

City of Oakland
Council Agenda Report

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2003 DEC 11 PM 1:13

TO: Office of the City Manager
ATTN.: Deborah Edgerly
FROM: Office of the City Clerk
DATE: December 16, 2003

RE: Supplemental Information Regarding Agenda Item #15.1 in regards to a Request for Proposal for Real-time Closed Captioning Stenography Services

At the Tuesday, December 9, 2003 Finance & Management Committee Meeting, Committee members requested clarification in the following areas:

1. How many captionists are Oakland residents?
2. What are the captionists' prevailing wage or contract amount?
3. Do the captionists reside in the U.S.?
4. What is the quality assurance for captioning?
5. The ability to caption meetings simultaneously and rotate two captionists during meetings.
6. Letters of recommendation from two other cities.
7. Projected annual cost comparison from 2004 to 2009 between Rapidtext and C.A.P.
8. Hourly rate comparison between Rapidtext and C.A.P.

Please refer to the attached documents for the supplemental information.

Respectfully submitted,

Ceda Floyd (AZ)

Ceda Floyd,
City Clerk and
Clerk of the Council

S-15.1

ORA/COUNCIL

DEC 16 2003



TO: City Council Members **December 10, 2003**
RE: Supplemental Information Regarding Agenda Item #15.1 in regards to a Request for Proposal for Realtime Closed Captioning Stenography Services

This letter will clarify some issues that were brought up at the Tuesday, December 9, 2003 Finance & Management Committee Meeting in the following areas:

1. How many captionists are Oakland residents?
Answer: we sent letters to 82 candidates in the City of Oakland, including the current service provider, soliciting services for this account if we get the opportunity to work with the City of Oakland. Currently we have one captionist in the Oakland Bay area.
2. What are the captionists' prevailing wage or contract amount?
Answer: Captionists that we use to cover this account will make between \$75 and \$100 an hour which is consistent with broadcast television quality compensation.
3. Do the captionists reside in the U.S.?
Answer: All of our captionists reside in the U.S. Also, all of our employees are U.S. residents. We are a California based firm which I co-founded in 1988.
4. What is the quality assurance for captioning?
Answer: Currently we have a Quality Assurance Program whereby we check daily each meeting for random samples of captioning. These are monitored by our strict guidelines with daily reports generated and compiled twice a month in an internal report and given to clients upon request. Guidelines must be met in order for a captionist to maintain a working relationship with our firm.
5. The ability to caption meetings simultaneously and rotate two captionists during meetings.
Answer: With a team of 50 captionists, our company can handle simultaneous meetings as we do for the City of San Francisco. Also, for lengthy meetings, as we do on broadcast television programming, we seamlessly rotate captionists as needed which is a process transparent to the client.

I do hope this additional information will alleviate any concerns that there may be in our company commencing services for the City of Oakland. I will be glad to answer any other concerns during the next upcoming Council Meeting on December 16, 2003. Thank you for your consideration.

Sincerely,

Glory L. Johnson
COO and Vice President



April 24, 2003

«First_Name» «Middle» «Last_Name»
«Address_1»
«Address_11»
«City», «State» «Zip»

Dear «First_Name»:

Rapidtext would like to ask your participation in the upcoming City of Oakland Closed Captioning proposal. Rapidtext is submitting a bid to the city to perform services for closed captioning of city meetings broadcast on the government TV channel KTOP. We are requesting your Realtime captioning services as a writer on this contract. The scope of work is as follows:

- A). To deliver closed captioning services per an agreed upon schedule to be no less than 50% of the required schedule for the City of Oakland City Council and its Committees.
- B). Services are to be delivered remotely (offsite).
- C). If delivered remote (offsite), you will need to have two telephone lines. You are responsible for cost and installation of both telephone lines and Rapidtext does not pay for or assist in that install.
 - 1. One line will be for you to receive audio from the station.
 - 2. The second line will be for you to deliver captioned text to the broadcast encoder at KTOP.
- D.) Once a meeting is finished and you have completed captioning, you will be required to email the notes of the meeting to Rapidtext so that we may deliver the notes to the station.

If you have a minimum of two (2) years' experience in captioning, please contact Glory Johnson, Vice President at Rapidtext, to discuss this opportunity.

Sincerely,

Glory Johnson
Vice President
949.399.9200 x222

Cc. Donna Hauck, HR Administrator

Jill	C	Herrero	Oakland CA	94612
Cynthia	Lee	Hertz	Oakland CA	94661
Shelley	Elaine	Hinch	Oakland CA	94612
Mary	J	Hinds	Oakland CA	94619
Lisa	Carmen	Hodges	Oakland CA	94612
Patty	Lee	Hubble	Oakland CA	94605
Jane	E.	James	Oakland CA	94611
Dana	Marie	Jemme	Oakland CA	94607
Priscilla	S	Jenning	Oakland CA	94607
Kimberly	R.	Jensen	Oakland CA	94612
Robin	Esguerra	Johnson	Oakland CA	94612
Danuta		Krantz	Oakland CA	94602
Jessica	Barry	Lee	Oakland CA	94612
Cynthia		Lew	Oakland CA	94610
Denise	M	Lombardo	Oakland CA	94612
Laurie	Lynn	Lyon	Oakland CA	94611
Shoshana	Davida	Martinez	Oakland CA	946123611
Kelly	A	Mc Donald-Debro	Oakland CA	94618
Tina	Marie	Mcconnell	Oakland CA	94612
Evangeline		Mcgonagal	Oakland CA	94605
Marilyn	J B	Miller	Oakland CA	94610
Rachael	A	Miller	Oakland CA	94612
Rose	M	Miller	Oakland CA	94612
Cindy	Ann	Moreno	Oakland CA	94612
Douglas	G	Morgan	Oakland CA	94602
Sandra	J.	Naylor	Oakland CA	94623
Terri		Nestore	Oakland CA	94610
Frances	Lee	Newman	Oakland CA	946121055
Lori	L.	Nicora	Oakland CA	94612
Janith	A	Norman	Oakland CA	94612
Roseleen	Louise	O'brien	Oakland CA	94611
Nadine	M	Ong	Oakland CA	94610
Shirley		Payne	Oakland CA	94612
Ramona	S	Reinhardt	Oakland CA	94609
Carol	Joyce	Repke	Oakland CA	94612
Karen	Layne	Roberson	Oakland CA	94612

