



City Attorney's Office

2022 DEC -8 PM 5: 17

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

RESOLUTION NO. 89526 C.M.S.

RESOLUTION 1) AUTHORIZING THE CITY ADMINISTRATOR TO AMEND THE PROFESSIONAL SERVICES AGREEMENT WITH HINDERLITER, DE LLAMAS AND ASSOCIATES FOR SALES AND USE TAX DATA, CONSULTING, AND AUDITING SERVICES TO EXTEND THE TERM FROM JANUARY 2, 2023 THROUGH JANUARY 1, 2024 AND INCREASE THE COMPENSATION BY AN AMOUNT UP TO \$125,000; 2) AUTHORIZING AN OPTION TO EXTEND FOR ONE ADDITIONAL YEAR THROUGH JANUARY 1, 2025 IN AN AMOUNT NOT TO EXCEED \$125,000 FOR A TOTAL CONTRACT AMOUNT OF \$490,000 OVER THE FIVE-YEAR CONTRACT TERM; AND 3) WAIVING THE LOCAL/SMALL LOCAL BUSINESS ENTERPRISE (L/SLBE) PROGRAM PARTICIPATION REQUIREMENT

WHEREAS, in May 2019, the City issued a Request for Proposals (RFP) inviting individuals and firms with proven experience and professional expertise to provide the City with data, consulting and auditing services of the Sales & Use Tax; and

WHEREAS, the RFP expressly stated that the initial contract will be for three years, with two possible one-year extensions; and

WHEREAS, based upon review and evaluation of the responses to the RFP by an evaluation committee, Hinderliter, De Llamas & Associates was awarded the contract for the data, consulting and audit services for Sales & Use Tax; and

WHEREAS, In January 2020, City Administrator, as duly authorized under Oakland Municipal Code Section 2.04.020, executed a three-year professional services agreement in an amount not to exceed Two Hundred Forty Thousand Dollars (\$240,000) with Hinderliter, De Llamas & Associates for the data, consulting and auditing services of Sales & Use Tax; and

WHEREAS, since the commencement of the current agreement, Hinderliter, De Llamas & Associates has provided the services that resulted in the City receiving an average of approximately \$573,000 in additional revenue annually, bringing the total revenue recovered at approximately \$1.7 million for the current agreement that is due to expire on January 1, 2023.

WHEREAS, the City Administrator now seeks authority to amend the professional services agreement with Hinderliter, De Llamas & Associates to extend the term covering the period of January 2, 2023 through January 1, 2024 with an option to extend the term through January 1, 2025, without returning to the City Council for approval, so that Hinderliter, De Llamas & Associates can continue to provide data, consulting and auditing services; and

WHEREAS, the Council may waive the City's Local/Small Local Business Enterprise (L/SLBE) requirements for professional services contracts due to a lack or limited availability of SLBEs or LBEs pursuant to Part I of Oakland's Local and Small Local Business Enterprise Program guidelines adopted by Ordinance No. 13647 C.M.S.; and

WHEREAS, neither the proposed contractor nor staff have been able to identify any or a limited availability of LBE/SLBEs that can provide the services that are required under this contract and thus staff is requesting that Council waive the L/SLBE requirement; and

WHEREAS, Hinderliter, De Llamas & Associates will receive a fixed annual compensation of \$10,200 for the data and consulting services and 15% of net revenue discovered, recovered, and reallocated to the City by the California Department of Tax & Fee Administration; and

WHEREAS, funding for the Professional Services Agreement with Hinderliter, De Llamas & Associates will continue to be paid from the Department of Finance's Budget under Fund 1010.08451.54919.1000007.IP59; now, therefore, be it

RESOLVED: That the City Council hereby authorizes the City Administrator to amend the professional services agreement with Hinderliter, De Llamas & Associates to extend the term from January 2, 2023 through January 1, 2024 and increase the compensation by an amount not to exceed \$125,000; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator to further amend the agreement to extend the term for an additional one-year term through January 1, 2025 for an additional amount of \$125,000 for a total contract amount not to exceed Four Hundred Ninety Thousand Dollars (\$490,000) over the five-year contract term; and be it

FURTHER RESOLVED: That, pursuant to Oakland's Local and Small Local Business Enterprise Program guidelines adopted by Ordinance No. 13647 C.M.S., the Council waives the L/SLBE program participation requirement due to limited availability.

IN COUNCIL, OAKLAND, CALIFORNIA,

DEC 20 2022

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, ~~HANCOCK~~ TAYLOR, THAO AND PRESIDENT FORTUNATO BAS - 7

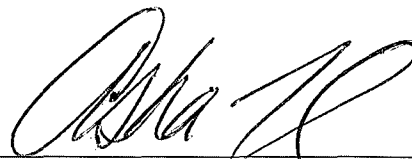
NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Reed

ATTEST:



ASHA REED

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