



CITY OF OAKLAND

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OFFICE OF THE CITY CLERK
OAKLAND

2016 JAN 28 PM 4:18

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Sean C. Whent
Chief of Police

SUBJECT: Polygraph Professional Services
Agreement

DATE: December 31, 2015

City Administrator Approval

Date:

1/28/16

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To: (A) Increase The Budget For The Current Contract With Get Polygraphed! From \$95,000 To \$195,000 For The Period January 1, 2015 To October 31, 2016, For Additional Polygraph Tests Needed To Meet Hiring Demands; (B) Extend The Contract For Two Additional Years Plus Two One-Year Extension Options, From October 31, 2016 Through October 31, 2020, For A Total Of \$595,000 For Five Years; And (C) Waiving The City's Request For Proposal/Qualifications Requirements.

EXECUTIVE SUMMARY

The Oakland Police Department (OPD) uses polygraph examinations in the background investigation process for sworn positions to determine applicant suitability. These examinations are performed by private vendors under contract with OPD. The FY 2015-2017 budget expanded the schedule of police academies and thus the need for more polygraph examinations; OPD now needs to modify the current contract with its polygraph examination vendor, Get Polygraphed!, to ensure that all appropriate applicants for police academies can be polygraphed in a timely manner.

OPD conducted a competitive bidding process in July 2014 resulting in the contract with Get Polygraphed!. OPD is now requesting approval of a resolution to increase the current contract amount with Get Polygraphed! of ninety five thousand dollars (\$95,000) to three hundred ninety-five thousand dollars plus two discretionary one-year extensions at \$100,000 per year, for a total contract amount not to exceed five hundred NINETY-FIVE thousand dollars (\$595,000), OPD is also requesting approval to modify the performance period of the existing professional services agreement with Get Polygraphed! to January 1, 2015 through October 31, 2018; the original end date was October 31, 2016. The funding for this services agreement expansion will come from OPD's existing Background & Recruiting funds.

Item: _____
Public Safety Committee
February 9, 2016

BACKGROUND / LEGISLATIVE HISTORY

The City Council approved professional services agreements with Central Coast Polygraph to provide pre-employment polygraph services on September 26, 2000 via Resolution No. 76018 C.M.S.; on January 8, 2002 via Resolution No. 76914 C.M.S.; and on June 18, 2002 via Resolution No. 77204 C.M.S. In March 2012, OPD resumed the recruiting and hiring of sworn personnel after years of not recruiting due to recessionary budget constraints. The resuming of hiring officers has led to a parallel need for polygraph services. OPD has obtained polygraph services through competitive bidding processes and cooperative agreements. OPD currently uses Get Polygraphed! and Truth Technology Intercept Polygraph Services to ensure that polygraph exams are readily available. OPD plans to continue using both polygraph service providers.

In July 2014, OPD conducted a Request for Proposals (RFP) process that met all noticing/advertising requirements. Get Polygraphed! submitted the only proposal. OPD entered into a professional services agreement with Get Polygraphed! for \$95,000 with a contract term of January 1, 2015 to October 31, 2016. Due to increases in the number of budgeted sworn positions in the new FY 2015-17 approved policy budget, OPD is seeking to expand the number of background checks performed in the current contract term. Additionally, OPD is seeking to extend the contract for two years with two one-year extension options, as there were no other proposals received in the July 2014 RFP process.

ANALYSIS AND POLICY ALTERNATIVES

OPD uses polygraph examinations during the pre-employment process. Polygraph testing is permissible for prospective City government employees pursuant to California Labor Code Section 432.2. The Commission on Peace Officers Standards and Training (POST) provides the following in the California Peace Officer Selection Process description:¹

Also, as part of the background investigation process, you may be subjected to a detection of deception examination, such as a polygraph or voice stress analysis. Although it is not a POST requirement, detection of deception examinations are not uncommon. The primary purpose of these examinations is to verify the truthfulness of information that applicants have provided on the PHS and to the background investigator directly.

OPD conducts polygraph examinations very early in the background investigation process. Candidates are not eliminated based on the indication of deception. Some candidates provide critical admissions that receive further consideration and follow up in the background process.