First Name	Middle	Last Name	City	State	Zip
Patricia		Ancelet	Oakland	CA	94602
Zina	Sheree	Bailey	Oakland	CA	94605
Sarah	Baldwin	Barrow	Oakland	CA	94605
Julie	Lynn	Bockover	Oakland	CA	94607
Richard	Daniel	Botto	Oakland	CA	94611
Francina		Bratten-Kidd	Oakland	CA	94612
Deborah	Wong	Brooks	Oakland	CA	94611
Wendy	C	Brown	Oakland	CA	94606
Maureen	Esther	Caldwell-Meurer	Oakland	CA	94602
Chen-Huey		Chow	Oakland	CA	94602
Bernice	Lorraine	Covington	Oakland	CA	94612
Jill	F	Crane	Oakland	CA	94602
Karen	A	Crangle	Oakland	CA	94610
Denise		Delee	Oakland	CA	94611
Laura	Jeanne	Dodson-Escover	Oakland	CA	94612
Dianne	J.	Dorn	Oakland	CA	94612
Ivy	Ruby	Duncan	Oakland	CA	94608
Heather	M	Ehmke	Oakland	CA	94610
Linda	B	Eng	Oakland	CA	94611
Shellí	G	Eng	Oakland	CA	94606
Jean	M	Ferrario	Oakland	CA	94611
Rita	A	Ferreyra	Oakland	CA	94612
Brenda	C.	Fields	Oakland	CA	94610
Rosa	E	Gamez	Oakland	CA	94612
M	Elizabeth	Gant	Oakland	CA	946046394
Gail	M	Garcia	Oakland	CA	94607
Martha	Ann	Gardiner	Oakland	CA	94612
Colleen	Calhoun	Gorecki	Oakland	CA	94612
Ingrid	M	Govers	Oakland	CA	94611
Jane		Grossman	Oakland	CA	94610
Pamela	L	Grove	Oakland	CA	94605
David	B	Hallford	Oakland	CA	94612
Carol		Haraburda	Oakland	CA	94556
Linda	M	Harris	Oakland	CA	94612

To, Annie

From: Priscilla Watts [Priscilla.Watts@sfgov.org]
Sent: Tuesday, November 04, 2003 10:15 AM
To: To, Annie
Subject: Re: Reference for Rapidtext

Annie,

We contracted with RapidText one year ago to caption our meetings. We have had very few problems. I can recommend their service. If you'd like to discuss in further details, please phone me at (415) 554-4300.

Priscilla Watts
SFGTV - City and County of San Francisco
(415) 554-4300
FAX (415) 554-4110

"To, Annie"
<ATo@oaklandnet.com>
To "priscilla.watts@sfgov.org 11/04/2003 08:39
<priscilla.watts@sfgov.org>

Subject Reference for Rapidtext

Hi Ms. Watts,

My name is Annie To and I work for the Office of the City Clerk in the City of Oakland. We are currently looking into the implementation of remote captioning for our City Council meetings.

I have been referred to you by Ms. Glory Johnson from Rapidtext. I understand that Rapidtext is currently the provider of offsite captioning for your Agency. Therefore, I would like to get some references with regards to the effectiveness and the reliability of offsite captioning. I am particularly interested in knowing more about such things as encoder issues, technical issues, scheduling, etc. Is the technology effective and if so how would you rate the service provided by Rapidtext? Please advise.

Thank you very much.

Annie To
City of Oakland
Office of the City Clerk
510-238-3624



Office of the City Manager

December 10, 2003

Ms. Annie To
 Office of the City Clerk
 City of Oakland, California
 Via Facsimile: (510) 238-6699

Dear Ms. To:

I'm writing in response to your request for a reference concerning RapidText captioning services. In short, we are extremely satisfied with the service they provide. As an institution, offsite captioning is neither new nor uncommon, and is used by virtually all broadcast and cable networks. Providers such as RapidText, VITAC, The Caption Center/WGBH etc. serve broadcast operations such as ABC, NBC, CBS, CNN and increasingly, local governments.

The City of San José began captioning using the offsite provider VITAC in 2000. While we were extremely satisfied with their performance, a subsequent re-bid of the contract in April of 2003 brought in RapidText as the lowest bidder. As it turned out, RapidText's quality of work has been equally impressive. While I don't have an exact percentage for accuracy, I would estimate it at above 95%. This is comparable to captions on broadcast networks, as there are occasional but infrequent errors. One important thing to note is that RapidText captioners maintain an electronic "dictionary" and constantly add new City-specific terms (proper names, place names) to it. One example that recently occurred here in San José was after the appointment of an Acting Director of the City's Redevelopment Agency. After being uncertain of the proper spelling of the director's name during the meeting, the captioner e-mailed me immediately following the meeting to inquire. She has now added "M-a-v-r-o-q-e-n-e-s" to her dictionary! Captioners receive meeting agendas prior to the meeting and proactively view our website to keep current with any spellings that might be unusual.

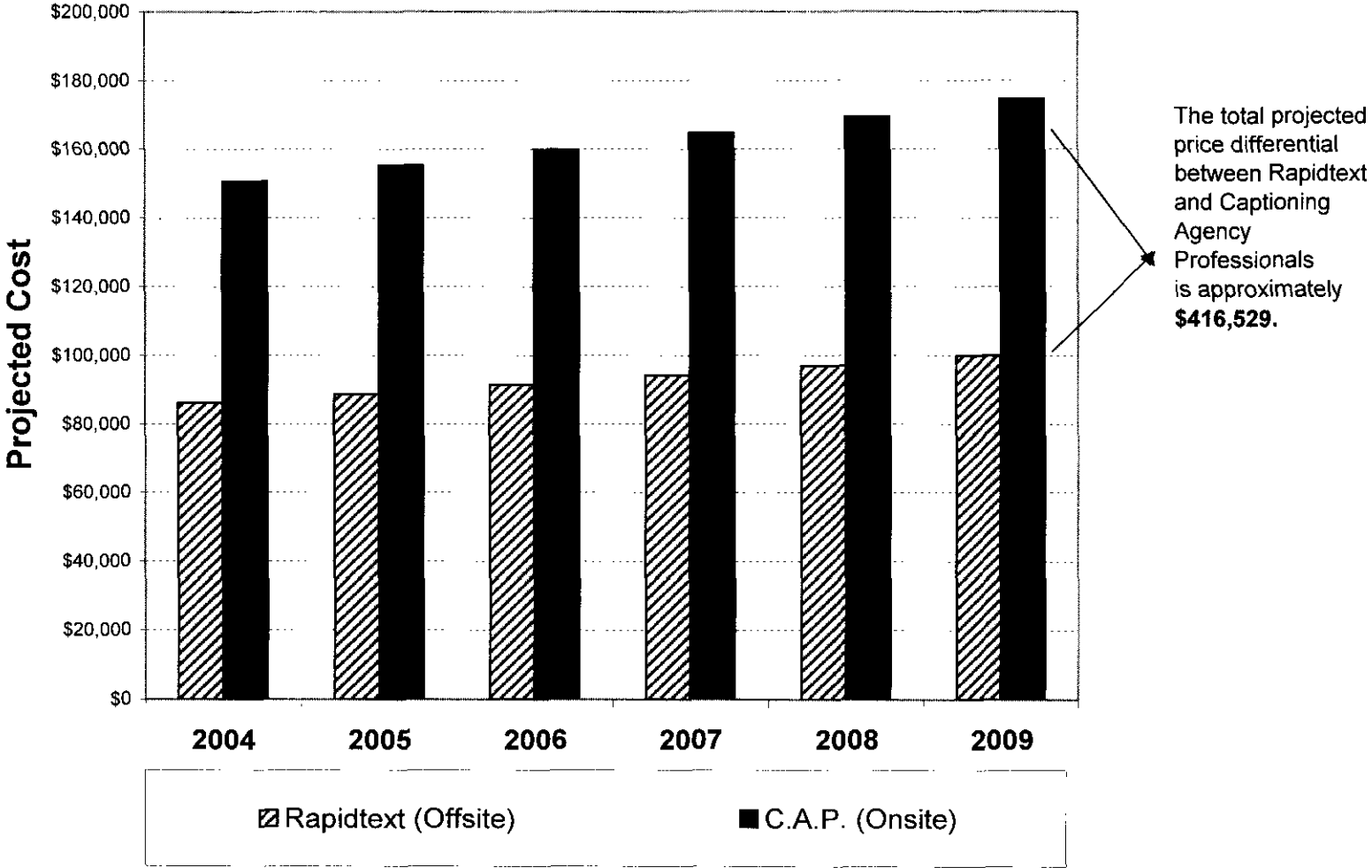
I hope that this experience we have had will serve to allay any fears of the unknown that your Council might have. Again, real-time captioning is a "tried and true" service and is an effective way to meet the needs of your hearing-impaired community. I would be happy to discuss if you have any further questions. Happy holidays.

