

REVISED  
7-18-2018

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2018 JUL 19 PM 3:13

Approved as to Form and Legality

*Shirley Nynes*  
City Attorney's Office

## OAKLAND CITY COUNCIL

### RESOLUTION NO. 87322 C.M.S.

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RESOLUTION WAIVING THE ADVERTISING/BIDDING AND REQUEST FOR PROPOSALS/QUALIFICATIONS REQUIREMENTS AND AUTHORIZING AN EXTENSION OF UP TO TWO YEARS (THROUGH AUGUST 31, 2020) OF THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF OAKLAND AND EBERHARDT CONSULTING FOR TECHNICAL ASSISTANCE SERVICES IN *DELPHINE ALLEN V. CITY OF OAKLAND*, FOR TWO HUNDRED FIFTY THOUSAND AND ONE DOLLARS (\$250,001) AND A TOTAL CONTRACT AMOUNT NOT TO EXCEED FIVE HUNDRED THOUSAND DOLLARS (\$500,000)

**WHEREAS**, the City of Oakland has achieved compliance with nearly all reforms mandated by the Negotiated Settlement Agreement (NSA) in *Delphine Allen v. City of Oakland*, Case No. C00-4599 WHO (N.D. Cal.); and

**WHEREAS**, there are only three NSA-mandated reforms outstanding, all of which are in partial compliance; and

**WHEREAS**, one of the three outstanding NSA-mandated reforms, Task 34, requires the Oakland Police Department (OPD) to collect and analyze demographic and other data on police stops; and

**WHEREAS**, in 2014, at the direction of the Compliance Director, OPD partnered with Stanford University and Professor Jennifer Eberhardt to address tensions between OPD and the community and to better manage risk through analysis of stop data and Personal Digital Recording Device (PDRD) footage; and

**WHEREAS**, as a result of their analysis of OPD's stop data, Personal Digital Recording Device (PDRD) footage and related research, Professor Eberhardt and Stanford University published 50 recommendations for reform meant to reduce OPD's footprint on communities of color and improve police-community relationships; and

**WHEREAS**, on September 1, 2017, the City entered into a contract with Eberhardt Consulting for \$249,999, pursuant to which Professor Eberhardt and her team provide technical assistance to the Department regarding the collection and analysis of stop data and the implementation of the 50 recommendations to help achieve full compliance with Task 34; and

**WHEREAS**, OPD has implemented 36 of the 50 Stanford recommendations;

**WHEREAS**, Plaintiffs' Counsel, the court-appointed Independent Monitoring Team and the Court in the *Allen* case expect the City to complete its work with Professor Eberhardt related to both the collection and analysis of stop data and the successful implementation of the 14 remaining recommendations; and

**WHEREAS**, additional time (of up to two years) and funding (of up to \$250,001) is necessary for Eberhardt Consulting to continue its works on Task 34 compliance and the implementation of the remaining recommendations; now, therefore be it

**RESOLVED**: That the City Administrator or designee is authorized to execute a two-year extension of the contract with Eberhardt Consulting for technical assistance to help OPD achieve compliance with Task 34 of the NSA and implement the remaining recommendations for Two Hundred Fifty Thousand and One Dollars (\$250,001) for a total contract amount not to exceed Five Hundred Thousand Dollars (\$500,000); and be it

**FURTHER RESOLVED**: That the City Council finds it is in the best interests of the City to waive the advertising/bidding and request for proposals/qualifications requirements of Section 2.04.051(B); and be it

**FURTHER RESOLVED**: That the funds for the services described above will be allocated from the General Purpose Fund (1010), Org (101130), Project (1001225), Task (A468571), Award (20401); and be it

**FURTHER RESOLVED**: That the City Administrator or designee is authorized to complete all required negotiations, certifications, assurances, and documentation required to execute, modify, extend, renew and/or amend such an agreement without returning to the City Council; and be it

**FURTHER RESOLVED:** That in accordance with Article IV, Section 401(6) of the City Charter, the agreement authorized by this resolution shall be approved by the City Attorney's Office as to form and legality before execution, and a copy of the fully executed agreement shall be placed on file with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 24 2018

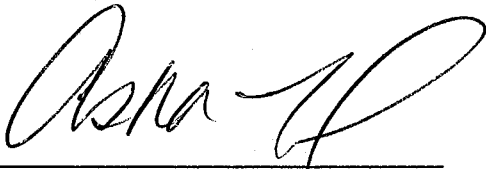
PASSED BY THE FOLLOWING VOTE:

AYES - ~~BROOKS~~, CAMPBELL WASHINGTON, ~~REID~~ GIBSON MCELHANEY,  
GUILLÉN, KALB, ~~REID~~ AND PRESIDENT REID - 5

3 NOES - Brooks, Gallo, Kaplan

ABSENT - 0

ABSTENTION - 0

ATTEST:   
LATONDA SIMMONS  
City Clerk and Clerk of the Council of  
the City of Oakland, California