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# CITY OF OAKLAND

## *Agenda Report*

**To:** Office of the City Administrator  
**Attn.:** P. Lamont Ewell, Interim City Administrator  
**From:** Office of the City Clerk  
**Date:** July 12, 2011

**RE.:** Resolution Authorizing The City Administrator To Execute A Two (2) Year Professional Service Contract Between The City Of Oakland And Aegis Rapid Text, Inc. To Provide Stenography Services For Real-Time Off-Site Closed Captioning Of All Regularly Scheduled And Special Concurrent Oakland Redevelopment Agency / Oakland City Council, And City Council Committee Meetings In A Total Amount Not-To-Exceed Fifty Thousand Dollars (\$50,000) Per Year For The Period From September 1, 2011 Through August 31, 2013 And Authorizing The Extension Of The Contract For Up To Two (2) Years For An Additional Amount Not-To-Exceed Fifty Thousand Dollars (\$50,000) Per Year

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### SUMMARY

A resolution has been prepared for City Council approval authorizing the City Administrator to enter into a two (2) year professional services contract with Aegis Rapid Text, Inc. to provide stenography services for real-time off-site closed captioning of all regularly scheduled and special Concurrent Oakland Redevelopment Agency / Oakland City Council, and City Council Committee meetings for the period from September 1, 2011 through August 31, 2013 and authorizing the extension of the contract for up to two (2) years.

The contract is for a total amount not-to-exceed fifty thousand dollars (\$50,000) per year for the period from September 1, 2011 through August 31, 2013 and authorizing the extension of the contract for up to two (2) years for an additional amount not-to-exceed fifty thousand dollars (\$50,000) per year.

### FISCAL IMPACT

The funding for this contract is included in the Office of the City Clerk's Adopted FY2011-13 Budget: General Purpose Fund (1010), Organization (03121), Service Contract Account (54919), Agenda Management (IP14). No matching fmd is required.

### 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

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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.

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 had elected to provide real-time Closed Captioning of all regularly scheduled and special Concurrent Oakland Redevelopment Agency / Oakland City Council, and City Council Committee meetings.

Since there are no City employees capable of providing real-time closed captioning or an existing classification within the Civil Service to provide these services, the services must be contracted.

Our current contract with Aberdeen Captioning, Resolution No. 80992 C.M.S., for closed captioning services expired on December 31, 2010 and was extended to July 31, 2011.

## **KEY ISSUES AND IMPACTS**

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. 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.

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On April 15, 2011, the Office of the City Clerk issued a competitive Request for Proposal (RFP) for real-time closed captioning services through iSupplier. Department of Contract and Compliance sent sixty-four (64) invitation notifications firms including three (3) locally in Oakland.

The Office of the City Clerk received only one (1) REP response from Aegis RapidText, Inc.

KTOP and Office of the City Clerk conducted a thorough review of the RFP response and recommend Aegis RapidText, Inc. for the needed stenography services for real-time off-site closed captioning of all regularly scheduled and special Concurrent Oakland Redevelopment Agency / Oakland City Council, and City Council Committee meetings.

### **SUSTAINABLE OPPORTUNITIES**

***Economic:*** There are no sustainable economic opportunities that apply to the professional services agreement.

***Environmental:*** There are no sustainable environmental opportunities that apply to the contract.

***Social Equity:*** There are no sustainable social equity opportunities that apply to the contract.

### **DISABILITY AND SENIOR CITIZEN ACCESS**

Aegis RapidText, Inc. has executed a declaration of compliance with the American with Disabilities Act.

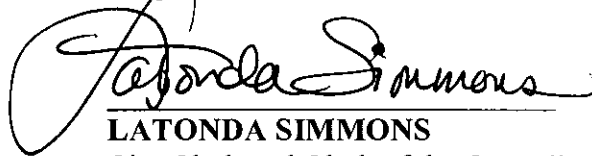
### **RECOMMENDATION(S) AND RATIONALE**

Staff recommends approval of the attached resolution that authorizes the City of Oakland to enter into a contract with Aegis RapidText, Inc. to perform the real-time captioning service.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff requests that the City Council adopt the attached resolution that authorizes the City Administrator to enter into a Professional Services Agreement with Aegis RapidText, Inc. to provide stenography services for real-time off-site closed captioning of all regularly scheduled and special Concurrent Oakland Redevelopment Agency / Oakland City Council, and City Council Committee meetings for \$50,000 per year for a period of two years from September 1, 2011 through August 31, 2013, with an option to extend the contract for up to two (2) years for an additional amount not to exceed \$50,000 per year.