Sincerely,

J. Ross Braver
 Video Communications Manager

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 OAKLAND
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**CITY OF OAKLAND
OFFICE OF THE CITY CLERK
Projected Annual Cost Comparison From 2004 to 2009 Between
Rapidtext and Captioning Agency Professionals (C.A.P.)**



**CITY OF OAKLAND
OFFICE OF THE CITY CLERK
HOURLY RATE COMPARISON BETWEEN
RAPIDTEXT AND CAPTIONING AGENCY PROFESSIONALS (C.A.P.)**

Rapidtext Hourly Rate (Off site captioning) Fixed Hourly Rate	Captioning Agency Professionals Hourly Rate (On site captioning) Four Tier Hourly Rate
Hourly Rate \$138.00 vs.	8:00 a.m. to 5:00 p.m. Hourly Rate \$ 225.00 5:01 p.m. to 10:30 p.m. Hourly Rate \$ 250.00 10:31 p.m. to 12:00 p.m. Hourly Rate \$ 275.00 12:01 a.m. to 5:00 a.m. Hourly Rate \$ 300.00

City of Oakland
Council Agenda Report

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2003 NOV 25 AM 11:13

TO: Office of the City Manager
ATTN.: Deborah Edgerly
FROM: Office of the City Clerk
DATE: December 9, 2003

REVISED
Page 4

RE: RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH RAPIDTEXT FOR OFF-SITE REAL TIME CLOSED CAPTIONING STENOGRAPHY SERVICES FOR THE CONCURRENT REDEVELOPMENT AGENCY/OAKLAND CITY COUNCIL AND COMMITTEE MEETINGS IN AN AMOUNT NOT TO EXCEED NINETY THOUSAND DOLLARS (\$90,000) PER YEAR FOR THE PERIOD FROM JANUARY 1, 2004 THROUGH JUNE 30, 2005 AND AUTHORIZING THE CITY MANAGER TO EXECUTE A TWO YEAR EXTENSION OF THE CONTRACT FOR AN ADDITIONAL AMOUNT NOT TO EXCEED NINETY THOUSAND DOLLARS (\$90,000) PER YEAR

SUMMARY

A resolution has been prepared authorizing the City Manager to execute a professional services contract with Rapidtext for off-site real time closed captioning stenography services for the concurrent Redevelopment Agency/Oakland City Council and Committee meetings in an amount not to exceed Ninety Thousand Dollars (\$90,000) per year for the period from January 1, 2004 through June 30, 2005 and authorizing the City Manager to execute a two year extension of the contract for an additional amount not to exceed Ninety Thousand (\$90,000) per year.

FISCAL IMPACT

The funding for this contract is included in the Office of the City Clerk's Proposed FY 2003-05 Budget in Fund 1010, Organization 03121, and Account 54919.

BACKGROUND

Under Title II of the Americans with Disabilities Act (ADA) 42 U.S.C. 12101 *et seq.*, state and local governments must ensure that communications with people with disabilities are as effective as communications with others. The U.S. Department of Justice regulations implementing Title II of the ADA require the provision of auxiliary aids and services where necessary to ensure effective communication with people with disabilities. For individuals with hearing impairments, auxiliary aids and services include qualified interpreters, *closed captioning, and computer aided real-time captioning.*

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The ADA effective communications requirement extends to city cable television programming. Page 35712 of the Title II regulation discusses this concept:

A number of comments raised questions about the extent of a public entity's obligation to provide access to television programming for persons with hearing impairments. Television and videotape programs produced by public entities are covered by the ADA. Access to audio portions of such programming may be provided by closed captioning.

The U.S. Department of Justice advises public entities to close caption audio portions of television programming unless doing so would result in a fundamental alteration in the nature of the television programming or in an undue financial and administrative burden. Closed captioning does not fundamentally alter the nature of television programming since it is only visible to those viewers who activate the captioning option on their television. The City's entire budget and staffing should be considered when determining if the City is qualified to make undue financial and administrative burden claims related to Closed Captioning of city television cablecasts.

In order to ensure that these laws and policies are met, the City Council has elected to provide real-time Closed Captioning of all City Council Meetings. Since there are no City employees capable of providing real-time closed captioning nor does there currently exist a classification within the Civil Service to provide these services, we must contract for these services. The contract with Jane James DBA Captioning Agency Professional for Closed Captioning services expired on June 30, 2003 and was extended to January 31, 2004.

DISCUSSION

Since January 2, 1996, real-time captioning and live closed captioning cablecast of joint meetings of the Oakland Redevelopment Agency and City Council and other special meetings of the full Council have been provided. Real-time captioning is provided during Committee and Council meetings and is routinely broadcasted on the City Government Television station. Captioning Agency Professional has been awarded the captioning contract since January 2, 1996 through the competitive bid process. The Americans with Disabilities Act (ADA) 42 U.S.C. 12101 et seq. and Administrative Instruction Number 123 require that the City provide reasonable accommodation to those with disabilities in order to facilitate access to City services.

In July 2000, the Office of the City Clerk installed computer-aided real time captioning equipment in City Hall Hearing Rooms 1 and 2. In addition to providing caption on the KTOP cablecast, real-time captioning of City Council Committees are displayed in Hearing Rooms 1 and 2 for the benefit of members of the live audience with hearing impairments.