In the past, OPD conducted Computer Voice Stress Analyzer (CVSA) examinations in-house. In August 1995, the Department of Defense Polygraph Institute compared the accuracy of the CVSA to the polygraph, and found that the polygraph exam is more accurate; OPD then stopped using CVSA and began using the polygraph exclusively during the background process.

¹ www.post.ca.gov

Polygraph examiners must receive more than 200 hours of industry-specific training. They must conduct 200 verified exams before they can be certified by the American Polygraph Association. Examiners must receive 30 hours of continuing training every two years. A typical polygraph examination takes two to three hours. OPD conducts 300 to 350 polygraph examinations for each basic academy. OPD does not have sufficient staff to perform this task and therefore relies on vendors to provide this professional service.

Oakland Municipal Code Section No. 2.04.051.B allows the City Council to waive the City's RFP/Q requirements upon a finding by the City Council that it is in the best interest of the City to do so. City staff recommends waiving the RFP/Q requirements for this contract amendment because a request for proposal was conducted in July 2014 and Get Polygraphed! was selected through that process.

FISCAL IMPACT

The current cost of a polygraph examination is \$300. Each academy class requires 300 to 350 polygraph examinations. OPD is seeking to increase the current contract from \$95,000 to \$195,000 for this current year, and to \$100,000 per year for the two additional years (FY 2016-17 and 2017-18) if the contract period is extended as requested through October 31, 2018. This expansion will bring the services agreement to \$395,000. Additionally, OPD is requesting two discretionary one-year extensions at \$100,000 per year, for a total contract amount not to exceed \$595,000. OPD is requesting to modify this professional services agreement because of the addition of more sworn positions than originally anticipated, and the corresponding increase in the number of basic academies. OPD has existing funding for the Police Officer Trainee pre-employment screening in Fund 1010, Organization 106610, Account 54919, Program PS01. The existing funding will come from the academy projects listed below.

Academy/Starting Date	Project
175 th /July 2016	P401391
176 th /October 2016	P401392
177 th /January 2017	P401393
178 th /July 2017	TBD

Specific funding information is provided below. No additional funds are needed.

Fiscal Year	Fund Source	Organization	Account	Project	Program	Amount
FY 2015-16	1010	106610	54919	P401391	PS01	\$195,000*
FY 2016-17	1010	106610	54919	P401392	PS01	\$100,000
FY 2017-18	1010	106610	54919	P401393	PS01	\$100,000
FY 2018-19	1010	106610	54919	TBD	PS01	\$100,000
FY 2019-20	1010	106610	54919	TBD	PS01	\$100,000
	Total Expenditure					\$595,000

* includes the original \$95,000 already approved

PUBLIC OUTREACH / INTEREST

No outreach was deemed necessary for the proposed policy beyond the standard City Council agenda noticing procedures.

COORDINATION

This report was reviewed by the Office of the City Attorney and the Controller's Bureau.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

Get Polygraphed! has provided pre-employment polygraph services for OPD since January 2015. Get Polygraphed! is fully insured and recognized by the American Association of Police Polygraphists (AAPP) and virtually all national, international, and regional polygraph associations. OPD background investigators have rated Get Polygraphed! services as very good. The vendor has provided training to OPD staff on polygraph examinations and reports.

SUSTAINABLE OPPORTUNITIES

Economic: Adopting this resolution will provide an additional tool in early identification of critical information that supports pre-employment decisions. This tool will save time and other resources associated with hiring personnel.

Environmental: There are no environmental issues associated with this report.

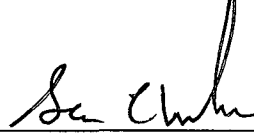
Social Equity: Adopting this resolution will assist the City of Oakland with utilizing all available resources to ensure qualified candidates are selected for employment within OPD and assist in maintaining a safe and healthy environment within the City of Oakland.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To: (A) Increase The Budget For The Current Contract With Get Polygraphed! From \$95,000 To \$195,000 For The Period January 1, 2015 To October 31, 2016, For Additional Polygraph Tests Needed To Meet Hiring Demands; (B) Extend The Contract For Two Additional Years Plus Two One-Year Extension Options, From October 31, 2016 Through October 31, 2020, For A Total Of \$595,000 For Five Years; And (C) Waiving The City's Request For Proposal/Qualifications Requirements.

