON BEHALF OF THE CITY OF OAKLAND, TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH RELMAN & ASSOCIATES IN AN AMOUNT NOT TO EXCEED THREE MILLION, FIVE HUNDRED SEVENTY-SIX THOUSAND EIGHT HUNDRED NINETY-EIGHT DOLLARS AND EIGHTY-TWO CENTS (\$3,576,898.82) FOR THE PERIOD OF JULY 15, 2003 TO JULY 15, 2008 TO PERFORM SERVICES AS AN INDEPENDENT MONITOR AS PROVIDED FOR IN THE SETTLEMENT AGREEMENT IN DELPHINE ALLEN, et al v. CITY OF OAKLAND, et al, U.S.D.C. CASE NO. C00-4599 (TEH)

WHEREAS, the City Council finds that this contract is for services of a professional nature; and

WHEREAS, the City Council finds that services under the contract will be temporary; and

WHEREAS, the Council finds that this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

WHEREAS, contracts requiring professional or specialized services are exempt from competitive bidding pursuant to Chapter 2.04 of the Oakland Municipal Code; and

WHEREAS, at its April 8, 2003 meeting, the City Council approved the Riders' Settlement Agreement Steering Committee's recommendation of Relman & Associates as the City's choice for Independent Monitor of the Settlement Agreement in Delphine Allen, et al v. City of Oakland, et al, U.S.D.C. Case No. C00-4599 (TEH) ("Agreement"); and

WHEREAS, the Office of the City Attorney has prepared a draft Professional Services Agreement (Attachment A) for Relman & Associates to provide independent monitor services; and

WHEREAS, the draft contract for monitor services with Relman & Associates specifies a maximum cost of \$3,576,898.82 over a five (5) year period; and

WHEREAS, the cost of the draft contract with Relman & Associates is within the Settlement Agreement's specified maximum amount of four million dollars (\$4,000,000) for the five year implementation of the Settlement Agreement; and

WHEREAS, the Police Department has included the monitor's fees in the budget proposals submitted to the Office of the City Manager for FY 03-04 and FY 04-05; now, therefore, be it

RESOLVED: That the City Council hereby authorizes the City Manager, on behalf of the City of Oakland, to negotiate and enter into a professional services agreement with Relman & Associates in an amount not to exceed three million five hundred seventy-six thousand eight hundred ninety-eight dollars and eighty-two cents (\$3,576,898.82) for independent monitor services; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Manager to execute any further documents necessary to implement this resolution; and be it

FURTHER RESOLVED: That the City Manager is authorized to modify, extend or amend, the Agreement provided that no additional funds will be allocated without prior Council approval; and be it

FURTHER RESOLVED: That the Agreement shall be reviewed by the City Attorney as to form and legality and a copy placed on file in the Office of the City Clerk.

JUL 15 2003

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN and PRESIDENT DE LA FUENTE --8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:



CEDA FLOYD

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