Only highly trained and experienced professionals can provide the captioning services required during City Council Meetings and City Council Committee Meetings. The current contract for these services expired on June 30, 2003 and was extended to January 31, 2004. It is imperative that captioning of City Council Meetings and City Council Committee Meetings continue uninterrupted.

On April 3, 2003, the Office of the City Clerk issued a competitive Request for Proposal (RFP) for real time closed captioning services. Nine copies of the RFPs were mailed.

The following six companies responded to the RFP. They are listed by the lowest bidder first:

Lowest Bidder First	Proposers	Type of Captioning Services	Estimated Annual Amount	Additional Cost as compared to the Lowest Bidder
1	Rapidtext 1801 Dove St. #101 Newport Beach, CA 92660	Off-site	\$ 86,181	Lowest Bidder
2	Jennifer M. Rodrigues P.O. Box 20278 Castro Valley, CA 94546-8278	On-site	\$ 88,248	\$ 2,067
3	Caption Max 5355 Cartwright Avenue North Hollywood, CA 91601	Off-site	\$ 121,778	\$ 35,597
4	Captioning Agency Professional 6031 Girvin Dr. Oakland, CA 94611-2458	On-site	\$ 150,575	\$ 64,394
5	Official Realtime Captioning Agency 1106 Second Street #282	Off-site	\$164,803	\$ 78,622
6	Certified Realtime Reporter 49 Lyell Street Los Altos, CA 94022	On-site & Off-site	\$247,375	\$161,194

Please refer to **Attachment 1** for the bid summary and **Attachment 2** for analysis of the Local/Small Local Business Enterprise Program provided by the City Manager's Contract Compliance and Employment Services Division.

Of the six proposals received, Rapidtext was the lowest and most responsive bidder. The second bidder, Jennifer M. Rodrigues advised she was not willing to work past 10:00 PM for any reason. The third bidder, Caption Max, was not considered because their bid was \$35,597 more than Rapidtext. The fourth bidder, Captioning Agency Professional, was not considered because their bid was \$64,394 more than Rapidtext. The fifth and sixth bidders, Official Realtime Captioning Agency and Certified Realtime Reporter were not considered because their bids were \$78,622 and \$161,194 respectively more than Rapidtext. The price differential between the lowest and the highest bidder is \$161,194. Based on responses received, staff recommends Rapidtext, the lowest bidder.

In May 2003, the City Manager requested that the vendor (Rapidtext) and the City test the off-site captioning function prior to presenting a recommendation to the City Council. The Council recess, August 2003, was chosen as the most appropriate time to test the viability and reliability of off-site captioning.

The current captioning provider, Jane James, DBA Captioning Agency Professionals, professional services contract expired on June 30, 2003. Council approved Resolution 77874 C.M.S. on June 17, 2003 authorizing the City Manager to extend the term of the professional services contract for real-time closed captioning stenography services with Jane James DBA Captioning Agency Professionals for 90 days (July, September, October 2003) for an amount not to exceed fifty thousand dollars (\$50,000.00) in order to provide ample time for testing. The contract was extended again to January 31, 2004.

On August 26 & 27, 2003 KTOP and Rapidtext conducted a test in order to evaluate the off-site closed captioning system proposed to replace the on-site closed captioning service. The result of KTOP's test is included as Attachment A. In short, the off-site test was successful.

The Office of Information Technology has also evaluated the off-site technology and has asserted that the main failure points for this technology would be if a "reboot" was necessary and, the telephone lines were dead, which rarely occurs. The greatest possible failure would be a complete computer failure. These risks are no greater than what presently exist with on-site captioning.

Offsite captioning is recommended because it is more economical than on-site captioning. The hourly charge for off-site captioning is \$138.00 versus \$225.00 for on-site captioning. In addition, there is no preparation charge for off-site captioning. However, both off-site captioning and on-site captioning require a two hour minimum charge. For example, if the Rules Committee meeting lasts for half an hour, the amount that the City would have to pay to Rapidtext for offsite captioning would be \$276.00 for the two hour minimum charge versus \$562.50 to Captioning Agency Professionals for onsite captioning under their two hour minimum charge plus the ½ hour preparation time charge. The cost savings between Rapidtext and Captioning Agency Professionals would be \$286.50 for the half hour Rules Committee meeting. The potential cost savings based on an hour-per-hour rate comparison is approximately \$64,394 annually. The potential cost savings over the next five years is approximately \$416,529.

Rapidtext can provide remote (offsite) captioning to the City of Oakland utilizing existing equipment on site. However, in order to caption meetings remotely, the City of Oakland would need to install (2) phone lines in each meeting location. Additionally, the City would be required to purchase one (1) Link PDR885 encoder with a built-in modem & one (1) audio coupler. The initial cost to equip Hearing Room one and Council Chamber is approximately twenty four hundred dollars (\$2,400).

In addition, Rapidtext will provide incident reports immediately after experiencing such things as interrupted service, encoder issues, technical issues, etc. They will analyze each incident to prevent a re-occurrence and calculate loss of time for any captioning that may have been interrupted.

*In response to the RFP, CAP has reduced their current minimum charge from 3 hours to 2 hours plus a ½ hour preparation time for each meeting.

Staff contacted other California cities who currently use Rapidtext for remote captioning of legislative meetings and was told that offsite captioning works well. The three cities are:

- City and County of San Francisco
- City of San Jose
- City of San Diego

Staff contacted the City and County of San Francisco and was told that they contracted with Rapidtext a year ago to caption their legislative meetings. They have had very few problems and highly recommend Rapidtext service. The City and County of San Francisco, has an accuracy rate of 99.87 percent. Additionally, staff contacted the City of San Jose and was advised that they are extremely satisfied with the services provided by Rapidtext. They have contracted with Rapidtext for the last three and a half years and have experienced no major problems. Lastly, staff contacted the City of San Diego and was advised that the system is very reliable. There are no issues to date with off-site captioning and "the captioners are always there even though they are out of sight and out of mind". "All the captioners have to do is dial right into their City's modem and they are on. The captioners work behind the scene and there is nothing required from staff. However, the City of San Diego Engineers set up all the equipment and made it easy for the captioners to dial in." "The Engineers have set the system up so the system does everything automatically so that staff doesn't even have to lift a finger." Overall, the recommendations received from other cities have all been very positive.

Based on the above information, remote captioning appears to be a viable alternative to the City of Oakland's current on-site closed captioning service. Rapidtext is the lowest bidder and they appear to be the most responsive and cost effective. In addition, the City has already purchased some Rapidtext equipment and software to support our current on-site captioning activity. The purchase of an encoder with built-in modem and one audio coupler for each meeting location is a minimal cost compared to the annual savings of approximately sixty thousand dollars (\$60,000) a year for providing off-site captioning versus on-site captioning .

