

REVISED

Approved as to Form and Legality

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Katherine M. ...
City Attorney

2013 DEC 24 AM 8:38

RESOLUTION No. _____ C.M.S.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLAND CLARIFYING THAT THE CONTRACT AMOUNT FOR THE EXISTING CONTRACT WITH ACS STATE AND LOCAL SOLUTIONS INC., FOR PARKING CITATION ADMINISTRATION AND REVENUE COLLECTION SERVICES, IS NINE HUNDRED THOUSAND DOLLARS (\$900,000) PLUS 30% OF THE FEES CONTRACTOR COLLECTS FROM MOTORISTS, AND AUTHORIZING AN APPROPRIATION UPON RECEIPT OF COLLECTION FEE REVENUES IN AN ANNUAL AMOUNT NOT TO EXCEED TWO MILLION, EIGHT HUNDRED THOUSAND DOLLARS (\$2,800,000), AS REQUIRED AND EQUAL TO THE THIRTY PERCENT (30%) SPECIAL COLLECTION FEE ON ALL ASSIGNED CITATIONS, WHICH IS IMPOSED BY THE CONTRACTOR IN ADDITION TO THE MOTORIST'S OUTSTANDING CITATION.

WHEREAS, at the February 16, 2010 regular meeting of the City Council of the City of Oakland, the City Council adopted Resolution 82531 C.M.S., authorizing the City Administrator to negotiate and execute a Contract between the City of Oakland and ACS State & Local Solutions, Inc. ("ACS"), to provide a parking citation administration and revenue reconciliation system ("CARR"); and

WHEREAS, the Contract was for a three-year term commencing April 2, 2010, with two one-year options to renew; and

WHEREAS, the initial three-year term expired March 31, 2013, and the City exercised a one-year renewal option beginning April 1, 2013 through March 31, 2014; and

WHEREAS, there is an additional one-year renewal option available should the City choose to exercise it for the term of April 1, 2014 through March 31, 2015; and

WHEREAS, Resolution 82531 C.M.S. resolved that the Contract was for an estimated annual amount of Nine Hundred Thousand Dollars (\$900,000) per year; and

WHEREAS, the estimated \$900,000 annual Contract cost is for the CARR system and inclusive of; (i) per citation processing costs; (ii) reimbursable costs; (iii) lock box payment processing; (iv) mail processing equipment; and (v) as needed consultation services; and

WHEREAS, the City's expenditure estimate was accurate in reflecting the costs for the CARR system but did not reflect the Special Collection Fee component of the Contract memorialized in Section 4.b.(6) Special Collections: Contractor is authorized to add and collect 30 percent (30%) contingency collection fee ("Collection Fee") on all citations updated or uploaded to eTIMS, so long as the City is not responsible for such fee; and

WHEREAS, the Collection Fee is imposed by the Contractor, is separate from and in

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OAKLAND CITY COUNCIL

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addition to the cost of the citation, and is calculated by multiplying the citation fee by 30 percent (30%); and

WHEREAS, ACS collects and remits all collected parking citation fees, including the Collection Fee, to the City and then invoices the City separately for (i) CARR system services rendered and (ii) the Collection Fee in accordance with the Contract; and

WHEREAS, the annual value of the Collection Fee is fluid and dependent upon successful collection of delinquent parking tickets by ACS, for example, in Fiscal Year 2012, the Collection Fee passed through to ACS was \$867,848, and in Fiscal Year 2013, the Collection Fee passed through to ACS was \$1,959,714; and

WHEREAS, there is a correlation between an increase in ACS' Collection Fee and an increase in the City's delinquent parking citation revenues, Fiscal Year 2012 revenues net of Collection Fee were \$2,372,794 and in Fiscal Year 2013 revenues net of Collection Fee were \$5,590,333; and

WHEREAS, Resolution 82531 C.M.S does not provide sufficient spending authority for the Collection Fee, which necessitates adoption of a Resolution authorizing an appropriation of such funds as required and equal to the Collection Fee and not to exceed \$2,800,000 annually; and

WHEREAS, funds for the Contracted CARR system are available in the Department of Administrative Services Fiscal Years 2014 and 2015 adopted budget in the General Purpose Fund (1010), Organization (08921); and

WHEREAS, funds collected for the Special Collection Fee will be received as revenue into the General Purpose Fund (1010), appropriated as an offsetting expenditure in an amount equal to the collection fee received, but not to exceed \$2,800,000 annually, and remitted to ACS; now, therefore, be it

RESOLVED: That by adoption of this Resolution the City Council of the City of Oakland hereby establishes spending authority on the existing contract with ACS State and Local Solutions Inc., to an amount not to exceed Nine Hundred Thousand Dollars (\$900,000) per year for the remaining terms of the Contract for parking citation administration and revenue reconciliation system; and be it further

