



AGENDA REPORT

TO: Jestin D. Johnson
City Administrator

FROM: Erin Roseman
Finance Director

SUBJECT: City Administrator Contract Authority
Report, FY 2022-23

DATE: September 28, 2023

City Administrator Approval 

Date: Oct 10, 2023

RECOMMENDATION

Staff Recommends That The City Council Receive An Informational Report On All Purchases And Contracts Authorized By The City Administrator, Within The City Administrator's Contract Authority During Fiscal Year 2022-23, In Accordance With The Oakland Municipal Code Section 2.04.020.

EXECUTIVE SUMMARY

This report satisfies the reporting requirements specified under Oakland Municipal Code (OMC) [Section 2.04.020.C](#), which requires the City Administrator to present a report to the City Council on a semi-annual basis listing all purchases and contracts authorized by the City Administrator, within the City Administrator's contract authority. This report presents information for each of the six-month periods (July 2022 through December 2022 and January 2023 through June 2023) in Fiscal Year (FY) 2022-23.

BACKGROUND / LEGISLATIVE HISTORY

The goal of the City's purchasing and contracting function is to procure the highest quality materials and services at the most economical price, in accordance with all Federal, State, and local laws, codes, ordinances, and regulations.

Legislation Governing Contracting

Contracting is governed by various Federal, State, and local codes and policies. Key contracting codes and policies include:

1. United States Code, Title 41 - Public Contracts requires full and open competition, responsible source, competitive procedures, and antitrust provisions
2. Oakland City Charter, Article VIII, Fiscal Administration, Sections 807 & 808 - Goods and Services and Bids and Awards
3. Oakland Municipal Code, Section 2.04 - Purchasing System
4. Oakland Administrative Instructions: AI 150 - Professional or Specialized Service Contracts, and AI 4323 - Procurement - Goods and Services

Finance and Management Committee
October 24, 2023

Overview of City Administrator Authority

OMC Section 2.04.020 provides the City Administrator with the authority, without previous specific action of the City Council, to bind the City by written contract or purchase order for most purchases up to \$250,000.00 in any single transaction or term agreement for supplies, services, or a combination, and for professional service contracts. Notably, there is no limitation on the City Administrator’s authority to make awards to the same vendor on multiple transactions if each single transaction is compliant with these provisions.

The City utilizes three tracks for procurements under the City Administrator’s authority depending on the nature of the procurement, as shown in **Table 1**.

Table 1: Approval Authority by Contract Type

Category	Construction Contracts	Professional Services Contracts	Procurement Contracts
Transaction Types	Construction, alteration, demolition, repair work, street, sewer other improvements, road construction contracts	Services requiring personal expertise, licensure, unique or special training, (e.g., architectural and engineering services)	Maintenance, repair and operations; supplies, materials; equipment, and services related to material and equipment contracts
Award basis	Lowest responsible bid based qualifications	Qualifications based	Lowest responsible / responsive bid
Department Authority	\$5,000	\$5,000	N/A
Administrator Authority (Informal Process)	N/A	\$50,000	\$50,000
Administrator Authority (Formal Process)	\$250,000	\$250,000	\$250,000

ANALYSIS AND POLICY ALTERNATIVES

In FY 2022-23, the City Administrator approved a total of \$10.2 million in contracts excluding emergency contracts. All emergency contracts awarded by the City Administrator shall be presented in a separate report per OMC 2.04.020F and OMC 2.04.020G. Individual contract awards for FY 2022-23 are reported in **Attachment A**. This attachment lists each procurement authorized by the City Administrator during this period, sorted by vendor. A brief description of the purpose of each procurement is also provided, as well as the individual City department served.

As indicated in **Attachment A**, there were no instances of vendors receiving awards exceeding the City Administrator’s authority in FY 2022-23. In one instance, individual vendor received multiple awards that totaled over \$250,000, but we found no evidence that such awards were intended to break up a larger project or otherwise contravene the City Council’s authority to

approve contracts over \$250,000. CPS HR Consulting received awards on three projects for the Human Resources Department. All awards appear compliant with the contracting authority delegated to the City Administrator per OMC 2.04.020.

The presentation of this report supports the Citywide priority **of responsive, trustworthy government**. It provides information on all purchases and contracts authorized by the city administrator and provides assurance to policy makers and the members of the public that these awards are compliant with the contracting authority delegated to the City Administrator per OMC 2.04.020.

FISCAL IMPACT

This item is for informational purposes only and does not have a direct fiscal impact or cost.

PUBLIC OUTREACH / INTEREST

No outreach was deemed necessary for the proposed policy action beyond the standard City Council agenda noticing procedures, because this report is for informational purposes only.

COORDINATION

This report was prepared by the Controller's Bureau.

SUSTAINABLE OPPORTUNITIES

Economic: There are no direct economic issues associated with this informational report.

Environmental: There are no direct environmental opportunities associated with this informational report.

Race & Equity: OMC 2.04 establishes requirements for the participation of small and local businesses in City contracts and vendor preferences. These requirements apply to all solicitations regardless of whether they are executed by the City Administrator or approved by the Council. This informational report lists all purchases and contracts authorized by the City Administrator and provides assurance to policy makers and the members of the public that these awards are compliant with the contracting authority delegated to the City Administrator per OMC 2.04.020. While no direct race or equity opportunities are associated with this informational report, it provides a foundation upon which policymakers may consider further actions to promote these goals.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Receive This Informational Report On All Purchases And Contracts Authorized By The City Administrator, Within The City Administrator's Contract Authority During Fiscal Year 2022-23, In Accordance With The Oakland Municipal Code Section 2.04.020.

For questions regarding this report, please contact Pooja Shrestha, Assistant Controller at 510-238-6776.

Respectfully submitted,



Erin Roseman (Oct 10, 2023 12:09 PDT)

ERIN ROSEMAN
Finance Director
Finance Department

Reviewed by:
Stephen Walsh, Controller

Prepared by:
Pooja Shrestha, Assistant Controller

Attachment (1)

Attachment A: City Administrator's Office – Approved Contracts, July 2022 – June 2023