To ensure continuity of service should Rapidtext go off-line, staff recommends that during the first two weeks of the Rapidtext contract, C.A.P. be on hand as back-up should the system fail. In addition, Office of Information Technology will have staff available on-site during the first two weeks of operation and thereafter have staff on stand-by to troubleshoot. An interruption in off-site captioning during live broadcasts will be logged and if considerable problems persist after 90 days, then the City will reevaluate using off-site v. on-site captioning.

Staff further recommends implementing a 90 day quality assurance review. A local Community Based Organization, which serves the Deaf Community, would conduct reviews of Rapidtext's services. The Community Based Organization would compare a master tape of a Council meeting captioned by C.A.P. to a master tape of the same Council meeting captioned by Rapidtext. In addition, the CBO would be asked to regularly review KTOP live broadcasts of Council meetings during the 90 day trial period.

KTOP can assist in the complaint process by broadcasting a written announcement stating that the City is using a new, off-site closed captioning service and indicate how persons who are deaf or hard of hearing can provide comments/complaints to the City should they find problems with the captioning service. The same announcement can be distributed via web-based disability list services and the Commission on Persons with Disabilities, etc.

SUSTAINABLE OPPORTUNITIES

Economic: No sustainable opportunities or impacts have been identified.

Environmental: No environmental opportunities or impacts have been identified

Social Equity: No social equity opportunities or impacts have been identified

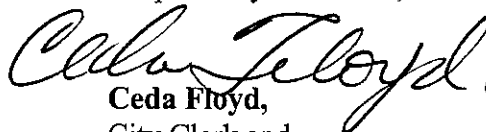
DISABILITY AND SENIOR CITIZEN ACCESS

As referenced above, approval of this action will comply with Title II of the Americans with Disabilities Act (ADA) 42 U.S.C. 12101 et seq., which requires that state and local governments ensure that communications with people with disabilities are as effective as communications with others.

RECOMMENDATION

Staff requests that the Finance and Management Committee approve a resolution authorizing the City Manager to execute a professional services contract with Rapidtext for off-site real time closed captioning stenography services for the concurrent Redevelopment Agency/Oakland City Council and Committee meetings in an amount not to exceed Ninety Thousand Dollars (\$90,000) per year for the period from January 1, 2004 though June 30, 2005 and authorizing the City Manager to execute a two year extension of the contract for an additional amount not to exceed Ninety Thousand (\$90,000) per year.

Respectfully submitted,




Ceda Floyd,
City Clerk and
Clerk of the Council

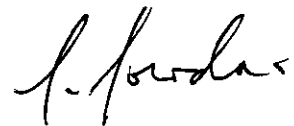
S-15.1
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DEC 16 2003

**APPROVED AND FORWARDED TO THE
FINANCE AND MANAGEMENT COMMITTEE**


Office of the City Manager


FINANCE & MANAGEMENT CMTE.
DEC 16 2003

OAKLAND CITY COUNCIL



FILED
OFFICE OF THE CITY CLERK
OAKLAND
RESOLUTION NO. _____ C.M.S.

2003 DEC -9 AM 10:59

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH RAPIDTEXT FOR OFF-SITE REAL TIME CLOSED CAPTIONING STENOGRAPHY SERVICES FOR THE CONCURRENT REDEVELOPMENT AGENCY/OAKLAND CITY COUNCIL AND COMMITTEE MEETINGS IN AN AMOUNT NOT TO EXCEED NINETY THOUSAND DOLLARS (\$90,000) PER YEAR FOR THE PERIOD FROM JANUARY 1, 2004 THROUGH JUNE 30, 2005 AND AUTHORIZING THE CITY MANAGER TO EXECUTE A TWO YEAR EXTENSION OF THE CONTRACT FOR AN ADDITIONAL AMOUNT NOT TO EXCEED NINETY THOUSAND DOLLARS (\$90,000) PER YEAR.

WHEREAS, the City of Oakland intends to enter into an Agreement with Rapidtext as of January 1, 2004 to provide off-site closed captioning services for City Council meetings during the period of January 1, 2004, through June 30, 2005; and

WHEREAS, the Agreement is required due to the requirements of the Americans with Disabilities Act (ADA) 42 U.S.C. § 12101 et seq. and Administrative Instruction No. 123, the City's Access Policy; and

WHEREAS, the City Council finds that the service is professional; and

WHEREAS, the City Council finds that the service is temporary for the period of January 1, 2004 through June 30, 2005; and

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

WHEREAS, the Office of the City Clerk issued nine competitive requests for proposal in April 2003 and received six responses to the requests for proposal; and

WHEREAS, Rapidtext responded as the lowest bidder to provide remote (offsite) captioning of the six bids received; and

WHEREAS, Off-site captioning will result in a savings of a pproximately \$60,000 a year as compared to our traditional on site captioning contract; and

WHEREAS, neighboring jurisdictions utilize offsite captioning to support their legislative process; and

WHEREAS, the City Oakland desires that Rapidtext provide the required services to the City of Oakland during City Council, Committee/Council meetings and all special meetings of the City Council; and therefore, be it

RESOLVED: that the City Manager is authorized to negotiate and extend the agreement between Rapidtext and the City of Oakland to provide closed captioning services during City Council meetings, City Council Committee Meetings, and all special meetings of the City Council for the period from January 1, 2004 through June 30, 2005; be it

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FURTHER RESOLVED: that the City Council authorizes the City Manager to enter into a Professional Service Agreement with Rapidtext for an amount not to exceed ninety thousand dollars (\$90,000) for the first year; and be it

FURTHER RESOLVED: that the City Council authorizes the City Manager to extend all or part of this term contract with Rapidtext for an additional two year period, with the terms and conditions remaining the same, in the annual amount not to exceed ninety thousand dollars (\$90,000), provided that such amendments or extensions shall be filed with the Office of the City Clerk; and be it

FURTHER RESOLVED: that the City Attorney shall review and approve as to form and legality all documentation with respect to this Agreement.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2003

PASSED BY THE FOLLOWING VOTE:

AYES- Brooks, Brunner, Chang, President De La Fuente, Nadel, Quan, Reid, and Wan

NOES-

ABSENT-

ABSTENTION-

EXCUSED-

ATTEST: _____

CEDA FLOYD
CITY CLERK AND CLERK OF THE COUNCIL
OF THE CITY OF OAKLAND, CALIFORNIA

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Supplementary

Remote Captioning Report

Introduction

This is a supplementary report of the results of a test KTOP requested of Rapidtext, Inc. in order to evaluate the remote closed captioning system proposed to replace the on-site closed captioning service used during legislative meetings of the City of Oakland. Although the test was conducted using only the City Council Chambers closed captioning devices routed to KTOP Master Control, the results of the test are indicative of remote captioning capabilities that will be activated in Hearing Room 1 and, when appropriately equipped, Hearing Room 2 in City Hall.