RESOLVED: That the City Council of the City of Oakland hereby authorizes an appropriation not to exceed Two Million Eight Hundred Thousand Dollars (\$2,800,000) as required and equal to the Thirty Percent (30%) Collection Fee on all assigned citations, which is imposed by the Contractor and is in addition to the motorist's outstanding citation.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

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OAKLAND CITY COUNCIL
JAN 07 2014

ATTEST: _____

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

2013 DEC -5 PM 12:54

OAKLAND CITY COUNCIL

Approved as to Form and Legality


City Attorney

RESOLUTION NO. _____ C.M.S.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLAND ESTABLISHING SPENDING AUTHORITY ON THE EXISTING CONTRACT WITH ACS STATE AND LOCAL SOLUTIONS INC., IN AN ANNUAL AMOUNT NOT TO EXCEED NINE HUNDRED THOUSAND DOLLARS (\$900,000) FOR PARKING CITATION ADMINISTRATION AND REVENUE COLLECTION SERVICES, AND AUTHORIZING AN APPROPRIATION UPON RECEIPT OF COLLECTION FEE REVENUES IN AN ANNUAL AMOUNT NOT TO EXCEED TWO MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$2,800,000), AS REQUIRED AND EQUAL TO THE THIRTY PERCENT (30%) SPECIAL COLLECTION FEE ON ALL ASSIGNED CITATIONS, WHICH IS IMPOSED BY THE CONTRACTOR IN ADDITION TO THE MOTORIST'S OUTSTANDING CITATION.

WHEREAS, at the February 16, 2010 regular meeting of the City Council of the City of Oakland, the City Council adopted Resolution 82531 C.M.S., authorizing the City Administrator to negotiate and execute a Contract between the City of Oakland and ACS State & Local Solutions, Inc. ("ACS"), to provide a parking citation administration and revenue reconciliation system ("CARR"); and

WHEREAS, the Contract was for a three-year term commencing April 2, 2010, with two one-year options to renew; and

WHEREAS, the initial three-year term expired March 31, 2013, and the City exercised a one-year renewal option beginning April 1, 2013 through March 31, 2014; and

WHEREAS, there is an additional one-year renewal option available should the City choose to exercise it for the term of April 1, 2014 through March 31, 2015; and

WHEREAS, Resolution 82531 C.M.S. resolved that the Contract was for an estimated annual amount of Nine Hundred Thousand Dollars (\$900,000) per year; and

WHEREAS, the estimated \$900,000 annual Contract cost is for the CARR system and is inclusive of; (i) per citation processing costs; (ii) reimbursable costs; (iii) lock box payment processing; (iv) mail processing equipment; and (v) as needed consultation services; and

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WHEREAS, the City's expenditure estimate was accurate in reflecting the costs for the CARR system but did not reflect the Special Collection Fee component of the Contract memorialized in Section 4.b.(6) Special Collections: Contractor is authorized to add and collect a 30 percent (30%) contingency collection fee ("Collection Fee") on all citations updated or uploaded to eTIMS, so long as the City is not responsible for such fee; and

WHEREAS, the Collection Fee is imposed by the Contractor, is separate from and in addition to the cost of the citation, and is calculated by multiplying the citation fee by 30 percent (30%); and

WHEREAS, ACS collects and remits all collected parking citation fees, including the Collection Fee, to the City and then invoices the City separately for (i) CARR system services rendered and (ii) the Collection Fee in accordance with the Contract; and

WHEREAS, the annual value of the Collection Fee is fluid and dependent upon successful collection of delinquent parking tickets by ACS, for example, in Fiscal Year 2012, the Collection Fee passed through to ACS was \$867,848, and in Fiscal Year 2013, the Collection Fee passed through to ACS was \$1,959,714; and

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WHEREAS, Resolution 82531 C.M.S does not provide sufficient spending authority for the Collection Fee, which necessitates adoption of a Resolution authorizing an appropriation of such funds as required and equal to the Collection Fee and not to exceed \$2,800,000 annually; and

WHEREAS, funds for the Contracted CARR system are available in the Department of Administrative Services Fiscal Years 2014 and 2015 adopted budget in the General Purpose Fund (1010), Organization (08921); and

WHEREAS, funds collected for the Special Collection Fee will be received as revenue into the General Purpose Fund (1010), appropriated as an offsetting expenditure in an amount equal to the collection fee received, but not to exceed \$2,800,000 annually, and remitted to ACS; now, therefore, be it

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IN COUNCIL, OAKLAND, CALIFORNIA, _____

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NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

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DEC 17 2013~~