

FILED
OFFICE OF THE CITY CLERK
OAKLAND

Priscia Hynes
City Attorney

2014 DEC -4 PM 2:28

OAKLAND CITY COUNCIL

RESOLUTION No. 85356 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO 1) NEGOTIATE AND ENTER INTO A ONE-YEAR CONTRACT WITH LEXIPOL, LLC, IN AN AMOUNT NOT TO EXCEED \$217,908 WITH THE OPTION TO RENEW THE SUBSCRIPTION SERVICES IN THE AMOUNT OF \$50,408 PER YEAR FOR UP TO FOUR ADDITIONAL YEARS, FOR LAW ENFORCEMENT POLICY MANAGEMENT SERVICES FOR THE OAKLAND POLICE DEPARTMENT, FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$419,540; AND 2) WAIVE THE LOCAL/SMALL LOCAL BUSINESS ENTERPRISE PROGRAM (L/SLBE)

WHEREAS, in January 2003, the City Council approved settlement of *Allen vs. City of Oakland, et al.*, which resolved a multitude of claims of constitutional violations by a number of police officers and the City of Oakland's (City) failure to prevent those actions; and

WHEREAS, the City Council agreed to the Negotiated Settlement Agreement (NSA) which required the City to reform the institutional practices of the Oakland Police Department (OPD) relative to training, policies, supervision, investigations, enforcement, and personnel accountability under the oversight of an independent monitoring team; and

WHEREAS, with the Court's approval, the NSA was terminated by the end of 2009 and was superseded by a 2-year Memorandum of Understanding (MOU) in 2010, and by a 2-year Amended Memorandum of Understanding (AMOU) in 2012; and the City is required to continue to implement the remaining institutional police reforms; and

WHEREAS, compliance with the NSA is measured in two phases, policy development and training and policy implementation, and both phases must be documented and tracked; and

WHEREAS, maintaining contemporary police practices requires real-time policy updates, training, and testing methods as case law and best practices evolve; and

WHEREAS, Power DMS, the Department's primary document management system, is operationally unable to support OPD's on-going policy development and training needs. Moreover, the system lacks the features needed for OPD to track policy changes, cataloging, and

ensuring that OPD conducts regular training that incorporates legal updates and recommendations on best practices in the industry;

WHEREAS, Lexipol, LLC was the sole respondent to a competitive solicitation process (Request for Proposals/Qualifications) and has over 10 years of experience providing policy and training solutions to public safety agencies; and

WHEREAS, under the Lexipol contract, the Department will work with Lexipol consultants and the City Attorney's Office in conducting a comprehensive review of all police policies; assisting the Department with publishing a complete manual, updating policies based on changes to case law and contemporary practices; training and testing personnel; and providing a repository for documentation and tracking of policy updates and training provided; and

WHEREAS, Oakland municipal Code section 2.04.020B requires Council approval of contracts for technology-related professional products or goods in excess of \$50,000.00; and

WHEREAS, staff recommends that it is in the best interests of the City to waive its Local/Small Local Business Enterprise Program so that OPD can enter into a professional services agreement with Lexipol to provide subscription and law enforcement management policies to OPD; and

WHEREAS, sufficient funds have been budgeted in FY 2013-2015: General Purpose Fund (1010), Office of the Inspector General (OIG) Org (101130), Contract Services Account (54919), Agency Wide Administration Program (PS01) to cover the cost of implementation (\$165,000) and the first year of subscription services (\$52,908), in a total amount of \$217,908; and

WHEREAS, subscription services for years two through five, in an amount not to exceed \$50,408 per year, shall be drawn from OPD's baseline budget appropriations; and

WHEREAS, the City lacks qualified personnel to perform the necessary work, and the City Council finds and determines that the services authorized hereunder are of a professional, scientific or technical and temporary nature, and shall not result in the loss of employment or salary by any person having permanent status in the competitive services; now, therefore, be it

RESOLVED: That the City Administrator, or designee, is authorized to enter into a contract with Lexipol, LLC for a one-year implementation and subscription agreement to provide law enforcement policy management services to OPD, with the option to renew the subscription service for an additional four years for a total contract amount not to exceed \$419,540 for five years; and be it

FURTHER RESOLVED: That the City Council hereby waives the Local/Small Local Business Enterprise Program Provisions for the proposed contract with Lexipol; and be it

FURTHER RESOLVED: That sufficient funds to execute this agreement have been

budgeted in the Department's FY 2013-2015 baseline budget and will be drawn from: General Purpose Fund (1010), Office of the Inspector General (OIG) Org (101130), Contract Services Account (54919), Agency Wide Administration Program (PS01) to cover the cost of implementation (\$165,000) and the first year of subscription services (\$52,908) in a total amount of \$217,908; and be it

FURTHER RESOLVED: That sufficient funds to cover the subscription services for years two through five, in an amount not to exceed \$50,408 per year, shall be budgeted and drawn from the OPD's baseline budget appropriations; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is authorized to carry out any actions necessary to fulfill the intent of this Resolution and accompanying Report, including completing all required negotiations, certifications, assurances, and documentation required to accept, modify, extend and/or amend this contract for services, except for any increase in the contract amount, without returning to the City Council; and be it

FURTHER RESOLVED: That the City Attorney shall review and approve this agreement as to form and legality and a copy of the fully executed agreement shall be placed on file with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JAN 06 2015

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, *Guillen, Campbell Washington - 8*

NOES - *Ø*

ABSENT - *Ø*

ABSTENTION - *Ø*

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