Background

The City of Oakland requires remote captioning of its legislative meetings to satisfy requirements dictated by the American for Disabilities Act. That service has heretofore been provided by onsite services provided by Jane James Associates. The proposed remote captioning service would replace the onsite service at a per year cost savings. Although an initial report by KTOP and the Office of the City Clerk verified the use of remote captioning in other cities, we required that the proposed vendor, Rapid Text, Inc of Los Angeles, CA conduct a test of the system in Oakland before KTOP could fully recommend the replacement of proven onsite services. That test was successfully conducted on August 26 & 27.

The following depicts the method tested by the KTOP-TV staff with the assistance of Rapidtext, Inc.

Method Tested: Connectivity via Analog Modem

Overview:

Rapidtext's system will provide remote captioning with data feeds to encoders driving LED display devices located in Hearing Room-1, eventually Hearing Room-2 and a large screen projector located within the Council Chambers. Captioning data will also be fed to an encoder located in the KTOP-TV Master Control room. Program audio from televised meeting will be accessible to the remote captioner via an analog telephone line and audio coupler device.

In this test the Council Chambers caption workstation was configured with a modem and assigned a dedicated analog phone line suitable for long-distance modem communication. The remote captioning stenographer (in this test, located in Connecticut but subsequent captioners will be all over the U.S.) placed a call to the Council Chambers captioning workstation via the modem, and activated the Rapidtext software.

After some initial challenges caused by the temporary analog telephone lines the test proceeded using audio from a previously videotaped City Council meeting. We were particularly interested in how the remote captioner responded to speech that had heavy accents or dialects since Oakland has a very diverse community that attend meetings.. The captioner in this test did have problems with some of the dialects used and when audio was not understood the screen showed a "speech unintelligible" prompt in

place of some of the actual dialogue. Other than this occasional lapse in the following of the speech the Rapidtext equipment system performed well.

Equipment & Requirements (approx. costs)

- Dedicated phone line at each computer

a. Initial Installation 3-required @\$60.00/line Sub-Total\$180.00

b. Re-occurring monthly \$16.00 X 3 Sub-Total\$48.00/mon

- Analog voice coupler:

a. COMREX Model TBC2A Sub-Total\$500.00

b. Analog modem; 2 required @ \$55.00ea Sub-Total\$110.00
\$610.00

Total one time charge \$250.00

Total equipment cost \$610.00

Total Re-occurring cost \$48.00/mon

Total activation cost **\$908.00**

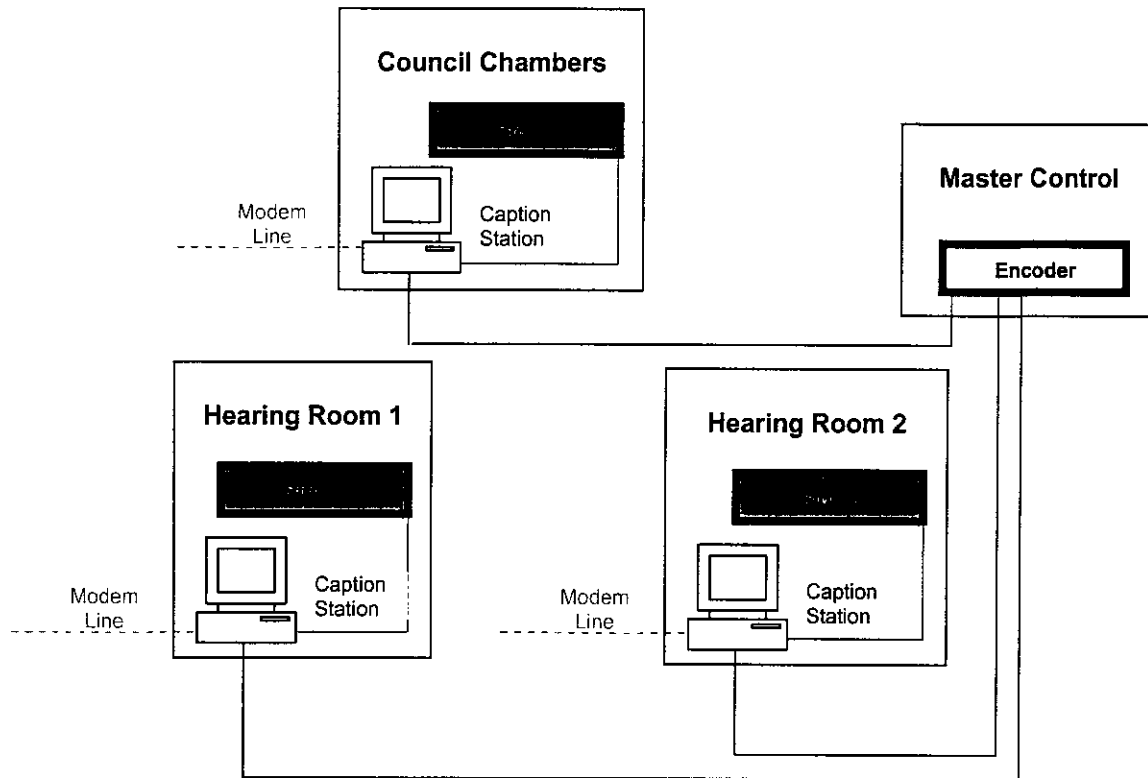
Benefits:

- Does not require public IP address

Restraints:

- Less flexibility in remote device selection than IP solution
- May require more City personnel intervention to set up remote captioning

Overview Diagram of Modem Connectivity



Summary

When configured in the manner depicted above, the equipment performed well. However, It should be note that there is no single point of tech support or quality control. The equipment selection and configuration is in an "unattended" mode with no assigned telephone technician to address problems. OIT could assign an on-call technician to be available should there be problems with the telephone lines. KTOP staff has no ability to affect the quality of the transmission, execution or reception of this service. KTOP has no ability to service the technical areas of the service. There will be issues around identifying speakers since remote captioner cannot visually identify. Most speakers will not be identified, including Councilmembers. Certain dialects and speech affectations will not be translatabe. With these caveats, the Rapidtext remote system can be considered to be a reasonable alternative to an onsite closed captioning service.

Respectfully submitted

Ashley James, Station Manager

Will Washington, Chief Television Engineer.



