


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 DEC 19 AM 9:00

OAKLAND CITY COUNCIL

Approved as to Form and Legality


City Attorney

RESOLUTION No. 84759 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO: 1) WAIVE THE ADVERTISING, COMPETITIVE BID AND REQUEST FOR PROPOSALS/QUALIFICATIONS (RFP/RFQ) REQUIREMENTS FOR AWARDING PROFESSIONAL SERVICES CONTRACTS; AND 2) EXTEND THE PROFESSIONAL SERVICES AGREEMENT WITH POLICE PERFORMANCE SOLUTIONS, LLC, FOR MONITORING AND TECHNICAL ASSISTANCE SERVICES IN THE CASE OF ALLEN V. CITY OF OAKLAND, ET AL., USDC NO. C00-4599 TEH (JL) FOR ONE YEAR FOR THE PERIOD FROM JANUARY 21, 2014 TO JANUARY 20, 2015, IN THE AMOUNT OF NINE HUNDRED TEN THOUSAND DOLLARS (\$910,000).

WHEREAS, in January 2003, the City Council approved settlement of *Allen vs. City of Oakland, et al.*, which resolved a multitude of claims of constitutional violations by a number of police officers and the City's failure to prevent those actions; and

WHEREAS, the City Council agreed to the Negotiated Settlement Agreement (NSA) which required the City to reform the institutional practices of the Oakland Police Department (OPD) relative to training, policies, supervision, investigations, enforcement, and personnel accountability under the oversight of an independent monitoring team; and

WHEREAS, with the Court's approval, the NSA was terminated by the end of 2009 and was superseded by a 2-year Memorandum of Understanding in 2010, and by a 2-year Amended Memorandum of Understanding in 2012; and the City is required to continue to implement the remaining institutional police reforms under the oversight of an Independent Monitoring Team; and

WHEREAS, the City and OPD continue to make progress in achieving compliance with the institutional police reforms required under the AMOU and relevant court orders; however, the City and OPD believe that they need more time to achieve full compliance; and

WHEREAS, the current two-year contract with Police Performance Solutions ends in January 2014, and the City desires to extend this contract for one more year from January 2014 to January 2015 in order to continue receiving monitoring and technical services required for compliance; and

WHEREAS, sufficient funds have been budgeted in the FY 2013-2014 budget in: Miscellaneous Grant Fund (2999), Miscellaneous Contract Services Account (54919), Project to be determined, and Agency-wide Administration Program (PS01) to pay for this contract; and

WHEREAS, Oakland Municipal Code Section 2.04.051.B authorizes the City Council to dispense with the City's standard request for proposal process for award of professional services contracts upon a finding that it is in the City's best interests to do so, which is the case here considering that the City's initial RFP/Q process was thorough and appropriate for the nature of the services required; and

WHEREAS, the City's interests are served by continuing the monitoring services of Police Performance Solutions, LLC, in order to avoid the delays involved in selecting a new monitoring team, negotiating a new contract, and working with a new monitor who would be unfamiliar with the requirements of this case; and

WHEREAS, the City lacks qualified personnel to perform the necessary work, the Court requires the services of an independent monitor to oversee City compliance, and the City Council finds and determines that the services authorized hereunder are of a professional, scientific or technical and temporary nature, and shall not result in the loss of employment or salary by any person having permanent status in the competitive services; now therefore be it

RESOLVED: That the City Administrator is authorized to extend the contract with Police Performance Solutions, LLC, for one additional year, from January 21, 2014 to January 20, 2015, to provide monitoring and technical services to the City and the Oakland Police Department, consistent with the scope of work, terms, and conditions of the current contract with the City; and be it

FURTHER RESOLVED: That the City Council finds and determines, for the reasons stated above and the City Administrator's report accompanying this Resolution, and pursuant to Oakland Municipal Code, Section 2.04.051(B), that it is in the best interests of the City to dispense with the City's customary RFP/RFQ process for the Independent Monitor contract, and so waives these requirements; and be it

FURTHER RESOLVED: That sufficient funds have been budgeted in the proposed FY 2013-2015 budget in the Miscellaneous Grant Fund (2999), Miscellaneous Contract Services Account (54919), Project to be determined, and Agency-wide Administration Program (PS01); and be it

FURTHER RESOLVED: That the City Administrator or her designee is authorized to carry out any financial actions necessary to fulfill the intent of this Resolution and accompanying Report, including completing all required negotiations, certifications, assurances, and documentation required to accept, modify, extend and/or amend this contract for services, except for any increase in the contract amount, without returning to the City Council; and be it

FURTHER RESOLVED: That the City Attorney shall review and approve this agreement as to form and legality and a copy of the fully executed agreement shall be placed on file with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 10 2013, 20

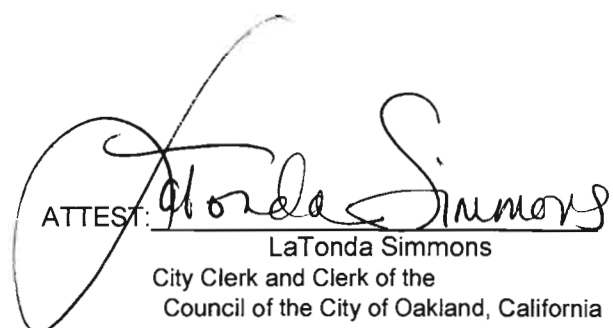
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, ~~GIBSON McELHANEY~~, KALB, KAPLAN, ~~REID~~, SCHAAF and PRESIDENT KERNIGHAN - 6

NOES - 0

ABSENT - Gibson McElhaney - Reid - 2

ABSTENTION - 0

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