

AGENDA REPORT

TO: DEANNA J. SANTANA

FROM: Howard Jordan

SUBJECT: A Supplemental Report Regarding
Additional Police Monitoring Services
With Police Performance Solutions

DATE: February 14, 2012

City Administrator
Approval

Deanna J. Santana

Date

2/15/12

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that the Council approve the Report And Resolution Waiving The Advertising And Request For Proposals/Qualifications Requirements And Authorizing The City Administrator To Amend The Agreement With Police Performance Solutions, LLC (Chief Robert Warshaw Ret.) To 1) Include Additional Police Monitoring Services Required By The Court In Delphine Allen V. City Of Oakland, USDC No. C00-4599TEH 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).

REASON FOR SUPPLEMENTAL OR REPLACEMENT

This supplemental report is being submitted in order to revise the funding source contained in the original report.

EXECUTIVE SUMMARY

The City of Oakland is required to respond to the Court Order in Delphine Allen V. City of Oakland, USDC No. C00-4599TEH. The court order directs the City of Oakland to expand monitoring services performed by Police Performance Solutions. Therefore, the City Administrator seeks Council's authority to increase the monitoring services and compensation commensurate with the Federal Court order compliance services; and, to increase the contract amount by \$100,000 bringing the total contract amount to \$1,784,000.

OUTCOME

The City of Oakland will be positioned to respond to the court order as described in Delphine Allen V. City of Oakland, USDC No. C00-4599TEH.

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BACKGROUND/LEGISLATIVE HISTORY

On November 3, 2009, the City Council approved a two year Memorandum of Understanding (MOU) following the expiration of the NSA pursuant to the Parties and the Court's assessment that the City needed more time to complete the implementation of the police reforms agreed to in the Negotiated Settlement Agreement (NSA).

On June 7, 2011, staff requested the authority to extend the professional services agreement with Police Performance Solutions, LLC for two years for the period from January 21, 2012 to January 20, 2014 and to include as part of the contract a provision that the monitoring team provide technical assistance to the Oakland Police Department to assist the city in achieving compliance with the Negotiated Settlement Agreement (NSA).

As of January 26, 2012, the City of Oakland was directed to expand the monitoring services of Police Performance Solutions, LLC and to adjust compensation commensurate with those additional services.

ANALYSIS

The basis for this action is guided by the court ordered action according to the conditions spelled out in *Allen V. City of Oakland*, USDC No.C00-4599TEH and the Negotiated Settlement Agreement.

PUBLIC OUTREACH/INTEREST

It is in the City's best interest and that of the Oakland residents to be fully responsive to the NSA and court orders.

COORDINATION

The Office of Contracts and Compliance, the City Attorney's Office, the Budget Office, and the Office of the City Administrator.

COST SUMMARY/IMPLICATIONS

AMOUNT OF RECOMMENDATION/COST OF PROJECT: \$100,000.00	
Original Contract Amount	\$1,684,000.00
Additional Funding	\$100,000.00
Total Contract Cost	<u>\$1,784,000.00</u>

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SOURCE OF FUNDING:

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). Council requested a status of expenditures. Data pulled from Oracle shows a total of \$1,690,625.00 expended through January 12, 2012.

SUSTAINABLE OPPORTUNITIES

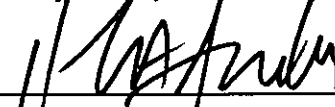
Economic: The NSA provides for the implementation of reforms within the Police Department. These reforms reflect the best practice and procedures for police management in the areas of supervision, use of force, professionalism, and accountability mechanisms. Over time, having a highly professional police organization that closely supervises and monitors its activities, and holds persons accountable for violations of the law and serious misconduct increases public confidence improves public relations with the community, and reduces liability and risk for the City.

Environmental: There are no environmental opportunities.

Social Equity: The police reforms the City is instituting will enhance the Police Department's ability to provide highly professional services in ensuring the public safety of the residents of Oakland.

For questions regarding this report, please contact Deborah Barnes, Contracts and Compliance, 6270.

Respectfully submitted,



Howard A. Jordan
Chief of Police

Prepared by:
Deborah Barnes
Contracts and Compliance

Reviewed by:
Anthony Toribio
Assistant Chief
Oakland Police Department

Ms. Rocio Fierro, Esq.
Office of the City Attorney

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REVISED

Approved as to Form and Legality

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Rocio V. Sierra
City Attorney

2012 FEB 16 PM 4:13 RESOLUTION NO. _____ 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, _____, 20_____

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

AYES-
NOES-

ABSENT-

ABSTENTION-

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