**CITY OF OAKLAND
OFFICE OF THE CITY CLERK
CAPTIONING SERVICES BID SUMMARY - RANKED BY LOWEST BIDDER
APRIL 28, 2003**

ATTACHMENT 1

LOWEST BIDDER #1 #2 #3

	RAPID TEXT 1801 DOVE ST. SUITE 101 NEWPORT BEACH, CA 92660 Al Davino (949) 399-9200 x253		JENNIFER M. RODRIGUES P.O. BOX 20278 CASTRO VALLEY, CA 94546-82 Jennifer Rodrigues 888-9825		CAPTION MAX 5355 CARTWRIGHT AVENUE, SUIT NORTH HOLLYWOOD, CA 91601 Lisa Pukall (818) 752-3377	
	Off-site captioning		On-site captioning		Off-site captioning	
	OPTION #1	OPTION #2	OPTION #1	OPTION #2	OPTION #1	OPTION #2
	EXCLUSIVE CONTRACT	NON-EXCLUSIVE CONTRACT	EXCLUSIVE CONTRACT	NON-EXCLUSIVE CONTRACT	EXCLUSIVE CONTRACT	NON-EXCLUSIVE CONTRACT
Transcripts "As is" text file Disk (Edited) Expedited edit	No Charge		No charge		No charge	
Other Terms:	Two hour minimum Billed in 30 minutes increment		No service provided after 10 pm		Two hour minimum Billed in 30 minutes increment	
TOTAL EST. COSTS	\$ 86,181	\$ 86,181	\$ 88,248	\$ 88,248	\$ 121,778	\$ 156,125
ADDITIONAL COSTS	0		\$ 2,067		\$ 35,597	
AS COMPARED TO THE LOWEST BIDDER						

BIDDER #4 #5 #6

	CAPTIONING AGENCY PROFESSIONALS 6031 GIRVIN DR OAKLAND, CA 94611-2458 Jane James (510) 530-3989		OFFICIAL REALTIME CAPTIONING ASS 1106 SECOND STREET #282 ENCINITAS, CA 92024 Renee Cohen (760) 944-8304		CERTIFIED REALTIME REPORTER 49 LYELL STREET LOS ALTOS, CA 94022 Laura Brewer (650) 949-1900	
	On-site captioning		Off-site Captioning		On-site and Off-site captioning	
	OPTION #1	OPTION #2	OPTION #1	OPTION #2	OPTION #1	OPTION #2
Transcripts "As is" text file Disk (Edited) Expedited edit	\$50 / Meeting \$50 / hour \$100 / hour		No Charge \$4.50 per page		No Charge	
Other Terms:	Two hour minimum Billed in 15 minutes increment		Two hour minimum Billed in 15 minutes increment		City to pay cost of insurance over \$500 City to provide two 800(toll-free) phone lines	
TOTAL EST. COSTS	\$ 150,575	\$ 104,488	\$ 164,803	\$ 164,803	\$ 247,375	\$ 247,375
ADDITIONAL COSTS	\$ 64,394		\$ 78,622		\$ 161,194	
AS COMPARED TO THE LOWEST BIDDER						

**Contract Compliance and
Employment Services Division
Office of the City Manager**

Memorandum

Date: May 1, 2003
From: Dasco Munoz - Contract Compliance Officer *DM*
To: Annie To - Support Services Supervisor
Regarding: Closed Captioning Services

The following six RFP's were reviewed for compliance with the City of Oakland's Local and Small Local Business (L/SLBE) Program goal. Based upon our review one firm achieved the L/SLBE Program goal.

Name of Company	LBE	SLBE	Total
1. RapidText	0%	0%	0%
2. Jennifer Rodrigues	0%	0%	0%
3. Caption Max	0%	0%	0%
4. Captioning Agency Professional	0%	75%	75%
5. Official Realtime Captioning	0%	0%	0%
6. Certified Realtime Reporter	0%	0%	0%

If you have any questions or need additional information. Please contact me at 238-7643

CC:

LBE/SLBE Participation Consultant 1

Attachment B

**Total Project Cost for: Realtime Closed Captioning Stenography Services for Concurrent Oakland
Redevelopment Agency/Oakland City Council and Committee Meetings**

Project No.: CC02541

Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	TOTAL LBE/SLBE	TOTAL %	For Tracking Only		
								Ethnic.	MBE	WBE
PRIME	Rapid Text	Newport Beach	UB				%			
Project Totals				0%	0.0%	0.0%	100%		0%	0%
PROFESSIONAL SERVICE GOALS				LBE 15% Max Credit	SLBE 35%	LBE/SLBE 50%	Goals: The 50% ALL LBE goal is a combination of 15% LBE and 35% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% goal. LBE firms can only be counted up to 15% of the total contract amount.			

Legend

- | | |
|--|---|
| All LBE All certified Local and Small Local Businesses
LBE Local Business Enterprise
SLBE Small Local Business Enterprise
LTRJ Local Trucking Business
MBE Minority Business Enterprise (tracking only)
WBE Women Business Enterprise (tracking only) | CB Certified Business
UB Uncertified Business
AA African American
H Hispanic
A Asian
C Caucasian
NA Native American |
|--|---|

LBE/SLBE Participation Consultant 2

Attachment R

**Total Project Cost for: Realtime Closed Captioning Stenography Services for Concurrent Oakland
Redevelopment Agency/Oakland City Council and Committee Meetings**

Project No.: CC02541

Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	TOTAL	TOTAL	For Tracking Only		
								Ethn.	MBE	WBE
PRIME	Jennifer M. Rodrigues	Castro Valley	UB			LBE/SLBE	%			
Project Totals				0%	0.0%	0.0%	100%		0%	0%
PROFESSIONAL SERVICE GOALS				LBE 15% Max Credit	SLBE 35%	LBE/SLBE 50%	Goals: The 50% ALL LBE goal is a combination of 15% LBE and 35% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% goal. LBE firms can only be counted up to 15% of the total contract amount.			

Legend

- All LBE All certified Local and Small Local Businesses
- LBE Local Business Enterprise
- SLBE Small Local Business Enterprise
- LTRU Local Trucking Business
- MBE Minority Business Enterprise (tracking only)
- WBE Women Business Enterprise (tracking only)

- CB Certified Business
- UB Uncertified Business
- AA African American
- H Hispanic
- A Asian
- C Caucasian
- NA Native American

LBE/SLBE Participation Consultant 3

Attachment B

Total Project Cost for: Realtime Closed Captioning Stenography Services for Concurrent Oakland
Redevelopment Agency/Oakland City Council and Committee Meetings

Project No.: CC02541

Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	TOTAL	TOTAL	For Tracking Only		
								Ethn.	MBE	WBE
PRIME	Caption Max	North Hollywood Chula Vista	UB				%			
	Real Time C Network Captioning		UB				50%			
Project Totals				0%	0.0%	0.0%	100%		0%	0%
PROFESSIONAL SERVICE GOALS				LBE 15% Max Credit	SLBE 35%	LBE/SLBE 50%	Goals: The 50% ALL LBE goal is a combination of 15% LBE and 35% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% goal. LBE firms can only be counted up to 15% of the total contract amount.			