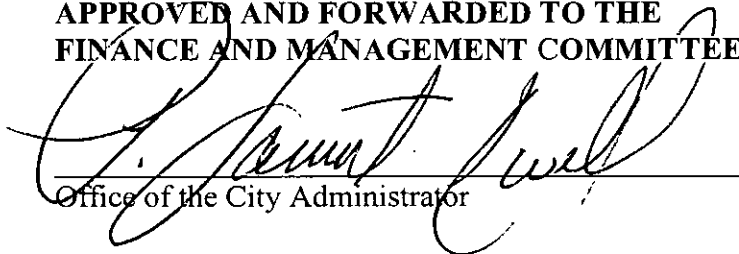
Respectfully submitted,



**LATONDA SIMMONS**  
City Clerk and Clerk of the Council

Report Prepared by: Fendy Guan  
Management Assistant  
Office of the City Clerk

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

  
Office of the City Administrator

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**DRAFT**

FILED  
CITY CLERK  
OAKLAND  
SEP 11 2011  
11:05 AM

Approved as to Form and Legality

Oakland City Attorney's Office

**OAKLAND CITY COUNCIL**

Resolution No. \_\_\_\_\_ C.M.S.

Introduced by Councilmember \_\_\_\_\_

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**Resolution Authorizing The City Administrator To Execute A Two (2) Year Professional Service Contract Between The City Of Oakland And Aegis RapidText, Inc. To Provide Stenography Services For Real-Time Off-Site Closed Captioning Of All Regularly Scheduled And Special Concurrent Oakland Redevelopment Agency / Oakland City Council, And City Council Committee Meetings In A Total Amount Not-To-Exceed Fifty Thousand Dollars (\$50,000) Per Year For The Period From September 1, 2011 Through August 31, 2013 And Authorizing The Extension Of The Contract For Up To Two (2) Years For An Additional Amount Not-To-Exceed Fifty Thousand Dollars (\$50,000) Per Year**

**WHEREAS**, the City of Oakland intends to enter into a contract agreement with Aegis RapidText, Inc. to provide stenography services for real-time off-site closed captioning of all regularly scheduled and special Concurrent Oakland Redevelopment Agency / Oakland City Council, and City Council Committee meetings during the period of September 1, 2011 through August 31, 2013; and

**WHEREAS**, the contract agreement is due to the requirement of the Americans with Disabilities Act (ADA) 42 U.S.C. § 12101 et seq. and City of Oakland Administrative Instruction No. 123, the City's Equal Access Policy; and

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

**WHEREAS**, the City Council finds that the service is temporary, for the period of September 1, 2011 through August 31, 2013, with an option to extend the contract for up to two (2) additional years under the same terms and conditions; 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**, funds have been included in the Office of the City Clerk's adopted FY 2011 – 2013 budget in the General Purpose Fund (1010), Organization (03121), Service Contract Account (54919), Agenda Management (IP14); No matching fund is required; and

**WHEREAS**, the Office of the City Clerk issued competitive request for proposals in April 2011 and received one response to the request for proposals; and

**WHEREAS**, the City of Oakland desires that Aegis RapidText, Inc. provide the required services to the City of Oakland during City Council, Committee / Council meetings and all special meetings of the City Council; now, therefore, be it

**RESOLVED:** That the City Administrator is hereby authorized to enter into a contract agreement with Aegis RapidText, Inc to provide stenography services for real-time off-site closed captioning of all regularly scheduled and special Concurrent Oakland Redevelopment Agency / Oakland City Council, and City Council Committee meetings in a total amount not-to-exceed fifty thousand dollars (\$50,000) per year for the period from September 1, 2011 through August 31, 2013; and be it

**FURTHER RESOLVED:** That the City Administrator is hereby authorized to approve extensions of said agreement to provide stenography services for real-time off-site closed captioning of all regularly scheduled and special Concurrent Oakland Redevelopment Agency / Oakland City Council, and City Council Committee meetings for up to two (2) additional years (September 1, 2013 through August 31, 2015) with the terms and conditions remaining the same; and be it

**FURTHER RESOLVED:** That the agreement or extension authorized hereunder are subject to City Attorney approval for form and legality and shall be placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2011

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, AND PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST:

\_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk of the Council of  
the City of Oakland, California