For questions regarding this report, please contact Antoné Hicks, Police Personnel Operations Specialist, OPD Recruiting and Backgrounds Unit, at (510) 238-3012.

Respectfully submitted,



SEAN WHENT
Chief of Police, Oakland Police Department

Prepared by:
Antoné Hicks, Police Personnel Operations
Specialist
Recruiting & Backgrounds Unit

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Rozio Diro
City Attorney

2016 JAN 28 PM 4:18 RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO: (A) INCREASE THE BUDGET FOR THE CURRENT CONTRACT WITH GET POLYGRAPHED! FROM \$95,000 TO \$195,000 FOR THE PERIOD JANUARY 1, 2015 TO OCTOBER 31, 2016, FOR ADDITIONAL POLYGRAPH TESTS NEEDED TO MEET HIRING DEMANDS; (B) EXTEND THE CONTRACT FOR TWO ADDITIONAL YEARS PLUS TWO ONE-YEAR EXTENSION OPTIONS, FROM OCTOBER 31, 2016 THROUGH OCTOBER 31, 2020, FOR A TOTAL OF \$595,000 FOR FIVE YEARS; AND (C) WAIVING THE CITY'S REQUEST FOR PROPOSAL/QUALIFICATIONS REQUIREMENTS

WHEREAS, OPD requires additional polygraph services in order to meet the hiring demands for sworn personnel and process the background checks that are required and which are projected to increase in the upcoming years; and

WHEREAS, the City has a current contract with Get Polygraphed! to conduct polygraph services from January 1, 2015 to October 31, 2016 for a contract amount of \$95,000. This amount is insufficient to cover the costs of the additional polygraph services required; and

WHEREAS, staff anticipates that the increased number of sworn personnel hired by the City will continue past the contract term with Get Polygraphed!, and new contract for these services is needed for the period of 2016 through 2020; and

WHEREAS, the OPD need for background checks will require that a professional services agreement in the amount of \$195,000 for January 1, 2015 through October 31, 2016 as well as a contract extension for two additional years plus two one-year extension options, from October 31, 2016 through October 31, 2020, for a total of \$595,000 for five years; and

WHEREAS, OPD has funding for polygraph examinations in the Fund 1010, Organization 106610, Account 54919 and Program PS01; and

WHEREAS, Oakland Municipal Code section 2.04.051.A requires the City Administrator to conduct a request for proposals/qualifications (RFP/Q) process for professional services contracts in excess of \$25,000 and Oakland Municipal Code section 2.04.051.B allows Council to waive the RFP/Q requirements upon a finding by the Council that it is in the best interest of the City to do so; and

WHEREAS, City staff recommends waiving the RFP/Q requirements for this contract because the required request for proposals was conducted in July 2014 and Get Polygraphed! was selected through that process; and

WHEREAS, the City Administrator has determined that this contract is of a professional and temporary nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive civil service; now, therefore, be it

RESOLVED: That the City Administrator or designee is authorized to increase the budget for the current contract with Get Polygraphed! from \$95,000 to \$195,000 for the period January 1, 2015 to October 31, 2016, for additional polygraph tests needed to meet hiring demands, and to extend the contract for two additional years plus two one-year extension options, from October 31, 2016 through October 31, 2020, for a total contract amount not to exceed \$595,000 for the five year contract period; and be it

FURTHER RESOLVED: That pursuant to OMC 2.04.051.B and the for the reasons stated above and in the City Administrator's report accompanying this item, the City Council finds that it is in the best interests of the City to waive the Request for Proposals/Qualifications (RFP/Q) requirements and so waives the requirements; and be it

FURTHER RESOLVED: That based on information provided by the City Administrator, the Council finds that this proposed amended contract is of a professional and temporary nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive civil service; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is authorized to conduct all required negotiations, applications, agreements, and related actions which may be necessary to accept, modify, extend and/or amend the aforementioned agreement with Get Polygraphed!, except for any increase of the contract amount; and be it

FURTHER RESOLVED: That the City Attorney shall approve the contract as to form and legality; and be it

FURTHER RESOLVED: That the City Administrator or her designee shall place a copy of the fully executed agreement on file with the Offices of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and
PRESIDENT GIBSON MCELHANEY

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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