Legend

- | | |
|--|---|
| All LBE All certified Local and Small Local Businesses
LBE Local Business Enterprise
SLBE Small Local Business Enterprise
LTRU Local Trucking Business
MBE Minority Business Enterprise (tracking only)
WBE Women Business Enterprise (tracking only) | CB Certified Business
UB Uncertified Business
AA African American
H Hispanic
A Asian
C Caucasian
NA Native American |
|--|---|

LBE/SLBE Participation Consultant 4

Attachment B

**Total Project Cost for: Realtime Closed Captioning Stenography Services for Concurrent Oakland
Redevelopment Agency/Oakland City Council and Committee Meetings**

Project No.: CC02541

Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	TOTAL	TOTAL	For Tracking Only		
								Ethn.	MBE	WBE
PRIME	Captioning Agency Professional	Oakland	CB		75.0%	LBE/SLBE 75%	%			
Captioner	Lorrelia Simmons	Lodi	UB				10%			
Captioner	Richard Walker	Emeryville	UB				10%			
Captioner	Allison Strubberg	Dublin	UB				5%			
Project Totals				0%	75.0%	75.0%	100%		0%	0%
PROFESSIONAL SERVICE GOALS				LBE 15% Max Credit	SLBE 35%	LBE/SLBE 50%	Goals: The 50% ALL LBE goal is a combination of 15% LBE and 35% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% goal. LBE firms can only be counted up to 15% of the total contract amount.			

Legend

- | | |
|--|---|
| All LBE All certified Local and Small Local Businesses
LBE Local Business Enterprise
S/BE Small Local Business Enterprise
LTRU Local Trucking Business
MBE Minority Business Enterprise (tracking only)
WBE Women Business Enterprise (tracking only) | CB Certified Business
UB Uncertified Business
AA African American
H Hispanic
A Asian
C Caucasian
NA Native American |
|--|---|

LBE/SLBE Participation Consultant 5

Attachment B3

**Total Project Cost for: Realltime Closed Captioning Stenography Services for Concurrent Oakland
Redevelopment Agency/Oakland City Council and Committee Meetings**

Project No.: CC02541

Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	TOTAL LBE/SLBE	TOTAL	For Tracking Only		
								Ethnic.	MBE	WBE
PRIME	Official Realltime Captioning Associates, Inc.	Encinitas	UB				%			
							100%			
Project Totals				0%	0.0%	0.0%	100%	0%	0%	
PROFESSIONAL SERVICE GOALS				LBE 15% Max Credit	SLBE 35%	LBE/SLBE 50%	Goals: The 50% ALL LBE goal is a combination of 15% LBE and 35% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% goal. LBE firms can only be counted up to 15% of the total contract amount.			

Legend

All LBE All certified Local and Small Local Businesses
 LBE Local Business Enterprise
 SLBE Small Local Business Enterprise
 LTRU Local Trucking Business
 MBE Minority Business Enterprise (tracking only)
 WBE Women Business Enterprise (tracking only)

CB Certified Business
 UB Uncertified Business
 AA African American
 H Hispanic
 A Asian
 C Caucasian
 NA Native American

LBE/SLBE Participation Consultant 6

Total Project Cost for: Realtime Closed Captioning Stenography Services for Concurrent Oakland
Redevelopment Agency/Oakland City Council and Committee Meetings

Project No.: CC02541

Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	TOTAL	TOTAL	For Tracking (Elim. MBE)	
PRIME	Realtime Reporting & Captioning Teri Darrenougue	Los Altos	UB				50%		
Associates		Los Altos	UB				50%		
Project Totals				0%	0.0%	0.0%	100%	0%	0%
PROFESSIONAL SERVICE GOALS				LBE 15% Max Credit	SLBE 35%	LBE/SLBE 50%	Goals: The 50% ALL LBE goal is a combination of 15% LBE and 35% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% goal. LBE firms can only be counted up to 15% of the total contract amount.		

Legend

All LBE All certified Local and Small Local Businesses
 LBE Local Business Enterprise
 SLBE Small Local Business Enterprise
 LTRU Local Trucking Business
 MBE Minority Business Enterprise (tracking only)
 WBE Woman Business Enterprise (tracking only)

CB Certified Business
 UB Uncertified Business
 AA African American
 H Hispanic
 A Asian
 C Caucasian
 NA Native American

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~~FINANCE & MANAGEMENT COMMITTEE~~

DEC 9 2003

Attachment B

Date: December 3, 2003

2003 DEC -3 PM 3:44

To: Chairperson Wan and Members of the Oakland City Council Finance and Management Committee

From: David Weiss

Re: Off-Site Real Time Closed Captioning Stenography Services

I am sorry that I am unable to attend the December 9 meeting of the Finance Committee. I routinely watch captioned meetings of the Oakland City Council and its committees on KTOP and I am impressed at the accuracy and consistency of the current on-site captioning services.

I am deaf, and regularly watch captioned television, both taped and live productions. As a Deaf person, I also make frequent use of interpreters and interpreting services. Regardless of what you might be told, there is simply no substitute for the services provided by a live interpreter or transcriber: the ability to see and understand who is talking is much greater when you are in the same room or at least are in close proximity to who is speaking. This is even more true when there are many and varied speakers, speaking with a variety of accents and mannerisms.

Most live television programs, such as the news or Larry King Live, rely upon off-site captioning services, similar to the service you are considering using. An off-site captioning, by person, with a limited number of clear speaking speakers, such as what you would have on Larry King Live, can do a decent job transcribing what is said. When presented with numerous speakers, perhaps with heavy accents, speaking quickly or randomly, as occasionally happens on live or taped news stories, the quality of interpretive services diminishes drastically. It is easy to assume that the penalty to a transcriber of being off-site from the meeting being transcribed is a loss of at least 10% of what is said, in all likelihood it is greater.

Don't take my word for it. Before voting on this item, I ask that you watch local news with closed captioning switched on (KTVU at 10pm is a good example). While the anchor is delivering the news with a steady and even voice, you will get fairly decent transcription although even that will not be verbatim. But when the discussion becomes more lively, perhaps with persons being interviewed on tape or talking via phone or coverage of a live event with many distractions, captioning suffers or stops completely.

When you consider the fact that the televised captioning is the only way Deaf and hard of hearing persons have to listen to Council meetings and the wide array of discussions that take place at those meetings, it is crucial that the service be capable of correctly relaying all that is said at the meetings. Although your staff

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~~FINANCE & MANAGEMENT CMTE.~~
DEC 9 2003

report mentions that San Francisco reports 99.87 % accuracy with their captioning, you don't explain what that is based on. The implication is that 99.87% of every word spoken at a San Francisco board meeting is accurately transcribed and captioned. When you consider that certified court reporters' required accuracy for certification is 96% at 180 words spoken per minute in a courtroom, it is highly unlikely that offsite captioning, by persons who in all likelihood are not court certified transcribers, can achieve 99.87 accuracy.

Even if off-site captioning correctly transcribes 90% of what is said at a Council meeting, (and I doubt it will be that good) who can know what information will be lost to the Deaf and hard of hearing viewer? I ask that next time you or other members of the City Council engage in thoughtful discussion, that you randomly not speak 10% of the words you were preparing to say. Only when you are comfortable with the conversation that ensues could you then be comfortable switching to off-site captioning.

~~3~~
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