

REVISED

Approved as to Form and Legality

Rocio V. Sierra
City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

2012 FEB 16 PM 4:13
RESOLUTION No. 83728 C.M.S.

RESOLUTION WAIVING THE ADVERTISING AND REQUEST FOR PROPOSALS/QUALIFICATIONS REQUIREMENTS AND AUTHORIZING THE CITY ADMINISTRATOR ON BEHALF OF THE CITY TO AMEND THE AGREEMENT WITH POLICE PERFORMANCE SOLUTIONS, LLC TO 1) INCLUDE ADDITIONAL POLICE MONITORING SERVICES REQUIRED BY THE COURT IN THE CASE OF DELPHINE ALLEN V. CITY OF OAKLAND, USDC NO. C00-4599 TEH; AND 2) INCREASE THE CONTRACT AMOUNT BY ONE HUNDRED THOUSAND DOLLARS (\$100,000), FOR A TOTAL CONTRACT AMOUNT OF ONE MILLION SEVEN HUNDRED EIGHTY FOUR THOUSAND DOLLARS (\$1,784,000)

WHEREAS, in January 2012 the Court issued an Order in *Delphine Allen V. City of Oakland*, USDC Case No. C00-4599 TEH, directing the City of Oakland (“City”) to negotiate an agreement and compensate Police Performance Solutions, LLC (“PPS”), the federal monitors in the above referenced action, for additional police monitoring services ordered by the Court; and

WHEREAS, the costs for the additional monitoring services of Police Performance Solutions, LLC will not exceed the amount of \$100,000; and

WHEREAS, the City Council has already approved a two-year contract with Police Performance Solutions, from January 2012 to January 2014, for \$1,684,000, and this contract can be amended to cover the \$100,000 additional expenditure, bringing the total PPS contract amount to \$1,784,000; and

WHEREAS, sufficient funds are budgeted in the FY 2011-13 budget, Miscellaneous Grant Fund (2999), Project Number to be Determined, to pay for the additional services; and

WHEREAS, the City Council is authorized under Oakland Municipal Code Section 2.04.051.B to dispense with City’s standard request for proposal process for award of professional services contracts upon a finding that it is in City’s best interests to do so; and, here, it is in the City’s best interests to waive the RFP/RFQ process because the Court has ordered City to contract with Police Performance Solutions for the additional services, City conducted a thorough RFP/RFQ process for the initial Independent Police Monitors contract, and conducting a formal RFQ process will result in non-compliance with a court order and cause unnecessary delay; now, therefore, be it

RESOLVED, that the City Council authorizes the City Administrator to amend the contract with Police Performance Solutions for an additional amount not to exceed \$100,000, bringing the total contract amount to \$1,784,000, and to take all actions necessary to complete the contract amendment; and be it

FURTHER RESOLVED, that funds for this contract amendment shall be drawn from the Miscellaneous Grants Fund (2999), Office of Inspector General Organization (101130), Miscellaneous Contracts Account (54919), and Program (PS01); and be it

FURTHER RESOLVED, that the City Council finds and determines, for the reasons stated in this Resolution and in the accompanying Council report, that under Oakland Municipal Code, Section 2.04.051(B) it is in the City’s best interests to dispense with City’s customary RFP/RFQ process for this contract, and the City Council hereby waives these requirements; and be it

FURTHER RESOLVED, that the City Administrator is authorized to take all actions that may be necessary to further amend or modify the Police Professional Standards, LLP contract, including entering into negotiations, certifications, assurances, and executing relevant contract documents required to accept, modify, extend or further amend the contract, except for any increases in the contract amount, without returning to the City Council; and be it

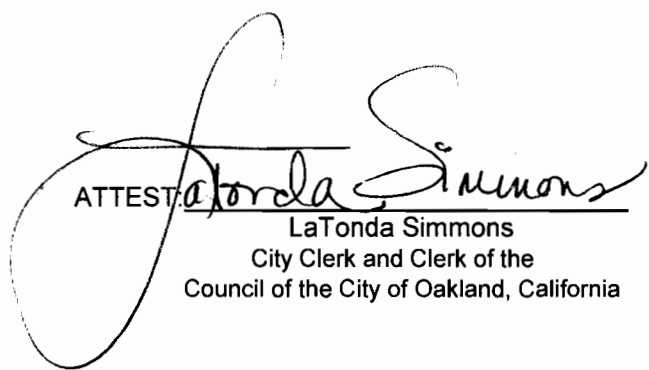
FURTHER RESOLVED, that the City Administrator or her designee will provide regular updates to the City Council regarding any changes or modifications made to the contract with Police Professional Standards LLC; and be it

FURTHER RESOLVED, that the City Attorney shall review and approve, for form and legality, any and all contract amendments and modifications; and the City Administrator or her designee shall ensure that copies of fully executed contracts and amendments are placed on file with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, FEB 21 2012, 20

PASSED BY THE FOLLOWING VOTE: BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, and PRESIDENT REID

AYES- 8
NOES- 0
ABSENT- 0
ABSTENTION- 0

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